

# Village of Quincy Zoning Ordinance

ADOPTED: October 29, 2019

EFFECTIVE: November 23, 2019

AS AMENDED:

October 20, 2020 (effective November 10, 2020)



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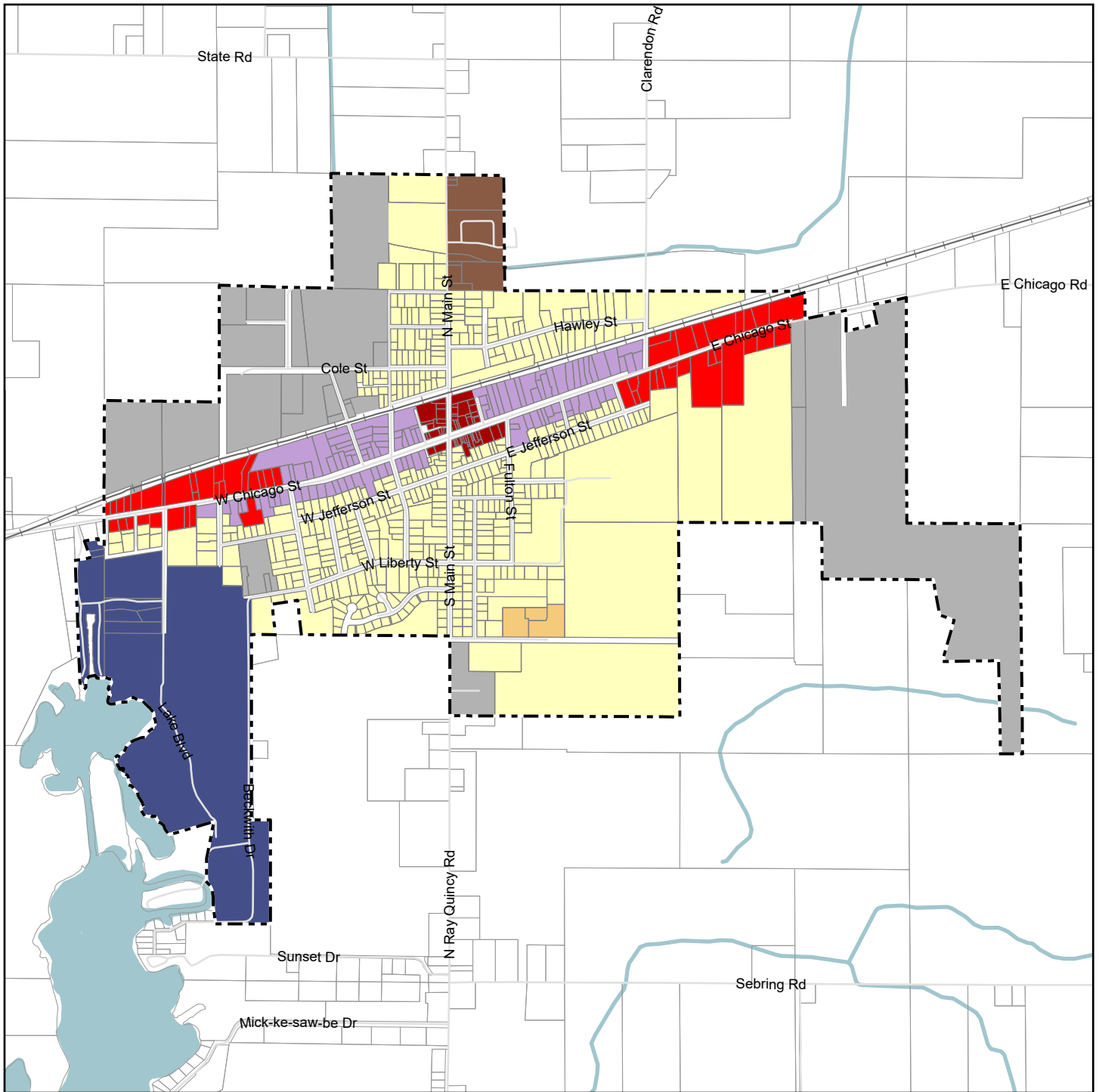


# Article 1 Zoning Map

## Section 1.01 Zoning Districts Map

- (A) The location of each zoning district is shown on a map designated as the "Zoning Districts Map of Quincy, Michigan", which information thereon are hereby made a part of this ordinance. The official zoning map shall be identified by the signature of the President of the Village, attested by the Village Clerk, including the following certification: "This is to certify that this is the official zoning map referred to in Section 1.01 of the Village of Quincy Zoning Ordinance, Ordinance No. 185, adopted on **INSERT DATE, 2019.**"
- (B) Two (2) copies of the zoning ordinance and official zoning map shall be maintained and kept up-to-date for inspection by the public at all times, in the office of the Village Clerk.
- (C) When changes are duly made in the district boundaries or other matters on the official zoning map, such changes shall not be considered final and no permit required by this ordinance shall be issued until changes have been made on the official zoning map. Each change shall have a reference number on the map referring to the amending action of the Council.

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# Zoning Map Effective Nov. 23, 2019

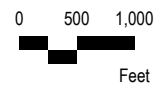
Village of Quincy, Branch County, MI

November 12, 2019

## LEGEND

### Zoning Districts

- Residential
- Multi-Family
- Mobile Home Park
- Residential/Limited Business
- Commercial
- Central Business District
- Mixed Use
- Industrial
- Water Bodies



Basemap Source: Michigan Center for Geographic Information, Version 17a. Quincy Township 2017.  
Data Source: Quincy Township 2017. McKenna 2019.



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## Article 2 Title, Purpose, and Scope

### Section 2.01 Title

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

### Section 2.02 Authority and Purpose

This Ordinance is enacted under Act 207, Public Acts of 1921, as amended, governing the incorporated portions of the Village of Quincy, Branch County, Michigan, to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence and for public and semi-public or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts and open spaces; to regulate and to determine the density of population; and for establishing the boundaries thereof; providing for changes in the regulations and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Council of Appeals; and imposing penalties for the violation of this Ordinance.

### Section 2.03 Scope

- (A) Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- (B) This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.
- (C) Except as may otherwise be provided in this Ordinance, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building or structure is located.
- (D) No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- (E) The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and welfare.

### Section 2.04 Effective Date

- (A) Public hearing having been held hereon, the-provisions of this Ordinance shall become effective twenty (20) days after publication of notice of adoption, pursuant to Act, 207 of the Public Acts of 1921, as amended.



## **Section 2.05 Repeal of Prior Ordinance**

The Village of Quincy Zoning Ordinance, Ordinance No. 185, adopted October 18, 2000 and all amendments thereto, and any prior zoning ordinances of the Village are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of such ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under such ordinance, or any part thereof, and such ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.

# Article 3 Table of Permitted Uses

## Section 3.01 Table of Permitted Uses

P= Permitted By Right      S=Permitted by Special Use Permit      Blank = Prohibited

Use	R	MF	RLB	MP	C	CBD	MU	—	Definition and Standards
<b>Commercial Uses</b>									
Retail			S		P	P	S	S	<a href="#">6.33</a>
Office			S		P	P	P	P	<a href="#">6.24</a>
Personal Services			S		P	P	P	P	<a href="#">6.26</a>
Restaurant/Bar					P	P	P	P	<a href="#">6.32</a>
Medical or Dental Clinic			S		P	P	P	P	<a href="#">6.22</a>
Hospital					S	S	S	S	<a href="#">6.12</a>
Nursing or Convalescent Home	S	S	S		S	S	S	S	<a href="#">6.23</a>
Hotel or Motel					P	S	P	S	<a href="#">6.13</a>
Child Care Centers	S	S	S		S	S	S	S	<a href="#">6.03</a>
Drive-Thrus					S		S	S	<a href="#">6.05</a>
Funeral Homes and Mortuaries			S		P	P	P	P	<a href="#">6.08</a>
Gas Stations					S		S	S	<a href="#">6.09</a>
Marijuana Provisioning Center					S	S	S	S	<a href="#">6.20</a>
Event Space			S		S	S	S	S	<a href="#">6.07</a>
Vehicle Repair					S		S	S	<a href="#">6.37</a>
Vehicle Sales					S		S	S	<a href="#">6.38</a>
Vehicle Wash					S		S	S	<a href="#">6.39</a>
<b>Residential Uses</b>									
Single Unit (Attached)	S	P	P		P	S	P		<a href="#">6.06</a>
Single Unit (Detached)	P	P	P		P		P		<a href="#">6.06</a>
Two Units (inc. accessory dwelling units)	P	P	P		P	S	P		<a href="#">6.06</a>
Three Or Four Units	S	P	P		P	S	P		<a href="#">6.06</a>
More than Four Units		P	S		P	S	P		<a href="#">6.06</a>
Manufactured Housing Parks				P					<a href="#">6.18</a>
Live Work	S	P	P		S	S	S	S	<a href="#">6.16</a>
<b>Industrial Uses</b>									
Artisan/Maker Space			S		P	S	P	P	<a href="#">6.17</a>
Warehousing					S			P	<a href="#">6.40</a>
Wholesale					S			P	<a href="#">6.41</a>
Manufacturing					S			P	<a href="#">6.19</a>
Transportation and Logistics					S			P	<a href="#">6.34</a>
Research and Development					P	P	P	P	<a href="#">6.31</a>
Marijuana Grow Operation								S	<a href="#">6.20</a>
Marijuana Processing Facility								S	<a href="#">6.20</a>
Marijuana Safety Compliance Facility					S			S	<a href="#">6.20</a>
Marijuana Secure Transportation					S			S	<a href="#">6.20</a>
Power Plant – Non-Wind or Solar								S	<a href="#">6.27</a>
Self-Storage Facilities					P		S	P	<a href="#">6.34</a>

Use	R	MF	RLB	MP	C	CBD	MU	—	Definition and Standards
Personal-Scale Solar Energy Facility	P	P	P	P	P	P	P	P	<a href="#">6.35</a>
Utility-Scale Solar Energy Facility					S		S	S	<a href="#">6.35</a>
Personal-Scale Wind Energy Facility	S	S	S	S	S	S	S	S	<a href="#">6.42</a>
Utility-Scale Wind Energy Facility					S		S	S	<a href="#">6.42</a>
<b>Other Uses</b>									
Campgrounds	S	S	S	S	S	S	S	S	<a href="#">6.01</a>
Government/Public Uses	S	S	P	S	P	P	P	P	<a href="#">6.10</a>
Institutions of Higher Education			P		P	P	P	P	<a href="#">6.15</a>
K-12 Schools	S	P	P	P	P	P	P	P	<a href="#">6.14</a>
Kennels			S	S	S	S	S	S	<a href="#">7.08</a>
Marinas							S		<a href="#">6.21</a>
Parking as a Principal Use					S	S	S	S	<a href="#">6.25</a>
Recreation - Indoor			S		P	S	P	P	<a href="#">6.28</a>
Recreation - Outdoor	S	S	S	S	S	S	S	S	<a href="#">6.29</a>
Religious Institutions	S	S	S	S	S	S	S	S	<a href="#">6.30</a>
Wireless Tele-communications	S	S	S	S	S	S	S	S	<a href="#">6.43</a>
Crop Cultivation (Outdoor)	P	P	P	P	P	P	P	P	<a href="#">6.04</a>
Greenhouse / Nursery (Principal Use)					P			P	<a href="#">6.11</a>
Cemetery	S	S	S	S	S	S	S	S	<a href="#">6.02</a>

- (A) This Ordinance acknowledges that all potential uses of land cannot be specifically identified in the zoning districts. All applications for a use not specifically addressed in any zoning district shall be submitted to the Zoning Board of Appeals for review and decision, based on the following standards.
- (1) A finding the proposed use is not listed as a permitted or Special Land Use in any zoning district.
  - (2) If the use is not addressed in the Zoning Ordinance, the Village Council shall select the use listed in the Zoning Ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the Village.
  - (3) Once a similar use is determined, the proposed use shall comply with any special land use standards that apply to the similar use.
  - (4) Where the Village Council determines a proposed use is not similar to a use addressed in the Zoning Ordinance, the applicant may petition for an amendment to the Zoning Ordinance.
- (B) The determination as to whether a proposed use is similar in nature and class to another permitted or special land use within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Zoning Board of Appeals to be similar shall thereafter be included in the enumeration of the uses.

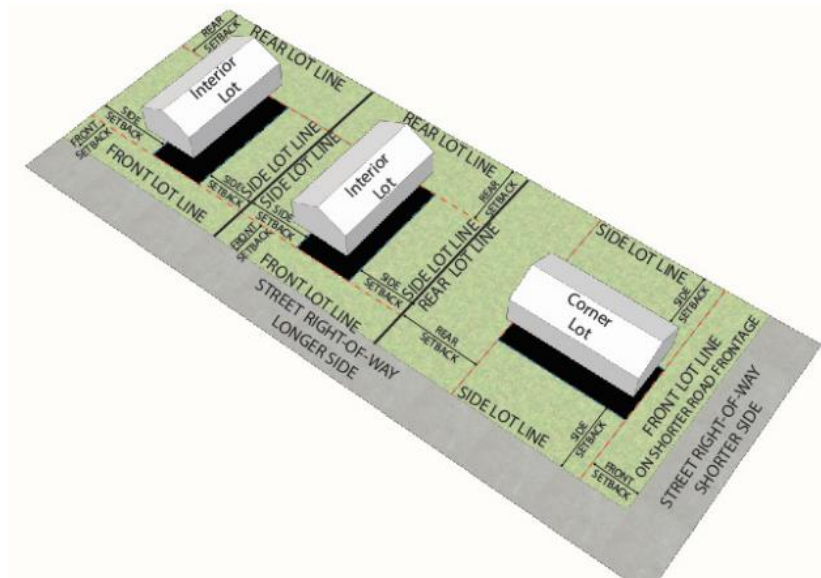
# Article 4 Schedule of Regulations

## Section 4.01 Schedule of Regulations for Principal Structures

	Minimum Lot Dimensions		Maximum Structure Height (c)		Minimum Required Setback (in feet)			Maximum Coverage of Lot (%)
	Area (Sq. ft.) (a)	Width (Feet)	Stories	Feet	Front Yard	Each Side Yard (b)	Rear Yard	
R	7,500	50	2.5	30	25(h)	10(e)	10	50%
MF	7,500	50	4	50	25	10	20	60%
RLB	7,500	50(d)	4	50	10(h)	5	10	None (if setbacks are met)
MP	See Section <a href="#">6.18</a>							
C	15,000(f)	100	4	50	25	10	30	None (if setbacks are met)
CBD	5,000	40	4	50	None	None (walls within 15 feet of property line shall not contain windows)	None	None
MU	15,000	100	4	50	25	10	30	None (if setbacks are met)
I	15,000	100	4	100(g)	25	10	30	None (if setbacks are met)

## FOOTNOTES TO THE SCHEDULE OF REGULATIONS

- (a) **Lot Area.** Net Lot Area shall be used to determine compliance with lot area requirements. No new parcel shall be created unless the parcel has adequate usable lot area, such that the parcel can be built upon in compliance with Zoning Ordinance standards.
- (b) **Setback on Side Yards Facing a Street.** On corner lots, the minimum front setback shall be maintained along the narrower street frontage, and the minimum side yard setback shall be maintained along all other street frontages.



- (c) **Maximum Height to the Peak:** The maximum heights listed in the table shall be measured from grade to the halfway point between the peak and the eaves.
- (d) **Driveway Requirement.** All newly created lots in the RLB district must have a driveway of at least 24 feet in width. If a newly created lot cannot fit a driveway that wide due to existing development, MDOT requirements, or other reasons, the lot split proposing to create the lot shall not be approved.
- (e) A side yard in the R district may be reduced to 5 feet provided the total of both side yards of the property is equal to at least 20 feet.
- (f) All lots in the C district existing prior to the adoption of this Ordinance shall be considered conforming and buildable.
- (g) The Planning Commission may approve structures in the I district that exceed the maximum height through the Special Use process.
- (h) **Established Front Setback.** The front yard setback of any proposed principal structure in the R and RLB districts shall be no less than ninety percent (90%) and no more than one-hundred and thirty-five percent (135%) of the average established front setback of other single family or two-family dwelling units within three hundred (300) feet, on the same side of the street, of the subject lot. This requirement shall supercede the setbacks listed in the Schedule of Regulations chart.

# Article 5 Zoning Districts

## Section 5.01 Purpose and Intent of Districts

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

R	Residential District
MF	Multi-Family District
RLB	Residential-Limited Business District
MP	Manufactured Housing Community District
C	Commercial District
CBD	Central Business District
MU	Mixed Use District
I	Industrial District

- (A) **R Residential District Purpose and Intent.** The R-Residential District is intended to promote stability in existing neighborhoods by ensuring comparable residential densities, encouraging a safe environment for family life, and preserving amenities. The purpose of this district is to maintain and enhance the character of established areas while providing for the controlled remodeling and redevelopment as needed and to allow flexibility in the design and site planning of new development.
- (B) **MF Multiple Family District Purpose and Intent.** The MF Multiple District is intended to be a high density residential district which allows multiple-family dwellings, along with other residentially related facilities which serve the residents in the district. This district will generally serve as a transition zone between nonresidential districts and lower density single family residential districts.
- (C) **RLB Residential Limited Business District Purpose and Intent.** The RLB Residential-Limited Business District is intended to allow for the flexible development of the US-12 corridor, in order to allow the investment in historic homes and other buildings along the corridor with a mix of office, retail, and residential businesses.
- (D) **MP Manufactured Housing Community District Purpose and Intent.** Consistent with the Village's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all people, the Manufactured Housing Community District is intended to provide regulations for home residential developments to permit additional variety in housing opportunities and choices.
- (E) **C Commercial District Purpose and Intent.** The C Commercial District is intended to accommodate business establishments that serve community-wide shopping and service needs. This district is intended to create cohesive commercial areas that provide convenient vehicular access between businesses in attractive settings. This district also is intended to provide sites for more diversified types which would often be incompatible with the pedestrian movement in the Central Business District.
- (F) **CBD Central Business District Purpose and Inten.** The CBD Central Business District is intended to provide for a traditional mixture of small office buildings, speciality retail stores, entertainment, public spaces and related activities that are mutually supporting and serve the needs of both the Village and surrounding communities. The intent of these district regulations is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian oriented unified setting, with shared parking. The district makes special provisions for vertical zoning, allowing the upper floors to be used as residential dwellings.
- (G) **MU Mixed Use District Purpose and Intent.** The MU Mixed Use District is intended to provide for flexible development of parts of the Village that have sufficient infrastructure and appropriate surroundings for mixed use development. Generally, the MU District is intended for periphery of the Village, while the CBD district is intended for mixed use in the Village core.

- (H) I Industrial District Purpose and Intent.** This district is intended to accommodate wholesale, warehouse and industrial activities whose operational and physical characteristics do not detrimentally affect any of the surrounding districts. This district is established to permit the manufacturing, compounding, processing, packaging, assembly and/or treatment and storage of finished or semi-finished products from previously prepared materials. This district is also intended to permit limited retail enterprises if they are directly related to the distribution of products manufactured or warehoused, which are not suitable for wholesale distribution.

## Section 5.02 Interpretation of District Boundaries

The following rules shall apply in interpreting boundaries:

- (A)** Boundaries indicated as approximately following streets, alleys or highways shall be interpreted as the center lines of said streets, alleys or highways.
- (B)** Boundaries indicated as approximately following lot lines or boundary lines shall be interpreted as following such lines.
- (C)** Boundaries indicated as approximately parallel to the center line of streets, alleys or highways shall be interpreted as parallel thereto, and as such distance therefrom as indicated on the official zoning map. If no distance is specified, such distance shall be determined by the scale of the official zoning map.
- (D)** Boundaries indicated as approximately following railroad lines shall be interpreted to be midway between the main tracks.
- (E)** Where application of any rule leaves reasonable doubt as to boundaries between districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Board of Appeals.

## Section 5.03 Zoning of Vacated Public Rights-of-Way

Whenever any street, alley or other public way within the Village shall be vacated, such street, alley or other public way or portion thereof shall automatically be zoned consistent with the zoning of the adjacent property or properties, measured from the center line.

## Section 5.04 Zoning of Annexed Areas

Any unzoned area annexed to the Village shall, immediately upon such annexation, be automatically classified as an R-1 Single Family Residential District until a zoning map for the area has been adopted by the Village Council .

# Article 6 Use Definitions and Standards

## Section 6.01 Campground:

- (A) **Definition.** A state-licensed facility for overnight stays in non-permanent structures, cabins, tents, or recreational vehicles, with a capacity of at least three cabins/tents/RVs/etc, and occupancy prohibited from November 1 to March 31.
- (B) **Standards.**
- (1) **Screening and Security.** The Planning Commission may require a fence up to six (6) feet in height around the perimeter of the site, and may require screening from road rights-of-way and abutting residential uses.
  - (2) **Setbacks.** Structures and areas designated for camping shall be located a minimum of 100 feet from all lot boundaries.
  - (3) **Additional Standards.** Campgrounds shall comply with all applicable County and State regulations. Each campsite shall either be provided with individual water and sewer hookups approved by the Branch County Health Department, and shall have convenient access to approved bathrooms, toilets, and shower facilities.
  - (4) **Access** Recreational vehicle parks shall have direct frontage on, and direct vehicle access to a public road classified as a state highway or county primary road by the Village or Branch County Road Commission.
    - (a) Each individual camp-site for a recreational vehicle or tent shall be a minimum of 1,500 square feet.
    - (b) A common use area shall be provided based on the number of camp-sites at a ratio of 250 square feet per site. The common area may be improved to include passive and/or active recreational equipment for the use of all occupants of the campground.
  - (5) **Parking.** The site shall include adequate vehicle access and parking facilities. All parking for campgrounds and recreational vehicle parks shall be set back a minimum of 40 feet from any residential district and meet the standards of this Ordinance.
- (C) **Use Standards.**
- (1) **Temporary Residency.** Campgrounds and recreational vehicle parks shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.
  - (2) **Impact on Surrounding Uses.** The location, layout, design, or operation of campgrounds and recreational vehicle parks shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby lots. Such uses shall not generate excessive noise, odors, dust, or other impacts that impair the continued use and enjoyment of adjacent lots.
  - (3) **Accessory Retail Facilities.** Limited retail uses shall be permitted accessory to a campground or recreational vehicle park, provided that such uses are designed to serve only campground or park patrons.
- (D) **Existing Uses.** All facilities meeting the definition of “campground” and existing prior to the adoption of this Ordinance shall be considered conforming uses and shall not be subject to the regulations governing non-conformities.



## Section 6.02 Cemetery:

- (A) **Definition.** Land used for the burial of the dead, including columbarium, crematory, and mausoleum.
- (B) **Standards.** All structures other than gravestones must meet the required setbacks and building heights for a principal structure in the district the cemetery is located within.

## Section 6.03 Child Care Center:

- (A) **Definition.** Child care or day-care facilities means a facility, other than a private residence, licensed pursuant to Act 116 of 1973 receiving one or more preschool or school age children for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available to the child. Child care center or day-care center includes facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.
- (B) **Standards.** All child care centers shall comply with all State laws and standards and must obtain valid licenses from the state of Michigan.

## Section 6.04 Crop Cultivation:

- (A) **Definition.** The use of land for non-animal agricultural purposes, including farming, nurseries, and orchards.
- (B) **Standards.** No additional standards.

## Section 6.05 Drive-Thru:

- (A) **Definition.** A window and associated driveways and signage for the provision of goods and services provided by a business directly to people in motor vehicles.
- (B) **Standards.**
- (1) The design and orientation of the drive-thru on the site shall be completed in a manner which will not impact the adjacent properties by way of traffic, noise, odors, litter or similar factors.
  - (2) At least one separate stacking lane shall be provided, to accommodate a minimum of seven (7) cars, beginning at the pickup window. The Planning Commission may alter this standard if the applicant can demonstrate that fewer stacking spaces will not adversely impact the operations of the establishment or negatively impact neighboring properties or the traffic flow in the area. All stacking lanes shall be a minimum of ten (10) ft. wide and shall be positioned in such a manner that stacking will not interfere with normal vehicular on site traffic, off-site traffic and entering and exiting traffic.
  - (3) Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
  - (4) The Planning Commission may allow signage above and beyond what is allowed under this Ordinance to support the orderly operation of the Drive-Thru.

## Section 6.06 Dwelling Unit:

- (A) Definition.** A building or portion thereof, which is occupied wholly as the permanent, day-to-day home, residence, or sleeping place by one (1) or more human beings, containing at least a bedroom, bathroom, and cooking facilities.
- (B) Standards.**
- (1) Unit Size.** The minimum useable floor area of a dwelling unit shall be 300 square feet + an additional 200 square feet of total living space for every additional bedroom. For example, a two bedroom unit would be 300 square feet, plus 200 square feet x 2 bedrooms = 700 square feet. Studio units shall have at least 500 square feet of useable floor area.
  - (2) Density.** In the R district, up to two units shall be permitted by right, and up to 2 additional units (for a total of 4) may be added by special use. In the RLB district, there shall be no limit to the number of units on a lot, provided that all setbacks, building height, and dwelling unit size regulations are met. In the MF district, the maximum density shall be 15 units per acre.
  - (3) Accessory Dwelling Units.** Dwelling units that are accessory to a principal dwelling unit, rather than being sellable or leasable on their own, shall be permitted, and need not meet the minimum unit size requirement. However, they shall count as a dwelling unit for the purpose of the [Section 6.05.B.2](#).
  - (4) Manufactured Housing Parks.** Manufactured Housing Parks shall be subject to the standards of Section [6.18](#).

## Section 6.07 Event Space:

- (A) Definition.** Non-residential space designed to be used for temporary gatherings of people for entertainment, collaboration, celebration, or other reasons. Examples include, but are not limited to:
- (1) Banquet Facilities
  - (2) Theaters for Live Performance
  - (3) Sports Arenas primarily used for viewing sports, rather than indoor recreation by the public
  - (4) Community Centers
  - (5) Meeting Facilities
  - (6) The following uses shall not fall under this definition:
  - (7) Movie theaters, which shall be considered "Recreation – Indoor"
  - (8) Religious institutions, which shall be considered "Religious Institutions"

**(B) Standards:** No additional standards.

## Section 6.08 Funeral Home:

- (A) Definition.** A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.
- (B) Standards.** An off-street vehicle assembly area shall be designated on the site plan to be used in support of funeral processions. The vehicle assembly area should be designed to minimize the possibility of vehicle stacking on a public road.

## Section 6.09 Gas Station:

**(A) Definition.** A facility designed or used for the retail sale of fuel, to be stored in underground tanks and dispensed directly into automobiles or approved containers.

**(B) Standards.**

- (1) A ten (10) foot planting strip shall be provided along all adjacent right-of-way lines. A raised curb of six (6) inches in height shall be constructed to separate the planting areas from the driveways and pump areas.
- (2) Pump islands shall be setback not less than twenty-five (25) feet from the (10) foot planting strip.
- (3) The site must be designed to have sufficient truck turning space for fuel deliveries.
- (4) All Village, County, State, and Federal regulations regarding the storage and transportation of gasoline and other flammable liquids must be met.
- (5) Canopies shall meet the following standards:
  - (a) Canopies must be set back at least 15 feet from all lot lines.
  - (b) The height of the top of the canopy roof shall not exceed 20 feet. The height of the bottom of the canopy roof shall not be less than 13 feet, 6 inches off the ground.
  - (c) Lighting on or within the canopy shall comply with [Section 7.07](#).
  - (d) Signs on the canopy shall comply with [Article 12](#).

## Section 6.10 Government / Public Uses:

**(A) Definition.** Land used primarily and specifically by public entities.

(1) Examples include, but are not limited to:

- (a) Government Administration Buildings (Village Hall, etc)
- (b) Libraries
- (c) Museums
- (d) Public Safety Facilities (Police, Fire, etc)
- (e) County, State, or Federal Office Buildings
- (f) School Administration Buildings
- (g) Public Works Yards
- (h) Post Offices

(2) The following uses shall not fall under this definition:

- (a) Parks, which shall be considered "Recreation – Outdoor"
- (b) K-12 Schools, which shall be considered "K-12 Schools"
- (c) Institutions of Higher Education, which shall be considered "Institutions of Higher Education"
- (d) Any other use that is not listed above and fits a use category in this Ordinance, even if it is owned and/or operated by a public entity.

**(B) Standards.** No additional standards.

### Section 6.11 Greenhouse/Nursery:

- (A) **Definition.** An open or enclosed structure used for the growing and cultivation of flowers, shrubbery, vegetables, trees and other horticultural goods. The term “greenhouse” shall not include any facility that grows marijuana.
- (B) **Standards.** No additional standards.

### Section 6.12 Hospital:

- (A) **Definition.** An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.
- (B) **Standards.** The operations of the facility shall be subject to the review of the Planning Commission, which may require additional screening or landscaping or other design changes in order to protect the health, safety and welfare of the surrounding neighborhoods.

### Section 6.13 Hotel:

- (A) **Definition.** A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities. Examples include, but are not limited to:
- (1) Bed and Breakfasts
  - (2) Motels
  - (3) Hotels
  - (4) Boutique Hotels
  - (5) Hostels
  - (6) Extended-Stay Hotels (that do not meet the definition of dwelling unit)
- (B) **Standards.** Each unit shall contain a bath and at least one bedroom and encompass a minimum gross floor area of two hundred and fifty (250) square feet. No guest shall establish permanent residence for more than 30 days within any calendar year.

### Section 6.14 K-12 School:

- (A) **Definition.** A facility that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.
- (B) **Standards.** No additional standards.

### Section 6.15 Institutions of Higher Education:

- (A) **Definition.** An institution that provides full-time or part-time education beyond high school.
- (B) **Standards.** No additional standards.

### Section 6.16 Live Work:

- (A) **Definition.** A use that contains a dwelling unit, along with retail, office, and/or maker space within the same, single, leasable or for-sale unit.
- (B) **Standards.** No additional standards.

## Section 6.17 Maker Space:

**(A) Definition.** Non-residential space designed to be used for Personal-Scale, low-impact artisan production of wholesale goods.

(1) Examples include, but are not limited to:

- (a) Artwork
- (b) Foodstuffs
- (c) Beverages
- (d) Jewelry
- (e) Other Handcrafted Small-Batch Products

(2) The following uses shall not fall under this definition:

- (a) Any use that, in the opinion of the Planning Commission, includes processes that cause negative impacts on surrounding properties due to noise, odor, dust, or vibration, which shall be considered "Manufacturing."

**(B) Standards.** The use shall not cause negative impacts on surrounding properties due to noise, odor, dust, or vibration.

## Section 6.18 Manufactured Housing:

**(A) Definition.** A dwelling unit which is substantially built, constructed, assembled, and finished off the premises in which is intended to be located.

**(B) Standards.** All State licensed manufactured housing developments shall be reviewed by the Village under the following procedure:

(1) **Minimum Development Size.** Manufactured housing developments shall be at least fifteen (15) acres in area, excluding adjacent parcels which may be proposed for expansion

(2) **Access**

- (a) The main entrance to the development shall have access to a public thoroughfare or shall be connected to a paved collector or arterial road by a hard surfaced road in a permanent easement which shall be recorded by the developers. Sole access to the development via an alley is prohibited.
- (b) Entranceway structures, including but not limited to, walls, columns and gates marking the entrance to a manufactured housing development, may be permitted, and may be located in a required yard, except as provided in this Section. Such entranceway structures shall be subject to the requirements of [Section 7.17](#) (Intersection Visibility), to permit unobstructed access by all emergency equipment, and such allowance for "clear vision" shall otherwise comply with all codes and ordinances of the Village and Branch. Sight distance from points of ingress and egress shall be approved by the Branch County Road Commission. The structure and roadway location shall also be approved by the Village.

(3) **Perimeter Setbacks.** Manufactured homes shall be set back at least fifty (50) feet from any public street right-of-way line and thirty (30) feet from any other exterior property line. This setback shall include a minimum twenty (20) foot wide greenbelt, which includes minimum screening, as outlined below.

- (4) Landscape.** A landscape and screening plan shall be incorporated in the preliminary plans submitted for site plan review to the Village Council . The plan shall indicate the type and size of landscape planting and screening improvements to be completed in the proposed manufactured housing. Manufactured housing developments shall be landscaped and screened as follows:
- (a) Ground Surfaces.** Exposed ground surfaces in all parts of the manufactured housing development shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured housing development shall be graded and equipped to drain all surface water in a safe, efficient manner.
  - (b) Perimeter Screening.** All manufactured housing development shall be screened from existing adjacent residences by either a six (6) foot screen wall or a densely planted landscaped screen.
  - (c) Screen Wall Option.** If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back in the manufactured housing development from the property line a sufficient distance to resolve such concerns.
  - (d) Greenbelt Option.** A greenbelt including landscape screening is the preferred option and shall consist of evergreen trees or shrubs and berming. The trees shall be a minimum of six (6) feet in height, at the time of planting, and which are spaced and/or staggered so they provide a continuous screen at maturity, consistent with standards set forth in 3. below. Slopes for the berm shall not exceed a 4 to 1 slope with a minimum of a two foot flat surface on the top of the berm. Alternative screening devices, subject to prior Planning Commission approval, may be utilized if they conceal the manufactured housing development as effectively as the required landscaping described above and provided the alternative screening is kept in good repair.
  - (e) Right-of-Way Greenbelt.** A landscaped berm measuring two and one-half (2 1/2) to three (3) feet in height shall be constructed along the public roads on which the manufactured housing development fronts. The berm shall be constructed with slopes no steeper than one (1) foot vertical rise for each four (4) feet horizontal run. Landscaping adjacent to the road shall comply with the following requirements, consistent with landscaping required for other types of development in The Village of Quincy.

Size	Type	Requirements
2 1/2"-3" caliper	Deciduous street tree (such as Red or Norway Maple, Linden)	One (1) per forty (40) lineal feet of road frontage
24"	Deciduous or evergreen shrubs	One (1) per three (3) lineal feet of road frontage
6'	Evergreen Trees	One (1) per forty (40)lineal feet of road frontage

- (f) Site Landscaping.** A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured home sites.
- (g) Parking Lot Landscaping.** Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least one hundred-fifty (150) square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted per parking lot landscaped area.
- (h) Perpetual Maintenance.** Dead, damaged, and/or diseased screening shall be replaced, within a reasonable time frame, so as to maintain the approved and/or allowed screening technique originally put in place.

- (5) Required Open Recreation Space.** A minimum of two percent (2%) of the development's gross acreage shall be dedicated to well drained, useable open space, provided that a minimum of twenty-five thousand (25,000) square feet of open space shall be provided. Said open space may be developed with appropriate recreational facilities and play equipment. The location, shape and development plan for said recreational area shall be reviewed and approved by the Planning Commission, but in no case shall any required open space area be longer than one and one-half (1.5) times its width. At least half of the open space area shall be graded, developed and sodded to provide recreation for the residents of the manufactured housing development. Open space shall be maintained by the manufactured housing development management, and shall be relatively accessible to all areas of the development.
- (6) Parking.** Parking shall be in accordance with this Ordinance. If street width will not accommodate on-street parking, twenty percent (20%) of the required spaces shall be provided as guest parking.
- (7) Streets.**
- (a) Street Layout.** Maximum cul-de-sac length shall be one thousand (1000) feet. A dead end road shall terminate with an adequate turning area which is to be approved by the local fire authorities. A blunt-end road is prohibited. Adequate sight distance shall be provided at all intersections, in accordance with clear vision standards applicable to all areas of The Village of Quincy, and those set forth in [Section 7.17](#) (Intersection Visibility).
- (b) Street Width.** Streets or drives within the manufactured housing development shall be constructed to in accordance with the general standards set forth by the Manufactured Housing Commission. In addition, two way circulation shall be required, with a minimum width of twenty one (21) feet with no on-street parking, thirty one (31) feet where parallel parking is permitted on one side and forty one (41) feet where parallel parking is permitted on both sides. Streets not permitting parking shall be clearly marked or signed.
- (c) Street Names/Signs.** All streets and roads shall be clearly marked with appropriate identification and traffic control signs. For the protection of the public safety, an orderly street name system and numbering system shall be established by the manufactured housing development owner and a plan of this system shall be verified and approved by the Village Fire Department. Manufactured home space numbers shall be located uniformly on each space, manufactured home unit or identification marker, throughout the manufactured housing development and street names shall be adequately marked.
- (d) Street Geometry.** The alignment and gradient of a street shall be graded for its full width to drain surface water. Specific standard promulgated by the Michigan Department of Environmental Quality (MDEQ) for the Manufactured Housing Commission shall be strictly adhered to.
- (e) Street Materials.** All streets and drives shall be constructed with materials suitable for subgrades and hard surface in compliance with the standards of the American Association of State Highway and Transportation Officials, adopted herein by reference. Curbing may be installed on service drives. The development roadways shall be constructed as follows:
- (i)** Streets shall be crowned with drainage directed to gutters or outside edges.
- (ii)** Centerline drainage shall be prohibited.
- (iii)** Curbing shall be concrete, if used.
- (iv)** If integral valley curbing and gutter or mountable curb and gutter is used, the height of the curb measured from the gutter line shall be between three (3) and five (5) inches.
- (v)** Crosswalks shall conform to Act No. 8 of the Public Acts of 1973.

- (8) **Sidewalks.** A five (5) foot wide concrete sidewalk shall be constructed along the public road(s) on which the manufactured housing development fronts. Such sidewalk shall be located within the road right of way or easement, beginning one (1) foot inside the right of way or easement line. Additionally, should the developer choose to employ internal sidewalk systems, such sidewalk systems shall conform to the Manufactured Housing Commission standards, as promulgated.
- (9) **Accessory Buildings and Facilities.** Any accessory buildings and facilities constructed within the manufactured housing development shall be designated and serviced consistent with the following requirements:
- (a) Accessory buildings and structures, including development management offices and public works facilities, storage building, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by only residents, guests and employees of the manufactured housing development.
  - (b) Site-built buildings within a manufactured housing development shall be constructed in compliance with the applicable building code and shall require all applicable permits. Any addition to a manufactured housing unit shall comply with the applicable building code. Site plan approval shall be required prior to construction of any on-site building within a manufactured home development, except for storage sheds or garages for individual manufactured homes. Storage sheds and garages shall require a building permit from the Village prior to construction.
  - (c) Each manufactured home shall be permitted one (1) storage shed and one (1) garage. The installation of any such shed or garage shall comply with codes and ordinances of The Village of Quincy and shall require a building permit. Storage underneath a manufactured home or unscreened outdoor storage area on any manufactured home site is prohibited. Storage sheds need not be supplied by the owner of the manufactured housing development. A storage shed shall not exceed a floor area greater than one-hundred and forty-four (144) square feet. A carport or garage shall not exceed five-hundred and seventy-six (576) square feet.
- (10) **Building Height.** Maximum height of any community accessory buildings and structures shall be thirty (30) feet.
- (11) **Storage.** If the owner of the manufactured housing development shall permit storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured housing development, common areas for the storage of that equipment shall be provided by the owner within the development. Such storage shall be limited to use only by residents of the manufactured housing development. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured housing development. Such storage area shall be screened from view from existing residences adjacent to the manufactured housing development in accordance with the perimeter screening provisions described above. Manufactured housing development owners who prohibit storage of boats, off-the-road motorcycles, recreation vehicles and similar equipment are not required to construct common areas for storage.
- (12) **Drainage.** The manufactured housing development shall provide sufficient storm water facilities, independent of sanitary sewers, to prevent flooding of streets, lot or recreation areas. On-site storm water detention facilities, if provided, may be required to be fenced for safety reasons. The street drainage system shall be designed in such a way so as to minimize ponding and icing conditions. All storm water drainage improvements shall be subject to review and approval by the Branch County Drain Commissioner, the Michigan Department of Environmental Quality, in accordance with MDEQ Manufactured Home Park Standards, pursuant to 1987 P.A. 96, as amended.
- (13) **Waste Receptacles.** Waste receptacles shall be provided unless curb side pick-up is provided. An on-site recycling station for residents may be provided at a location approved by the Planning Commission and the Michigan Department of Environmental Quality. Adequate screening shall be provided, as required for the placement of outdoor storage areas.



- (14) **Underground Wiring.** All local distribution lines for franchised utilities (telephones, electric service, cable television) shall be placed entirely underground throughout the manufactured housing development area. Mainlines and perimeter feed lines located on a Section or Quarter Section Line may be above ground if they are configured or installed within the State Electrical Code guidelines. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.
- (15) **Mailbox Clusters.** The United States Postal Service may require that manufactured housing development be served by clusters of mailboxes servicing several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least two hundred (200) feet from any intersection of an manufactured housing development road with a public road.
- (16) **Swimming Pools.**
- (a) **Definition.** Swimming pool shall mean any artificially constructed portable or nonportable structure or container located either above or below grade designed to allow holding of water to a depth of greater than twenty four (24) inches, having a surface area of two hundred and fifty (250) square feet or more, and intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices.
  - (b) **Requirement for Fence.** A fence or similar enclosure shall be erected and maintained around any swimming pool. Such fence or enclosure shall be constructed of durable, weather resistant wood and/or chain link material and shall be approved by the Zoning Administrator and the manufactured housing development management.
  - (c) **Setback.** A swimming pool fence shall not be closer than twenty five (25) feet to any occupied dwelling if placed on a residential lot.
  - (d) **Restriction from Front Yard.** Freestanding swimming pools, spas, hot tubs and similar devices shall not be located between any home and roadway.
  - (e) **Surrounding Walk.** All community swimming pools shall be surrounded by a slip resistant walk, at least four (4) feet wide.
  - (f) **Permits.** Permits shall be applied for and issued from the Village Zoning Administrator and State Health Department prior to excavation or construction of any swimming pool requiring a fence as noted above. The application shall be accompanied by a complete set of plans and specifications. A final inspection and approval from the Village Zoning Administrator must be obtained prior to use of the swimming pool.
- (17) **School Bus Stops.** School bus stops shall be located in an area that is acceptable to the school district and the manufactured housing development developer.
- (18) **Design Standards for Individual Dwelling Units.**
- (a) No manufactured home or mobile home shall be permitted to occupy any site or lot in the manufactured housing development if the home is either longer or wider than would permit compliance with the following requirements:

- (i) **Site Size.** The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. This 5,500 square feet for any one site may be reduced by up to twenty (20%) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
- (ii) **Setbacks and Spacing.** Each manufactured home site shall have the following yard requirements:
  - 1) For a home not sited parallel to an internal road, twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes; and
  - 2) For a home sited parallel to an internal road, fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to a home on the same internal road or an intersecting internal road.
- (b) **Dwelling Unit Dimensions.** Any side of any manufactured home facing a public right-of-way must be a minimum of thirty (30) feet in width.
- (c) **Site Development Requirements.**
  - (i) Manufactured housing developments shall be subject to the review and approval of a site plan by the Planning Commission. The site plan shall consist of a manufactured housing development preliminary plan, as described in the Section 11 of the Mobile Home Act, Act No. 96 of Public Acts of 1987, as amended. Such review of the site plan is required in order to minimize the possibility of adverse effects upon adjacent property; and furthermore to find proper relationships in the development features as they relate to traffic safety, service roads, driveways, parking areas; accessory buildings and uses, and planned open space

## Section 6.19 Manufacturing:

- (A) **Definition.** The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials.
- (B) **Standards.** No additional standards.

## Section 6.20 Marijuana

**(A) Definition.** A facility at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including the marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility.

**(B) Standards.**

**(1) Definitions.**

- (a)** Any term defined by the Michigan Medical Marijuana Act, MCL 333.26421 et seq, the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., and/or the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in said Act.
- (b)** “Grower” means a licensee that is a commercial entity located in the state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center
- (c)** “Licensee” means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act MCL 333.27101 et seq.
- (d)** “Marijuana” or “marihuana” means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act MCL 333,27901 et seq.
- (e)** “Marijuana facility” means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- (f)** “Person” means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- (g)** “Processor” means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana infused product for sale and transfer in packaged form to a provisioning center
- (h)** “Provisioning center” means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides mariuana to registered qualifying patients, directly or through the patients’ registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for the purposes of this article.
- (i)** “Safety compliance facility” means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests is for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and many return the marihuana to the marihuana facility
- (j)** “Secure transporter” means a licensee that is a commercial entity located in this tate that stores marihuana and transports marihuana between marihuana facilities for a fee.

**(2) Purpose.**

- (a) It is the intent of this ordinance to authorize the establishment of certain types of medical marijuana facilities in the Village of Quincy and provide for the adoption of reasonable restrictions to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of a marijuana facility in the Village through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each medical marijuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
- (b) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marijuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.
- (c) As of the effective date of this ordinance, marijuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marijuana, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

**(3) Authorization of Facilities and Fee.**

- (a) The maximum number of each type of marijuana facility allowed in the Village shall be as follows:

Facility	Number
Grower	15
Processor	5
Secure Transporter	2
Provisioning Center	1
Safety Compliance Facility	5

- (b) At least every three years after adoption of this ordinance, Council shall review the maximum number of each type of marijuana facility and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meetings of the Council. Council may approve increases in the number of licenses by resolution if they determine an increase is necessary.
- (c) A nonrefundable fee shall be paid by each marijuana facility licensed under this ordinance in an annual amount of not more than \$5,000.00 as set by the resolution of the Village Council. 25% of the fee shall be submitted at the time of application, with the remaining 75% paid prior to issuance of the initial license. 100% of renewal fees shall be paid upon application.
- (d) Once the limit is reached no further applications will be accepted and existing applications will be held in the order received when a license becomes available. Applications older than 12 months must be resubmitted with updated information in order to be considered for any license which becomes available.
- (e) Any license issued must be established and a certificate of occupancy issued within 6 months, or the licensee shall surrender the license if the use is not established within the required time.

- (f) Zoning approval shall be required prior to the issuance of any license. Zoning approval does not guarantee a license for any proposed facility or growing operation.
- (4) Operation at same location- grower, processor, and provisioning center.
  - (a) Any combination of the following types of operating licenses may operate as separate marijuana facilities at the same location: grower, processor, provisioning center.
  - (b) To operate at a same location all of the following apply:
    - (i) The state has authorized the proposed operation at the same location;
    - (ii) The operation at a same location shall not be in violation of any Village ordinances or regulations;
    - (iii) Each marijuana facility shall do all of the following:
      - 1) Apply for and be granted separate state and village operating licenses;
      - 2) Have distinct and identifiable area with designated structures that are contiguous and specific to the operating license;
      - 3) Have separate entrances and exits, inventory, record keeping and point of sale;
      - 4) Post the state and village licenses on the wall in a distinct area and as provided in this ordinance;
      - 5) Have the required inspections and permits for each building.
  - (c) Operation at the same location that includes a licensed provisioning center shall have the entrance and exit to the licensed provisioning center marijuana facility and entire inventory physically separated from any of the other licensed marijuana facility or facilities so that persons can clearly identify the retail entrance and exit.

**(5) Requirements and Procedure for Issuing License.**

- (a) No person shall operate a marijuana facility in the Village without a valid marijuana facility license issued by the Village pursuant to the provisions of this ordinance.
- (b) Every applicant for a license to operate a marijuana facility shall file an application in the Village Manager's office upon a form provided by the Village. The Village shall adopt an application and review process that includes all of the required information and details the licensing approval process.
- (c) Every applicant for a license to operate a marijuana facility shall submit with the application a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq. Applicants must have completed and received pre-approval from the State of Michigan prior to applying for a license from the Village. Every applicant for a license to operate a marijuana facility shall submit with the application a photocopy of the applicant's valid and current license issued by the State of Michigan in accordance with the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq. Applicants must have completed and received pre-approval from the State of Michigan prior to applying for a license from the Village.
- (d) Applicants that have submitted a complete application for a license type that is available to award shall receive a provisional license.

- (e) A provisional license means only that the applicant has submitted a valid application for a marijuana facility license, and the applicant shall not locate or operate a marijuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Village. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.
  - (f) Upon submission of an approved license from the State of Michigan, the Village shall issue a license and operations may begin at a site for which site plan approval has been received.
  - (g) Maintaining a valid marijuana facility license issued by the state is a Condition for the issuance and maintenance of a marijuana facility license under this ordinance and continued operation of any marijuana facility.
  - (h) A marijuana facility license issued under this ordinance is not transferable.
- (6) Inspections.** By submission of an application, applicants certify that the Quincy Police Department is authorized to inspect the premises for purposes of determining compliance with state and local laws, without need of a search warrant. Applicants will also provide access to surveillance and security cameras, along with any and all recordings from the required systems, without need of a search warrant.
- (7) License Renewal.**
- (a) A marijuana facility license shall be valid for one year from the date of issuance unless revoked as provided by law.
  - (b) A valid marijuana facility license may be renewed on an annual basis by submitting a renewal application upon a form provided by the Village and payment of the annual license fee. Application to renew a marijuana facility license shall be filed at least thirty (30) days prior to the date of its expiration.
- (8) Applicability.** The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a marijuana facility were established without authorization before the effective date of this ordinance.
- (9) Penalties and Enforcement.**
- (a) Any person who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to the payment of a civil fine of \$1,000, plus costs. Each day a violation of this Ordinance continues to exist constitutes a separate violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

- (b) A violation of this Ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, the Village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- (c) This Ordinance shall be enforced and administered by the Village Manager, Police Chief, or such other village official as may be designated from time to time by resolution of the council.
- (d) If an applicant or licensee fails to comply with this ordinance, if a licensee no longer meets the eligibility requirements for a license under this ordinance, or if an applicant or licensee fails to provide information the village requests to assist in any investigation or inquiry, the village may deny, suspend, or revoke a license.
- (e) The Village Manager may suspend a license without notice or hearing upon a determination that the safety or health of patrons or employees is jeopardized by continuing a marihuana facility's operation. If the license is suspended without notice or hearing, a prompt post suspension hearing must be held to determine if the suspension should remain in effect. The suspension may remain in effect until the Village Manager determines that the cause for suspension has been abated. The Village Manager may revoke the license upon a determination that the licensee has not made satisfactory progress toward abating the hazard. A license will automatically be revoked upon revocation or denial of a license under the Medical Marihuana Facilities License Act by the State.
- (f) Any party aggrieved by an action of the Village Manager suspending or revoking a license shall be given a hearing before the Village Council upon request. A request for a hearing must be made to the Village Clerk's Office, in writing within 21 days after service of notice of the action of the Village Manager.

The Village may conduct investigative and contested case hearings; issue subpoenas for the attendance of witnesses; issue subpoenas duces tecum for the production of books, ledgers, records, memoranda, electronically retrievable data, and other pertinent documents; and administer oaths and affirmations to witnesses as appropriate to exercise and discharge the powers and duties of the board under this act.

**(10) Village Responsibility.**

- (a) The Village Clerk shall provide the following information to the State Licensing Board within 90 days after the municipality receives notification from the applicant that he or she has applied for a license under this act:
  - (i) A copy of the local ordinance that authorizes the marihuana facility.
  - (ii) A copy of any zoning regulations that apply to the proposed marihuana facility within the municipality.
  - (iii) A description of any violation of the local ordinance or zoning regulations included under subdivision 1 or 2 committed by the applicant, but only if those violations relate to activities licensed under this act or the Michigan medical marihuana act.
- (b) The municipality's failure to provide information to the board shall not be used against the applicant.
- (c) Information a municipality obtains from an applicant related to licensure under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

- (11) **Severability.** In the event that any one or more sections provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

## Section 6.21 Marina:

**(A) Definition.** A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owner, crews, and guests.

**(B) Standards.**

- (1) Outdoor storage of boats shall be permitted. The requirements for Outdoor Storage in [Section 7.09](#) shall apply.
- (2) Storage of boats within an enclosed building shall be permitted all year round (January through December).
- (3) All dredging, construction or development shall be subject to the requirements of all applicable Village, County, State and Federal laws, regulations and requirements.
- (4) The flushing or discharge of boat toilets, discarding of waste or refuse from boats in marinas is prohibited. Facilities shall be provided at the marina for disposal of refuse from boating holding tanks in a sanitary manner.
- (5) Each marina shall provide suitable, safe and sanitary toilet and refuse facilities within buildings designed for that purpose. No less than (1) toilet shall be provided for each forty (40) boat spaces or less within not more than one thousand (1,000) feet of walking distance of each boat space. Refuse and garbage containers, with covers, shall be provided and kept in clean and sanitary condition for the use of boat owners within not more than one hundred and fifty (150) feet of walking distance of each boat space. All such facilities shall be subject to the approval of the Branch County Health Department.
- (6) The general design, layout and locations of uses and support systems shall be developed in a manner which will enhance the waterfront property and the natural environment. Sufficient greenbelt (minimum 75 feet) shall be maintained between the shores edge and any marina development. The 75 foot greenbelt may be penetrated with pedestrian walks, etc. within the intent of this Section. The Planning Commission may approve alternatives as it deems necessary to accommodate peculiar circumstances or unforeseen problems to carry out the spirit and intent of this Section of the Article - maintenance of open space as the predominant waterfront character.
- (7) All marina facilities shall conform to all applicable Quincy, County, State and Federal Fire Codes and Standards. All structures and items which could require fire protection shall be readily accessible by fire and emergency vehicles.
- (8) Method and location of trash pick-up shall be presented to the Quincy Planning Commission for review and approval. All trash pick-up points, dumpsters, etc. shall be screened. All dumpsters shall be located on a concrete pad sufficient in size (area) to accommodate the dumpster and the dumpster pick up vehicle.
- (9) The site shall be developed in a manner which will meet all Village, County, State and Federal Health Regulations or Standards.
- (10) The Planning Commission may require the entire site or portions thereof to be fenced. Said fencing shall be six (6) feet in height.
- (11) Storage locations for boats shall be clearly delineated on the site plan. Access drives between boat storage spaces must meet the dimensional requirements of this Ordinance.



- (12) All boats stored or docked at a marina must have current registration through the State of Michigan.
- (13) The following accessory uses are permitted as part of a marina and require no additional approvals. These accessory uses are permitted on marina sites in all zoning districts where marinas are permitted.
- (a) Storage of Boats, as described in Subsections 1 and 2 above.
  - (b) Locker Room or Restroom Facilities.
  - (c) Private club or indoor recreation space that is open only to users of the Marina, and not the general public, and not including restaurants.
  - (d) Gas pumps or other boat fueling facilities.
  - (e) Outdoor Recreation Space
- (14) The following accessory uses must be approved separately, and must meet all requirements of this Ordinance separately from the Marina, including obtaining any required special use approvals. These uses shall be prohibited accessory to marinas if they are not permitted in the Zoning District the marina is located within.
- (a) Restaurants
  - (b) Vehicle repair (including boats)
  - (c) Residential Uses
  - (d) Hotel/Motel or other Lodging
  - (e) Event or Indoor Recreation space open to the General Public

## Section 6.22 Medical or Dental Clinic:

(A) **Definition.** Non-residential space that is designed to be used to provide medical or therapeutic care to patients. Examples include, but are not limited to:

- (1) Doctor's Offices
- (2) Medical Treatment Facilities
- (3) Medical Testing Facilities
- (4) Medical Counseling Facilities
- (5) Dentist's Offices
- (6) Outpatient Surgery Centers
- (7) Ophthalmologists Clinics
- (8) Massage Clinics
- (9) Day Spas
- (10) Medical Administration Offices
- (11) Veterinary Clinics

(B) **Standards.** No additional standards.

## Section 6.23 Nursing or Convalescent Home:

(A) **Definition.** A facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1885, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, that provides organized nursing care and medical treatment to unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a correctional facility that is operated by the department of mental health.

(B) **Standards.** No additional standards.

## Section 6.24 Office:

**(A) Definition.** Non-residential space that is designed to be used for the provision of services to customers who are not generally on the premises, or for administrative duties relating to an organization such as a business or public entity.

(1) Examples include, but are not limited to:

- (a) Professionals Offices (Lawyers, Accountants, Financial Services, etc)
- (b) Real Estate Brokerages
- (c) Administrative Offices of Businesses
- (d) Offices accessory to a retail or manufacturing business

(2) The following uses shall not fall under this definition:

- (a) Bank branches, which shall be considered "Retail"
- (b) Public Administrative Offices (for Village, County, State, Federal, School District, etc), which shall be considered "Government/Public Uses"
- (c) Buildings dedicated solely to offices of Institutions of Higher Education, which shall be considered "Institutions of Higher Education"
- (d) Medical offices, which shall be considered "Medical or Dental Clinics"
- (e) Uses requiring large fabrication or testing facilities, which shall be considered "Research and Development"

**(B) Standards.** No additional standards.

## Section 6.25 Parking Lot with No Other Principal Use:

**(A) Definition.** Off-street parking area that is not located on the same lot as the principal use for which it serves or on any lot that does not have another principal use.

**(B) Standards.**

- (1) Parking lots must comply with the Village Parking Ordinance, unless the Planning Commission specifically determines a different standard for parking in the lot.
- (2) No commercial repair work may take place in any parking lot. No sales or display may take place in a parking lot that is not associated with an approved auto sales use.
- (3) No building other than those for shelter of attendants shall be erected on the parking lot premises.
- (4) Parking lots that share a frontage with structures must have a minimum Front and Side Street Setback on the first floor equal to the setback of the adjacent building closest to the corresponding frontage line.
- (5) If parking lots are to be located within 10' of the front lot line, they must be concealed behind a minimum 36" height decorative masonry wall adjacent to the sidewalk. The only openings in the hedges or walls shall be for automobile access and/or pedestrian entrances.
- (6) Parking lots must have at least one pedestrian entrance along all road frontages. The Planning Commission may determine that the automobile entrance is sufficient for a given frontage, but may not waive the requirement to have an entrance on all frontages.
- (7) Parking lots must meet all applicable landscape requirements of this Ordinance.
- (8) Special uses for parking lots with no other principal structure or use shall only be approved if the Planning Commission determines that the parking lot is necessary to support nearby uses, and also that the parking lot will not negatively impact the vibrancy, walkability, or historic character of the surrounding area.

## Section 6.26 Personal Services

**(A) Definition.** A commercial use dedicated to providing services to customers on the premises of the business.

(1) Examples include, but are not limited to:

- (a) Barber Shops/Beauty Salons
- (b) Nail Salons
- (c) Animal Grooming
- (d) Electronics/Small Appliance Repair

(2) The following uses shall not fall under this definition:

- (a) Professionals Offices (Lawyers, Accountants, Financial Services, Real Estate etc), which shall be considered "Office"
- (b) Bank branches, which shall be considered "Retail"
- (c) Public Administrative Offices (for Village, County, State, Federal, School District, etc), which shall be considered "Government/Public Uses"
- (d) Buildings dedicated solely to offices of Institutions of Higher Education, which shall be considered "Institutions of Higher Education"
- (e) Medical offices, which shall be considered "Medical of Dental Clinics"
- (f) Massage clinics, which shall be considered "Medical of Dental Clinics"
- (g) Uses requiring large fabrication or testing facilities, which shall be considered "Research and Development"

**(B) Standards.** No additional standards.

## Section 6.27 Power Plant – Non Wind or Solar:

**(A) Definition.** A facility that converts one or more energy sources, including but not limited to water power, fossil fuels, or nuclear power, into electrical energy or steam.

**(B) Standards.** No additional standards.

## Section 6.28 Recreation – Indoor:

**(A) Definition.** An indoor facility for leisure, exercise, and/or entertainment. Examples include, but are not limited to:

- Bowling Alleys
- Video Game Arcades
- Laser Tag
- Indoor Playgrounds
- Fitness Centers
- Dance Schools
- Gymnastics Centers

**(B) Standards.** No additional standards.

## Section 6.29 Recreation – Outdoor:

**(A) Definition.** An outdoor facility for leisure, exercise, and/or entertainment. Examples include, but are not limited to:

- (1) Public Parks
- (2) Golf Courses
- (3) Nature Preserves
- (4) Mini-Golf
- (5) Go-Carts
- (6) Batting Cages
- (7) Sports Facilities

**(B) Standards.** No additional standards.

### **Section 6.30 Religious Institution:**

- (A) Definition.** Any structure wherein persons regularly assemble for religious activity, including a church, synagogue, temple, mosque, or similar religious facility. Accessory uses such as K-12 schools, event space, offices, or recreation may shall not be considered part of the religious institution for the purposes of zoning regulations, and shall be subject to all requirements for each given use.
- (B) Standards.** The Planning Commission may allow a religious institution to exceed the maximum height in the zoning district for a steeple, tower, or other architectural appurtenance.

### Section 6.31 Research and Development:

- (A) **Definition.** Engineering and testing laboratory that does not involve the mass manufacture, fabrication, processing, or sale of products.
- (B) **Standards.** No additional standards.

### Section 6.32 Restaurant:

- (A) **Definition.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state.
- (1) Examples include, but are not limited to:
- (a) Full Service Restaurants
  - (b) Fast Food Restaurants
  - (c) Bars
  - (d) Microbreweries/Distilleries/Wineries, although the Village may determine that the manufacturing portion of the use is sufficiently large to be considered a separate use.
- (2) The following uses shall not fall under this definition:
- (a) Tasting counters at grocery stores, which shall be considered “Retail.”
  - (b) Tasting counters at manufacturing facilities, which shall be considered “Manufacturing”
  - (c) Food trucks, which shall be considered “Outdoor Sales” and shall be regulated under [Section 7.10](#).
- (3) **Standards.** Outdoor seating for restaurants shall meet the following requirements. In the case of an existing restaurant adding outdoor seating, a site plan shall be submitted for review by Village staff to determine if the standards are met. In the case of a new restaurant, the Planning Commission shall review the following standards during the Site Plan Approval process.
- (a) The outdoor seating shall be accessory to a fully operational restaurant located on the same site.
  - (b) Outdoor food preparation may be permitted, provided that the location and type of cooking equipment is shown on the site plan, and subject to any conditions that may be imposed by the Village to minimize off-site impacts of such operations.
  - (c) Outdoor seating must be screened from all adjacent single family residential uses by a fence or landscaping.
  - (d) The site plan must include a written description of the storage of tables, chairs, and equipment when the outdoor seating is not in use.
  - (e) Outdoor seating shall be subject to review and approval by the Fire Department.
  - (f) The hours of operation for the outdoor seating shall be included on the site plan and subject to Village approval.

## Section 6.33 Retail:

**(A) Definition.** The selling of goods or merchandise directly to the public.

(1) Examples include, but are not limited to:

- (a) Grocery/Convenience/Beverage Stores
- (b) Clothing/Shoe/Accessory Stores
- (c) Book/Music/Video/Electronics Stores
- (d) Hardware Stores
- (e) Art Galleries
- (f) Bank Branches

(2) The following uses shall not fall under this definition:

- (a) Gas Stations, which shall be considered "Gas Stations."
- (b) Real Estate Brokerages, which shall be considered "Office"
- (c) Food trucks, which shall be considered "Outdoor Sales" and shall be regulated under [Section 7.10](#).

(3) **Standards.** No additional standards.

## Section 6.34 Self-Storage Facilities:

**(A) Definition.** Enclosed space for rent to the general public for use to store non-perishable goods.

**(B) Standards.**

- (1) All storage units with exterior doorways must be accessed by a drive aisle meeting the dimensional requirements of this Ordinance.
- (2) The drive aisles must be paved.
- (3) Outdoor storage areas must meet the requirements of [Section 7.09](#).

## Section 6.35 Solar Energy Facility

**(A) Definition.** Solar energy device whose purpose is to provide for the collection, storage, and distribution of solar energy for space heating, cooling, or power generation, including both the solar panels and all accessory structures.

**(B) Standards.**

(1) **Definitions.**

- (a) "Applicant" is the Landowner, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who has filed an application for development of a Solar Energy Facility under this Ordinance.
- (b) "Parcel" means all land within a legally established parcel.
- (c) "Practicable" means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

- (d) "Landowner" means the persons or entities possessing legal title to the parcel(s) upon which a SEF is located.
- (e) "Protected Lands" means, for the purpose of this chapter only, lands containing resources that are protected or regulated by established regulatory standards of local, state, and federal agencies, conservation easements or other contractual instruments in such a way that prohibits or limits development of those lands.
- (f) "Review Authority" means applicable land use decision- making body as determined by local ordinance and appeal procedures.
- (g) "Solar Energy Facility (SEF)" means an energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.
- (h) "Solar Electric System (SES)" means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.
- (i) "Renewable Energy Combining Zone" means a zoning district that may be combined with other base zoning and applied to specific geographic areas within the County, where the County has determined the land is suitable for a specified variety of Solar Energy Facilities and where permitting for such facilities may be expedited if specified conditions are met.
- (j) "Uses Allowed" means one of the following:
  - (i) Accessory Use - a SEF designed primarily for serving on-site needs or a use that is related to the Primary Use of the property.
  - (ii) Direct Use - a SEF designed and installed to provide on-site energy demand for any legally established use of the property.
  - (iii) Primary Use - a SEF that uses over 50% of the Parcel(s) and is devoted to solar electric power generation primarily for use off-site.
  - (iv) Secondary Use - a SEF that is not the Primary Use of the property and uses less than 50% of the Parcel(s) land area.

**(2) Purpose.**

- (a) The purpose of the Ordinance is to facilitate the construction, installation and operation of a Solar Energy Facilities (SEFs) in Village of Quincy in a manner that protects public health, safety and welfare and avoids significant impacts to protected resources such as important agricultural lands, endangered species, high value biological habitats and other protected resources. It is the intent of this ordinance to encourage solar facilities that reduce reliance on foreign petroleum supplies, increase local economic development and job creation, reduce greenhouse gas emissions, and/or promote economic development diversification.

**(3) Applicability.**

- (a) This Ordinance applies to the construction of any new SEF within the Village.
- (b) A SEF legally established or permitted prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance, however:

- (i) Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this Ordinance. Only the modification or alteration is subject to this Ordinance;
- (ii) Substantial conformance review determinations are not major amendments to a project's existing permits; and
- (iii) Routine operation and maintenance or like-kind replacements do not require a perm

**(4) Permit Requirements.** The type of permit required for SEFs shall be as shown in Table 1 Permit Requirements.

<b>Table 1. Permit Required</b>				
<b>Land Use</b>	<b>Accessory Use</b>	<b>Direct Use</b>	<b>Primary Use</b>	<b>Secondary Use</b>
Agricultural/Residential	P	P	SLU	SLU
Commercial/Office	P	P	SLU	SLU
Industrial	P	P	SLU	P

**(5) Parcel Line Setbacks.** The following setbacks from the parcel line to the closest part of the SEF shall be established as shown in Table 2. Fencing, roads and landscaping may occur within the setback.

<b>Table 2. Setbacks</b>				
<b>Land Use</b>	<b>Accessory Use</b>	<b>Direct Use</b>	<b>Primary Use</b>	<b>Secondary Use</b>
Setback from Property Line	Per zoning for that district		75 feet	75 feet

**(6) Height Limits.** For ground mounted systems, height restrictions will be measured from natural grade below each module in the event the site has topographic changes.

<b>Table 3. Height Limits</b>			
<b>Zoning District</b>	<b>Accessory/Direct Use</b>	<b>Secondary Use</b>	<b>Primary Use</b>
Ag or Residential	Roof- 2' above roof	Roof- 2' above roof surface and may project above the height limit	Roof- 2' above roof surface and may project above the height limit
	Ground- 15'	Ground 15'	Ground 25'
Commercial, Office. Industrial	Roof- 4' above roof surface and may project above the height limit	Roof- 4' above roof surface and may project above the height limit	Roof- 4' above roof surface and may project above the height limit
	Ground- 25'	Ground- 25'	Ground- 25'



**(7) General Requirements.** (apply to all SEF Uses unless otherwise noted)

**(a) Building Permits Are Required.**

- (i) Nothing in this chapter modifies the minimum building standards required to construct a SEF, consistent with applicable building and fire codes. The SEF components and all accessory equipment shall comply with the most recently adopted Building Code as determined by the Building Official and Fire Code as determined by the Fire Official.
- (ii) A site plan shall be provided at the time of the Building Permit application demonstrating compliance with the setbacks in Tables 1 and 2.
- (iii) The Building Permit shall include review by local permitting departments including, but not limited to, the local Fire Authority, for Health and Safety Requirements.

**(b) Supplemental Information Required.**

- (i) The manufacturers or installer's identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
  - (ii) On site power lines between solar panels and inverters shall be placed underground.
  - (iii) If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
  - (iv) A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Village.
  - (v) An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.
  - (vi) A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
  - (vii) An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
- (c) Off-Site Facilities.** When the SEF is located on more than one Parcel, there shall be proper easement agreement or other approved methods for the notification of all impacted parties.
- (d) Septic System Avoidance.** The SEF shall not be located over a septic system, leach field area or identified reserve area unless approved by the Department of Environmental Health.
- (e) Floodplain Avoidance.** If located in a floodplain as designated by FEMA, or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation; and, shall not otherwise create a fire or other safety hazard as determined by the Building Official.
- (f) Conform to Development Standards for Underlying Zone -** The SEF shall be ground mounted, or when located on structures, the SEF shall conform to the development standards for a principal structure in the zone in which such facilities and structures are to be located, except as otherwise provided herein.

**(g) Visibility.**

- (i) All solar energy facilities located in a residential area shall have a minimum landscape buffer of 25 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4' tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. A buffer area will not be required between a solar energy facility and an industrial or commercial use. A planted buffer will not be required if an opaque fence is installed.
  - (ii) All Areas - Additionally, all ground mounted facilities shall:
    - 1) If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent Parcel or the night sky;
    - 2) Not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the facility owner;
    - 3) Be sited behind existing vegetation (which shall be supplemented with landscaping where not adequate to screen the project) or be sited using the natural topography to screen the project; and
    - 4) Be enclosed by a fence, barrier, barbwire, razor wire or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the Parcel(s). Fences or barriers shall incorporate wildlife friendly design. No barrier shall be required where projects employ full-time security guards or video surveillance.
  - (h) **Locations Requiring Discretionary Review.** The following principles shall apply to the Review of Primary and Secondary Use locations: No portion of the SEF or their structures shall occupy Protected Lands. Protected Lands that are potentially incompatible locations, requiring Special Land Use permits, include:
    - (i) Floodways.
    - (ii) Wetlands, wetland transition areas, riparian corridors, or open water.
    - (iii) Properties enrolled in the Michigan Farmland Preservation Program.
    - (iv) Habitat of special status, threatened, endangered, candidate, or fully protected species, species of special concern, or species protected local, State, and Federal agencies.
    - (v) Lands within easements where SEF is a prohibited use.
- (8) Abandonment.**
- (a) A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (uPUDated every 6 months after 12 months of no energy production) to the Village Manager or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF.
  - (b) Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within three hundred and sixty (360) days of notice by the Village Manager or his designee.

- (c) If the responsible party (or parties) fails to comply, the Village Manager or his designee may remove the SEF, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a nonhazardous pre-development condition.
- (d) Facilities deemed by the Village to be unsafe and facilities erected in violation of this section shall also be subject to this Section. The code enforcement officer or any other employee of the Village shall have the right to request documentation and/or affidavits from the Applicant regarding the system's usage, and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.
- (e) Upon a determination of abandonment or other violation(s), the Village shall send a notice hereof to the Applicant and/or Landowner, indicating that the responsible party shall remove the SEF and all associated facilities, and remediate the site to its approximate original condition within ninety (90) days of notice by the Village, unless the Village determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the SEF and restoration of the site, the Village may advise the Applicant and/or Landowner of such alternative means of resolving the violation(s).
- (f) If the Applicant and/or Landowner do not comply, the Village may remove the SEF and restore the site and may thereafter (a) draw funds from any bond, security or financial assurance that may have been provided or (b) initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.

**(9) Decommission Plan.**

- (a) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit.
- (b) Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment etc.)
- (c) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
- (d) Restoration of property to condition prior to development of the SEF.
- (e) The timeframe for completion of decommissioning activities.
- (f) Description of any agreement (e.g. lease) with landowner regarding decommissioning.
- (g) The party currently responsible for decommissioning.
- (h) Plans for updating this decommissioning plan.

**(10) Aviation Notification.**

- (a) For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of Michigan. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

- (b) For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport not listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

**(11) Solar Energy Facilities - Accessory Use.**

- (a) **General Requirements.** Accessory Use Solar Energy Facilities are ground mounted SEFs that provide energy primarily for on-site use, or rooftop systems that provide energy for any use. Rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged as preferred locations for a SEF. In addition to the General Requirements in [Section 7](#), the following standards shall apply to all Accessory Use SEFs, notwithstanding the development standards for the underlying zone:
  - (i) **Lot Coverage**- Rooftop systems can be any size, ground mounted systems may not exceed ½ an acre;
  - (ii) **Setbacks** - Ground mounted structures shall conform to the setbacks as shown in Table 2.
  - (iii) **Height Limits** - Facilities shall conform to the height limits of Table 3, unless demonstrated by a structural engineer to meet public safety standards.
  - (iv) **Floodplain** - An Accessory Use SEF shall not be located in a Floodplain.

**(12) Solar Energy Facilities - Direct Use.**

- (a) **General Requirements.** Direct Use SEFs provide energy for on-site use. In addition to the General Requirements in [Section 7](#), the following standards shall apply to all Direct Use SEF, notwithstanding the development standards for the underlying zone:
  - (i) Lot Coverage - Allowable lot coverage varies by the underlying zoning district.
  - (ii) Setbacks- Ground mounted structures shall conform to the setbacks as shown in Table 2
  - (iii) Height Limits - Facilities shall conform to the height limits of Table 3.
  - (iv) Floodplain - A Direct Use SEF shall not be located in a Floodplain.
- (b) **Biological Resources** - The protection of high value biological resources is an important consideration. Direct Use SEF projects shall not be located on lands that support listed, candidate or other fully protected species, species of special concern, or species protected by local, State, or Federal agencies.

**(13) Solar Energy Facilities - Primary and Secondary Uses.**

- (a) **General Requirements.** Primary or Secondary Uses that provide energy for on-site or off-site use as shown in Table 1 subject to a special land use permit. In addition to the General Requirements in [Section 7](#), the following standards shall apply to all Primary and Secondary SEF, notwithstanding the development standards for the underlying zone:
  - (i) **Lot Coverage.** Allowable lot coverage varies by underlying zoning district;

- (ii) **Setbacks.** Ground mounted structures shall conform to the setbacks as shown in Table 2 and whenever an SEF abuts an agricultural operation or agricultural zone, an agricultural buffer on the SEF Parcel shall be established at a minimum of 100 feet. The buffer may be reduced if the decision-making body determines that there is a substantial screen such as existing topography or landscaping vegetation and/or an operational management plan and/or an agricultural operation easement is provided;
  - (iii) **Height Limit.** Facilities shall conform to the height limits of Table 3;
  - (iv) **Michigan Farmland Preservation Program.** A Primary or Secondary SEF may not be located on a property enrolled in the Michigan Farmland Preservation Program. An Applicant must successfully terminate their Farmland Development Rights Agreement with the Department of Agriculture and Rural Development to be eligible to apply for SEF approval.
  - (v) **Grading.** Grading within the Village shall be limited to only that necessary to construct access roads and install equipment, unless the areas are determined to be chemically or physically impaired.
- (b) **Biological Resources.** The protection of high value biological resources is an important consideration. Primary or Secondary Use SEF projects shall not be located on lands that support listed, candidate or other fully protected species, species of special concern, or species protected by local, State, or Federal agencies.
- (c) **Soil Stabilization, Erosion Control and Ground Water Management.** For Primary and Secondary Use SEFs, the following requirements shall apply:
- (i) To the extent feasible and compatible with the climate and pre- project landscaping of the property the site shall be restored with native vegetation. The re-vegetation plans shall be reviewed and approved by the Village and Branch County Drain Commissioner. All areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade tolerant grass or other vegetation for the purpose of soil stabilization or other methods approved by the Village.
  - (ii) A storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff shall be provided subject to approval by the review authority.
  - (iii) A maintenance plan shall be submitted for the continuing maintenance of the SEF, which may include, but not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for cleaning of solar panels if required.
  - (iv) Prior to issuing a final Building Permit, an as-built grading and drainage plan, prepared by a licensed professional surveyor or other approved qualified professional shall be submitted to the reviewing agency's engineer for review and approval. The plan shall show that the as-built conditions are substantially the same as those shown on the approved grading and drainage plan.
- (14) **Severability.** If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this Ordinance are severable.

## Section 6.36 Transportation & Logistics

**(A) Definition.** A use primarily dedicated to storing and moving products, including in trucks and other vehicles utilizing more than two axels.

**(B) Standards.** None

## Section 6.37 Vehicle Repair

**(A) Definition.** An enclosed building where the following services may be carried out: general repairs, engine re-building, reconditioning of motor vehicles; collision services, such as frame or fender straightening and repair; painting and undercoating of automobiles; and, similar vehicle repair activity.

**(1)** Examples include, but are not limited to:

- (a)** Body Shops
- (b)** General automobile repair facilities
- (c)** Oil change facilities
- (d)** Boat repair
- (e)** Recreational vehicle repair
- (f)** Motorcycle/Powersport repair

**(2)** The following uses shall not fall under this definition:

- (a)** Bicycle repair or lawnmower repair, which shall be considered "Personal Services."

**(B) Standards.**

- (1)** No servicing or repair of any vehicle shall be permitted unless said vehicle is parked within the building.
- (2)** All equipment used in the servicing and repair of vehicles shall be located within an enclosed building.
- (3)** Outside storage or parking of disabled, wrecked, inoperable, or partially dismantled vehicles shall not be permitted outside of areas specifically designated for said purpose on the site plan. Outdoor storage of damaged or inoperable vehicles shall be subject to all requirements for Outdoor Storage, including separate Special Use Approval and compliance with the standards in **Section X.X**. All other vehicles shall be parked in striped and approved parking spaces.
- (4)** Building elevations shall be submitted illustrating the configuration and design of the exterior of the building. The locations of overhead doors shall be clearly indicated. All overhead doors must be accessed by drive aisles that meet the dimensional standards of this Ordinance.
- (5)** Vehicle Sales in conjunction with repair facilities must receive separate zoning approval from the Village, and must meet all relevant standards, including those in **Section X.X**.
- (6)** All Village, County, State, and Federal regulations regarding the storage, transportation, and disposal of oil, gasoline, and other flammable liquids must be met.

## Section 6.38 Vehicle Sales

**(A) Definition.** A building or premises used primarily for the sale of new or used automobiles and other motor vehicles.

(1) Examples include, but are not limited to:

- (a) New car sales
- (b) Used car sales
- (c) Recreational vehicle sales
- (d) Motorcycle/Powersport sales
- (e) Construction equipment sales
- (f) Lawnmower sales
- (g) Boat sales

(2) The following uses shall not fall under this definition:

- (a) Bicycle sales, which shall be considered "Retail."

**(B) Standards.**

- (1) All display, parking, and auto circulation areas shall be paved with a hard surface, concrete or black top (bituminous) with appropriate bumper guards, curbing or other means approved by the Commission that separate said paved areas from landscape and lawn areas.
- (2) Outdoor display areas must be located a minimum of ten (10) feet from all adjacent right-of-way lines. Display spaces must be clearly delineated on the site plan. All display cars must be parked in display spaces. No display cars may be parked in required parking spaces.
- (3) Vehicle Repair facilities associated with Vehicle Sales facilities must receive separate zoning approval from the Village, and must meet all relevant standards, including those in [Section 6.37](#).
- (4) A permanent structure of at least 500 square feet must be provided on the lot to serve as offices for the Vehicle Sales use.
- (5) Up to 4 cars per year may be sold from any lot in the Village. Any lot selling four or fewer cars shall be exempt from the above regulations. Five or more cars shall not be sold from a lot in a single calendar year except within zoning districts where vehicle sales are permitted, and only on lots where any required special use permit has been obtained, and where the standards of subsections 1-4 above are met.

## Section 6.39 Vehicle Wash

**(A) Definition.** A building or portion thereof or an area of land where automobiles are washed.

**(B) Standards.** Stacking space for at least seven (7) cars shall be provided on the site. The stacking lane(s) must be designed to minimize the possibility of cars stacking on a public road.

## Section 6.40 Warehousing

**(A) Definition.** A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**(B) Standards:** No additional standards.

## Section 6.41 Wholesale

- (A) **Definition.** On-premise sales of goods primarily to customers engaged in the business of reselling the goods.
- (B) **Standards.** No additional standards.

## Section 6.42 Wind Energy Conversion System (WECS)

- (A) **Definition.** A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment.
- (1) A "small turbine/on-site" system is intended to primarily serve the needs of the customer on the site which the system is located, with a single tower that that may or may not be connected to the utility grid.
- (2) A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities, or larger cooperative organizations.
- (B) **Standards.**
- (1) **Purpose.** The regulation of Wind Energy Conversion Systems (WECS), including the height, minimum lot area, and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety, and welfare of Village residents. The system, its construction, and its operation shall comply with all applicable local, state, and federal regulations.
- (2) **Special Use.** Due to the concerns related to health, safety, and welfare and the increased potential for impacts on adjacent properties, such systems shall be regulated as special uses within all zoning districts, provided the land area is sufficient to support their development and operation (see subsection D.2 below). The following requirements shall be met and the Planning Commission may impose additional conditions where appropriate:
- (a) In addition to the requirements for Special Uses ([Article 16](#)) and Site Plan Review ([Article 17](#)), the application for the WECS shall include the following additional information:
- (i) the location of overhead electrical transmission or distribution lines, whether utilized or not
  - (ii) the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may rotate
  - (iii) the location of any guy wires, other support devices, or accessory structures or facilities
  - (iv) the location of all structures and land uses (including dwelling units) within 500 feet of the WECS
  - (v) proof of the applicant's public liability insurance for the project
  - (vi) the name, address, and telephone number of the owner(s) of the turbine / system
  - (vii) manufacturer's name and address.



- (viii) survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator
  - (ix) name, address, and telephone number of the installer
  - (x) name, address, and telephone number of the person responsible for maintenance
  - (xi) the height of the wind turbine, as described in paragraph D.1 below
  - (xii) the setbacks from the tower and any accessory components of the WECS (structure, guy wires, etc.) to the adjacent property lines
- (3) Electromagnetic interference.** The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be located, designed, and filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, television broadcasting, wireless telephone, and/or personal communication transmission or reception, and shall comply with all applicable state and federal rules and regulations.
- (4) Noise.** The maximum level of noise permitted to be generated by any WECS shall be 55 decibels, as measured on the db(A) scale, measured at the property line nearest the WECS. This decibel level may be exceeded during short term events such as utility outages or severe wind storms. If the ambient sound level prior to installation exceeds 55 decibels, the maximum noise standard shall be the ambient decibels plus five. The Planning Commission may request that a baseline study of the decibel levels existing prior to and modeling of noise levels predicted for after the installation be included as required documentation for review.
- (5) Visual Impact.** A WECS shall use tubular towers and shall be finished in a single, non-reflective, matte-finished color. Multiple towers involved in a "large turbine/utility grid" WECS shall be constructed of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Accessory structures may have lettering that exhibits the manufacturer's and/or owner's identification.
- (6) Site development.**
- (a) Height.** The height of the wind turbine shall be measured from the existing grade at the base of the turbine to the top of the blade or rotor at its tallest point.
    - (i) The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be 40 feet for site parcels of one to less than two acres, 80 feet for site parcels of two to less than three acres and up to 120 feet for site parcels of three acres or more.
    - (ii) The maximum allowable height for any "large turbine/utility grid" WECS, based upon the combined tower and rotor blade length, shall be 300 feet. The Planning Commission, in consideration of a request, may approve an increase to this height requirement where the following requirements are met:
      - (iii) The increased height will result in the preservation of a substantial stand of trees, existing land forms, or structures that would otherwise be required to be removed to satisfy anticipated and required wind velocity.

- (iv) The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return. The Planning Commission shall not grant the increased height if the lack of economic return is due to the use of inefficient equipment that does not utilize current commercial technologies or would be aesthetically injurious to the area.
- (v) The increased height will not result in increased intensity of lighting on the tower due to Federal Aviation Administration (FAA) requirements.
- (b) Lot area/setbacks.**

  - (i) No "small turbine/on-site" WECS shall be erected on any lot or parcel less than one acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of the tower as defined in subparagraph D.1 above.
  - (ii) No "large turbine/utility grid" WECS shall be erected on any parcel less than five acres in area and shall be situated on the parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of any towers as defined in subparagraph D.1 above.
  - (iii) Guy wires or other elements of the support structure shall not extend closer than ten feet to the owner's property lines.
  - (iv) Accessory structures or other accessory equipment used in the function of the WECS shall satisfy the setback requirements of the subject zoning district.
- (c) Ground Clearance.** For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.
- (d) Safety / Accessibility.** All WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet. All spent lubricants and cooling fluids shall be properly and safely removed promptly from the site of the WECS. A sign shall be posted near the WECS containing emergency contact information as well as near the entrance warning visitors about the potential danger of falling ice.
- (e) Connection to power grid.** If the WECS is to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The owner shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the owner will be required to install a disconnecting device adjacent to the electric meter(s).
- (f) Lighting:** The turbine shall be lighted in compliance with the minimum requirements of the Federal Aviation Administration (FAA).
- (g) Vibration:** Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.

- (h) **Additional studies:** The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, environmental impacts, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.
- (7) **Decommission plan/site reclamation.** The applicant shall submit a plan that indicates the necessary anticipated life of the project, the estimated cost and method to ensure the availability of maintenance and removal funds, and the manner in which the site will be reclaimed.
- (8) **Abandonment of unused turbines.** Abandoned or unused turbines and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Planning Commission. A copy of the relevant documents (including the signed lease, deed, license, or land contract) which allows the installation and which requires the applicant to remove the turbine and associated facilities upon cessation of operations shall be submitted at the time of application. In the event that a turbine is not removed within the 12 months of the cessation of operations at a site, the turbine and facilities shall be removed by the Village and the costs of removal assessed against the real property.
- (9) **Bonding.** Bonding may be required by the Village to insure performance in accordance with these requirements, adequate insurance coverage, decommissioning, and removal of the turbines. The amount of the bond shall be determined based on the value of the project and the estimated cost of removal.

## Section 6.43 Wireless Telecommunication Facility

- (A) **Definition.** A freestanding facility, building, pole, tower, or structure used to provide commercial cellular telecommunication services, and which consists of antennae, equipment and storage, and other accessory structures.
- (B) **Standards.**
  - (1) **New Facilities.** New wireless telecommunications facilities shall be permitted by Special Use approval in all Zoning Districts, regardless of whether a new support structure (tower) will be constructed or not, subject to the following standards:
    - (a) Before constructing a new facility, the applicant must demonstrate that they cannot achieve the needed service improvement by co-locating at an existing facility.
      - (i) The applicant must submit coverage and/or capacity information, including propagation maps and other information requested by the Village, to demonstrate the needed service improvement and why co-location is not possible.
      - (ii) If an owner or operator of an existing tower refuses to allow a co-location, written evidence of the denial of the co-location request must be submitted to the Village, and must include the reason for the denial.

- (b)** To the extent practical, all ground equipment associated with the facility must be enclosed within a locked building.
- (c)** Information must be submitted showing that the facility is in compliance with all applicable FCC regulations regarding radio frequency emissions.
- (d)** Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.
- (e)** Signage notifying the public of potential high voltage and radio frequency emissions and giving the contact information for the tower owner and the operators of all equipment on the site must be posted on the exterior fence.
- (f)** If a new tower is to be constructed for the facility, it shall meet the following standards:
  - (i)** The tower must be set back from all property lines by a distance equal to 1.5 times its height.
  - (ii)** Lighting on the tower shall be prohibited unless required by the Federal Aviation Administration.
  - (iii)** The tower must be a monopole design. Guyed and lattice towers are prohibited.
  - (iv)** No signage shall be placed upon the tower structure.
- (g)** The tower must be the shortest possible height required to provide the service desired by the applicant. The applicant must submit coverage and/or capacity information, including propagation maps and other information requested by the Village, to demonstrate the needed service improvement and why the requested height is necessary. The Village may request further information, including propagation maps, demonstrating the service at lower heights, in order to determine for itself whether the requested height is necessary. Wireless telecommunications towers shall be exempt from the maximum height requirements in [Article 4](#).
- (h)** The base of the tower and all associated equipment must be surrounded by a locked, opaque screening fence meeting the standards of the zoning district that the tower is located within.
- (i)** The applicant must demonstrate the number of co-location sites that will be available on the tower.
- (j)** A structural analysis, signed and sealed by a licensed engineer, must be submitted demonstrating that the proposed tower will be able to support all proposed antennae, including co-locations.
- (k)** The applicant must submit renderings or photo-sims of the proposed tower as viewed from the following locations:
  - (i)** The nearest public roadway.
  - (ii)** The nearest residential use.
  - (iii)** Any other location requested by the Village from which the tower may potentially be visible.

**(2) Co-Locations and Modifications to Existing Facilities.**

- (a)** Co-locations and modifications to existing facilities shall not require Special Use or Site Plan Approval, except as described in Subsection b, below. The Building Official shall have the authority to approve all co-locations and modifications that meet the standards of this Section, and shall be able to request the input and recommendation of the Planner and Engineer at his discretion.
- (b)** Under the following circumstances, co-locations and modifications shall require Special Use approval, regardless of the zoning district they are located in:
  - (i)** The applicant proposes to increase the height of an existing tower by more than 20 feet, or ten percent of its original height, whichever is greater.
  - (ii)** The applicant proposes to increase the ground-level compound to more than 2,500 square feet in area.
  - (iii)** Co-locations and modifications must meet the following standards in order to be approved, either administratively or by Special Use.
  - (iv)** The applicant proposes to increase the width of the tower by more than the minimum necessary for structural stability given existing and proposed antennae.
- (c)** The applicant must submit a structural analysis, signed and sealed by a licensed engineer, demonstrating that the tower, in its present condition, has the structural capacity to support any proposed new antennae or other tower-mounted equipment.
- (d)** The applicant must submit the results of an inspection of the condition of the tower and equipment compound, noting any potential problems with the facility that could impact the health, safety, and welfare of the surrounding area, or the effective provision of service from the facility. Any concerns raised by the inspection must be corrected during construction of the modification of the co-location.
- (e)** Information must be submitted showing that the facility is in compliance with all applicable Federal Communications Commission regulations regarding radio frequency emissions.
- (f)** Information must be submitted showing that the facility will not cause interference with any nearby existing telecommunications facilities.
- (g)** No lighting may be added to the tower unless required by the Federal Aviation Administration.
- (h)** Signage notifying the public of potential high voltage and radio frequency emissions and giving the contact information for the tower owner and the operators of all equipment on the site must be posted on the exterior fence. No signage shall be placed upon the tower structure.
- (i)** The applicant must pay all required fees, as designated by the Village Council .

- (3) Abandonment and Removal.** At the time of application for a new tower structure, the applicant shall, at its cost and expense, be required to execute and file with the Village a bond in an amount of at least \$75,000.00. If the tower is not used for as a wireless telecommunications facility for any period of six consecutive months, it must be removed at the expense of the property owner and/or owner of the tower. If the property owner and/or owner of the tower fail to remove the tower, the bond shall be forfeited, and the bond amount shall be used by the Village to remove the tower.

## Article 7 General Provisions

### Section 7.01 Regulations Applicable to Single Family Dwellings Outside Manufactured Housing Communities

- (A) Any single-family dwelling on a lot, whether constructed and erected on-site, or a manufactured home, shall be permitted only if it complies with the following requirements, in addition to all applicable requirements described elsewhere in this Ordinance:
- (1) If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, and found, upon inspection by the Zoning Administrator, to be safe and fit for residential occupancy.
  - (2) The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes adopted by the Village. However, where a dwelling unit is required by law 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 Village codes, then such federal or state standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Zoning Administrator.
  - (3) The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
  - (4) If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
  - (5) The dwelling unit shall be at least 22 feet deep from front-to-back (measured to the outer edge of the wall furthest from the primary road right-of-way), and at least 30 feet wide side-to-side along the front closest to the primary road right-of-way (measured from outer edge of wall to outer edge of wall).
  - (6) Storage area shall be provided within the dwelling unit of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic, or attached garage.
  - (7) Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade.
  - (8) The pitch of the main roof of the dwelling unit shall not be less than four (4) feet of rise for each twelve (12) feet of horizontal run, and shall have not less than a six (6) inch overhang.
  - (9) The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.
  - (10) The exterior finish of the dwelling unit shall not cause glare or reflection.
  - (11) No building which has been wholly or partially erected or assembled on any premises located within or outside the Village, shall be moved to or placed upon any other premises in the Village without full compliance with the provisions of this Ordinance in the same manner as a new building.

## Section 7.02 Home Occupations

- (A) Definition.** Any business, occupation, or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.
- (B) Where Permitted.** Home occupations may be operated in any dwelling unit within the Village, provided that the standards of this section are met.
- (C)** No person, other than persons residing in the dwelling, shall work at the home on a day-to-day basis as part of the home occupation.
- (D)** The use of the dwelling for the home occupation shall be clearly accessory, incidental and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the floor area of the dwelling shall be used for the conduct of the home occupation.
- (E)** There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation provided, however, that there may be one (1) sign, not exceeding six (6) square feet in area, non-illuminated, and mounted flat against the wall of the dwelling identifying the name of the resident and occupation. There shall be no other signs either on the building or in the windows of the dwelling.
- (F)** Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or in any case no more than ten (10) vehicular trips per day.
- (G)** There shall be no sale of products or service on the premises where the home occupation is located except those that are produced or used in the normal conduct of the home occupation.
- (H)** Any parking for vehicles associated with the home occupation shall be provided off the street.
- (I)** No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes or odors detectable to the normal senses off the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.

## Section 7.03 State Licensed Adult and Child Residential Care Facilities

- (A)** State licensed adult and child care facilities are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Types of facility (standards applicable to the use)	Zoning District			
	R	RLB, MF, MP	C, CBD, MU	I
Adult foster care family home (6 or fewer adults) (a, b, c, d,,e)	P	P	N/A	N/A
Adult foster care small group home (12 or fewer adults) (a, b, c, d, e, i)	SLU	SLU	N/A	N/A
Adult foster care large group home (13 to 20 adults) (a, b, c, d, e, i)	N/A	SLU	N/A	N/A
Congregate Facility (more than 20 adults) (a, b, c, d, e, i)	N/A	SLU	N/A	N/A
Foster family home (4 or fewer children 24 hours per day)	P	P	N/A	N/A
Foster family group home (5 to 6 children 24 hours per day) (a, b, c, d, e)	SLU	P	N/A	N/A
Family day care home (6 or fewer children less than 24 hrs. per day) (a, b, c, d, e, f, g, h, j)	P	P	N/A	N/A
Group day care home (7 to 12 children less than 24 hours per day) (a, b, c, d, e, f, g, h, i, j)	SLU	SLU	N/A	N/A
Child care center or day care center (more than 6 children less than 24 hours per day) (a, b, c, d, e, f, g, h)	SLU as accessory	SLU	SLU	SLU
Child caring institution (a, b, c, d, f, g, h)	N/A	SLU	SLU	SLU

- P: Permitted use
- SLU: May be allowed upon review approval of a Special Land Use, in accordance with the general and specific standards for special Land Use.
- SLU as accessory: May be allowed as an accessory to an approved use, such as a church, school, office or other place of employment, upon review and approval of a Special Land Use.
- N/A: Not allowed in zoning district



**(1) Footnotes.**

- (a) The use shall be registered with the Village of Quincy Clerk's Office and shall continually have on file with the Village documentation of a valid license as required by the State.
- (b) Since the State law preempts in this area, the facility shall be brought into compliance with all State Building and Fire Codes pursuant to State Licensing Rules R400.1831-R400.1835. Documentation of such compliance with State requirements shall be provided.
- (c) The site shall comply with the sign provisions of [Article 12](#).
- (d) Off street parking shall be provided for the number of employees on site at any one time.
- (e) The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line and architecture with the single family or multiple family residential district in which it is located, as determined by the Village Council .
- (f) Documentation of sufficient indoor classroom, crib or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.
- (g) There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four foot tall fence, provided that no fence shall be located in a front yard.
- (h) An on-site drive shall be provided for drop-offs/loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
- (i) The lot shall be at least 1,500 feet from another group day care home or similar facility. This may be reduced by the Village Council upon a finding by the Village Council that the proposed facility will not contribute to a an excessive concentration of state licensed residential facilities.
- (j) The facility shall operate a maximum of sixteen (16) hours per day.

**(B)** A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (insert date), that has been operating under a valid state license and is registered with the Village no later than sixty (60) days following the effective date of this Ordinance (insert date), shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of [Article 16](#) as applicable.

## **Section 7.04 Accessory Buildings, Structures and Uses**

**(A) General Requirements.**

- (1) Accessory buildings and structures are permitted only in conjunction with, incidental to, and on the same lot with an existing principal building, structure or use permitted by right within the applicable district.
- (2) Attached accessory buildings and structures shall be made structurally a part of the principal building and shall conform to the site development standards of the district in which the building or structure is located.

- (3) Detached accessory buildings and structures shall be no closer than ten (10) feet from the principal building or structure.

**(B) Detached Accessory Buildings and Structures - Residential Districts or Uses.**

- (1) Detached accessory buildings and structures shall be located only in the rear or side yard and at the setbacks required for main buildings for the district in which it is located, except that in no case shall a detached accessory building be closer than six (6) feet from any lot line, as measured from the closest point of the building.
- (2) Two (2) detached accessory buildings shall be permitted for a residential district or use not exceeding the following area and height for the total of the two (2) structures:
  - (a) For lots of ten-thousand (10,000) square feet in area or less: one thousand four hundred (1400) square feet and not exceeding sixteen (16) feet in height to the highest point of either structure.
  - (b) For lots greater than ten-thousand (10,000) square feet in area, up to one (1) acre: one thousand eight hundred square feet (1,800) and not exceeding eighteen (18) feet in height to the highest point of either structure.
  - (c) For lots greater than one (1) acre: three thousand (3,000) square feet and not exceeding twenty (20) feet in height to the highest point of either structure.
- (3) One (1) additional detached storage shed shall be permitted for a residential district or use not to exceed one hundred and twenty (120) square feet in area. A swimming pool and cover structure shall also be permitted on a lot, subject to the requirements of [Section 7.22](#) and any other applicable Ordinance.
- (4) Solar energy arrays and wind energy turbines shall be exempt from this Section, shall not count towards the maximum number of accessory structures, and shall instead be subject to Sections [6.35](#) and [6.42](#) respectively.

**(C) Detached Accessory Buildings - Nonresidential Districts or Uses.**

- (1) No more than two (2) detached accessory buildings shall be permitted on any lot.
- (2) The total area of all accessory buildings shall not exceed twenty five percent (25%) of the floor area of the main building(s).
- (3) Total lot coverage of all principal and accessory buildings shall meet the requirements of the district in which it is located.
- (4) Detached accessory buildings shall meet all setback requirements for main buildings for the district in which it is located, as measured from the closest point of the building, except that in no case shall be closer than ten (10) feet from any lot line.
- (5) No detached accessory building shall be located nearer than ten (10) feet to any main building.
- (6) No detached accessory building shall exceed the permitted height for main buildings in the district in which it is located.
- (7) Solar energy arrays and wind energy turbines shall be exempt from this Section, shall not count towards the maximum number of accessory structures, and shall instead be subject to Sections [6.35](#) and [6.42](#) respectively.

## Section 7.05 Exemptions from Setbacks

- (A) Architectural elements attached to and necessary to the integrity of the building, or the health or safety of the occupants, such as ramps for the disabled, cornices, eaves, gutters, chimneys, pilasters, unenclosed steps, fire escapes, and similar features shall be permitted to encroach upon the minimum setback requirements of this Ordinance, provided such projection into a required front or rear yard area is no closer than ten (10) feet from a street right-of-way line or rear lot line. No encroachment shall be permitted into the side setback of the lot.
- (B) Terraces, patios, porches, and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance provided they are:
  - (1) Attached to the main building.
  - (2) Not covered with a roof.
  - (3) Elevated no more than thirty (30) inches above the average surrounding final grade.
  - (4) Not fully enclosed by a wall or fence over five and one-half (5½) feet in height.
  - (5) Located no closer than ten (10) feet from a street right-of-way line or rear lot line.
  - (6) Do not encroach into the required side setback of the lot.
- (C) Terraces, patios, porches, and decks that are enclosed (covered with a roof), not including steps leading to such structures, shall be attached to and considered part of the main building and shall comply with all regulations applicable to such main buildings.

## Section 7.06 Fences, Walls, and Screens

- (A) No fence, wall or screen located within the required front yard in any residential zoning district shall exceed four (4) feet in height, or be in excess of forty-nine (49) percent solid or impervious.
- (B) No chain link fence shall be erected in any front yard within a residential zoning district.
- (C) No fence, wall or screen located within any side yard or rear yard shall exceed a height of six (6) feet, except in the I district, where no fence, wall, or screen shall exceed eight (8) feet in height.
- (D) No fence, wall or screen shall be erected within any public right-of-way.

## Section 7.07 Exterior Lighting

### (A) Freestanding Pole Lighting.

- (1) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light within a site shall not exceed ten (10) footcandles within any site or one (1) footcandle at any property line, except where it abuts a residentially used or zoned site whereby a maximum of 0.5 footcandles is permitted. The only exception is with gas station canopy and automobile dealership lighting, where a maximum of twenty (20) footcandles is permitted within the site but the above standards shall apply to intensity at the property line. The canopy lighting must be recessed.
- (2) The Village Council may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

- (3) The maximum height of parking lot light fixtures shall be twenty (20) feet, except that the Village Council may permit a maximum height of thirty (30) feet in a C Commercial or I Industrial District when the poles are no closer than one hundred fifty (150) feet to a residential district.

**(B) Building-Mounted Lighting.**

- (1) Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed ten (10) footcandles within any site or one (1) footcandle at any property line, except where it abuts a residentially used or zoned site whereby a maximum of 0.5 footcandles is permitted at the property line.
- (2) The Village Council may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.
- (3) Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc. The Village Council may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building.

**(C) Window Lighting.**

- (1) Any light fixtures visible through a window must be shielded to prevent glare at the property line.
- (2) Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of [Article 11](#) (Signs) of this Ordinance.

**(D) Other Lighting.**

- (1) The internal illumination of building-mounted canopies is prohibited.
- (2) Indirect illumination of signs, canopies and buildings is permitted provided a maximum 125 watt bulb is utilized and there is no glare.
- (3) The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
- (4) Lighting shall not be of a flashing, moving or intermittent type.
- (5) Luminous tube and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of [Article 11](#) (Signs) of this Ordinance.

## Section 7.08 Keeping of Animals

**(A) Definitions**

- (1) **Domesticated Animals.** Animals taken care of in their day-to-day needs by humans.
- (2) **Pets.** A domesticated animal kept solely for companionship, recreation, and pleasure, regardless of the use of the property where the animal resides. Any animal may be considered a pet, provided that it meets this definition, and it is not listed as “Livestock” or an “Exotic or Wild Animal.” Examples include, but are not limited to: dogs, cats, birds, aquatic animals, rabbits, small rodents, and similar animals which do not present an unusual risk to persons or property.

- (3) **Livestock.** A domesticated animal raised for slaughter or kept for the purposes of contributing to an agricultural use through labor, breeding, or the production of milk, eggs, manure, wool, or other animal-based products. The following animals shall be considered livestock in all instances: cattle, horses, pigs, sheep, goats, and chickens.
- (4) **Exotic or Wild Animals.** Any animal not commonly (in Michigan) domesticated, raised for slaughter, or used for agricultural purposes, especially animals that pose a clear and present danger to humans. The following animals shall be considered exotic or wild animals in all instances: big cats, venomous snakes, birds of prey, primates, deer, racoons, and opossums.
- (B) All domesticated animals must be kept in safe and sanitary conditions appropriate to their species and in compliance with all County, State, and Federal standards.
- (C) **Permitted Animals:**
- (1) **Pets.** Up to four (4) pets may be kept in any dwelling unit. Animals under six months in age shall not be counted towards the limit. Landlords, homeowners associations, or similar entities may regulate the number of pets per dwelling unit, but shall not permit more than four (4) total pets (over six months in age) per dwelling unit. On non-residential property, pets may only reside permanently in approved kennels and retail operations that sell pets. The Zoning Administrator shall have the jurisdiction to determine that an animal is considered a pet under this ordinance, based on the definition in Subsection A. Appeals of the decision of the Zoning Administrator shall be to the Zoning Board of Appeals.
- (2) **Livestock.** Livestock shall be prohibited on all lots within the Village. The Zoning Administrator shall have the jurisdiction to determine that an animal is considered livestock under this ordinance, based on the definition in Subsection A. Appeals of the decision of the Zoning Administrator shall be to the Zoning Board of Appeals.
- (3) **Exotic or Wild Animal.** The keeping of exotic or wild animals shall be prohibited on all lots within the Village. The Zoning Administrator shall have the jurisdiction to determine that an animal is considered exotic or wild under this ordinance, based on the definition in Subsection A. Appeals of the decision of the Zoning Administrator shall be to the Zoning Board of Appeals.
- (D) **Right to Farm Exemption:** Properties that meet the State of Michigan's Generally Accepted Agriculture and Management Practices (GAAMPs), and are thus protected by the Michigan Right to Farm Act (Public Act 93 of 1981), shall be exempt from the provisions of Section 7.08.C.

## Section 7.09 Outdoor Storage

In all zoning districts, objects, substances, materials, or equipment which are not contained within a completely enclosed building shall be enclosed by an opaque fence not less than 6 feet in height. Above-ground storage facilities for bulk oil, gasoline or chemicals shall only be permitted accessory to approved uses in the I district, shall be constructed in conformity with regulations of the State Fire Marshall, and shall be entirely enclosed within a substantial fence not less than 6 feet in height.

## Section 7.10 Outdoor Sales and Display

- (A) Vehicle sales shall not be subject to this section, and shall instead be subject to [Section 6.35](#).
- (B) The outdoor sales space must be accessory to a permitted indoor use. A permanent structure of at least 500 square feet must exist on the same lot and must contain the permitted indoor use and at least one restroom open to customers of the business.

- (C) Outdoor sales space must not be visible from residentially-zoned land. A fence or landscape screen meeting the standards of this Ordinance must be erected to screen the outdoor sales space from any residentially-zoned land from which it would otherwise be visible.
- (D) The outdoor sales space must be designed to keep debris from blowing onto neighboring lots. Fences must be constructed if determined to be necessary by the Planning Commission.
- (E) All outdoor sales space must comply with all Village, County, State, and Federal health, building, and fire codes, and any other relevant regulations.

### Section 7.11 Essential Public Services

The erection, construction, alteration or maintenance of essential public services authorized under any franchise in effect within the Village shall be permitted subject to regulation as provided in any law in the State of Michigan or in any Village ordinance. It is the intention of the Zoning Ordinance to ensure conformity of all structures and uses to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, State legislation or village ordinance. In absence of such conflict, the standards of the Zoning Ordinance shall prevail.

### Section 7.12 Lots of Record

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

### Section 7.13 Lot Frontage

Every lot upon which a dwelling is hereafter erected shall have frontage on a public street or private road

### Section 7.14 Principal Buildings, Structures or Uses

No lot may contain more than one (1) principal building, structure or use, except for groups of multiple-family dwellings or related commercial or industrial buildings contained within a single, integrated complex, sharing parking, access, signs, and other similar features.

### Section 7.15 Temporary Buildings, Structures, and Uses

- (A) Temporary buildings and structures, including trailers incidental to construction work, may be placed on a lot after approval from the Zoning Administrator. Such structures must be removed from the site within fifteen (15) days after the completion of construction.
- (B) No temporary building or structure shall be used as a dwelling unit.
- (C) Garage sales, moving sales, estate sales, and auctions shall be permitted for up to five (5) consecutive days, not to exceed two (2) times in a twelve (12) month period, on a given lot. Such lot shall contain a principal building and sales activities shall not be permitted to extend into public or private road rights-of-way or abutting property. Signs associated with such activity shall be in accordance with [Article 11](#) (Signs).

### Section 7.16 Required Area or Space

No lot, lots in common ownership, yard, parking area, open space or other space shall be so dividend, altered, or reduced in area or dimension as to make said area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

## Section 7.17 Intersection Visibility

- (A) Except as described in subsection C below, no fence, wall, sign, hedge, screen or any planting shall be erected or maintained to obstruct vision between a height of three (3) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines
- (B) The three (3) foot and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lays between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.
- (C) Lots in the CBD District shall be exempt from this Section.

## Section 7.18 Swimming Pools

- (A) Swimming pools, spas, hot tubs and similar devices shall be setback at least ten (10) feet from the side yard or rear yard and fifteen (15) feet from any road right-of-way line.
- (B) Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.
- (C) All swimming pools, spas, hot tubs and similar devices shall be enclosed with a fence or enclosure approved by the Zoning Administrator. Such fence or enclosure, including gates, shall not be less than four (4) feet or greater than six (6) feet above grade or otherwise made inaccessible to small children.

## Section 7.19 Waste Receptacles and Enclosures

- (A) Waste receptacles including dumpsters or compactors shall be enclosed and screened on three (3) sides with a gate on the fourth side if the enclosure is visible from the public street or a residential district.
- (B) The enclosure shall be opaque and have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater. Suitable and durable materials shall be approved by the Zoning Administrator. Landscaping surrounding the waste receptacle may be required.
- (C) Waste receptacles shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission.
- (D) Waste receptacles shall be set back from property lines a minimum of three (3) feet and in no case be less than twenty (20) feet from any residential district.
- (E) The base of the waste receptacle shall be at least nine (9) feet by six (6) feet, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.

## Section 7.20 Mechanical Equipment and Utilities

- (A) All ground mounted mechanical equipment, such as blowers, ventilating fans and air conditioning units, and utilities shall be placed not closer than three (3) feet to any lot line in the CBD Central Business District and not closer than ten (10) feet to any lot line in all other districts.
- (B) Any mechanical equipment or utilities, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, located on the roof of any building shall comply with the following standards:
  - (1) All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building.
  - (2) Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. All roof-mounted mechanical units must be screened so they are not visible from ground level.
- (C) All building mounted mechanical equipment or utilities on any building except a single family dwelling unit, shall be screened by a wall, fence, landscaping and/or other architectural feature that is compatible in appearance with the principal buildings.

## Section 7.21 Antennas, Towers and Satellite Dish Antennas

- (A) Reception antennas, including satellite dish antennas and transmission or reception antennas below three hundred (300) watts of output, erected or installed in any zoning district shall comply with the following requirements:
  - (1) An antenna, tower or satellite dish antenna with a diameter of one (1) meter or less shall be located only in a side or rear yard, unless the applicant or their antennae installer demonstrates a location within the front yard is required to allow reception of reasonable quality. In such case, the antenna shall be located as far from the property lines as practical and screened with shrubs to minimize negative visual impacts.
  - (2) An antenna, tower or satellite dish antenna with a diameter over one (1) meter shall be located only in a side or rear yard.
  - (3) No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
  - (4) Ground-mounted satellite dish antennas with a diameter over one (1) meter in a yard fronting on a public street shall be screened from view from such street by landscaping or a wall.
  - (5) The height of an antenna shall not exceed fifty (50) feet above mean grade or twenty five (25) feet above the peak of the roofline in any residential zoning district, or sixty (60) feet above the mean grade if the setback at least half the height of the antennae from all property lines. In other zoning districts the maximum height shall not exceed one hundred (100) feet above mean grade.
  - (6) The diameter of antennas and satellite dishes shall not exceed twelve (12) feet.
  - (7) No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna

## Section 7.22 Grading and Drainage

No premises shall be so filled or graded as to discharge surface runoff on abutting premises in such manner as to cause ponding or surface accumulation of such runoff thereon.



## Section 7.23 RV Parking

- (A) Recreational Vehicle Parking in Residential Districts.** Recreational vehicle defined in Section 22.02, including buses, motor homes, unmounted campers, camper shells mounted on a vehicle, camp trailers, boats on trailers, and tent trailers, may be parked or stored by the owner on residentially-used property subject to the following conditions:
- (1) Number.** No more than one recreation vehicle shall be parked or stored on a residential lot, except that two recreational vehicles may be parked or stored on lots exceeding one-half acre in size.
  - (2) Connection to Utilities.** Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.
  - (3) Use as Living Quarters.** At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.
  - (4) Location.** Recreational vehicles may be parked in the side yard, provided that a setback of not less than six feet is maintained on at least one side of the building to provide access to the rear. Recreational vehicles parked in the side yard must be screened from view with a six-foot tall fence. Otherwise, the vehicle must be in the rear yard. Parked or stored recreational vehicles shall not be located so as to impede safe entry to or exit from any residential structure or be so located so as to inhibit emergency access to and from any structure.
  - (5) Lot Coverage.** Recreational vehicles may occupy no more than 25 percent of the required rear yard.
  - (6) Temporary Parking.** Notwithstanding the above provisions concerning “location”, recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48/72 hours prior to and 48/72 hours after use of the vehicle within a seven-day period. Recreational vehicles shall not be parked over or onto a public sidewalk. Tent trailers shall not be permitted to remain on any residential lot for longer than 48 hours.
  - (7) Conditions.** Parked or stored recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit.
  - (8) Junk RVs.** The storage of a junked or derelict recreation vehicle is prohibited. Recreational vehicles shall be junked or derelict when the cost of repairs to restore such vehicles to operating condition exceeds twenty-five percent of the replacement cost of the recreational vehicles in good working condition.
  - (9) Storage of Mobile Homes and Manufactured Homes.** The parking or storage of an unoccupied mobile manufactured home, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted in the mobile home manufactured housing park district.
  - (10) Waiver of Regulations for Guests.** The provisions concerning location may be waived for a period of up to two weeks to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the building department. No more than two non-consecutive permits shall be issued per calendar year.

**(B) Habitation of recreational vehicle when used in conjunction with construction.** A recreational vehicle may be used for temporary living quarters for not more than eighteen (18) months while the occupant thereof is constructing a permanent dwelling on the same property. Before a recreational vehicle will be permitted in such an instance, the owner of the property or the person intended to occupy the recreational vehicle shall secure a permit from the Zoning Administrator. Such permit shall be granted upon the receipt of a signed statement by the applicant that a permanent dwelling will be constructed within eighteen (18) months thereafter. Construction must start within sixty (60) days of recreational vehicle placement. Only one (1) recreational vehicle shall be permitted on any parcel of land during the construction or repair of a permanent dwelling. A repair shall be considered for purposes of subsection 10 when the repair will cause a condition that disallows the home owner from occupying the inside of the home during the repair construction. Repairs that are minor and can be confined within the interior shall not be considered.

# Article 8 Off-Street Parking and Loading Requirements

## Section 8.01 Purpose

The purpose of this Article is to:

- (A) Protect water quality and storm sewer capacity by limiting the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building.
- (B) Preserve the character of the Quincy Village by limiting parking in front yard areas, promoting the use and development of shared parking and restricting the use and development of scattered private parking lots.
- (C) Establish flexible minimum and maximum standards for off-street parking and loading, and promote the use and development of shared parking and loading facilities, cross-access between sites, and a pedestrian-oriented development pattern.

## Section 8.02 Scope

Off-street parking and loading shall be provided in all districts in accordance with the provisions in this Article whenever a structure or use is established, constructed, altered, or expanded, an existing use is replaced by a new use (change of use), or the intensity of a use is increased through additional dwelling units, an increase in floor area or seating capacity, or by other means.

## Section 8.03 General Requirements

The following general standards shall apply to all off-street parking or loading facilities:

- (A) **Number of required spaces.** Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this Article. The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by [Section 8.04](#) (Schedule of Required Parking by Use).
- (B) **Location of spaces.** Off-street parking spaces shall be located within five-hundred feet (500') of a primary building entrance to which such spaces are accessory.
- (C) **Similar uses.** Where a use is not specifically mentioned in this Article, the Planning Commission shall apply the standards for a similar listed use.
- (D) **Shared facilities.** The development and use of a parking or loading facility shared between two or more contiguous uses is encouraged where peak activity for each use will occur at different periods of the day or week. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners.
- (E) **Irrevocable use.** All required off-street parking and loading spaces shall be reserved irrevocably and shall not be changed to any other use unless spaces meeting the standards of this Article are provided elsewhere, or the parking requirements of the use change.
- (F) **Storage, repairs and displays prohibited.** Parking lots and loading areas shall not be used for parking of inoperable vehicles, outside storage of any equipment, products or materials, or dumping of refuse. Parking of an operable motor vehicle shall not exceed a continuous period of more than forty-eight (48) hours. Repairs, performing service or display of vehicles for sale is prohibited.
- (G) **Restriction of parking on private property.** No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property.

## Section 8.04 Schedule of Required Parking by Use

The minimum and maximum number of required off-street parking spaces shall be determined by the Planning Commission in accordance with the following table. Where calculations determining the number of required parking spaces result in a fractional space, the fraction shall be rounded-up to the next highest whole number. Parking standards shall be determined by gross square footage. All uses in the CBD district shall be exempt from the below requirements, and all uses in the RLB district shall only be required to provide half of the number of spaces described below.

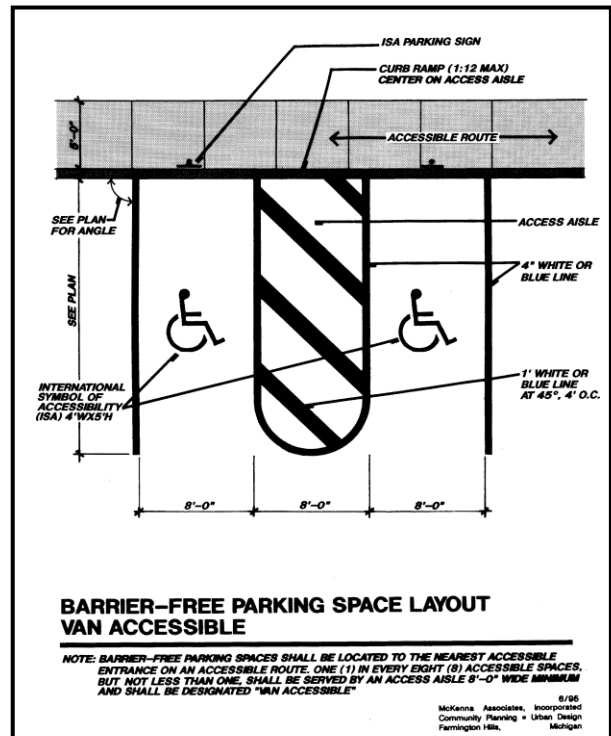
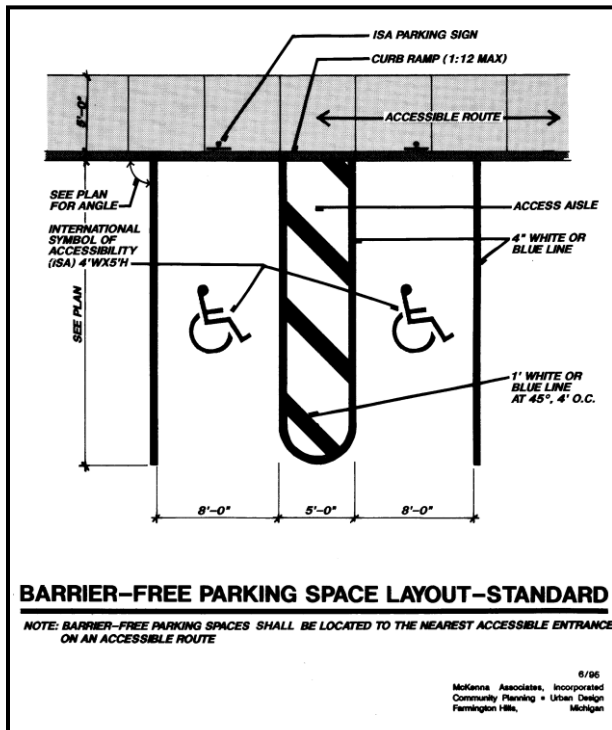
Use	Minimum Parking Spaces
<b>Commercial Uses</b>	
Retail	<a href="#">1 per 300 square feet.</a>
Office	<a href="#">1 per 400 square feet.</a>
Personal Services	<a href="#">1 per 300 square feet.</a>
Restaurant/Bar	<a href="#">1 per 200 square feet.</a>
Medical or Dental Clinic	<a href="#">1 per 300 square feet.</a>
Hospital	(a)
Nursing or Convalescent Home	1.5 per patient room
Hotel or Motel	<a href="#">1.1 per guest room</a>
Child Care Centers	1 per 500 square feet
Drive-Thrus	Included with Principal Use
Funeral Homes and Mortuaries	<a href="#">1 per 300 square feet</a>
Gas Stations	<a href="#">1 per gas pump (located next to the pump), plus required spaces for accessory retail</a>
Marijuana Provisioning Center	<a href="#">1 per 300 square feet</a>
Event Space	(a)
Vehicle Repair	<a href="#">1 per 300 square feet of indoor repair, office, or retail space</a>
Vehicle Sales	<a href="#">1 per 300 square feet of indoor retail or office space</a>
Vehicle Wash	5 spaces, not including self-service wash bays
<b>Residential Uses</b>	
Single Unit (Attached)	<a href="#">1 space</a>
Single Unit (Detached)	<a href="#">1 space</a>
Two Units (inc. accessory dwelling units)	<a href="#">1 space per unit</a>
Three Or Four Units	<a href="#">1 space per unit</a>
More than Four Units	<a href="#">1 space per unit</a>
Manufactured Housing Parks	2 spaces per home site
Live Work	2 spaces
<b>Industrial Uses</b>	
Artisan/Maker Space	<a href="#">1 per 500 square feet</a>
Warehousing	<a href="#">1 per 1,000 square feet</a>
Wholesale	<a href="#">1 per 1,000 square feet</a>
Manufacturing	<a href="#">1 per 1,000 square feet</a>
Transportation and Logistics	<a href="#">1 per 1,000 square feet, not including truck parking</a>
Research and Development	<a href="#">1 per 1,000 square feet</a>
Marijuana Grow Operation	<a href="#">1 per 1,000 square feet</a>
Marijuana Processing Facility	<a href="#">1 per 1,000 square feet</a>
Marijuana Safety Compliance Facility	<a href="#">1 per 1,000 square feet</a>
Marijuana Secure Transportation	<a href="#">1 per 1,000 square feet</a>
Power Plant – Non-Wind or Solar	<a href="#">1 per 1,000 square feet</a>
Self-Storage Facilities	0.1 per storage unit, plus sufficient space adjacent to each storage unit for loading and unloading
Personal-Scale Solar Energy Facility	None
Utility-Scale Solar Energy Facility	None
Personal-Scale Wind Energy Facility	None
Utility-Scale Wind Energy Facility	None

Use	Minimum Parking Spaces
<b>Other Uses</b>	
Campgrounds	1 space per campsite, which may be the campsite itself
Government/Public Uses	<a href="#">1 per 400 square feet</a>
Institutions of Higher Education	<a href="#">(a)</a>
K-12 Schools	<a href="#">(a)</a>
Marinas	<a href="#">(a)</a>
Parking as a Principal Use	<a href="#">None</a>
Recreation – Indoor	<a href="#">(a)</a>
Recreation – Outdoor	<a href="#">(a)</a>
Religious Institutions	<a href="#">(a)</a>
Wireless Tele-communications	<a href="#">None</a>
Crop Cultivation (Outdoor)	<a href="#">None</a>
Greenhouse / Nursery (Principal Use)	<a href="#">1 per 500 square feet</a>
Cemetery	<a href="#">(a)</a>

(a) For these uses, the Planning Commission shall determine whether the proposed parkign is sufficient based on the specific design and operations of the proposed use.

## Section 8.05 Design Requirements

(A) **Barrier-Free Parking Requirements.** Within each parking lot, signed and striped barrier-free spaces shall be provided at conveniently accessible locations in accordance with the following, or with any revised standards of the Michigan Department of Labor, Construction Code Commission:



**(B) Landscaping.** Landscaping, screening and buffering shall be provided for all parking and loading facilities in accordance with the provisions of [Article 9](#) (Landscaping, and Screening).

**(C) Exterior lighting.** Where provided, exterior lighting shall comply with the standards of [Section 7.07](#) (Exterior Lighting)

**(D) Ingress/Egress.** Adequate means of ingress and egress shall be provided for all parking and loading facilities, and such facilities shall be designed to prevent vehicles from backing into the street, backing into an access drive or requiring the use of the street for maneuvering between parking rows.

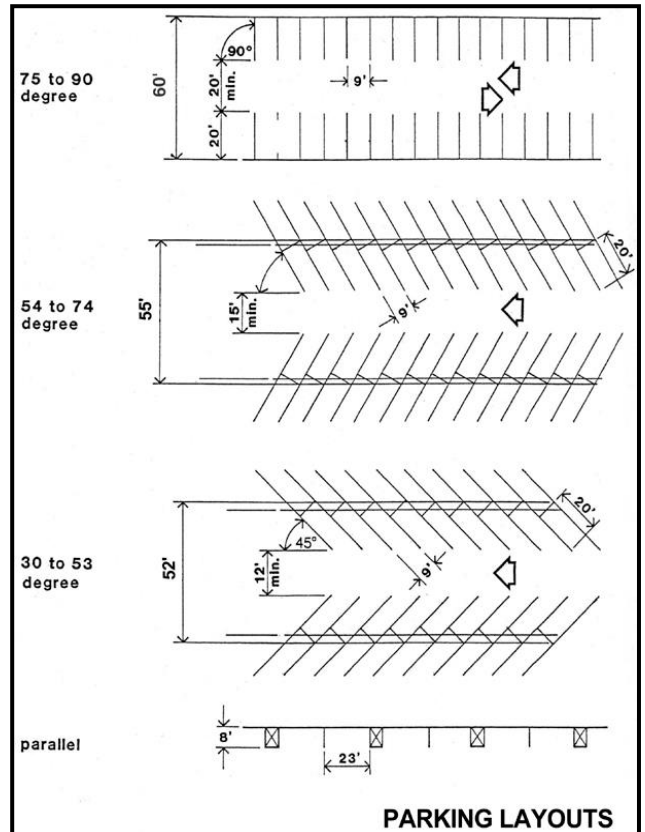
**(E) Curbing.** Parking lots shall be provided with concrete curbs and gutters for the protection of adjoining properties, streets, sidewalks and landscaped areas.

**(F) Sidewalks.** In all cases where off-street parking spaces directly abut a public or private sidewalk, the sidewalk shall be widened to at least seven feet (7') in width to accommodate vehicle encroachment.

**(G) Stacking spaces for drive-through facilities.** Where required by this Article, stacking spaces shall be ten feet wide by twenty feet long (10' x 20'). Stacking spaces shall not intrude into any street right-of-way, public easement or sidewalk.

**(H) Driveways and parking for single- and two-family (duplex) dwellings.** Parking spaces for a dwelling shall consist of an accessory driveway, garage or combination thereof, plus any on- street parking spaces located between the intersections of the side parcel boundaries and the street right-of-way. Such parking spaces shall be hard-surfaced with concrete, plant-mixed bituminous material, brick or stone, gravel or crushed limestone.

TOTAL PARKING SPACES	BARRIER-FREE PARKING SPACES REQUIRED	VAN-ACCESSIBLE BARRIER-FREE PARKING SPACES REQUIRED
Less than 25	1	1
25 – 49	2	1
50 – 74	3	1
75 – 99	4	1
100 – 149	6	1
150 – 199	8	2
200 – 299	10	2
300 – 399	12	3
400 or more	14, plus 1 space for each 50 total parking spaces over 400	4, plus 1 space for each 15 total barrier-free spaces



On all lots less than 10 acres in area or three hundred and thirty feet in width, not more than two (2) parking spaces may be provided on a driveway within the required front yard, and no parking shall be permitted on lawns or other unpaved areas of a residential lot. A maximum of one accessory driveway shall be permitted per dwelling, with a maximum width not to exceed twelve feet (12') or the total width of all accessory garage doors served by the driveway, whichever is greater.

- (I) Grading and drainage.** Driveways and other parking areas shall be graded and drained to dispose of surface waters in accordance with Village requirements. Surface water shall not be permitted to drain on to adjoining property, except in accordance with an approved drainage plan.
- (J) Parking layout.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

PARKING PATTERN (degrees)	MANEUVERING LANE WIDTH (feet)	PARKING SPACE WIDTH (feet)	PARKING SPACE LENGTH (feet)	TOTAL WIDTH OF ONE ROW OF SPACES PLUS MANEUVERING LANE (feet)	TOTAL WIDTH OF TWO ROWS OF SPACES PLUS MANEUVERING LANE (feet)
0° (parallel)	24' (two-way)	8'	24'	20'	40'
30° to 53°	12' (one-way)	9'	20'	30	52'
54° to 74°	15' (one-way)	9'	20'	33'	55'
75° to 90°	20' (two-way)	9'	20'	40'	60'

**Section 8.06 Off-Street Loading**

Where determined to be necessary by the Planning Commission, adequate space shall be provided for loading and unloading activities on the same premises with a use involving the receipt or distribution of vehicles, materials or merchandise to avoid undue interference with the public use of streets and alleys. Each loading or unloading space shall be ten feet wide by fifty feet long (10' x 50'), with a fifteen foot (15') height clearance, unless the Planning Commission determines that an alternative size is more appropriate for the site. Such spaces shall be provided in accordance with the following schedule:

USABLE FLOOR AREA (square-feet)	LOADING AND UNLOADING SPACES REQUIRED BY DISTRICT	
	C	I
0 to 2,000	None	None
2,001 to 5,000	1	1
5,001 to 20,000	1	1 plus 1/5,000 in excess of 5,000
20,001 to 50,000	1 plus 1/20,000 in excess of 20,000	3 plus 1/15,000 in excess of 20,000
50,001 to 100,000	1 plus 1/20,000 in excess of 20,000	5 plus 1/10,000 in excess of 50,000
100,001 to 300,000	5 plus 1/100,000 in excess of 100,000	10 plus 1/100,00 in excess of 100,000
300,001 to 500,000	10 plus 1/100,000 in excess of 300,000	10 plus 1/100,000 in excess of 300,000
Over 500,000	12 plus 1/250,000 in excess of 500,000	14 plus 1/150,000 in excess of 500,000

- (A)** No loading space shall be located closer than fifty feet (50') to any residential district or use, except where located within an enclosed building or adequately screened to the satisfaction of the Planning Commission.
- (B)** Loading spaces shall not be provided in the front yard or on any building facade facing or visible from a public street, except where the Planning Commission determines such a location is necessary due to the location or placement of the building, existing street pattern or other factors.
- (C)** Loading spaces shall be paved with concrete or plant-mixed bituminous material in accordance with the requirements of the Village.

## Section 8.07 Modification of Standards

- (A) **Exceeding maximum number of required spaces.** Exceeding the maximum parking space requirements shall be prohibited, except where the Planning Commission determines that additional parking is necessary, based upon evidence supplied by the applicant, to accommodate the use on a typical day of operation.
- (B) **Deferment of parking spaces.** Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space, and provided that the applicant agrees to construct the additional parking upon request by the Village after the Zoning Administrator documents three (3) incidents of problem parking on the site.
- (C) **Special circumstances.** Under the following circumstances, the Planning Commission may permit alternative means (other than the construction of private off-street parking or loading facilities) of complying with the parking or loading requirements of this Article:
- (1) Existing off-street parking and/or loading spaces on the lot can effectively accommodate the parking and loading needs of a given use.
  - (2) Existing on-street spaces adjacent to the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
  - (3) Existing public parking lots and alleys near the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.
  - (4) An agreement for shared facilities is in place between adjacent property owners to set aside existing off-street parking and/or loading spaces on an adjacent lot to accommodate the requirements of a given use.

## Section 8.08 Maintenance

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

- (A) Any alterations to an approved parking or loading facility that is not in accordance with an approved site plan shall be a violation of this Ordinance.
- (B) Parking and loading facilities for an established use shall not be encroached upon, unless an equivalent number of required spaces have been provided elsewhere in accordance with this Article.

All land between the boundaries of the parking facility and required screening, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the requirements of this Ordinance.



# Article 9 Landscaping and Screening

## Section 9.01 Purpose

Landscaping, screening and land uses buffers are critical site design elements that contribute to the positive aesthetic qualities, pattern of development, stability of property values, privacy of residential uses, and overall character of the Village. The purpose of this Article is to:

- (A) Protect the rural character, appearance and value of land through the judicious and thoughtful use of landscaping, screening and buffering techniques that present a finished and aesthetically pleasing appearance, preserve environmental quality, and enhance the appearance of the Village, thereby reducing conditions that may lead to blight.
- (B) Protect the health, safety and welfare of motorists, pedestrians and children by establishing landscaping design standards that guide and orient traffic flow within a site, and separate and protect pedestrian areas from vehicular encroachment.
- (C) Encourage flexibility in the administration of this Article, and creativity and innovation in landscape site design, including the incorporation of existing vegetation, topography and other site features into the design and placement of landscaping.
- (D) Buffer the visual impact of parking lots, storage areas and similar activities from street rights-of-way and adjacent properties, provide adequate protective screening for residential uses adjacent to or near business or industrial zoning districts or uses, and establish minimum standards for the design, installation, and maintenance of landscaping, screening and buffer areas between uses.
- (E) Establish realistic and achievable objectives for the screening or buffering of uses of a significantly different scale or character, and the enhancement of individual sites, street rights-of-way and other areas of the Village through appropriate landscaping.

The standards of this Article are considered the minimum necessary to achieve these purposes. Applicants are encouraged to provide additional landscaping and screening where possible to improve the function, appearance and value of their property and surrounding sites.

## Section 9.02 Objectives

Consideration by the Planning Commission of site landscaping, screening and buffering shall reflect the purpose of this Article and the following objectives:

- (A) Site landscaping shall be innovative and creative in design, and shall reflect the unique conditions and accommodate the specific circumstances of the site.
- (B) At the time of installation, landscaping, screening and buffering elements shall be immediately effective in meeting the objectives of this Article, and shall maintain that effectiveness as the plant materials mature.
- (C) Significant natural, historical and cultural site features, including but not limited to large trees, hedgerows, lakes and other waterbodies, steep slopes, wetlands, archeological sites and historic elements, shall be preserved where practicable.
- (D) Where existing sites have been developed without adequate landscaping, screening or buffering, the purpose of this Article shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other site improvements.

- (E) Landscaping shall be designed to minimize the cost of general maintenance and upkeep.
- (F) Site elements intended for screening purposes shall:
  - (1) Effectively form a complete visual and physical separation between uses of a significantly different scale or character, or between the street right-of-way and specific areas of a site (such as loading areas, off-street parking lots, service areas and storage areas) that require screening.
  - (2) Mitigate the adverse effects of a proposed use on adjacent uses, including but not limited to headlight glare, lighting, noise, and trash disposal areas.
- (G) Site elements intended to establish a buffer area shall create a partial visual transition zone between uses of a significantly different scale or character, to reduce the adverse effects of a proposed use on adjacent uses or break-up the visual pattern of parking lots and other large monotonous areas of a site, such as parking lots.

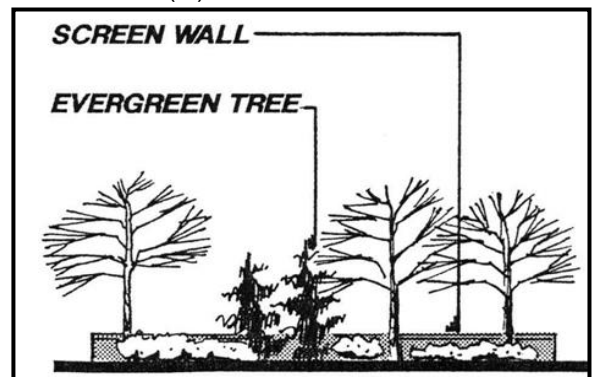
### Section 9.03 Scope

Every property owner and developer has the responsibility to ensure that the use of a lot in the Village does not adversely impact adjacent properties. The provisions of this Article shall apply to all sites that are subject to site plan or sketch plan review in accordance with [Article 15](#) (Site Plan Review). Such sites shall be required to comply with all applicable provisions of this Article.

### Section 9.04 Methods of Screening and Buffering.

Screening and buffering elements shall satisfy the purpose and objectives of this Article, and shall be accomplished by any one of the following methods, or any combination of these methods or other alternatives that the Planning Commission determines to be best suited for the existing conditions:

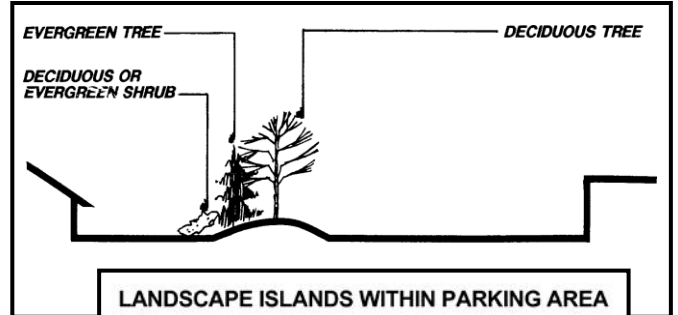
- (A) **Screen wall (or fence) with planting strip.** This method shall consist of a decorative brick wall or ornamental fence up to four feet (4') in height, along with a six to ten foot (6' – 10') wide planting strip abutting the base of the wall or fence that includes a mixture of deciduous shade trees, ornamental trees and shrubs, at a minimum concentration of one (1) tree and five (5) shrubs per each thirty lineal feet (30').
- (B) **Berms.** Berms shall consist of a combination of a raised earth berm and plantings, and shall meet the following standards:
  - (1) A berm shall have side slopes no steeper than 4:1 (four feet (4') horizontal to one foot (1') vertical), and the top of all berms shall have a level horizontal area of at least four feet (4') in width.
  - (2) The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Planning Commission.
  - (3) The berm shall be designed and graded to blend with existing topography, and shall be appropriately sodded, hydro-seeded or planted with appropriate groundcovers.
  - (4) A mixture of deciduous shade and ornamental trees, evergreen trees and shrubs shall be planted along the entire berm area at a minimum concentration of one (1) tree and two (2) shrubs per each ten lineal feet (10') of berm.



(C) **Evergreen screen.** This method shall consist of evergreen trees, with year-round characteristics that meet the screening objectives of this Article, planted ten to fifteen feet (10' – 15') apart in a minimum of two (2) staggered rows ten to fifteen feet (10' – 15') apart.

(D) **Greenbelt buffer strip.** A buffer strip may be required, particularly where the adjacent uses (including uses that are adjacent across a street right-of-way) are residential in character or less intense than the use of the subject site. A required greenbelt buffer strip shall include the following:

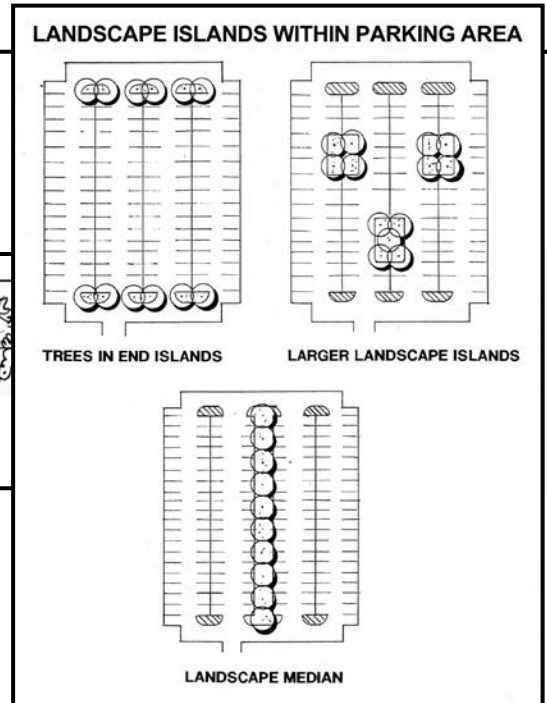
- (1) Greenbelts shall have a minimum width of six feet (6'), with a preferred width of ten feet (10'), and shall contain appropriate grasses, groundcovers and mulch as necessary.
- (2) A mixture of deciduous shade and evergreen trees and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and two (2) shrubs per each twenty lineal feet (20') of street frontage or length along a property line. Additional trees may be substituted for the required shrubs at the rate of one (1) tree per four (4) shrubs.



(E) **Hedgerow.** To provide a low screen to block headlight glare, screen parked vehicles from street rights-of-way, or other circumstances where ground-level screening is necessary to obscure a portion of a site without inhibiting visibility or light, the Planning Commission may require use of a continuous hedgerow consisting of twenty-four inch to thirty-six inch (24" - 36") high shrubs planted and maintained as a continuous visual screen, with full maturity within one full planting season, with the maximum permitted spacing to be determined by the type of shrub proposed.



(F) **Masonry wall.** Where required, a masonry wall shall be solid and decorative in nature, and at least two feet (2') and no more than six feet (6') in height above grade. Such walls shall be capped, and constructed of masonry (brick, stone, or decorative block) materials that complement the primary building materials.



## Section 9.05 Standards for Specific Areas

The following standards are intended to address the specific landscaping, screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Article:

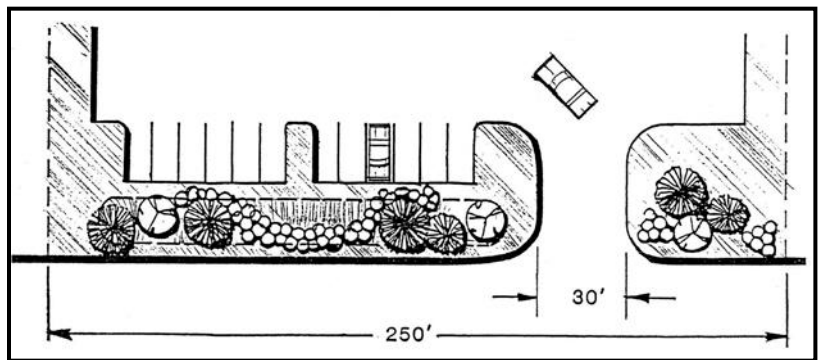
(A) **Parking lots.** Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:

- (1) All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.

- (2) The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
- (3) Planting islands shall have a minimum width of ten feet (10') and a minimum area of one hundred sixty (160) square feet. A minimum of one (1) deciduous shade tree shall be provided for each eighty (80) square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.
- (4) Planting islands shall be provided with an automatic underground irrigation system, unless an alternate form of irrigation is approved by the Planning Commission.

- (B) **Island turnarounds.** Where cul-de-sac or other dead-end streets are planned within a development, adequate provision shall be made for landscape and maintenance of turnaround islands, including type, size, location and number of plantings, when the work will be completed, how the landscaping will be maintained, and who will be responsible for long-term maintenance.
- (C) **Waste receptacle screening.** Waste receptacles shall be screened to the satisfaction of the Planning Commission in accordance with [Section 9.04](#) (Methods of Screening and Buffering). Where the enclosure is required by the Commission, a steel-reinforced, lockable wooden gate shall be provided to secure the enclosure.
- (D) **Utility, mechanical equipment and service area screening.** Loading areas, storage areas and service areas, public utility and essential service uses and structures, ground-equipment shelters for wireless communications facilities, ground-mounted transformers and HVAC units, electric sub-stations, gas regulator stations and similar facilities shall be screened from the street right-of-way adjacent properties in accordance with [Section 9.04](#) (Methods of Screening and Buffering).
- (E) **Street yard landscaping.** Street yard areas, including the area between the street pavement edge and the street right-of-way line plus any required front yard setback area, shall be landscaped in a manner that enhances the visual character of Village streets and minimizes adverse impacts of vehicular traffic on adjacent uses.

- (1) **Street trees.** Street tree plantings shall consist of deciduous shade trees planted in one (1) or more rows at regular intervals, or in informal groupings, along the margins of street rights-of-way, in an amount equal to a minimum of one (1) street tree per forty linear feet (40'), as measured along the street right-of-way line.



- (2) **Front yard setback area plantings.** Where a front yard setback is required by this Ordinance, the Planning Commission may require a berm, greenbelt or other landscaping materials within the front yard setback in accordance with the screening or buffering objectives of this Article.

- (F) Detention and retention basin landscaping.** Where a detention or retention basin, or similar stormwater management facility is required, landscaping shall be provided that shall comply with the following:
- (1)** To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free-form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
  - (2)** Plantings shall replicate a natural environment. Deciduous shade and ornamental trees, shrubs, perennials, grasses and other groundcover shall be clustered around the basin to achieve a variety of plant materials. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
  - (3)** Trees shall be planted above the freeCouncil line of the basin. Any plantings proposed below the freeCouncil line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.
  - (4)** Basins may be planted with a mixture of groundcover plantings native to south Michigan, such as native grasses or wildflowers, provided that such plantings present a finished appearance with minimal maintenance.
  - (5)** Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative in nature and subject to Planning Commission approval.
- (G) Special approval land uses.** Where deemed necessary by the Planning Commission, special approval land uses shall be screened or buffered in a manner that separates the use from the street right-of-way, the view of the general public or adjacent residential areas.

## **Section 9.06 Landscape Material Standards**

- (A) General Standards.** The following shall apply to all plant materials:
- (1)** All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI)
  - (2)** All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Village.
  - (3)** All plant material shall be nursery grown, hardy to the climate of southern Michigan, appropriate for the soil, climatic and environmental conditions, long lived, resistant to disease and insect attack.
  - (4)** Artificial plant material shall be prohibited.
  - (5)** Landscaping shall not conflict with utilities and fire hydrant locations, visibility for motorists, and clearance for pedestrians.
  - (6)** Where pavement and landscape areas interface adequate measures shall be taken to protect plants from vehicle encroachment.

**(B) Groundcovers.** The following shall apply to all groundcover materials:

- (1) Lawn areas shall be planted in species of grass normally grown as permanent lawns in south Michigan. Grass may be sodded or hydro-seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
- (2) The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance that is reasonably complete after one complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.
- (3) Stone and synthetic materials shall not be used as a groundcover.

**(C) Mulch.** Planting beds shall present a finished appearance, with shredded hardwood bark mulch or similar natural material at a minimum depth of three inches (3"). Mulch used around trees and shrubs shall be a minimum of four inches (4") deep, and shall be pulled one inch (1") away from tree trunks. Pine bark mulch shall be prohibited. An effective edge treatment must be provided to contain and prevent migration of the mulch.

**(D) Topsoil.** A minimum four inches (4") of topsoil shall be provided for all lawn areas, ground covers and planting beds.

**(E) Existing vegetation.** Existing vegetation to be preserved shall be protected during construction through the use of temporary snow fencing and stakes around the drip line. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

**(F) Size and variety of plant materials.** To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any one plant species, and shall comply with the following schedule from minimal starting sizes.

LANDSCAPING MATERIALS	MINIMUM SIZE AT INSTALLATION
<b>Deciduous Shade Trees</b>	3 - 3½ caliper-inches diameter
<b>Evergreen Trees</b>	8.0 feet overall height
<b>Deciduous Ornamental Trees</b>	2.0 caliper-inches diameter or 6 feet overall height
<b>Shrubs</b>	24 inches in height or spread (B & B)
<b>Vines</b>	30 inches in length

**(G) Prohibited Plant Materials.** The following trees, because of various problems, are not considered desirable plant materials, except where such trees are associated with an appropriate wetland or other ecosystem, where removal of existing trees would result in a substantial loss of screening or buffering for adjacent uses or street rights- of-way, or where noted below:

SPECIES	COMMON NAME
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus x	Ash varieties

- (H) Installation.** All landscaping shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved landscape plan, and the following:
- (I) Deadline for installation.** Required plant materials shall be planted within three hundred sixty five (365) days of final site plan approval, or one hundred eighty (180) days from the date of issuance of a certificate of occupancy.
- (J) Performance guarantee.** If it is determined that the landscape materials would be jeopardized by weather conditions, the Zoning Administrator may require a performance guarantee to cover the cost and ensure the installation of required landscaping by the end of the next planting season. An inspection of plant materials shall be conducted by the Zoning Administrator before a performance guarantee may be released.
- (K) Deviations from approved plan.** Deviations in quantity, type, size and location of plant materials from the approved landscape plan shall be subject to Planning Commission review and approval.

## Section 9.07 Maintenance

All landscaping materials shall be maintained in accordance with the approved landscape plan, and the following:

- (A) Landscape maintenance procedures and frequencies to be followed shall be specified on the landscape plan, along with the manner in which the effectiveness, health and intended functions of the various landscape areas on the site will be ensured.
- (B) Landscaping shall be kept in a neat, orderly and healthy growing condition, free from debris and refuse. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
- (C) Pruning shall be minimal at the time of installation, only to remove dead or diseased branches. Subsequent pruning shall assure proper maturation of plants to achieve their approved purpose.
- (D) All dead or diseased plant materials shall be removed and replaced with the same number, size and species of materials within thirty (30) days of written notice from the Village, or by the end of the next planting season if it is determined by the Village that the new materials would be jeopardized by weather conditions.
- (E) The approved landscape plan shall be considered a permanent record and integral part of the approved site plan. Any replacement or removal of plant materials that is not in accordance with the approved landscape plan shall be a violation of this Ordinance.
- (F) Adequate provisions shall be made to supply water to all landscape areas on a regular schedule.

## Section 9.08 Exceptions and Alternatives

- (A) **Alternative designs or materials.** The Planning Commission shall have the authority to modify the standards of this Article, provided that the alternative is determined to be in accordance with the purpose and objectives of this Article.
- (B) **Existing sites.** Where an existing building is undergoing redevelopment, improvement, a change in use, or expansion, the Planning Commission may require landscaping, screening and buffering improvements in accordance with the purpose and objectives of this Article, provided that any required improvements shall be in reasonable proportion to the size and configuration of the site, and the scale of proposed building improvements, expansions or other site improvements.



# Article 10 Reserved

# Article 11 Signs

## Section 11.01 Purpose

This section is intended to protect and further the health, safety, and welfare of the residents of the Village of Quincy; to maintain and improve the appearance of the Village; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, but are not intended to serve as a means of advertising.

## Section 11.02 Sign Definitions

- (A) **Awning:** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- (B) **Awning sign:** A sign affixed flat against the surface of an awning.
- (C) **Banner sign:** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- (D) **Billboard:** A sign regulated by the Highway Advertising Act, Public Act 106 of 1972.
- (E) **Construction Sign:** A sign located on a lot that is an active construction site.
- (F) **Directional Sign:** A sign located in a manner that directs the message of the sign specifically to persons who are navigating into or within the site itself.
- (G) **Freestanding Sign:** A sign supported on the ground not attached to a building or wall.
- (H) **Government Sign:** A temporary or permanent sign erected by the Village of Quincy, Branch County, or the State or federal government.
- (I) **Marquee:** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- (J) **Marquee Sign:** A sign affixed flat against the surface of a marquee.
- (K) **Mural:** A design or representation painted or drawn on a wall which does not meet the definition of "sign" in this ordinance.
- (L) **Portable sign:** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- (M) **Premises.** A lot as otherwise defined in this Ordinance.
- (N) **Roof Line:** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- (O) **Sandwich Board Sign:** A temporary sign that is not designed to be permanently affixed to the ground or a building, consisting of two faces attached at the top and spreading out in an "A" frame triangular pattern towards the ground.

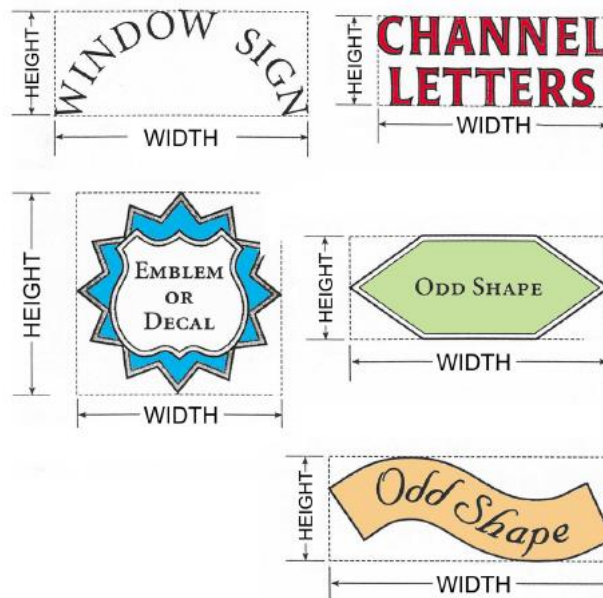
**(P) Sign:** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.

**(1) Sign Area:** The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle. Back-to-back sign faces shall be counted as one sign face for the purposes of measurement.

**(Q) Temporary sign.** A sign not constructed or intended for long-term use.

**(R) Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.

**(S) Window Sign:** A sign installed inside a window and intended to be viewed from the outside.



Computation of Sign Area

## Section 11.03 Sign Permits

- (A) Permits.** It shall be unlawful for any person to erect, alter, or structurally change a sign or other advertising structure, unless the type of sign is specifically listed in [Section 11.04](#), without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the Village Council .
- (B) Applications.** Application for a sign permit shall be made upon forms provided by the Zoning Administrator. The following information shall be required:
- (1) Name, address, and telephone number of the applicant.
  - (2) Location of the building, structure, or lot on which the sign is to be attached or erected.
  - (3) Position of the sign in relation to nearby buildings, structures, and property lines.
  - (4) Plans showing the dimension, lettering style, color, materials, method of construction, method of illumination, and method of attachment to the building or in the ground.
  - (5) Written consent of the owner and/or lessee of the premises upon which the sign is to be erected.
  - (6) Other information required by the Zoning Administrator to make a determination that the sign is in compliance with applicable laws and regulations.
- (C) Review of Application.**
- (1) **Planning Commission Review.** Sign permit applications in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as part of the required site plan review. Proposed signs must be shown on the site plan.
  - (2) **Zoning Administrator Review.** The Zoning Administrator shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
- (D) Removal Agreement or Bond.** The Planning Commission or Zoning Administrator may require a performance guarantee to guarantee the future removal of a sign.
- (E) Permit Issuance.** Following a review of a sign application by the Planning Commission or the Zoning Administrator as appropriate, the Zoning Administrator shall have the authority to issue a sign permit
- (F) Exceptions.** A new permit shall not be required for changing the message of a previously-approved sign without altering the size or shape of the sign and without adding electronic capability. Permits shall also not be required for the cleaning or maintenance of a sign, nor for the types of signs listed in [Section 11.04](#).

## Section 11.04 Signs Not Requiring a Permit

The signs listed below may be erected without a permit, provided that the standards listed are met. In order to erect a sign listed below that does not comply with the listed standards, a property owner must obtain a modification approval from the Planning Commission (see [Section 11.08](#)) and a sign permit (see [Section 11.03](#)).

- (A) Signs under two square feet, provided that:**
- (1) Not more than two be located on any lot in an R-1, R-2, or R-3 district.
  - (2) Not more than five be located on any lot in a C, CBD, or I district.
- (B) Construction signs, subject to the following requirements:**
- (1) There shall be only one such sign per development project;

- (2) The maximum height shall be six feet.
  - (3) The maximum area shall be 16 square feet.
  - (4) The sign shall be removed within fourteen (14) days of the date an occupancy permit is issued.
- (C) Flags, up to three per premises. Additional flags must receive a permit to be installed and will count towards to maximum square footage of allowable signage on a premises.
- (D) Temporary Signage in the R-1, R-2, and R-3 districts, subject to the following requirements:
- (1) No more than two signs are permitted per public street frontage of the premises.
  - (2) The maximum height shall be six feet.
  - (3) The maximum area of each sign shall be 16 square feet.
  - (4) Signage must be kept in good condition, in the opinion of the Zoning Administrator.
  - (5) Signage must be located on private property, and not within the public right-of-way. Signage may not be placed on any property without the consent of the property owner.
  - (6) Signage in place for more than six months must meet the standards for a permitted permanent sign and must obtain a permit. The Zoning Administrator may waive this requirement for premises that are being actively marketed for sale or for lease.
- (E) Premises in the C, CBD, and I districts that contain land, buildings, or space that is being actively marketed for sale or lease may contain up to 16 square feet of additional signage beyond that permitted in this Ordinance. This signage must be removed when the land, building, or space has been sold or leased.
- (F) Regulatory, directional and street signs erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual.
- (G) Signs located on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or lawfully parked upon any other premises where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign or signs or any one advertiser does not exceed one (1).
- (H) Murals. However, an artist wishing to paint a mural must inform the Village and show the design the Zoning Administrator. The Zoning Administrator may determine that a mural meets the definition of “sign” and is therefore required to obtain a sign permit. The Zoning Administrator may also refer a proposed mural to the Planning Commission for design approval based on the character of the surrounding area.

## Section 11.05 Prohibited Signs

The following signs are prohibited in all zoning districts:

- (A) Signs which obstruct free access or egress from any building.
- (B) Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals.
- (C) Signs which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area
- (D) Signs having moving members or parts or spinners, or using high intensity or flashing lights.
- (E) Non-regulatory signs placed in any public right-of-way, including those attached to a utility pole or affixed to a tree in a public right-of-way, excepting awning and projecting signs that are attached to buildings and project over the sidewalk, and except as permitted in [Section 11.06.D](#).
- (F) Signs that project above the roof line.
- (G) Any sign erected without the consent of the owner of the property.
- (H) Billboards, unless explicitly permitted by MDOT.
- (I) Signs that make noises of any type.
- (J) Signs that block the view of other signs, in the opinion of the Zoning Administrator.

## Section 11.06 Temporary and Portable Signs

The following types of temporary and portable signs shall be permitted in the Village. Property owners must receive a permit as described in [Section 11.03](#) prior to the erection of any temporary sign, and must follow all applicable requirements as described below.

- (A) **Sandwich Board Signs.** Portable sandwich board signs shall be permitted in the CBD and C districts under the following circumstances:
  - (1) There shall be only one sign at each customer entrance.
  - (2) Each sign shall be placed outside only during the hours when the business is open to the general public and shall be stored indoors at all other times. Signs must also be kept indoors if more than two inches of snow are covering the sidewalk in front of the business.
  - (3) Each sign shall be placed in a manner which provides five feet of free passage for pedestrians and is safe for and does not interfere with normal pedestrian or automobile traffic.
  - (4) Each sign shall not exceed an area of twelve square feet, an overall height of 48 inches, and an overall width of 36 inches.
  - (5) All sign frames shall be constructed of a weatherproof material and shall be kept in good repair.
- (B) **Temporary Signs.** Temporary banners, freestanding signs, and non-permanently affixed wall signs shall be permitted under the following circumstances:
  - (1) Temporary signage in the CBD, C, and I districts may not be displayed for more than 30 consecutive days, except as authorized by [Section 11.04.E](#).

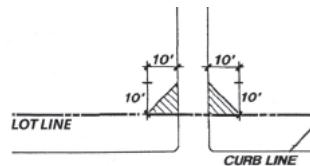
- (2) Temporary signage in in the CBD, C, and I shall not exceed 16 square feet in area.
- (C) **Temporary Window Signs.** Temporary window signs must meet the same standards as window signs that are designed to be permanent (see [Section 11.07.B.5](#)).
- (D) **Temporary Signage in the Right-of-Way:** The Village may, at the discretion of the Zoning Administrator, allow temporary signage in the public right-of-way under the following circumstances:
  - (1) A permit must be obtained for the placement of the sign, as described in [Section 11.03](#).
  - (2) The sign may not be in place for more than 48 hours.
  - (3) The sign may not be located in any of the following places:
    - (a) Affixed to a utility pole.
    - (b) Affixed to a permanent sign.
    - (c) In any location that, in the opinion of the Zoning Administrator, causes a hazard to automobile or pedestrian traffic.

## Section 11.07 Permitted Signs by Zoning District

### (A) Signs Permitted in R-1, R-2, and R-3 Districts.

- (1) **Non-Residential Uses.** Non-Residential Uses in Residential Districts, such as churches, schools, and other institutions, as well as all Legal Non-Conforming Uses, shall be subject to the standards for the CBD, C, and I districts, in [Section 11.07.B](#), except with regard to Illumination and Electronic Messaging, for which the standards of [Section 11.07.A.2](#) shall apply.
- (2) Illumination and Electronic Messaging.
  - (a) Electronic message signs are prohibited on all premises in the R-1, R-2, and R-3 districts, regardless of the use of the premises.
  - (b) Interior and exterior illumination are permitted for non-residential uses in the R-1, R-2, and R-3 districts. Light levels from illuminated signs must reach 0.0 footcandles at all property lines.
  - (c) Signs on premises used for residential purposes may not be illuminated.
- (3) **Wall Signs.** Wall signs are only permitted in residential districts under the following circumstances:
  - (a) Signs under two square feet in area as listed in [Section 11.04.A](#).
  - (b) One sign per lot, not to exceed two square feet, on a lot containing an approved Home Occupation. A lot containing a Home Occupation may have a wall sign or a freestanding sign, but not both.
  - (c) Signs on the exterior of buildings with more than two residential units. These signs shall meet the standards for wall signs in [Section 11.07.B.1](#).
- (4) **Freestanding Signs.** Freestanding signs are only permitted in residential districts under the following circumstances:

- (a) One sign per vehicle entrance of residential developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, mobile home parks and similar uses, subject to the following standards:
  - (i) Has a maximum height of six feet, except if it is integrally designed as part of an ornamental wall and the wall meets all applicable standards of this ordinance.
  - (ii) Does not exceed 24 square feet in area
  - (iii) The sign may be illuminated, but light levels from the sign must reach 0.0 footcandles at all property lines abutting a lot used for residential purposes.
  - (iv) All signs must have at least two legs or a continuous base at least 75% of the width of the sign. Pole signs are prohibited.
- (b) One sign per lot, not to exceed two square feet, on a lot containing an approved Home Occupation. A lot containing a Home Occupation may have a wall sign or a freestanding sign, but not both.
- (c) All freestanding signs must be set back at least four feet from all lot lines.
- (d) All freestanding signs must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs may not be located within a triangle formed by two points, each 10 feet away from the intersection, and the line connecting them, as displayed below:



**(B) Signs Permitted in the CBD, C, and I Districts.**

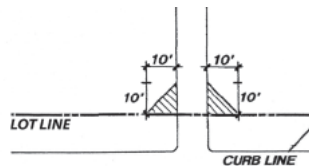
**(1) Wall Signs.** Wall signs in the C, CBD, and I Districts are subject to the following standards:

- (a) Each business with a storefront is permitted 1 square foot of wall signage for every linear foot of street frontage, up to 30 square feet in the CBD district and up to 100 square feet in C and I districts.
  - (i) Where multiple businesses share one building or lot, the street frontage of each business shall be calculated separately based on the width of the individual storefronts.
  - (ii) Where a business has storefronts on multiple frontages, the permitted wall signage shall be calculated separately for each frontage.
- (b) Upper-floor businesses in buildings with storefronts are permitted up to five square feet of wall signage above or near the entranceway that serves the businesses. Businesses that share an entranceway must share the signage. Upper floor businesses in the CBD district are also permitted to have a projecting sign (see [Section 11.07.B.4](#)).
- (c) Commercial or industrial buildings with no storefronts shall be permitted 1 square foot of signage for each linear foot of building frontage, up to 100 square feet. This signage may include the name of the building or the names of tenants. Signage must be divided equitably among the tenants. Sign permits for buildings of this type must be requested by the owner of the building, not individual tenants. All tenants must approve the design of the signage, and this approval must be submitted to the Village prior to the issuance of a sign permit.



- (d) The width of any wall sign may not exceed 90% of the width of the façade it is attached to.
  - (e) Wall Signs may be located on any building façade that faces a public road or alley or a public or private parking lot.
  - (f) There shall be no limit on the number of wall signs permitted on a premises, provided that the relevant square footage standards are met.
  - (g) **Illumination.** Wall signs in the C, CBD, and I districts may be internally or externally illuminated.
  - (h) **Electronic Messaging.** Wall signs in the C, CBD, and I districts may include electronic messaging, provided that the following standards are met.
    - (i) The maximum area of an electronic sign shall be half of the permitted square footage of wall signage for a business or premises.
    - (ii) Copy change shall be no more frequent than once per 30 seconds.
    - (iii) Glare shall be reduced and/or minimized in such a manner as to maintain an appropriate level of contrast during the day. To reduce driver distraction at night and light trespass into residential areas, an automatic dimmer shall be installed to control brightness. The maximum brightness of the sign shall not exceed 10,000 NITs. At night, the sign shall be set to no more than 50% of its maximum brightness.
    - (iv) Motion, Animation and Video: Video display, animation, scrolling text, flashing, whirling, fading, dissolving transitions, or any other type of motion are prohibited.
- (2) **Awning/Marquee Signs.** An awning or marquee sign may be used in place of a wall sign for any ground-floor business, provided that the following standards are met.
- (a) The awning shall not extend more than six feet over the public right-of-way.
  - (b) The awning shall have a minimum ground clearance of eight feet.
  - (c) Signage may not exceed 70% of the face area of the awning or 90% of the face of a marquee.
  - (d) Awnings may be externally illuminated, but back-lit or internally illuminated awnings are prohibited. Awnings may not contain electronic messaging.
- (3) **Freestanding Signs.** Freestanding signs in the C, CBD, and I Districts are subject to the following standards:
- (a) Maximum height of six feet.
  - (b) Does not exceed 40 square feet in area.
  - (c) All signs must have at least two legs or a continuous base at least 75% of the width of the sign. Pole signs are prohibited.
  - (d) **Illumination.** Freestanding signs in the C, CBD, and I districts may be internally or externally illuminated.
  - (e) **Electronic Messaging.** Freestanding signs in the C, CBD, and I districts may include electronic messaging, provided that the following standards are met.
    - (i) Copy change shall be no more frequent than once per 30 seconds.

- (ii) Glare shall be reduced and/or minimized in such a manner as to maintain an appropriate level of contrast during the day. To reduce driver distraction at night and light trespass into residential areas, an automatic dimmer shall be installed to control brightness. The maximum brightness of the sign shall not exceed 10,000 NITs. At night, the sign shall be set to 50% of its maximum brightness.
- (iii) Motion, Animation and Video: Video display, animation, scrolling text, flashing, whirling, fading, dissolving transitions, or any other type of motion are prohibited.
- (f) All freestanding signs must be set back at least four feet from all lot lines.
- (g) All freestanding signs must allow clear corner vision for all street intersections and driveway entrances. Freestanding signs may not be located within a triangle formed by two points, each 10 feet away from the intersection, and the line connecting them, as displayed below:



- (h) Freestanding signs for premises with multiple tenants must be proposed by the owner of the premises, not individual tenants. All tenants on the premises must approve the design of the sign, and that approval must be presented to the Village prior to the issuance of a sign permit.
  - (i) **Directional Signs.** No more than one directional sign shall be permitted per approved driveway, with a maximum sign area of four square feet per sign, and a maximum height of four feet. Directional signs may be internally or externally illuminated, but may not contain electronic messaging.
- (4) **Projecting Signs.** Projecting signs are permitted in the CBD district only and must meet the following standards:
- (a) The sign shall not extend more than six feet over the public right-of-way.
  - (b) The sign shall have a minimum ground clearance of eight feet.
  - (c) The maximum area of each face of the sign shall be 16 square feet.
  - (d) The opposite faces of the sign may not be separated by more than six inches.
  - (e) Each business may have only one projecting sign. A projecting sign may be installed in addition to any other signage.
  - (f) Businesses that share an entrance may only install a single projecting sign over that entrance. The Village will verify that all businesses using the entrance in question have agreed to the design of the sign prior to the issuance of the sign permit.
- (5) **Window Signs.** Window signs in the C, CBD, and I Districts are subject to the following standards.
- (a) Signage may not cover more than 25% of any window.
  - (b) Window signs may be internally illuminated, but may not contain any electronic messaging, flashing, or appearance of movement.

### **Section 11.08 Modifications/Waivers**

The Planning Commission, after a Public Hearing meeting the requirements of the State of Michigan, shall have the ability to waive or modify any of the above standards, provided that the following criteria are met:

- (A) The applicant provides all requested information and pays all applicable application and review fees, to be determined by the Village Council .
- (B) The proposed sign does not endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.
- (C) The design of the sign is consistent with character of the surrounding area.
- (D) The sign does not block the view of other nearby signs to the extent that it would harm the ability of neighboring businesses to operate.
- (E) The sign will not be a nuisance to any residential uses.
- (F) A sign designed to meet the standards of the Ordinance would not adequately serve the purpose desired by the applicant.

### **Section 11.09 Nonconformities**

A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this section, except that a non-conforming sign shall not be structurally altered or repaired so as to prolong its life or so as to change its shape, size, type or design unless such change shall make the sign conforming; nor shall a non-conforming sign shall not be replaced by another non-conforming sign.

# Article 12 Performance Standards

## Section 12.01 Intent and Scope of Application

- (A) **Intent.** The purpose of this Article is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health, safety, and welfare.
- (B) **Scope of Application.** After the effective date of this Ordinance, no structure or tract of land shall hereafter be used, created or occupied, and no structure, or part thereof, shall be **erected**, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this Article. No site plan or other land use or **development** application shall be approved unless evidence is presented to indicate conformity with the requirements of this Article.
- (C) **Submission of Additional Data.** Nothing in this Article shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Zoning Board of Appeals may waive or modify the regulations set forth in this Article, provided that the ZBA finds that no harm to the public health, safety, and welfare will result and that the intent of this Ordinance will be upheld.

## Section 12.02 Performance Standards

No activity, operation or use of land, **buildings**, or equipment shall be permitted if such activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this Section.

- (A) **Noise.** No new or substantially modified structure shall only be approved for construction if the owner or developer of such land demonstrates that the completed structure and the activities associated with and on the same property as the structure will comply with the noise limits established in the **Noise and Public Nuisance Ordinance** at the time of initial full-scale operation of such activities.
- (B) **Surface Water Flow.** No site plan review application and no proposal for division of land shall be approved if subsequent **development** within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded **easement**, unless evidence of a feasible alternate method of drainage is presented and approved by the Village Engineer and County Drain Commissioner, as appropriate.
- (C) **Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.** Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.
- (1) The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.
  - (2) Residential wood stoves, wood-burning fireplaces, personal campfires, and personal grills/barbecues shall be exempt from this section.
- (D) **Odor.** Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or **animal** life. Residential wood stoves, wood-burning fireplaces, personal campfires, and personal grills/barbecues shall be exempt from this section.

- (E) **Glare and Heat.** Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (1/2) of one (1) foot candle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- (F) **Impacts from Other Activities.** Upon request, property owners shall provide the Village with evidence of compliance with relevant county, state and federal laws, ordinances, rules and regulations related to any of the following activities. Single family residences shall be exempt from this section.
- (1) Storage and handling of flammable liquids, liquefied petroleum, and explosives.
  - (2) Use of above or below ground storage tanks to contain flammable or toxic material.
  - (3) The storage, use, or manufacture of detonable material.
  - (4) Emission of gasses that could be injurious or destructive to life or property.
  - (5) Use of electronic equipment in an industrial, commercial, residential or other operation.
  - (6) Use of radioactive material and production of radioactive waste.
  - (7) Use of solar panels or wood burners.
  - (8) Wind-powered generators.
- (G) **Construction Hours.** The erection, excavation, demolition, construction, alteration, or repair or any **Building** or structure shall only be permitted between the hours of 7 AM and 8 PM. The following activities shall be exempt from this section.
- (1) Minor construction, alteration, or repair activity which does not create a loud noise or noise which annoys, disturbs, injures, or unreasonably impairs the comfort, repose, healthy, peace, or safety of others.
  - (2) Construction that is necessary in the interest of public health and safety.

### Section 12.03 Procedures for Determining Compliance

In the event that the Village receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Article, the following procedures shall be used to investigate, and if necessary, resolve the violation:

- (A) **Official Investigation.** Upon receipt of evidence of possible violation, the Zoning Administrator shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator may initiate an official investigation in order to make such a determination.
- (1) Upon initiation of an official investigation, the Zoning Administrator is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use and/or deny or cancel any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

- (a) Plans of the existing or proposed facilities, including **Buildings** and equipment.
- (b) A description of the existing or proposed machinery, processes, and products.
- (c) Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Article.
- (d) Measurement of the amount or rate of emissions of the material purported to be in violation.

**(B) Method and Cost of Determination.**

- (1) The Zoning Administrator shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Zoning Administrator equipment and personnel normally available to the Village without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and equipment or instruments shall be secured in order to make the required determination.
- (2) If the alleged violation is found to exist, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then the costs of this determination shall be paid by the Village.

**(C) Appropriate Remedies.** If, after appropriate investigation, the Zoning Administrator determines that a violation does exist, the Zoning Administrator shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. The owners or operators of the facility deemed responsible shall be given written notice of the violation. The Zoning Administrator shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:

- (1) **Correction of Violation within Time Limit.** If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Zoning Administrator shall note "Violation Corrected" on the Village's copy of the notice, and the notice shall be retained on file. If necessary, the Zoning Administrator may take other action as may be warranted by the circumstances of the case, pursuant to the regulations in this and other ordinances.
- (2) **Violation Not Corrected and No Reply from Owner or Operator.** If there is no reply from the owner or operator within the specified time limits, and the alleged violation is not corrected in accordance with the regulations set forth in this Article, then the Zoning Administrator shall take such action as may be warranted to correct the violation, as specified in [Section 19.14](#), Violations and Penalties.
- (3) **Reply Requesting Extension of Time.** If a reply is received within the specified time limit indicating that an alleged violation will be corrected in accordance with the regulations set forth in the Zoning Ordinance, but that more time is required than was granted by the original notice, the Zoning Administrator may grant an extension if:
  - (a) The Zoning Administrator deems that such extension is warranted because of the circumstances in the case, and
  - (b) The Zoning Administrator determines that such extension will not cause imminent peril to life, health, or property.
- (4) **Reply Requesting Technical Determination.** If a reply received within the specified time limit requests further review and technical analysis even though the alleged violations continue, then the Zoning Administrator may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

# Article 13 Reserved

# Article 14 Administration

## Section 14.01 Overview

(A) The Village Council or its duly authorized representative as specified in this Article is hereby charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following Village entities:

- (1) Village Council
- (2) Village [Planning Commission](#)
- (3) [Zoning Board of Appeals](#)
- (4) Zoning [Enforcement Officials](#), including the Zoning Administrator.

(B) The purpose of this article of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

## Section 14.02 Village Council

The Village Council shall have the responsibilities granted to it by the Michigan Planning Enabling Act (Public Act 33 of 2008, as Amended) and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as Amended), as well as the powers explicitly granted to it in this Ordinance.

(A) **Setting of Fees.** By resolution, the Village Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance.

(B) **Approvals.** The Village Council shall have the responsibilities granted to it by the Michigan Planning Enabling Act (Public Act 33 of 2008, as Amended), the Michigan Land Division Act (Public Act 288 of 1967, As Amended), and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as Amended), as well as the powers explicitly granted to it in this Ordinance, including the following:

- (1) Approval of Zoning Amendments (Text and Map), including Conditional Rezoning. (See [Article 17](#))
- (2) Approval of Site Condominiums (see [Article 18](#))
- (3) Approval of Planned Unit Developments (see [Article 19](#))

## Section 14.03 Joint Planning Commission

The Joint Planning Commission (or a Planning Commission created solely for the Village of Quincy, if the Joint Planning Commission is dissolved) shall have the following responsibilities and authority pursuant to this Ordinance.

(A) **Creation.** The Joint [Planning Commission](#) was created pursuant to Michigan Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act, and Village Ordinance. The [Planning Commission](#) will continue to operate under the jurisdiction of those Acts.

(B) **Membership and Operation.** Members of the [Planning Commission](#) shall be appointed by the Village Council. The qualifications of members, the term of each member, [filling](#) of vacancies, removal of members, compensation of members, and operation of the [Planning Commission](#) shall be in accordance with Michigan Public Act 33 of 2008, as amended, and Village Ordinance.

- (1) The [Planning Commission](#) by resolution shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the secretary, or by the chairperson. The [Planning Commission](#) shall adopt by-laws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

(C) **Jurisdiction.** The [Planning Commission](#) shall have the responsibilities granted to it by the Michigan Planning Enabling Act (Public Act 33 of 2008, as Amended), the Michigan Land Division Act (Public Act 288 of 1967, As Amended), and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as Amended), as well as the powers explicitly granted to it in this Ordinance, including the following:



- (1) Site Plan Approval (See [Article 15](#))
- (2) Special Use Approval (See [Article 16](#))
- (3) Recommendations to the Village Council for the approval of Zoning Amendments (Text and Map), including Conditional Rezoning. (See [Article 17](#))
- (4) Recommendations to the Village Council for the approval of Site Condominiums (see [Article 18](#))
- (5) Recommendations to the Village Council for the approval of Planned Unit Developments (see [Article 19](#))

## Section 14.04 Zoning Board of Appeals

The Village [Zoning Board of Appeals](#) (hereinafter referred to as "ZBA") is created pursuant to Michigan Public Act 110 of 2006, as amended.

- (A) Membership and Operation.** The [ZBA](#) shall consist of five (5) members who shall be appointed in accordance with Section 601(3) of Michigan Public Act 110 of 2006, as amended, as follows:
- (1) The first member shall be a member of the [Planning Commission](#), as appointed by the Village Council .
  - (2) The remaining members (including any alternate members) shall be electors of the Village residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Village.
  - (3) Of the remaining members, one shall be a member of the Village Council .
  - (4) No employee or contractor of the Village may be a member or employee of the Board of Appeals. No Village Council member may serve as chairman of the Board of Appeals.
  - (5) The qualifications of members, the term of each member, [filling](#) of vacancies, compensation of members, and operation of the [ZBA](#) shall be in accordance with Michigan Public Act 110 of 2006, as amended. The [ZBA](#) shall not conduct business unless a majority of the members of the Board are present.
  - (6) The Village Council may appoint up to 2 alternate members for the same term as regular members to the [ZBA](#). An alternate member may be called to serve as a member of the [ZBA](#) in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the [ZBA](#).
- (B) Meetings.** Meetings of the [ZBA](#) shall be held in accordance with an adopted schedule, or at the call of the Chairperson, or at such other times as the [ZBA](#) may specify in its bylaws. The [ZBA](#) shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Village Clerk.
- (C) Jurisdiction.** The Zoning Board of Appeals shall have the responsibilities granted to it by the Michigan Planning Enabling Act (Public Act 33 of 2008, as Amended), and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as Amended), as well as the powers explicitly granted to it in this Ordinance, including the following:
- (1) Approval of Variances (See [Section 20.01](#))
  - (2) Adjudication of Appeals of Decisions of the Planning Commission and/or Zoning Administrator, where those decisions are appealable under this Ordinance (See [Section 20.02](#))
  - (3) Interpretations of the Meaning of the Zoning Text and/or Map (See [Section 20.02](#))

## Section 14.05 Zoning Administrator

- (A) Overview.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Zoning Administrator or their duly authorized assistants, agents or representatives. In carrying out their designated duties, all such enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of the Ordinance.
- (B) Responsibilities of the Zoning Administrator.** In addition to specific responsibilities outlined elsewhere in this Ordinance, the Zoning Administrator or his/her duly authorized assistants or agents shall have the following responsibilities. The roles of Zoning Administrator shall include:
- (1) Provide citizens and public officials with information relative to this Ordinance and related matters.
  - (2) Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
  - (3) Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
  - (4) Issue appropriate permits upon compliance with provisions of this Ordinance and other applicable ordinances.
  - (5) Perform inspections of [buildings](#), [structures](#), and premises to insure proposed land [use](#) changes or improvements are in compliance with this Ordinance.
  - (6) Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, citations, issuance of orders to stop work, and revoking of permits.
  - (7) Perform other related duties required to administer this Ordinance.
  - (8) Maintain records as accurately as is feasible of all [nonconforming uses](#), [structures](#), and lots existing on the [effective date](#) of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses changes.

# Article 15 Site Plan Review

## Section 15.01 Purpose

The purpose of this Article is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances. Three types of site plans (site plan, sketch plan and administrative review) have been established to ensure that the type and intensity of review and amount of required information is directly proportional to the scale of the project and the intensity of the use. It is the further purpose of this Article to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the Village and the applicant, and facilitate development in accordance with the Village's land use goals, objectives and design guidelines, as stated in the Master Plan.

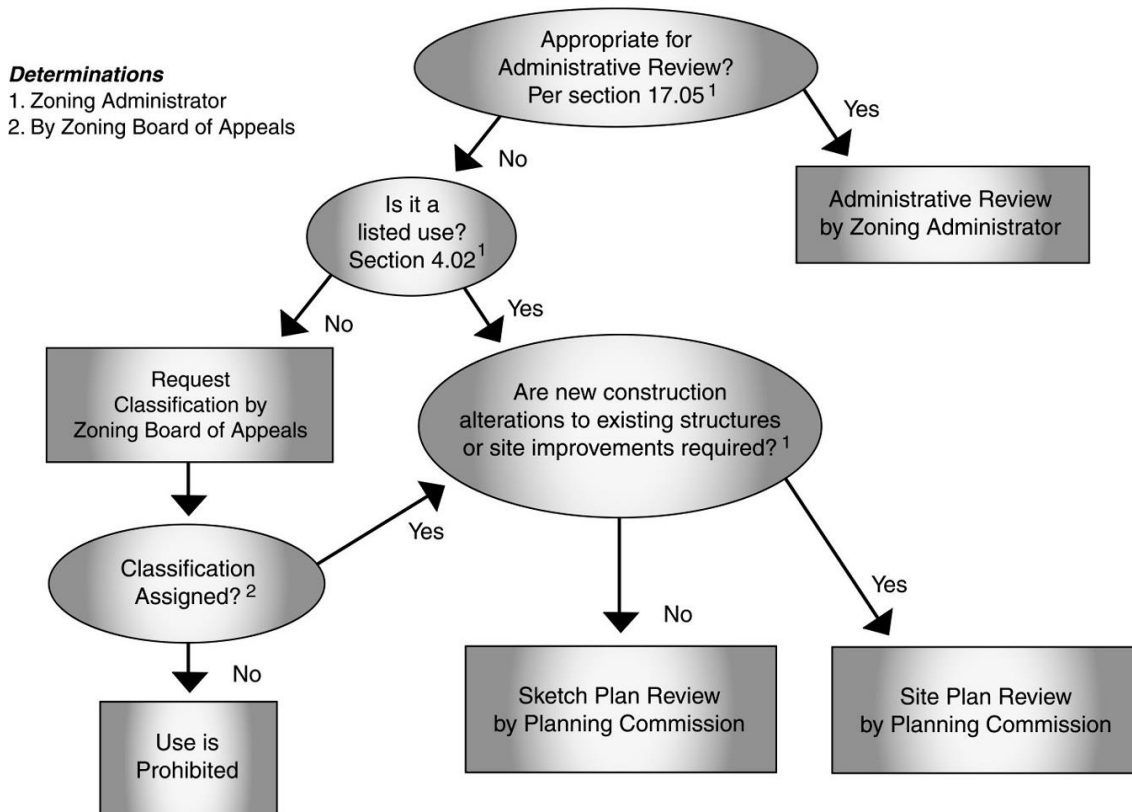
## Section 15.02 Type of Site Plan Review Required

The following activities are exempt from site plan review due to their relatively low level of impact on adjacent land uses, or because compliance with applicable building, fire and zoning regulations can be addressed by other means:

- (A) A single-family dwelling and accessory structures on a single lot, Districts and State Licensed Residential Facilities providing care to 6 persons or fewer for a period of 24 hours a day.
- (B) Accessory farm buildings (such as barns and silos) used in the agricultural operations on a bona-fide farm with farm and agricultural uses less than 50 animal unit equivalent. Farm and agricultural uses involving more than 50 animal unit equivalent shall be subject to site plan review.
- (C) Other accessory structures up to one hundred twenty (120) square-feet in area. Accessory structures over one hundred twenty (120) square-feet in area in these Districts shall be subject to sketch plan review.
- (D) Utility system improvements, and modifications to upgrade a building to improve barrier-free design or comply with the Americans with Disabilities Act or similar regulations.

For all other uses and activities, submission of a site plan shall be required in accordance with the following chart: (see next page)

## Type of Site Plan Review Required



### (E) Types of Plan Review:

- (1) **Site plans.** The most involved process for larger and more intense projects, including most new developments and major expansions.
- (2) **Sketch plans.** Smaller scale projects and expansions or changes in use to existing sites are permitted to provide less detailed information than a full site plan. The level of information is intended to be proportionate to the extent of the change, and adequate to verify compliance with applicable Ordinance standards.
- (3) **Administrative review.** Certain smaller scale projects shall be subject to administrative review and approval in accordance with [Section 15.05](#) (Administrative Review).

### Section 15.03 Informal Review of Conceptual Plans

Applicants are encouraged to meet with the Planning Commission for informal review of conceptual site plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project's compliance with the standards of this Ordinance, and determine the appropriate type of review process. The applicant or Planning Commission may also request input from the County Building Inspector and other Village officials or consultants. Conceptual plans should include, at minimum, the proposed use, building footprint, existing conditions, general site layout and conceptual grading. Conceptual plan review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Village Council resolution.

## Section 15.04 Site Plan and Sketch Plan Review Procedure

Site plans and sketch plans shall be reviewed in accordance with the following:

- (A) Application.** The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan or sketch plan to the Village. Such application shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which review is sought. The site plan or sketch plan shall be prepared in accordance with the provisions of this Article, including all appropriate information required by [Sections 15.09 – 15.12](#) (Required Information). A site plan or sketch plan that does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.
- (1) Technical review.** Prior to Planning Commission consideration, the site or sketch plan and application shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Village consultants for review and comment.
- (2) Planning Commission consideration of the site or sketch plan.** The Planning Commission shall review the site plan or sketch plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of [Section 15.13](#) (Standards for Site Plan Approval). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:
- (a) Postponement.** Upon determination by the Planning Commission that a site plan or sketch plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
- (b) Denial.** Upon determination that a site plan or sketch plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site or sketch plan shall be denied. If a plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Planning Commission to deny approval of the site or sketch plan.
- (c) Approval.** Upon determination that a site plan or sketch plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan or sketch plan shall be approved.
- (d) Approval subject to conditions.** The Planning Commission may approve a site plan or sketch plan, subject to one or more conditions necessary to address minor modifications to the plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.
- (3) Recording of site plan action.** Planning Commission action on the site plan or sketch plan shall be recorded in the Commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the Commission's action. The Secretary shall mark and sign two (2) copies of the site plan "APPROVED" or "DENIED" as appropriate, with the date that action was taken and any conditions of approval. One (1) copy shall be kept on file in the Village, and one (1) shall be returned to the applicant.
- (B) Outside agency permits or approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.

- (1) The site design shown on the construction plans is consistent with the approved site plan, except for changes that do not materially alter the approved site design or address site plan or special approval use conditions of approval.
- (2) All local, county and state requirements that apply to the site or proposed use have been satisfied, and all necessary outside agency permits or approvals have been obtained by the applicant.

## Section 15.05 Administrative Review

The following shall apply to all site plans eligible for administrative review:

- (A) Eligible activities.** The following activities shall be eligible for administrative plan review in accordance with this Article:
- (1) Minor changes during construction due to unanticipated site constraints, or to improve safety, protect natural features or comply with unanticipated requirements of outside agencies.
  - (2) Landscape changes to similar species consistent with the standards of [Article 9](#) (Landscaping, and Screening) that do not reduce the total amount of landscaping on the site.
  - (3) Changes to a structure or site required by the County Building Inspector for safety considerations.
  - (4) Establishment of home occupations specifically listed as a permitted use in [Section 7.02](#) (Home Occupations) of this Ordinance.
  - (5) Bike path, pathway or sidewalk construction or relocation.
  - (6) Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area up to one hundred (100) square-feet on a lot occupied by a residential dwelling.
  - (7) Waste receptacle relocation to a more inconspicuous location or installation of screening around the waste receptacle.
- (B) Application requirements and procedures.** The application requirements and procedures for administrative review shall be the same as for Planning Commission site plan or sketch plan review, as outlined in [Section 15.04](#) (Site Plan and Sketch Plan Review Procedure), except that the Zoning Administrator shall have the authority to approve, approve subject to conditions, or deny the site plan.
- (C) Appeals to the Planning Commission.** The Zoning Administrator or the applicant shall have the option to request Planning Commission consideration of site plans or sketch plans eligible for administrative review. All appeals of administrative review determinations shall be made to the Planning Commission. In such cases, the Planning Commission shall review the site or sketch plan in accordance with the procedures outlined in [Section 15.04](#) (Site Plan Review Procedure).
- (D) Reports to the Planning Commission.** The Zoning Administrator shall periodically make a report to the Planning Commission of all administrative site plan review actions.

## Section 15.06 Approval of Phased Developments

Any proposed plan that includes phased development must submit a site plan to the Planning Commission. The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

- (A) The site design and layout for all phases and outlots be shown on the preliminary site plan to ensure proper development of the overall site.
- (B) Improvements associated with each phase shall be clearly identified on the preliminary site plan, along with a timetable for development. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

- (C) The Planning Commission may require changes to future phases of the development as part of site plan review in response to changes in site conditions, Master Plan recommendations, or amended Zoning Ordinance provisions that affect the character, design or use of the site.

## Section 15.07 Site Plan or Sketch Plan Resubmission, Appeals, Expiration or Revocation

- (A) **Resubmission.** A plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted plan shall be subject to the same requirements and review procedures as a new site plan submitted in accordance with this Article.
- (B) **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of plan determinations, except as follows:
- (1) The Zoning Board of Appeals shall have the authority to consider appeals of determinations related to the type of review required under [Section 15.02](#) of this Article (Type of Plan Review Required).
  - (2) When the Planning Commission approves a plan contingent upon approval of one or more variances from specific requirements of this Ordinance, the applicant shall initiate such a request to the Zoning Board of Appeals. The Secretary shall provide copies of the site or sketch plan, application materials and Planning Commission meeting minutes to the Zoning Board of Appeals. Zoning Board of Appeals consideration shall be limited to the specific variances identified as conditions of site plan or sketch plan approval by the Planning Commission.
- (C) Expiration of site and sketch plans.
- (1) **Plan approval.** Site plans and sketch plans shall expire three-hundred sixty-five (365) days after the date of approval.
  - (2) **Extension of approval.** Upon written request received by the Village prior to the expiration date, the Planning Commission may grant one (1) extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan or sketch plan remains in conformance with all applicable provisions of this Ordinance.
- (D) **Rescinding approval of plans.** Approval of a site plan or sketch plan may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of site plan, sketch plan or special land use approval. Such action shall be subject to the following:
- (1) **Public hearing.** Such action may be taken only after a public hearing has been held, at which time the owner of an interest in land for which plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
  - (2) **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

### **Section 15.08 Revisions to Approved Site and Sketch Plans**

Minor revisions to an approved site plan or sketch plan may be administratively reviewed by the Zoning Administrator, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the Zoning Administrator to be minor, shall be reviewed by the Planning Commission as an amended plan.

(The section below is purposefully left blank.)



## Section 15.09 Required Information for All Plans

The following information shall be included with all applications for site plan, sketch plan and administrative review under this Article, except where the Planning Commission determines that certain information is not necessary or applicable to the review of the site plan:

<b>Section 15.09 (Required Information for All Plans)</b>	<b>REQUIRE D</b>
<b>DESCRIPTIVE DATA AND NOTES</b>	
Name, address and telephone numbers of applicant.	<input type="checkbox"/>
Name and address of property owner, if different from applicant.	<input type="checkbox"/>
Common description of property (address, lot number, tax identification number).	<input type="checkbox"/>
Proposed use of land and name of proposed development.	<input type="checkbox"/>
Proof of property ownership or option to purchase, and a title search or other evidence of any applicable easements or deed restrictions.	<input type="checkbox"/>
Scale and north arrow.	<input type="checkbox"/>
<b>SITE PLAN DETAILS</b>	
Location, outside dimensions, setback distances and proposed uses of all site improvements.	<input type="checkbox"/>
<b>ADDITIONAL REQUIRED INFORMATION</b>	
Other information necessary to determine compliance with this Ordinance.	<input type="checkbox"/>

## Section 15.10 Required Information for Sketch Plans

In addition to the information required by [Section 15.09](#) (Required Information for All Plans), the following information shall be included with all applications for sketch plan review under this Article, except where the Planning Commission determines that certain information is not necessary or applicable to the review of the sketch plan:

<b>Section 15.10 (Additional Required Information for Sketch Plans)</b>	<b>REQUIRE D</b>
<b>DESCRIPTIVE DATA AND NOTES</b>	
Name, address, telephone and facsimile numbers of firm or individual preparing the site plan, if different from the applicant.	<input type="checkbox"/>
Sketch plans shall be drawn to an engineer's scale of not less than 1" = 50' for property up to three (3) acres in size, and 1" = 100' for property more than three (3) acres in size, with a location map and north-arrow. Sheet size shall be at least twenty-four by thirty-six inches (24" X 36"). If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.	<input type="checkbox"/>
Written project description and detailed description of the proposed use.	<input type="checkbox"/>
Size and dimensions of proposed buildings, including gross and usable floor area, number of stories, overall height and number of units in each building, if applicable.	<input type="checkbox"/>
<b>EXISTING CONDITIONS</b>	
Dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	<input type="checkbox"/>
The zoning classification, current land use designation and location of existing structures on the site and all abutting parcels (including across the street).	<input type="checkbox"/>
Driveways, sidewalks, paths, public transit routes, streets and curb cuts on the applicant's parcel and all abutting parcels (including across street rights-of-way).	<input type="checkbox"/>
<b>SITE PLAN DETAILS</b>	
Existing and proposed easements and rights-of-way (locations and descriptions) for utilities, streets, access and drainage.	<input type="checkbox"/>
Identification of areas involved in each separate phase, if applicable.	<input type="checkbox"/>
Waste receptacle locations and methods of screening.	<input type="checkbox"/>
Outdoor sales, display or storage locations and method of screening, if applicable.	<input type="checkbox"/>
Locations, sizes, heights, types, methods of illumination and elevation drawings of all proposed signs.	<input type="checkbox"/>
<b>ACCESS AND CIRCULATION</b>	
Locations and dimensions of proposed sidewalks and driveways within the site and along public rights-of-way.	<input type="checkbox"/>

## Section 15.11 Additional Required Information for Site Plans

In addition to the information required by [Section 15.09](#) (Information Required for All Plans) and [Section 15.10](#) (Information Required for Sketch Plans) the following information shall be included with all applications for site plan review under this Article, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

Section 15.11 (Additional Required Information for Site Plans)	REQUIRE D
<b>EXISTING CONDITIONS</b>	
Existing site features, including significant natural, historical, cultural and architectural features, buildings and structures, driveway openings, fences, walls, signs and other improvements, with notes indicating which features will be removed, altered or preserved and details about the method of preservation or alteration.	<input type="checkbox"/>
<b>SITE PLAN DETAILS</b>	
Proposed lighting locations, heights, specifications and methods of shielding, along with elevation drawings of all freestanding pole lighting with overall height from grade.	<input type="checkbox"/>
<b>BUILDING AND ARCHITECTURE DETAILS</b>	
Building façade elevations, where changes are proposed, indicating type and color of building materials, roof design, projections, awnings, windows, entrance features and other architectural features.	<input type="checkbox"/>
<b>ACCESS AND CIRCULATION</b>	
Designation of fire lanes, where required by the Village.	<input type="checkbox"/>
Location and dimension of loading and unloading areas, where required.	<input type="checkbox"/>
<b>LANDSCAPING AND SCREENING</b>	
Landscape plan and planting list, including location, size, quantity method of installation and type (botanical and common names) of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved.	<input type="checkbox"/>
<b>UTILITIES, DRAINAGE AND THE ENVIRONMENT</b>	
Grading plan, with existing and proposed topography at a minimum of two-foot (2') contour levels, finished grades of all buildings, driveways, walkways, and parking lots, drainage patterns and a general description of grades within one- hundred feet (100') of the site to indicate stormwater runoff.	<input type="checkbox"/>
Soil erosion and sedimentation control measures.	<input type="checkbox"/>
<b>ADDITIONAL REQUIRED INFORMATION</b>	
Other information necessary to determine compliance with this Ordinance	<input type="checkbox"/>

## Section 15.12 Additional Information for Large-Scale and Residential Site Plans

In addition to information required for All Plans ([Section 15.09](#)), Sketch Plans ([Section 15.10](#)), and Site Plans ([Section 15.11](#)); the following information may be required by the Planning Commission with all applications for large-scale projects (twenty-acres or more in gross area, or 40,000 square-feet or more in gross floor area) and residential developments subject to site plan review (site condominium, Planned Unit Development, multiple-family, etc.):

Section 15.12 (Information that may be Required for Large-Scale and Residential Site Plans)	REQUIRE D
<b>DESCRIPTIVE DATA AND NOTES</b>	
Notation of required variances or use approvals that must be or have been approved for the site.	<input type="checkbox"/>
Detailed parking calculations, in accordance with the standards of <a href="#">Article 8</a> .	<input type="checkbox"/>
<b>EXISTING CONDITIONS</b>	
An aerial photograph of the entire development area (at least twenty-four by thirty- six inch (24" x 36") sheet size), with environmental features labeled on the photo in a "bubbled" fashion, including woodlands, wetlands, groundwater recharge areas, drains, creeks, surface water, severe changes in topography, viewsheds and floodplains. Photos are available from the Branch County Planning Department.	<input type="checkbox"/>
Zoning districts and land uses for surrounding land within three hundred feet (300') of the site boundaries.	<input type="checkbox"/>
Driveways, sidewalks, paths, streets and curb cuts within three hundred feet (300') of the site boundaries.	<input type="checkbox"/>
<b>SITE PLAN DETAILS</b>	
Two (2) site cross-sections, drawn to an appropriate scale.	<input type="checkbox"/>
A photometric grid overlaid on the site plan indicating light intensity throughout the site in foot-candles.	<input type="checkbox"/>
<b>BUILDING AND ARCHITECTURAL DETAILS</b>	
Building floor plans and accessory structure details.	<input type="checkbox"/>
<b>ACCESS AND CIRCULATION</b>	
Dimensions and centerlines of existing and proposed rights-of-way, including those abutting the site, and names of abutting streets.	<input type="checkbox"/>
Indication of width, depth, type and curbing for all streets, parking lots, sidewalks and other paved surfaces, with appropriate cross-sections and curve radii.	<input type="checkbox"/>
Locations and dimensions of access points, including deceleration or passing lanes and distances between adjacent or opposing driveways and street intersections.	<input type="checkbox"/>
Dimensions of parking spaces and maneuvering aisles, with pavement markings and traffic control signage.	<input type="checkbox"/>

Section 15.12 (Information that may be Required for Large-Scale and Residential Site Plans)	REQUIRE D
<b>LANDSCAPING AND SCREENING</b>	
Landscape maintenance plan.	<input type="checkbox"/>
Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides, and method of mechanical equipment and transformer pad screening, where applicable.	<input type="checkbox"/>
<b>UTILITIES, DRAINAGE AND THE ENVIRONMENT</b>	
Schematic layout of existing and proposed sanitary sewers, water lines, fire hydrants, storm sewers, detention or retention ponds and other drainage facilities, gas, electric, and telephone lines and other utilities serving the site.	<input type="checkbox"/>
General description and location of stormwater management system, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of retention/detention ponds, and including any required MDEQ permits.	<input type="checkbox"/>
Location of any MDEQ regulated wetlands, submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for a MDEQ wetland permit or copy of a permit received including description of any wetland mitigation required; and location of other significant non-regulated wetland areas over two (2) contiguous acres.	<input type="checkbox"/>
Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site cleanup.	<input type="checkbox"/>
<b>RESIDENTIAL PROJECTS</b>	
The number and location of each type of residential unit, and any mailbox cluster locations.	<input type="checkbox"/>
Method and location of trash removal.	<input type="checkbox"/>
Garage and carport locations and details, if proposed.	<input type="checkbox"/>
Location and names of roads and internal drives and the pedestrian circulation system.	<input type="checkbox"/>
Location, dimensions, floor plans, and facade elevations of community buildings and facilities, if applicable.	<input type="checkbox"/>
Locations, sizes and details of facilities for all parks, recreation areas and dedicated open spaces.	<input type="checkbox"/>

## Section 15.13 Standards for Site Plan and Sketch Plan Approval

The following criteria shall be used as a basis upon which site plans and sketch plans will be reviewed and approved, approved with conditions, or denied:

- (A) **Adequacy of information and compliance with Ordinance requirements.** The site plan includes all required information in a complete and understandable form that provides an accurate description of the proposed uses, structures and site improvements. The site plan complies with all applicable Ordinance requirements, including but not limited to minimum floor space, height of building, lot size, yard space and density.
- (B) **Site design characteristics.** All elements of the site design are harmoniously and efficiently organized in relation to topography, parcel configuration, adjacent properties, traffic operations, adjacent streets and driveways, pedestrian access, and the type and size of buildings. The site is designed in a manner that promotes the normal and orderly development of surrounding property for uses permitted by this Ordinance.
- (C) **Site appearance and coordination.** Site elements are designed and located so that the proposed development is aesthetically pleasing and harmonious with adjacent existing or future developments. All site features, including vehicle and pedestrian circulation, building orientation, landscaping, lighting, utilities, recreation facilities, and open space are harmonious and coordinated with adjacent properties.
- (D) **Preservation of site features.** The site design preserves and conserves natural, cultural, historical and architectural site features, including but not limited to architecturally or historically significant buildings, archeological sites, wetlands, topography, tree-rows and hedgerows, wooded areas and significant individual trees.
- (E) **Pedestrian access and circulation.** The arrangement of public or common ways for pedestrian circulation connects to existing or planned sidewalks or bicycle pathways in the area, and is insulated as completely as possible from the vehicular circulation system. The site design complies with applicable federal, state, and local laws and regulations regarding barrier-free access.
- (F) **Vehicular access and circulation.** Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site.
- (G) **Building design and architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to texture, scale, mass, proportion, materials and color.
- (H) **Parking and loading.** Off-street parking lots and loading zones are arranged, located and designed to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, enhance the character of the neighborhood, and promote shared-use of common facilities by adjoining properties.
- (I) **Landscaping and screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical equipment, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.
- (J) **Exterior lighting.** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
- (K) **Impact upon public services.** The impact upon public services will not exceed the existing or planned capacity of such services, and adequate public services (including but not limited to utilities (water, sanitary & storm sewers, county drains, natural gas, electricity and telephone), streets, police and fire protection, public schools and sidewalks/bicycle paths) are available or provided to the site, and are designed with sufficient capacity and durability to properly serve the development.

**(L) Drainage and soil erosion.** Drainage systems, stormwater facilities, and soil erosion, sedimentation and dust control measures are arranged, located and designed to promote shared- use of common facilities by adjoining properties. Adjoining properties, public rights-of-way and the capacity of the public storm drainage system will not be adversely affected by stormwater runoff and sedimentation.

**(M) Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed the Village's emergency response capabilities.

## **Section 15.14 Development and Maintenance in Accordance with an Approved Site Plan**

It shall be the responsibility of the owner of the property for which site plan approval has been granted to develop, improve and maintain the site, including the use, buildings and all site elements in accordance with the approved plan and all conditions of approval, until the property is razed or a new plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Zoning Administrator shall make periodic investigations of developments for which plans have been approved. Noncompliance with the requirements and conditions of the approved plan shall constitute grounds for the Planning Commission to rescind plan approval.

# Article 16 Special Use Approval

## Section 16.01 Purpose

This Article is intended to provide a consistent and uniform method for review of special land use applications, ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances and state and federal laws, achieve efficient use of the land, prevent adverse impacts on neighboring properties and districts, protect natural resources and facilitate development in accordance with the land use objectives of the Master Plan.

## Section 16.02 Application Requirements.

Special land use applications shall be submitted in accordance with the following:

- (A) **Eligibility.** The application shall be submitted by the owner or operator of the proposed use, the owner of an interest in the lot where the special land use would be located, or by the owner or operator's designated agent. The applicant or agent is required to be present at all scheduled review meetings.
- (B) **Requirements.** Special land use applications shall be submitted to the Village on the forms and according to the guidelines provided by the Village, and shall include the following information:
  - (1) The applicant's name, address, telephone and facsimile numbers.
  - (2) The names and addresses of all owners of record, and proof of ownership. If the property is leased by the applicant, a copy of the lease shall be provided, along with the owner's signed authorization for the application.
  - (3) Legal description, address, location and tax identification number of the property.
  - (4) A detailed description of the proposed use.
  - (5) A site plan that meets the requirements of [Article 15](#) (Site Plan Approval).
  - (6) Appropriate fees, as determined by the Village Council .
  - (7) Any other information deemed necessary by the Planning Commission to determine compliance with the standards for approval set forth in this Ordinance.

## Section 16.03 Review Procedure.

After a complete and accurate application has been received with appropriate review fees, the application shall be reviewed in accordance with following procedure:

- (A) **Acceptance for processing.** The application shall be placed on the agenda of the next available regularly-scheduled Planning Commission meeting to set a public hearing date.
- (B) **Coordination with site plan review.** Any site plan associated with a special land use application shall not be approved unless the special land use has first been approved by the Village Council.
- (C) **Technical review.** Prior to Planning Commission consideration, application materials and plans shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission, the application materials and plans may also be submitted to applicable outside agencies and designated Village consultants for review and comment.
- (D) **Public hearing.** A public hearing shall be held by the Planning Commission for all special land uses.



- (E) Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special land use, together with any reports and recommendations from staff, consultants and other reviewing agencies, and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and [Section 16.05](#) (Special Land Use Standards), and shall provide a recommendation to the Village Council . The Planning Commission may postpone consideration of the special land use application, recommend approval, recommend approval subject to conditions or recommend denial to the Village Council for the special land use as follows:
- (1) Postponement.** The Planning Commission may postpone consideration of a special land use application upon determining that the application is not sufficiently complete, or upon a request by the applicant.
  - (2) Denial.** The Planning Commission may recommend denial of the special land use to the Village Council upon determining that the application is not in compliance with the provisions of this Ordinance, including [Section 16.05](#) (Special land Use Standards), or would require extensive modifications to comply with Ordinance standards and regulations. If a special land use is recommended for denial, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Planning Commission to recommend denying the special land use.
  - (3) Approval.** The Planning Commission may recommend approval of the special land use upon determining that the use is in compliance with the provisions of this Ordinance, including [Section 16.05](#) (Special land Use Standards).
  - (4) Approval subject to conditions.** The Planning Commission may recommend approval of a special land use subject to reasonable conditions that are in accordance with one or more of the following:
    - (a)** Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the residents and landowners immediately adjacent to the special land use, and the community as a whole.
    - (b)** Conditions shall be related to the valid exercise of the police power and purposes affected by the proposed special land use, or necessary to meet the intent and purpose of this Ordinance.
    - (c)** Conditions shall be related to the standards established in this Ordinance for the special land use under consideration, or necessary for compliance with those standards.
- (F) Village Council Action.** The Planning Commission shall transmit its recommendation, together with reports and public hearing findings to the Village Council for final action. The Village Council may postpone consideration of the application, deny, approve, or approve with conditions a special land use as follows:
- (1) Postpone.** The Village Council may postpone consideration of a special land use application upon determining that the application is not sufficiently complete, or upon a request by the applicant.
  - (2) Denial.** The Village Council may deny the special land use upon determining that the application is not in compliance with the provisions of this Ordinance, including [Section 16.05](#) (Special land Use Standards), or would require extensive modifications to comply with Ordinance standards and regulations. If a special land use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Village Council to deny the special land use.
  - (3) Approval.** The Village Council may approve the special land use upon determining that the use is in compliance with the provisions of this Ordinance, including [Section 16.05](#) (Special land Use Standards).

- (4) **Approval subject to conditions.** The Village Council may approve a special land use subject to reasonable conditions that are in accordance with one or more of the following:
- (a) Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the residents and landowners immediately adjacent to the special land use, and the community as a whole.
  - (b) Conditions shall be related to the valid exercise of the police power and purposes affected by the proposed special land use, or necessary to meet the intent and purpose of this Ordinance.
  - (c) Conditions shall be related to the standards established in this Ordinance for the special land use under consideration, or necessary for compliance with those standards.
- (5) **Recording of special land use action.** Each action with respect to a special land use shall be recorded in the meeting minutes of the Village Council and Planning Commission, as appropriate. The minutes shall record the findings of fact relevant to each special land use proposal, the grounds for each action taken, and any conditions imposed in conjunction with approval.
- (6) **Effect of approval.** Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located. Such approval shall remain valid regardless of change of ownership.

## Section 16.04 Special Land Use Resubmission, Appeals, Expiration or Revocation

- (A) **Resubmission.** A special land use application that has been denied shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.
- (B) **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of special land use determinations by the Planning Commission or Village Council .
- (C) **Expiration of special land use approval.** Special land use approval shall expire three-hundred sixty-five (365) days after the date of approval, unless the use has been established on the site, or the site plan associated with the special land use has been submitted to the Village for review. Special land uses shall also expire upon expiration of the approved site plan associated with a special land use. Upon written request received by the Village prior to the expiration date, the Village Council may grant one (1) extension of up to one hundred eighty (180) days, provided that the special land use conforms to current Zoning Ordinance standards.
- (D) **Rescinding approval of special land uses.** Approval of a special land use may be rescinded by the Village Council upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
- (1) **Public hearing.** Such action may be taken only after a public hearing has been held, at which time the owner or operator of the use or owner of an interest in land for which the special land use was sought, or the owner or operator's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
  - (2) **Determination.** Subsequent to the hearing, the decision of the Village Council with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

### Section 16.05 Special Land Use Standards.

Approval of a special land use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards applicable to the use:

- (A) **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the Village.
- (B) **Compatibility with adjacent uses.** The use is compatible with adjacent uses and the existing or intended character of the surrounding area, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the area or Village as a whole.
- (C) **Compatibility with the Master Plan.** The location and character of the use is consistent with the general principles, goals, objectives and policies of the adopted Quincy Village Master Plan.
- (D) **Compliance with applicable regulations.** The use is in compliance with all applicable Zoning Ordinance provisions, Village codes and ordinances, federal and state laws and outside agency regulations.
- (E) **Impact upon public services.** The impact of the use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, streets, police and fire protection services, and educational services.
- (F) **Traffic impacts.** The use is designed and located in a manner that minimizes any adverse traffic impacts.
- (G) **Impact upon the environment and the public health, safety, and welfare.** The use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts.
- (H) **Isolation of existing uses.** Approval of the use will not result in a small residential or non- residential area being substantially surrounded by incompatible uses.

### Section 16.06 Operation and Maintenance

It shall be the responsibility of the owner of the property and the operator of the special land use to develop, improve, operate and maintain the use, (including the site, buildings and all site elements), in accordance with the provisions of this Ordinance and all conditions of approval, until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of this Ordinance.

The Zoning Administrator shall investigate special land uses as necessary to determine continuing compliance with this Ordinance.

# Article 17 Amendments

## Section 17.01 Text and Map Amendments

**(A) Initiation of Amendment.** The Village Council may amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 110 of 2006, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

**(B) Application for Amendment.** A petition for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition on the forms provided by the Village and accompanied by the fees specified. The petition shall describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a [plot plan](#) or survey, which shall contain the following information. These materials shall be submitted to the Village no later than noon thirty (30) calendar days prior to the [Planning Commission](#) or Village Council meeting at which the review is requested.

- (1) Applicant's name, address, and telephone number.
- (2) Scale, north point, and dates of submittal and revisions.
- (3) Zoning classification of petitioner's [parcel](#) and all abutting [parcels](#).
- (4) Existing lot lines, [building lines](#), [structures](#), parking areas, [driveways](#), and other improvements on the site and within fifty (50) feet of the site.
- (5) Proposed lot lines and lot dimensions, and general layout of proposed [structures](#), parking areas, [driveways](#), and other improvements on the site.
- (6) Dimensions, centerlines, and [right-of-way](#) widths of all abutting streets and [alleys](#), both public and private.
- (7) General location of existing drainage courses, [floodplains](#), lakes and streams, and woodlots.
- (8) All existing and proposed [easements](#).
- (9) Location of sanitary sewer or septic systems, existing and proposed.
- (10) Location and size of water main, well sites, and [building](#) services, existing and proposed.

**(C) Review Procedures.** After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

- (1) **Planning Commission Review.** The petition shall be placed on the agenda of the next regularly scheduled meeting of the [Planning Commission](#). The [Planning Commission](#) shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Michigan Public Act 110 of 2006, as amended, and schedule a public hearing for the request on the next available [Planning Commission](#) agenda.
- (2) **Action by the Planning Commission.** Following the hearing on the proposed amendment, the [Planning Commission](#) shall make written findings of fact which it shall transmit to the Village Council, together with the comments made at the public hearing and its recommendations.

**(3) Action by the Village Council.** The Village Council may hold additional hearings if the Board considers it necessary, following the hearing and notice requirements of Michigan Public Act 110 of 2006, as amended. The Village Council may by majority vote of its membership adopt the proposed amendment, reject the proposed amendment, or refer the proposed amendment back to the [Planning Commission](#) for further review and recommendation within a specified time period. Thereafter, the Village Council may either adopt the amendment with or without the recommended revisions, or reject it.

**(4) Review Considerations.** The [Planning Commission](#) and Village Council shall at minimum, consider the following before taking action on any proposed amendment.

- (a) Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?
- (b) Will the proposed amendment further the comprehensive planning goals of the Village as reflected in the [Master Plan](#)?
- (c) Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?
- (d) Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
- (e) Will the amendment result in unlawful exclusionary zoning?
- (f) Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
- (g) If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
- (h) If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject [parcel](#)?
- (i) If a rezoning is requested, is the proposed zoning consistent with the trends in land [development](#) in the general vicinity of the property in question?
- (j) Will the proposed amendment be consistent with the purposes of this Ordinance and, in particular, will the proposed amendment promote the public health, safety and welfare?

**(5) Notice of Record of Amendment Adoption.** Following adoption of an amendment by the Village Council, one notice of adoption shall be filed with the Village Clerk and one notice shall be published in newspaper of general circulation in the Village within fifteen (15) days after adoption, in accordance with Michigan Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the Village Clerk. A master Zoning Map shall be maintained by the Village, which shall identify all map amendments.

**(D) Referendum.** Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of qualified and registered voters as specified in Section 402 of Public Act 110 of 2006, as amended, may be filed with the Village Clerk requesting submission of an ordinance or part of an ordinance to the electors for their approval, in accordance with Section 402(2) of Michigan Public Act 110 of 2006, as amended.

## Section 17.02 Conditional Rezoning

**(A) Intent.** The [Planning Commission](#) and Village Council recognize that, in certain instances, it would be an advantage to the Village and to property owners seeking rezoning if the application for rezoning was accompanied by a site plan and was subject to certain conditions. Accordingly, it is the intent of this Section of the Zoning Ordinance to provide a conditional rezoning option to property owners in connection with the submission of an application for rezoning.

**(B) Authorization and Eligibility.**

- (1) Application for Optional Conditional Rezoning.** A property owner shall have the option of seeking conditional rezoning in connection with submission of an application (including all required fees) seeking rezoning. The conditional rezoning option shall be selected by filing an Application for Conditional Rezoning Review. Conditional rezoning represents a legislative amendment to the Zoning Ordinance, pursuant to Section 405 of Michigan Public Act 110 of 2006, as amended.
- (2) Site-Specific Regulations.** In order to be eligible for review of an application for conditional rezoning, a property owner must propose a rezoning of property to a new [zoning district](#) classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a [CR Plan](#) and in a [CR Agreement](#)) which are equally or more strict or limiting than the regulations that would apply to the land under the proposed [zoning district](#).

# Article 18 Site Condominiums

## Section 18.01 Purpose

Pursuant to the authority conferred by the Condominium Act, P.A. 59 of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), condominium subdivision plans shall be regulated by the provisions of this Ordinance as site condominiums. The intent of this Article is to ensure that all site condominium subdivisions are developed in compliance with all applicable requirements for the zoning district where the project is located, and all regulations, standards and review procedures for single-family residential subdivision developments that have been or are being established under the Land Division Act, P. A. 288 of 1967, as amended (MCL 560.101 et seq., MSA 26.430(101) et seq.) and any applicable Village Codes and Ordinances, including the Quincy Village Subdivision Regulations.

With respect to the review of site condominium plans under this Article, the Village recognizes that it may not always be practical or feasible to precisely apply traditional definitions and measures applicable to developments regulated under the Land Division Act, P. A. 288 of 1967, as amended (MCL 560.101 et seq., MSA 26.430(101) et seq.) and the Village Codes and Ordinances. Such review shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed under the Land Division Act, P. A. 288 of 1967, as amended (MCL 560.101 et seq., MSA 26.430(101) et seq.) and any applicable Village regulations including the Quincy Village Subdivision Regulations, except that nothing in this Article shall be construed as requiring a site condominium development to obtain plat approval. Site condominium developments are, however, required to obtain site plan approval.

## Section 18.02 General Requirements

**(A) Definitions.** The terms and provisions of this article are defined and used both in the context of the Condominium Act, P.A. 59 of 1978, as amended (MCL 559.101 et seq., MSA 26.50(101) et seq.), and in a manner intended to make comparison possible among the terms used in this Article and those used elsewhere in this Ordinance, the Village Subdivision Regulations, and other applicable Village Codes and Ordinances. Specifically:

- (1) "Subdivision lot" shall be synonymous with the term "site condominium lot."
- (2) "Building" or "structure" shall be synonymous with the term "building envelope."
- (3) "Tentative preliminary plat" shall be synonymous with the term "preliminary condominium site plan."
- (4) "Final preliminary plat" shall be synonymous with the term "final condominium site plan."
- (5) "Subdivision" or "single-family residential subdivision" shall be synonymous with the term "site condominium development."
- (6) "Proprietor" shall be synonymous with the terms "applicant" or "developer."

**(B) Compliance with Village Codes and Ordinances.** Site condominium developments shall comply with all applicable provisions of this Ordinance and the Village Subdivision Regulations. Each site condominium lot shall be located within a zoning district that permits the proposed use. The density or intensity of the proposed use, and the size of the building envelope and site condominium lot shall be no greater, and spacing no less than would be permitted if the parcel were subdivided in accordance with the Quincy Village Subdivision Regulations or this Ordinance.

**(C)** Not more than one (1) primary building or use and any permitted accessory structures shall be located on a site condominium lot. Required yards shall be measured from the street right-of-way or boundaries of the site condominium lot to the nearest edge of the building envelope.

### Section 18.03 Condominium Site Plan Review

Village approval of the condominium site plan, condominium documents and construction plans shall be required prior to the start of construction, expansion or conversion of a site condominium project. No permits for construction, grading, or installation of public water or sanitary sewer facilities shall be issued for property in a site condominium development until all necessary approvals have been granted by the Village. Site plan review for site condominium developments shall follow the procedures established for traditional subdivisions in the Village Subdivision Control Ordinance, with the exception of the deadlines for Planning Commission and Village Council review, as explained in subpart (e) below. Site condominium developments shall further be subject to the following: (Amended 2004)

- (A) Preliminary condominium site plan.** A preliminary condominium site plan shall include all plans, survey, sketches, drawings, statements and additional information required by [Article 15](#), particularly [Section 15.12](#) (Additional Information for Large Scale and Residential Site Plans). The preliminary condominium site plan shall assign a number to each building envelope and shall describe the nature, location, and size of common elements. The Planning Commission and Village Council shall review the overall plan, including roads, streets, landscaping, parks and open space, and unit configurations for consistency with the provisions of [Section 15.13](#) of this Ordinance (Standards for Site Plan Approval) and the Village Codes and Ordinances.
- (B) Administrative review of condominium documents.** Following preliminary condominium site plan approval by the Village Council, the applicant shall submit condominium documents, including but not limited to the condominium master deed, bylaws and all related exhibits, to the Village for administrative review and approval by the Village Attorney. These documents should specify who is responsible for maintenance of common elements, and should include the method of funding such maintenance activity. Revisions may be required to ensure compliance with applicable laws, ordinances and established Village policies.
- (C) Outside agency permits or approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.
- (D) Final condominium site plan review.** The final condominium site plan shall include all information required for the approved preliminary condominium site plan and evidence that all necessary state and county agency approvals have been obtained; including utilities, water supply, sewage disposal, drainage, wetlands and roads. Approval of the final condominium site plan shall be contingent upon approval of a development agreement in accordance with [Section 18.04](#) of this Article.
- (E) Review Deadlines.** The Planning Commission shall recommend approval, conditional approval, or denial of a proposed preliminary or final condominium site plan within sixty (60) days after the application was filed with the Village. If no action is taken within sixty (60) days and the review deadline has not been waived, the plan shall be deemed “recommended approved” by the Planning Commission. Following receipt of the Planning Commission’s action, the Village Council shall take action on the preliminary or final condominium plan within ninety (90) days of the date of filing the original application. The applicant has the right to waive these deadlines in writing, pursuant to Section 3.2 of the Subdivision Control Ordinance. (Amended 2004)

### Section 18.04 Development Agreement

The applicant shall enter into a development agreement with the Village, incorporating therein the terms and conditions of final site condominium plan approval, and shall record the same in the Branch County Register of Deeds office. Such an agreement shall be reviewed and approved by the Village Attorney and Village Council prior to the start of construction. The Agreement shall, at minimum, include the following elements:

- (A)** Identification of the plans and documents that are a part of the approval, the terms and conditions under which the approval was granted, the procedures to be followed for review and approval of amendments to the approved plans, and the terms or conditions regarding the expiration or revocation of approval.



- (B) Identification of the entity that is responsible for constructing each element of the project, including the public facilities and infrastructure, and identification of the entities that will own and be responsible for maintenance of public open space, common areas, and facilities, and the method of financing such maintenance work.
- (C) Project details and dimensions that are mandatory, and that are subject to refinement or alterations, along with the permissible degree of change.
- (D) **Maintenance agreement.** An agreement providing for adequate maintenance of common elements, public areas and any storm water retention or detention facility, including removal of soils from any detention or retention basin and rework of drainage facilities so that they are in compliance with the approved engineering plans and specifications. The agreement shall state that if such maintenance is not adequately performed, the Village may perform the maintenance and charge the cost thereof to the developer or the condominium association. The Village may require a performance guarantee to guarantee maintenance of the common elements for a two (2) year period after completion.

### Section 18.05 Required Improvements

Construction of utilities, streets, sidewalks, and other improvements may commence only after final approval of the development agreement by the Village Council. Site condominium developments shall further comply with the following:

- (A) **Utilities.** To the extent practicable, all utilities, including electric and cable services, shall be underground.
- (B) **Monuments.** Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines. The Village may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Village Treasurer a performance guarantee. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Village Council shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the site condominium plans.
- (C) **Streets.** Street rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the site plan, with adequate width to accommodate the roadway, sidewalks and public utilities. The developer shall declare easements to the Village for all public water and sanitary sewer lines and appurtenances. Streets shall be constructed in conformance with the applicable engineering standards of Branch County. Street connections shall be provided to all adjacent parcels, as determined to be necessary by the Planning Commission to provide adequate continuity and connectivity to the County road system.

### Section 18.06 Development and Maintenance in Accordance with an approved Condominium Site Plan

It shall be the responsibility of the condominium association to develop, improve, and maintain the site, including the use, buildings and all site elements in accordance with the approved plan and conditions of approval, until the property is razed or a new Condominium Site Plan is approved. Failure to comply with the provisions of this section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

## Section 18.07 Revision of Condominium Site Plans and Amendments to Condominium Documents

- (A) Any revision to the final condominium site plan that would alter the approved site design, uses or intent and conditions of final condominium site plan approval shall be submitted for review as a revised final condominium site plan following the procedure in [Section 18.03](#) (Condominium Site Plan Review).
- (B) Any revision to the final condominium site plan that would not alter the approved site design, uses or intent and conditions of final condominium site plan approval may be reviewed following the procedures for administrative site plan review in [Section 15.05](#) (Administrative Review).
- (C) Any revision to the condominium documents or development agreement that affect the approved final condominium site plan shall be reviewed and approved by the Village Attorney and Village Council .

## Section 18.08 Relocation of Boundaries and Subdivision of Condominium Lots

- (A) Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located.
- (B) Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located.

# Article 19 Planned Unit Development

## Section 19.01 Purpose

The intent of this Article is to provide a degree of flexibility in regard to the use, area, height, bulk, and placement regulations for large-scale developments which qualify as Planned Unit Developments. These may include, but are not limited to residential developments, shopping centers, industrial, office and business park developments, and medical or educational campuses. Certain large developments may be of such size and configuration as to justify a controlled degree of flexibility, and to permit a mix of land uses that may not normally be permitted in the zoning district, but would, under specific circumstances, increase convenience, be compatible with the overall character of the district, and not be injurious to adjoining properties.

The further purpose of this Article is to:

- (A) Provide a consistent and uniform method for review of Planned Unit Development applications that encourages thoughtful and creative planning and design, and high quality development practices.
- (B) Allow reasonable regulatory flexibility that results in a substantially higher quality of development, in accordance with the principles, goals and objectives of the Master Plan and any sub-area plans.
- (C) Preserve natural resources and site features, and encourage economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- (D) Create usable open space particularly suited to the proposed uses within a Planned Unit Development and the natural character of the land where it is located.
- (E) Develop sites in such a way that proposed uses, buildings and site improvements are compatible with each other and with adjoining uses, and to prevent adverse impacts on neighboring properties and districts.
- (F) Re-use or re-develop existing sites where an orderly change of use is determined to be desirable, especially where re-use of the site is restricted because of existing nonconformities or the strict application of conventional zoning standards.

## Section 19.02 Qualification Requirements

Planned Unit Developments (PUD) shall be considered an optional means of development, and thus shall only be permitted when mutually agreeable to the developer, Planning Commission and Village Council. Planned Unit Developments shall be in compliance with the following:

- (A) **Site conditions.** The proposed PUD site shall be in compliance with the following conditions:
  - (1) **Area.** The proposed development site shall be at least twenty (20) acres in area. The Village Council may, upon recommendation from the Planning Commission, permit a PUD project on a smaller site if the proposed development would have unique benefits for the area or Village, as a whole.
  - (2) **Ownership.** The site shall be under a single ownership or control, and able to be planned and developed as an integrated unit.
  - (3) **Location.** PUD sites shall be limited to locations that have one or more of the following characteristics:
    - (a) Sites determined to be appropriate for redevelopment, including sites with buildings that are functionally obsolete, and sites where achieving economically sound development under a conventional zoning approach would be extremely difficult.
    - (b) Sites where flexibility is necessary because of site constraints, including but not limited to incompatible adjoining land uses, traffic conditions that affect ease of access or irregular parcel boundaries.

- (c) Sites where the flexibility of the PUD regulations is necessary to achieve a reasonable and desirable transition between land uses, without affecting the overall Village land use pattern, intensity of development or objectives of the Master Plan or any sub-area or corridor plans.
- (d) Sites where the large scale of a proposed development justifies permitting certain incidental uses not normally permitted in the zoning district.
- (e) Sites where the public health, safety and welfare is better served through creation of a Planned Unit Development, because of the density of population, adequacy of schools, parks, or other public facilities, traffic volumes or circulation, neighborhood compatibility, adequate provision of light or air, or accessibility for fire and police protection.
- (f) Sites where the proposed development is compatible with the objectives of the Village Master Plan.

**(B) Uses.** The proposed PUD may contain any use or combination of uses listed in [Article 4](#) (Schedule of Regulations), provided that all proposed uses satisfy the following criteria:

- (1) **Compatible with the Master Plan.** Proposed uses shall be consistent or compatible with the types and intensities of uses specified for the site in this Ordinance or the Master Plan.
- (2) **Harmonious relationship.** There shall be a reasonably harmonious relationship between the location of buildings and uses on the site, relative to buildings and uses on lands in the surrounding area.
- (3) **Combination of residential and non-residential uses.** Residential and non-residential uses may be permitted together in a PUD, provided that such uses are carefully integrated in a manner that creates a high quality living environment, and are consistent with good site design and sound planning principles.

**(C) Other conditions.** The proposed PUD shall not:

- (1) Be used for the sole purpose of increasing the density or intensity of development, or avoiding the requirements for dimensional variances.
- (2) Be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
- (3) Materially add public service or facility loads beyond those contemplated in the Master Plan or other adopted policies or plans, except where the applicant provides a means of securing public improvements needed to serve the development, and demonstrates to the satisfaction of the Village Council that such added loads will be accommodated or mitigated by the PUD.

### **Section 19.03 Development Standards**

The purpose of this Section is to ensure that Planned Unit Developments in all zoning districts are compatible with the surrounding area and Village. Wherever possible, the provisions of the underlying zoning district(s) and the design standards of this Ordinance shall be followed in the design of Planned Unit Developments. Modifications to these standards may be approved as part of a Preliminary PUD Plan in any zoning district, provided that such modifications are determined to be consistent with the purpose of this Article and the following:

- (A) **Setbacks.** Minimum setbacks within the development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, and streets, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, and the need for adequate amounts of light and air between buildings. Reduced or increased setbacks or build-to lines may be required upon review of the Preliminary PUD Plan in the interest of establishing a consistent relationship of buildings to the street and sidewalk, to form a visually continuous and pedestrian-oriented street-front, or to ensure adequate buffering between the PUD and adjacent uses or districts.

- (B) Maximum height.** Buildings in PUD developments shall not exceed forty feet (40') in height, except where taller buildings proposed on the Preliminary PUD Plan comply with the following conditions:
- (1) Light and shadow.** Buildings or structures greater than forty feet (40') in height shall be designed so as to not have an unreasonable adverse impact on adjacent property as a result of the shadows or glare created from reflected or artificial light.
  - (2) Privacy.** Buildings or structures greater than forty feet (40') in height shall be designed to avoid infringing on the privacy of adjacent properties, particularly adjacent residential uses or districts.
  - (3) Scale of development.** Buildings or structures greater than forty feet (40') in height shall be compatible with the scale of the neighborhood in which they are situated in terms of relative height mass, and scale.
- (C) Circulation system.** The vehicular and pedestrian circulation system within each development shall accommodate, where appropriate, the movement of vehicles, bicycles and pedestrians throughout the proposed development and to and from surrounding areas, safely and conveniently. Sidewalks and streets shall be connected into the overall Village network, and shall be extended to adjacent undeveloped properties to provide future connections.
- (D) Utility infrastructure.** Utilities shall be located underground wherever possible, and shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- (E) Additional considerations.** In their review of a proposed PUD development, the Planning Commission and Village Council may review other considerations that are found to be relevant to a particular project, including but not limited to road capacity, utility systems, signage, lighting, building materials, noise reduction and visual screening.

## Section 19.04 Residential Development Standards

The purpose of this Section is to address the unique characteristics and development requirements of residential Planned Unit Developments, and to ensure that Planned Unit Developments in residential zoning districts are compatible with the surrounding neighborhood and Village. Wherever possible, the provisions of the underlying zoning district(s) and the design standards of this Ordinance and the Village Subdivision Regulations shall be followed in the design of Planned Unit Developments. Modifications to these standards may be approved as part of a Preliminary PUD Plan in any residential zoning district, provided that such modifications are determined to be consistent with the purpose of this Article and the following:

- (A) Lot size and block length.** To prevent a monotonous appearance, all residential Planned Unit Developments shall include variations in lot width, lot area and block length. Corner lots shall be a minimum of fifteen (15') feet wider than standard lots in the development to provide adequate area for two front yard setbacks. Streets, sidewalk and pathway easements and parks shall be used to visually break-up blocks of dwellings in excess of six hundred feet (600') in length.
- (B) Density.** A variable residential density bonus of up to ten percent (10%) may be allowed in any residential Planned Unit Development, subject to the following:
- (1) Determination of maximum permitted density.** The maximum permitted density shall be determined by one of the following two procedures, at the option of the applicant:
    - (a) Calculation.** The maximum permitted density of a residential PUD may be calculated by taking seventy five percent (75%) of the buildable area of the lot in square-feet ("buildable area" equals the gross lot area minus the areas occupied by all existing street rights-of-way, easements, wetlands, and waterbodies), dividing the result by the minimum lot area (in square-feet) required for the underlying zoning district, and multiplying the result by the maximum permitted density bonus (up to 10%), as follows:

$$\frac{(\text{buildable area} \times 0.75)}{\text{minimum lot area}} \times \text{density bonus (up to 10\%)} = \text{maximum number of dwellings permitted}$$

**(b) Parallel plan.** The maximum permitted density of a residential PUD may be determined through preparation of a parallel plan by the applicant that satisfies all conventional zoning standards and subdivision regulations, where applicable, including but not limited to minimum lot width and area, setbacks, neighborhood open space requirements, street rights-of-way and stormwater detention. During review of the Preliminary PUD Plan, the Planning Commission shall review the parallel plan to determine if it accurately and reasonably shows the number of dwelling units or lots that could be feasibly be constructed under conventional zoning. This number may be increased by a permitted density bonus of up to ten percent (10%).

**(2) Criteria for approval of a density bonus.** A residential density bonus of up to ten percent (10%) may be permitted for any residential PUD, subject to a determination by the Planning Commission that two (2) or more of the following conditions have been satisfied:

- (a)** An integrated mixture of housing types have been included in the PUD.
- (b)** Recreation facilities, plazas, town squares, commons or similar facilities have been included, above and beyond the minimum open space requirements, within the site or at an off-site location approved by the Village Council .
- (c)** Streetscape, roadway, pathway and similar improvements have been included along abutting thoroughfares.
- (d)** The PUD plan includes removal or renovation of blighted buildings, cleanup of abandoned or contaminated sites, or installation of public water and/or sanitary sewer service in areas where septic systems are present.
- (e)** Other similar elements as determined by the Village Council , based upon findings of the Planning Commission.

**(C) Open space.** Planned Unit Developments that include a residential component shall provide centrally-located, usable open space that is accessible to all residents of the PUD:

**(1) Character and arrangement.** The arrangement and characteristics of such open space shall reflect good planning and design principles, and shall take into account the following considerations:

- (a)** The types and arrangement of uses on the site.
- (b)** The proposed uses of the open space and types of improvements proposed within the open space.
- (c)** The extent to which the leisure and recreation needs of all segments of the population residing in the development would be accommodated.
- (d)** The manner in which the open space is integrated into the overall design of the development.

**(2) Amount and quality of open space.** Residential Planned Unit Developments shall maintain a minimum of fifty percent (50%) of the gross area as dedicated open space. A minimum of seventy-five percent (75%) of the dedicated open space shall be upland area that is accessible to all residents of the PUD. An active recreational area with appropriate equipment or amenities shall be provided within the dedicated open space, equal in size to a minimum of one thousand five hundred (1,500) square feet per dwelling in the residential component of the PUD. The active recreational area shall be well drained, graded, seeded or sodded and barrier-free accessible.

**(3) Areas not considered open space.** The following land areas shall not be included as dedicated open space as defined in this Section:

- (a) Areas proposed as single-family residential lots or site condominium lots, or areas proposed to be occupied by dwellings, including the minimum required setbacks around buildings and perimeter yard setbacks.
  - (b) Any portion of the project proposed for non-residential uses, street rights-of-way or access drives.
  - (c) Any submerged land area of a pond, lake, river or stream, and any area of the PUD that has restricted access or would require payment for access.
- (4) Protection of open space.** The dedicated open space shall be permanently set aside and conserved through an irrevocable conveyance acceptable to the Village that:
- (a) Describes the permitted activities within the dedicated open space, and assures permanent protection from all forms of development, except as shown on an approved PUD plan.
  - (b) Identifies who will be responsible for maintenance of the dedicated open space, how such maintenance will be funded and what standards shall be applied to such maintenance.
  - (c) Permits unrestricted access to any active recreation areas by the general public during daylight (dawn until dusk) hours.

### Section 19.05 Coordination with Subdivision Plat or Site Condominium Review

Where a PUD includes a subdivision plat, the regulations, procedures and design standards of the Quincy Village Subdivision Regulations shall apply in parallel with the review procedures of this Article. The Preliminary PUD Plan shall include the Tentative Preliminary Plat, the Final PUD Plan shall include the Final Preliminary Plat, and the Planned Unit Development Agreement shall include the Final Plat. Where a PUD includes a site condominium development, the regulations and procedures of [Article 18](#) of this Ordinance (Site Condominiums) shall apply in parallel with the provisions of this Article.

### Section 19.06 Informal Review of Conceptual PUD Plans

Applicants are encouraged to meet with the Planning Commission for informal review of conceptual PUD plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project's compliance with the standards of this Ordinance, and determine the appropriate type of review process. The Planning Commission may also request input from Village Officials, the County Building Inspector and consultants. Conceptual PUD plans should, at minimum, include the proposed use, building footprint, existing conditions, general site layout and conceptual grading. Conceptual review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Village Council resolution.

### Section 19.07 Preliminary PUD Plan Review Procedure

Any person or entity owning or controlling land may submit a Preliminary PUD Plan, with supporting documentation and a request for a determination whether the proposal qualifies for approval under the PUD regulations.

- (A) Submittal.** Submittal of a Preliminary PUD Plan for consideration shall include the following, where appropriate:
- (1) PUD description.** A detailed description of the proposed uses, building and site improvements, phasing plans and open spaces. The written statement shall describe how the proposed project qualifies for consideration as a PUD, state why a PUD is preferred over conventional zoning at this site, review possible impacts on public facilities and services, identify benefits to Quincy Village and provide details and reasons for any proposed modifications from Zoning Ordinance provisions.

- (2) **Preliminary PUD Plan.** A Preliminary PUD Plan shall be provided that includes scaled drawings showing property boundaries, existing site conditions, significant site features (woodlands, landmark trees, wetlands, waterbodies, historic structures, archeological sites, etc.), current zoning and land uses, adjacent zoning and land uses, general development plans, phasing and building layouts, the location, type and intensity of each proposed use, relationships to adjoining parcels, vehicular and pedestrian circulation patterns, and the general arrangement of any open spaces or landscape areas.
- (3) Additional maps, plans or documents necessary to adequately describe the proposed project.
- (B) **Technical review.** Prior to Planning Commission consideration, the Preliminary PUD Plan and documentation shall be distributed to appropriate Village officials for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Village consultants for review.
- (C) **Public hearing.** A public hearing shall be held by the Planning Commission for all Preliminary PUD Plans.
- (D) **Planning Commission consideration of the Preliminary PUD Plan.** Subsequent to the hearing, the Planning Commission shall review the proposed PUD, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the project meets the qualification requirements for a PUD ([Section 19.02](#)), and whether the Preliminary PUD Plan is consistent with the purpose and provisions of this Article. The Commission shall then report its findings and recommendations to the Village Council .
- (E) **Village Council action on the Preliminary PUD Plan.** Upon receipt of the report and recommendation from the Planning Commission, the Village Council shall review all findings and take action to approve, approve with conditions or deny the Preliminary PUD plan, and shall set forth the reasons for their action. A determination that a proposal qualifies for PUD approval shall be accompanied by a description of the minimum conditions under which the proposal will be considered for Final PUD Plan approval. In describing such conditions, the Village Council may identify specific requirements or standards in the Zoning Ordinance which could be waived or modified upon approval of the Final PUD Plan.
- (F) **Effect of Village Council action on the Preliminary PUD Plan.** Preliminary PUD Plan approval is intended to provide direction for preparation of the Final PUD Plan, but shall not assure approval of the Final PUD Plan. Preliminary PUD plan approval shall expire two (2) years after the date of approval, unless the Final PUD plan for the project has been submitted to the Planning Commission for review. Upon written request received by the Village prior to the expiration date, the Village Council may grant an extension of up to one (1) year, upon determining that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Preliminary PUD plan remains in conformance with the purpose and provisions of this Article and the goals and objectives of the Master Plan. If the Village Council denies the Preliminary PUD Plan, the applicant may pursue development or use of the site under conventional zoning standards, or may submit a new Preliminary PUD Plan for further consideration.

## Section 19.08 Outside Agency Permits or Approvals

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.



## Section 19.09 Final PUD Plan Review Procedure

Following approval of a Preliminary PUD Plan by the Village Council, approval of the Final PUD Plan may be sought by the applicant, in accordance with the following:

- (A) **Final PUD Plan Submittal.** The Final PUD Plan shall contain all of the information required for site plans in [Sections 17.09](#) through 17.12 (Required Information) or the Village Subdivision Regulations, as applicable. The Final PUD Plan shall include a detailed use statement listing and describing the proposed uses in the PUD, and comprehensively illustrating the PUD site design, phasing, locations of all structures and site improvements, roads, utilities, sidewalks and other infrastructure, parks and open spaces, enhancements to public services and other features of the proposed PUD Development in their intended final form. The Final PUD Plan shall also include all documentation necessary to demonstrate that the Final PUD Plan is consistent with the approved Preliminary PUD Plan and any conditions of approval.
- (B) **Technical review.** Prior to Planning Commission consideration, the Final PUD Plan and documentation shall be distributed to appropriate Village officials for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Village consultants for review.
- (C) **Public hearing.** A public hearing shall be held by the Planning Commission for all Final PUD Plans.
- (D) **Planning Commission consideration of the Final PUD Plan.** Subsequent to the hearing, the Planning Commission shall review the Final PUD plan, together with any reports and recommendations from officials, consultants, other reviewing agencies and any public comments. The Planning Commission shall address whether the Final PUD Plan conforms to the following objectives and requirements, and shall then report its findings and recommendations to the Village Council:
- (1) The Final PUD Plan is consistent with the approved Preliminary PUD Plan, any conditions of approval, and the land use goals and objectives of the Master Plan.
  - (2) All conditions of Preliminary Final PUD Plan approval have been addressed.
  - (3) All applicable engineering requirements have been satisfied, and the applicant has obtained all necessary outside agency permits or approvals.
- (E) **Village Council action on the Final PUD Plan.** Upon receipt of the report and recommendation from the Planning Commission, the Village Council shall review all findings and take action to approve, approve with conditions or deny the Final PUD plan, and shall set forth the reasons for their action. Approval of the Final PUD Plan shall be contingent upon approval of a Planned Unit Development Agreement in accordance with [Section 19.10](#) of this Article.
- (F) **Effect of Village Council action on the Final PUD Plan and PUD Agreement.** Approval of the Final PUD Plan and PUD Agreement by the Village Council shall allow the applicant to submit construction and building plans for the project to the County Building Inspector for review. All construction and building plans and permits shall conform to the approved Final PUD Plan, and no development may take place on the site, nor may any use thereof be made, except in accordance with the approved Final PUD Plan.
- (G) **Expiration of the Final PUD Plan.** An approved Final PUD Plan shall expire three hundred sixty five (365) days after the date of executive of the PUD Agreement, unless building permits have been issued or construction has commenced. If such construction has commenced, Final PUD Plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than one-hundred eighty (180) continuous days, said approval shall immediately expire. Upon written request received by the Village prior to the expiration date, the Village Council may grant an extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved Final PUD Plan remains in conformance with the purpose and provisions of this Article and the goals and objectives of the Master Plan.

## Section 19.10 Planned Unit Development Agreement

Upon approval of the Final PUD Plan, the Village Attorney shall prepare a PUD Agreement setting forth the conditions upon which such approval is based, which after approval by resolution of the Village Council, shall be executed by the Village and the applicant. Approval of the Final PUD Plan shall become effective upon recording of the Agreement in the Office of the Branch County Register of Deeds, which shall be done at the expense of the applicant. The Agreement shall, at minimum, include the following elements:

- (A) Identification of the plans and documents that are a part of the approval, the terms and conditions under which the approval was granted, the procedures to be followed for review and approval of amendments to the approved plans, and the terms or conditions regarding the expiration or revocation of approval.
- (B) Identification of the entity that is responsible for constructing each element of the project, including the public facilities and infrastructure, and identification of the entities that will own and be responsible for maintenance of public open space, common areas, and facilities, and the method of financing such maintenance work.
- (C) A listing and specification of all uses permitted as part of the approved PUD.
- (D) Project details and dimensions that are mandatory, and that are subject to refinement or alterations, along with the permissible degree of change.
- (E) An agreement providing for adequate maintenance of common elements, public areas and any stormwater retention or detention facility, including removal of soils from any detention or retention basin and rework of drainage facilities so that they are in compliance with the approved engineering plans and specifications. The agreement shall state that if such maintenance is not adequately performed, the Village may perform the maintenance and charge the cost thereof to the developer or the condominium association. The Village may require a performance guarantee, to guarantee maintenance of the common elements for a two-year period after completion.

## Section 19.11 Phased Developments

A PUD project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, and utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the project and the residents of the surrounding area.

## Section 19.12 Amendments

Proposed amendments to an approved Final PUD Plan that would alter the approved site design, uses or intent and conditions of Final PUD Plan approval shall be submitted for review as a revised Final PUD Plan following the procedure in [Section 19.09](#) of this Article. Minor changes that would not alter the approved site design, uses or intent and conditions of Final PUD Plan approval may be reviewed following the procedures for administrative site plan review in [Section 17.05](#) of this Ordinance.

## Section 19.13 Appeals

The Zoning Board of Appeals shall have no authority in matters covered by this Article.

### Section 19.14 Violations

Any violation of the approved Final PUD Plan or PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance.

Approval of a Planned Unit Development may be rescinded by the Village Council upon determination that the Planned Unit Development Agreement has been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, the Final PUD plan, or conditions of PUD approval. Such action shall be subject to the following:

- (A) **Public hearing.** Such action may be taken only after a public hearing has been held by the Village Council, at which time the owner of an interest in land for which Final PUD Plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- (B) **Determination.** Subsequent to the hearing, the decision of the Village Council with regard to the rescission shall be made and written notification provided to said owner or designated agent.

# Article 20 Variances, Appeals, and Interpretations

## Section 20.01 Variances

- (A) The [ZBA](#) shall have authority in specific cases to authorize one or more dimensional or "non-use" [variances](#) from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or [non-use variance](#) allows a deviation from the dimensional (i.e., height, [bulk](#), [setback](#)) requirements of the Ordinance. A [use variance](#) authorizes the establishment of a [use](#) of land that is otherwise prohibited in a [zoning district](#). The [ZBA](#) is not authorized to grant [use variances](#) by this Ordinance. Such authority shall be exercised in accordance with the following standards.
- (1) The [ZBA](#) may grant a requested "non-use" [variance](#) only upon a finding that practical difficulties exist *and* that the need for the [variance](#) is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same [zoning district](#). In determining whether practical difficulties exist, the [ZBA](#) shall consider the following factors:
    - (a) Unique circumstances or conditions exist which apply to the land, [structure](#) or [building](#) involved and which are not applicable to other lands, [structures](#), or [buildings](#) in the same [zoning district](#).
    - (b) As a result of the unique circumstances or conditions, strict compliance with the provisions of this Ordinance would unreasonably prevent the [use](#) of the property for a permitted purpose, or would be unnecessarily burdensome.
    - (c) The unique circumstances do not result from the actions of the applicant, including the knowing purchase of a property limited by existing non-conformities.
    - (d) The [variance](#) requested is the minimum [variance](#) which will make possible the reasonable [use](#) of the land, [building](#) or [structure](#).
    - (e) The granting of the [variance](#) will be in harmony with the spirit and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety and welfare.
  - (2) In all [variance](#) proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the [ZBA](#) may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a [variance](#) request.
- (B) **Conditions.** The [ZBA](#) may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or [variance](#) request. Conditions imposed shall meet the following requirements:
- (1) Be designed to protect [natural resources](#), the health, safety and welfare and the social and economic well-being of those who will [use](#) the land [use](#) or activity under consideration, residents and landowners immediately adjacent to the proposed land [use](#) or activity, and the community as a whole.
  - (2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed [use](#) or activity.
  - (3) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance, be related to the standards established in the ordinance for the land [use](#) or activity under consideration, and be necessary to insure compliance with those standards.
  - (4) Conditions imposed with respect to the approval of a [variance](#) shall be recorded as part of the [ZBA](#) minutes, and shall remain unchanged except upon the mutual consent of the [ZBA](#) and the landowner following notice and hearing as required in a new case.

## Section 20.02 Appeals

- (A) The [ZBA](#) shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance. Such appeal shall be requested by the applicant within 30 days of the date of the order, refusal, requirement, or determination being appealed.
- (B) In hearing and deciding appeals under this sub-section, [ZBA](#) review shall be based upon the record of the administrative decision being appealed, and the [ZBA](#) shall not consider new information which had not been presented to the administrative official, board or commission from whom the appeal is taken. The [ZBA](#) shall not substitute its judgment for that of the administrative official, board or commission being appealed, and the appeal shall be limited to determining, based upon the record, whether the administrative official, board or commission breached a duty or discretion in carrying out this Ordinance.

## Section 20.03 Interpretation.

- (A) The [ZBA](#) shall have authority to hear and decide requests for interpretation of the Zoning Ordinance, including the zoning map. The [ZBA](#) shall make such decisions so that the spirit and intent of this Ordinance shall be observed.
- (B) Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance.
- (C) Map interpretations shall be made based upon rules in the Ordinance, and any relevant historical information.
- (D) In carrying out its authority to interpret the Ordinance, the [ZBA](#) shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the [ZBA](#) may confer with staff and/or consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

## Section 20.04 Applications and Notices.

- (A) **Application.** All applications to the [ZBA](#) shall be filed with the Village, on forms provided by the Village, and shall be accompanied by the applicable fee established by resolution of the Village Board. Applications shall include seven (7) individually folded copies and one (1) digital copy of all plans, studies and other information and data to be relied upon by the applicant. These materials shall be submitted to the Village no later than thirty (30) days prior to the [Zoning Board of Appeals](#) meeting at which the review is requested.
- (B) **Plot Plan.** A [plot plan](#) (seven (7) copies, minimum size 11 inches by 14 inches) shall be required with all [variance](#) requests. The plan, which shall accompany all [variance](#) requests, shall be based on a mortgage survey or land survey prepared by a licensed land surveyor. The plan shall be to scale and shall include all [property lines](#) and dimensions, [setbacks](#) and all existing and proposed [structures](#).
  - (1) The [Zoning Board of Appeals](#) has the authority to require a land survey prepared by a licensed land surveyor when the [ZBA](#) determines it to be necessary to insure accuracy of the plan.
  - (2) The [ZBA](#) shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.
- (C) **Applications Involving an Appeal of Administrative Order.** In a case involving an appeal from an action of an administrative official or entity, the administrative official, or the clerk or secretary of the administrative entity, as the case may be, upon notice from the Zoning Department, shall transmit to the [ZBA](#) copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

- (D) Consent of Property Owner Required.** Applications to the [ZBA](#) shall be made with the full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.
- (E) Notice.** Notice of a public hearing concerning a request for a dimensional variance, interpretation of the zoning ordinance, or an appeal of an administrative decision shall be given as follows:
- (1)** A notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation in the Village and sent to the person requesting the interpretation not less than 15 days before the public hearing.
  - (2)** If the request for a dimensional variance, interpretation, or appeal involves a specific [parcel](#), written notice stating the nature of the request and the time, date, and place of the public hearing shall be sent by first-class mail or personal delivery to all persons to whom [real property](#) is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all [structures](#) within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.
- (F) Stay of Proceedings.** An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the [ZBA](#) that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the [ZBA](#), or by a court of competent jurisdiction.
- (G) Decision by the Zoning Board of Appeals.** The concurring vote of a majority of the membership of the [ZBA](#) shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board, or commission made in the administration of this ordinance, to decide in favor of an applicant on any matter upon which the [ZBA](#) is required to pass under this ordinance, or to grant a "non-use" [variance](#) from the terms of this ordinance.
- (H) Disposition and Duration of Approval.**
- (1)** The [ZBA](#) may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the [ZBA](#)'s jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the [ZBA](#)'s scope of review, as specified in this Ordinance and/or by law. The [ZBA](#) may remand a case for further proceedings and decisions, with or without instructions.
  - (2)** Decision Final. A decision by the [ZBA](#) shall be considered final as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant. To the extent that decisions are requested or required to be in writing, the minutes of the [ZBA](#) meeting, and decision, as proposed under supervision of the secretary, shall constitute the written decision.
- (I) Period of Validity.** Any decision of the [ZBA](#) favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the [ZBA](#) shall be valid for a period not longer than one (1) year, unless otherwise specified by the [ZBA](#), and within such period of effectiveness, actual on-site improvement of property in accordance with the approved plan and the relief granted, under a valid [building](#) permit, must be commenced or the grant of relief shall be deemed void.
- (J) Record of Proceedings.** The Village administrative staff, under the supervision of the secretary of the [ZBA](#), shall prepare and keep minutes of the [ZBA](#) proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority, and shall be the responsibility, of the secretary of the [ZBA](#), and shall be subject to approval of the [ZBA](#). To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the [ZBA](#) secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final [ZBA](#) approval.

(1) The official records of the [ZBA](#) proceedings shall be filed in the Village Hall and shall be public records.

**(K) Appeal of a ZBA Decision.** Appeals of a [ZBA](#) decision shall be taken in the manner provided by law.

**(L) New Application for Variance.** If the [ZBA](#) denies a request for a [variance](#), the decision of the [ZBA](#) shall not be subject to re-consideration for a period of one year, whereupon the applicant may submit a new application for the [variance](#). However, the [ZBA](#) may waive the one year period if conditions upon which their original decision was made change, or if information relating to the original decision are found to be incorrect or inaccurate.

# Article 21 Nonconformities

## Section 21.01 Intent and Purpose

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

The following table summarizes the nonconforming regulations contained in this Article:

### (A) SUMMARY OF NONCONFORMING REGULATIONS

<u>ISSUE</u>	<u>REQUIREMENTS</u>
Period of nonuse before nonconformity must cease	Nonconforming use: 180 days Nonconforming structure: 12 months
Establishment of new conforming use	Nonconforming use must cease
Change in ownership	No effect on nonconformity
Nonconforming single family use	May be enlarged, subject to conditions
Substitution of one nonconformity another	Permitted under certain conditions for
Nonconforming contiguous lots under same ownership	Must be combined
Expansion of nonconforming use within building	Permitted subject to conditions
Expansion of nonconformity use beyond existing building	Not permitted
Enlargement of nonconforming structure	Not permitted
Enlargement of nonconforming structure, when nonconforming with respect minimum requirement front yard setback	May be enlarged, subject to conditions to
Maintenance, structural repairs	Generally permitted
Renovation, modernization	Maximum value: 50% of assessed value
Rebuilding after catastrophe (Amended 2008)	Permitted if damage is less than 50% of pre-catastrophe fair market value



## Section 21.02 Definitions

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them:

- (A) **Effective Date.** Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.
- (B) **Nonconforming Structure.** A building or structure or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.  
(Amended 2008)
- (C) **Nonconforming Lot.** A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or dimensional requirements of the district in which the lot is located.
- (D) **Nonconforming Sign.** A sign that on the effective date of this Ordinance does not conform to one or more regulations set forth in the Ordinance.
- (E) **Nonconforming Use.** A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.
- (F) **Structural Nonconformity.** A nonconformity that exists when the height, size, or minimum floor space of a structure or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a Dimensional Nonconformity.

## Section 21.03 General Requirements

The following regulations shall apply to all nonconforming uses, structures, and lots:

- (A) **Single Family Home Exemption.** Detached Single Dwelling Units existing prior to the adoption of this Ordinance shall never be considered non-conforming uses, and shall be exempt from all regulations of this chapter.
- (B) **Continuation of Nonconforming Uses and Structures.** Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that, unless otherwise noted in this Article, the use shall not be enlarged, or extended to occupy a greater area of land, or moved in whole or in part to another portion of the lot. Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that, unless otherwise noted in this Article, The building and land involved shall not be structurally altered, enlarged, or moved unless such modifications conform to the provisions of this Ordinance for the district in which it is located. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
- (C) **Buildings Under Construction.** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in 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 ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

**(D) Discontinuation of Nonconforming Uses and Structures**

- (1) Nonconforming Structure.** When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for twelve (12) consecutive months or discontinued for any period of time without a present intention to reinstate the nonconforming use, the structure or structure and land in combination shall not thereafter be used except in conformance with the provisions of the district in which it is located.
- (2) Nonconforming Uses of Open Land.** If any nonconforming use of open land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.
- (3) Seasonal Uses.** In applying this sub-section to seasonal uses, the time during the off-season shall not be counted.

**(E) Purchase or Condemnation.** In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, Quincy Village, pursuant to Section 16, Public Act 184 of 1943, as amended, may acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses.

**(F) Recording of Nonconforming Uses and Structures.** The Zoning Administrator shall be responsible for maintaining records of nonconforming uses and structures as accurate as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Zoning Administrator with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

**(G) Establishment of a Conforming Use or Structure.** In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.

**(H) Change of Tenancy or Ownership.** In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

**(I) Exceptions and Variances.** Any use for which a special exception or variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.

**(J) Unlawful Nonconformities.** No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

**(K) Nonconforming Single-Family Uses.** Notwithstanding the limitations outlined in this article, any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.

**(L) Substitution.** A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this Ordinance.

**(M) Change of Location.** Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

## Section 21.04 Nonconforming Lots of Record

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

- (A) **Use of Nonconforming Lots.** Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto, unless such use has been restricted by a prior affidavit recorded with the Branch County Register of Deeds or as evidenced in the records of the Village. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.
- (B) **Variance from Area and Bulk Requirements.** If the use of nonconforming lot requires a variance from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.
- (C) **Nonconforming Contiguous Lots Under the Same Ownership.** If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance.
- (D) **Combination of Nonconforming Lots.** The County Register of Deeds may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this Ordinance.

## Section 21.05 Modification to Nonconforming Uses or Structures

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as permitted in this Section.

### (A) Applicability

The following regulations shall apply to any nonconforming use or structure, including:

- (1) Nonconforming uses of open land.
- (2) Nonconforming use of buildings designed for a conforming use.
- (3) Nonconforming use of buildings specifically designed for the type of use which occupies them but not suitable for a conforming use.
- (4) Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
- (5) Nonconforming structures, such as fences and signs.

### (B) Enlargement, Extension, or Alteration

- (1) **Increase in Nonconformity Prohibited.** Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
  - (a) An increase in the total amount of space devoted to a nonconforming use, or
  - (b) Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

- (2) Permitted Extension.** Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.
- (3) Permitted Enlargement.** A structure that is nonconforming with respect to the minimum required front yard setback may be enlarged provided that:

  - (a)** Such enlargement shall be permitted only for a primary building;
  - (b)** Such enlargement shall not extend closer to the front lot line than the front façade of the building; and
  - (c)** Such enlargement shall conform to all other dimensional standards of the District in which the building is located, as provided in [Section 4.01](#) (Schedule of Regulations), including side and rear yard setbacks, maximum building coverage, and maximum building height.
  - (d)** If the nonconforming structure is on a corner lot and is nonconforming with respect to both front yards, this permitted enlargement shall only be permitted within one of the front yards (along one of the street frontages). Any enlargement must satisfy the minimum front yard requirement along the other street frontage. (Amended 2008)
- (4) Alterations that Decrease Nonconformity.** Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the degree of nonconformity.
- (5) Variance to Area and Bulk Requirements.** If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variance from the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals.

**(C) Repairs, Improvements, and Modernization**

- (1) Required Repairs.** Repairs or maintenance deemed necessary by the Zoning Administrator to keep a nonconforming building structurally safe and sound are permitted. However, if a non-conforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Zoning Administrator or the County Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
- (2) Additional Permitted Improvements.** Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the assessed value of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

- (D) Damage by Fire or Other Catastrophes.** Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other means not caused by the property owner may be restored to its pre-catastrophe status. The replacement structure shall not be permitted to expand beyond the footprint (horizontal dimensions) of the pre-catastrophe structure or otherwise increase the nonconformity unless that portion of the structure that is expanding is in conformance with the requirements of this Ordinance. (Amended 2010).

## Section 21.06 Nonconforming Uses Determination

The following shall apply to all nonconforming uses of land in the Village:

- (A) Determinations that a use of land is nonconforming.** This Section is intended to provide reasonable standards for determining whether a use of land is conforming, nonconforming or illegal in the district where it is located. When there is a question or dispute over the status of a use, the Zoning Board of Appeals shall have the authority to make such determinations, subject to the following procedure and standards:
- (1) Procedure.** The procedure for making such determinations shall be as follows:
    - (a) Public hearing.** Such action may be taken only after a public hearing has been held, at which time the owner, operator or person having beneficial use of the land in question shall be given an opportunity to present evidence and documentation about the status of the use of land.
    - (b) Determination.** Subsequent to the hearing, the Zoning Board of Appeals shall make a determination with regard to whether the use of land is conforming, nonconforming or illegal in the district where it is located, and written notification provided to said owner, operator or person having beneficial use of the land in question.
  - (2) Standards for determining that a use of land is nonconforming.** The Zoning Board of Appeals shall determine that a use of land is nonconforming upon finding that the following statements (a – c) are true:
    - (a)** The use of land does not conform to the purpose and use regulations of the district where it is located, and the nonconformity cannot be resolved by means available under this Ordinance, such as [Article 16](#) (Special Use Approval).
    - (b)** The use of land complies with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.
    - (c)** Evidence from a minimum of three (3) of the following sources demonstrates that the use of land was legally established prior to the effective date of adoption or amendment of this Ordinance:
      - (i)** Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
      - (ii)** Dated telephone directories or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
      - (iii)** Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
      - (iv)** Dated advertising or other information published in a newspaper, magazine or similar periodical including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
      - (v)** Dated aerial photos from Branch County, the U.S. Department of Agriculture or other sources accepted by the Zoning Board of Appeals.
      - (vi)** Other relevant information, including but not limited to date- stamped photographs, diary or log entries, affidavits or notarized statements.
  - (3) Standards for determining that a use of land is conforming.** The Zoning Board of Appeals shall determine that a use of land is conforming upon finding that the use of land is in compliance with the use regulations of the district where it is located, including any required permits or special approvals.

(4) **Standards for determining that a use of land is illegal.** Any use of land that is not a conforming use in the district where it is located, or determined to be a nonconforming use of land, shall be considered an illegal use of land in the district that has been established in violation of this Ordinance.

(B) **Determinations that a nonconforming use of land has ceased.** The following is intended to provide reasonable standards for determining whether a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question. When there is a question or dispute over whether a nonconforming use has ceased, the Zoning Board of Appeals shall have the authority to make such determinations, subject to the following procedure and standards:

(1) **Procedure.** The procedure for making such determinations shall be as follows:

(a) **Public hearing.** Such action may be taken only after a public hearing has been held, at which time the owner, operator or person having beneficial use of the land in question shall be given an opportunity to present evidence and documentation about the status of the use of land.

(b) **Determination.** Subsequent to the hearing, the Zoning Board of Appeals shall make a determination with regard to whether the nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question, and written notification provided to said owner, operator or person having beneficial use of the land in question.

(2) **Standards for determining that a nonconforming use of land has ceased.** The Zoning Board of Appeals shall determine that a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question upon finding that a minimum of three (3) of the following six (6) statements (a – f) are true:

(a) **Local, county or state government files or records show that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.

(b) **Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.

(c) **Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.

(d) **Dated advertising or other information published in a newspaper or magazine show that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.

(e) **Dated aerial photos from Branch County or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use of land has ceased.**

(f) **Other relevant information shows that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

# Article 22 Definitions

## Section 22.01 Rules of Construction

The following rules of construction apply to the text of this Ordinance:

- (A) The particular shall control the general.
- (B) In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (C) The word “shall” is always mandatory and not discretionary. The word “may” is permissive and discretionary.
- (D) Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (E) A “building” or “structure” includes any part thereof. The word “dwelling” includes “residence”. The word “lot” includes the words “plot” or “parcel”.
- (F) The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for” or “occupied for.”
- (G) The word “person” includes an individual, a firm, an association, an organization, a corporation (public or private), a partnership or co-partnership, a limited liability company, an incorporated or unincorporated association, a trust, or any other entity recognizable as a “person” under the laws of Michigan.
- (H) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and,” “or” or “either ... or,” the conjunction shall be interpreted as follows:
  - (1) “And” indicates that all the connected items, conditions, provisions or events shall apply.
  - (2) “Or” indicates that all the connected items, conditions, provisions or events shall apply singly or in any combination (i.e., “or” also means “and/or”).
  - (3) “Either ... or” indicates that the connected items, conditions, provisions or events may apply singly.
- (I) The terms “this Zoning Ordinance” or “this Ordinance” includes the Zoning Ordinance of Quincy Village and any amendments there to.
- (J) The terms “abutting” or “adjacent to” include property “across from”, such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.
- (K) The word “he” includes “she.”
- (L) The phrase “such as” shall mean “such as, but not limited to.”
- (M) The word “including” shall mean “including, but not limited to.”
- (N) Terms not defined in [Article 22](#) (Definitions), or elsewhere in this Ordinance shall have the meaning customarily assigned to them.

## Section 22.02 Definitions.

For the purpose of this Ordinance, certain terms and words are herewith defined as follows:

**Access Management.** A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

**Access to Property, Reasonable.** A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.

**Act.** The term "act" or "doing of an act" includes "omission to act."

**Adult Care Facility.** A facility which provides daytime care for any part of a day but less than twenty-four (24) hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.

**Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection in addition to room and Council, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over eighteen (18) years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential center for persons released from or assigned to a correctional facility. These facilities are licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services, and are classified as follows:

- A. Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
- B. Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

**Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

**Adult Uses and Sexually-Oriented Businesses.** Any business which primarily features sexually stimulating material and/or performances, including the following uses:

**A. Sexually-Oriented Businesses and Adult Uses.**

- 1. Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas" as defined herein.
- 2. Adult Book or Video Store.** An establishment having a substantial portion (more than twenty percent (20%)) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions,



slides, or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities” or “simulated nudity,” which are offered for sale or rental, or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.

3. **Adult Entertainment Cabaret.** A nightclub, bar, lounge, or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by any one or more of the following:
  - a. An emphasis on the exposure of “specified anatomical areas;” or
  - b. An emphasis on “specified sexual activities;” or
  - c. An emphasis on “nudity,” “state of nudity,” or “simulated nudity;” or
  - d. A combination of any of the above.
4. **Adult Model Studio.** Any place where models who display “specified anatomical areas” (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
5. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
  - a. Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities” and/or “specified anatomical areas”, and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
  - b. Offers a sleeping room(s) for rent for a period of time that is less than ten hours; or
  - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours. Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten-hour period creates a rebuttable presumption that the establishment is operated as an adult motel.
6. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors.

The following uses shall not be included within the definition of an adult personal service establishment:

- a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical or healing arts professionals;
  - b. Establishments which offer massages performed by certified massage therapists;
  - c. Gymnasiums, fitness centers and health clubs;
  - d. Electrolysis treatment by a licensed operator of electrolysis equipment;
  - e. Continuing instruction in martial or performing arts, or in organized athletic activities;
  - f. Hospitals, nursing homes, medical clinics, or medical offices;
  - g. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
  - h. A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear “nude” or in “a state of nudity;”
  - i. Adult photography studios whose principal business does not include the taking of photographs of “specified anatomical areas” as defined herein.
7. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or features live performances which are distinguished or characterized by an emphasis on the exposure of “specified anatomical areas” or by an emphasis on “specified sexual activities”.
- a. **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” (as defined herein).
  - b. **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities and/or “specified anatomical areas”.
  - c. **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
8. **Escort Service.** An establishment which provides the services of escorting members of the opposite sex for payment of a fee.
9. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or “specified sexual activities” while appearing in a “state of nudity,” “simulated nudity” or while displaying “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.

10. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a “state of nudity,” “simulated nudity” or displays “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.
11. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons, or between persons of the same sex, when one or more of the persons is in a “state of nudity” or “simulated nudity” and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
12. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock- in-trade devoted to the distribution, display, or storage, of instruments, devices, or paraphernalia designed for use related to “specified anatomical areas” or as part of, in connection with, or related to “specified sexual activities” (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

**B. Special Definitions.** With respect to Adult Regulated Uses or Sexually Oriented Businesses, the following terms and phrases shall have the following meanings:

1. **Buttock.** The anus and perineum of any person.
2. **Massage.** The manipulation of body muscle or tissue, by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another for a fee.
3. **Massage Clinic.** An establishment wherein private massage is practiced, used or made available as a primary use of the premises.
4. **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
  - a. Genitals, whether or not in a state of sexual arousal; or
  - b. Pubic region or pubic hair; or
  - c. Buttock(s); or
  - d. The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
  - e. Any combination of the above.
5. **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual “state of nudity”.
6. **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person’s body, or of any object, into the genital or anal openings of another’s body.
7. **Sodomy.** Sexual bestiality.
8. **Specified Anatomical Areas.** Portions of the human body defined as follows:
  - a. Less than completely and opaquely covered:
    - (1) Human genitalia and pubic region;
    - (2) Buttock and anus; and

(3) Female breast below a point immediately above the top of the areola; or

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

9. **Specified Sexual Activities.** The explicit display of one or more of the following:

a. Human genitals in a state of sexual stimulation or arousal;

b. Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breast;

c. Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy;

d. Human excretory functions as part of, or as related to, any of the activities described above;

e. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to, any of the activities described above.

10. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any one or more of the following: stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.

**Agriculture.** The act or business of cultivating or using the land and soils for the production of crops for the use of animals or humans, and includes, but is not limited to, purpose related to farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry.

**Alley.** A right-of-way that affords only a secondary means of access to adjacent property.

#### **Alterations.**

**A. Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.

**B. Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.

**C. Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.

**Animal, Wild or Exotic.** Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to, the following: alligator and crocodile (family); deer (family); opossum (family); badger; wild dog or wolf (family); primate excluding humans (family); bear; raccoon; ferret; skunk; wild cat (family); lemur; spider (poisonous); coyote; lizard, snake, and other reptile (poisonous); weasel (family); wild boar or swine (family); and marten.

**Appeal.** An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

**Basement.** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement, and shall not be used for dwelling units, offices, retail sales or manufacturing, but may be used for storage, heating and utility facilities, etc. Should the vertical distance between the floor and midpoint, and ceiling and midpoint, be equal the area shall be counted as a basement.

**Bedroom.** A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

**Berm** A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

**Block.** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating, between the nearest such street or unsubdivided acreage, railroad right-of-way, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**Bill Council.** Any non-accessory or off-premises sign, device, design, words, letters, numbers or trademark which makes anything known to the general public and is the principal use of the lot or parcel on which it is located.

**Council of Appeals.** The Quincy Village Zoning Board of Appeals, created pursuant to the provisions of Michigan Public act 184 of 1943, as amended.

**Boat.** See Recreation Vehicle.

**Boat Dock/Well:** The water area in which a boat lies when it is made fast to shore installations.

**Boat Lift:** A device referred to as a hoist, davits, etc., that may be used to raise boats or cargo.

**Boat Pier:** See Pier.

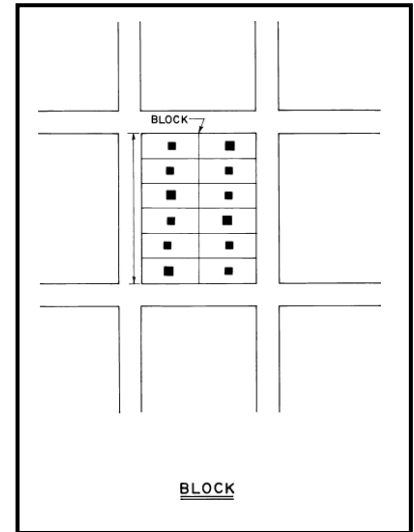
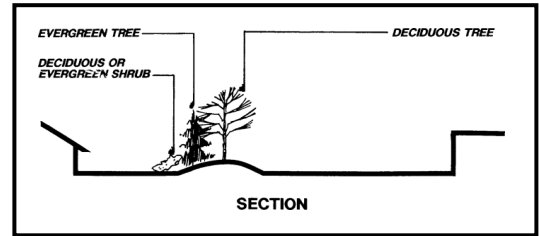
**Boat Port:** Any covered structure open on all sides designed for the storage of boats and marine equipment.

**Brewpub.** A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than five-thousand (5,000) barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 436.31c.

**Buffer Strip.** A strip of land often required between certain zoning districts or land uses reserved for plant material, greenbelts, berms, walls, or fencing to serve as a visual barrier.

**Build to Line.** An alignment that dictates the front yard setback from a street or public right-of-way, to be followed by buildings or structures fronting thereon. The build-to line does not apply to building projections or recesses.

**Buildable Area.** The space remaining on a lot after compliance with the minimum required setbacks of this Ordinance.



**Building.** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, property, equipment or similar items. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators,

- A. Accessory Building or Structure.** A building or structure, or portion of a primary building, subordinate to and on the same premises as the primary building(s) and use(s), the use of which is incidental to, customarily associated with, and subordinate to that of the primary building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses and swimming pools.
- B. Primary Building.** A building in which is conducted the primary use of the lot on which said building is situated.

**Building Height.** The vertical distance measured from the established grade to:

- A.** the highest point of the coping of a flat roof;
- B.** to the deck line of a mansard roof; or,
- C.** to the average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof; or
- D.** seventy-five percent (75%) of the height of an A-frame.

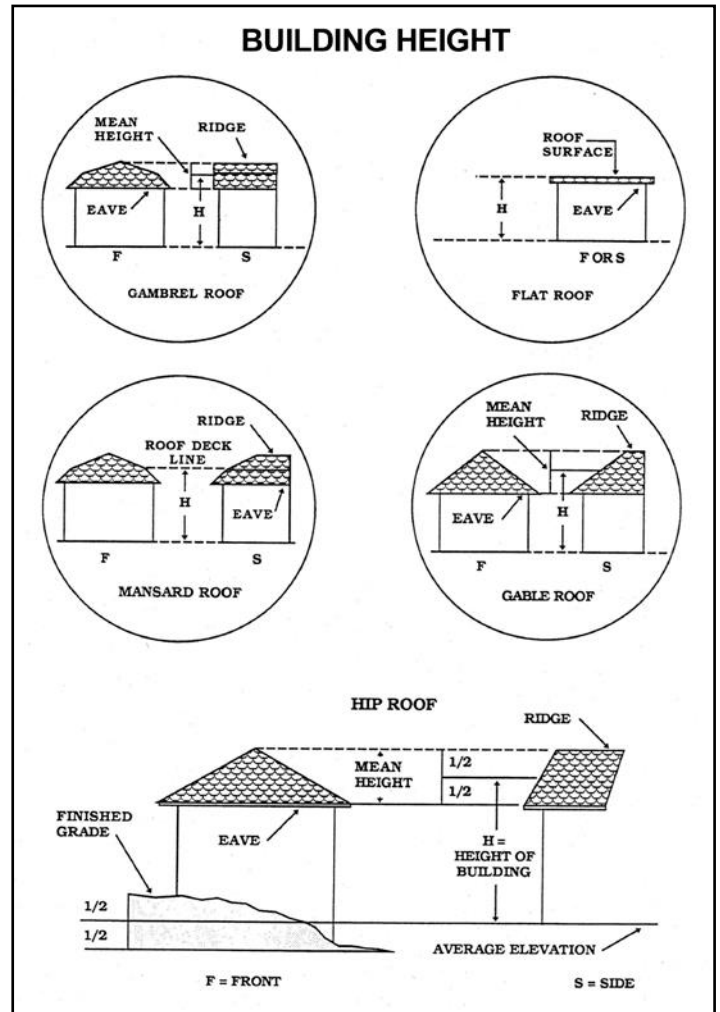
Where a building is located on sloping terrain, the height shall be computed using the average grade measured at the building wall on all four sides (see illustration).

**Building Official.** The officer or other authority designated by the Village Council to administer and enforce the Building Code. In the case of Quincy Village, the Branch County Building Department is the designated building official for the Village.

**Building Permit.** A building permit is the written authority issued by the Branch County Building Department permitting the construction, removal, repair, moving, alteration or use of building in conformity with the provisions of this Ordinance.

**Building Setback or Building Line.** The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this Ordinance. Such line, when adjacent to a building, is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

**Caliper.** The diameter of a tree trunk measured 18 inches above the ground level. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.



**Canopy Tree.** A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.

**Care Facility.** An institutional use of a building or property whereby a publicly or privately funded program enables persons to receive medical, psychological, emotional or other rehabilitative care as an out-patient or live-in patient. This definition does not include those institutional uses provided for elsewhere in this Ordinance, nor does it include foster care programs or homes.

**Caretaker Living Quarters:** An independent residential dwelling unit designed for and occupied by no more than two (2) persons, where at least one (1) is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

**Cemetery.** Land used or intended to be used for burial of the human dead and dedicated for such purpose.

**Certificate of Occupancy.** A certificate issued after final inspection indicating that all the provisions of this Ordinance are being complied with. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

**Child Care Organization.** A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended, or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:

- A. Child Day Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- B. Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, Counseling schools, or an adult foster care facility in which a child has been placed.
- C. Family Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.
- D. Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- E. Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**F. Group Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption.

**Church, Temple, Place of Worship, or Religious Institution.** A religious institution, or a site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

**Class A Road.** A construction designation of the Michigan Department of Transportation meaning that the road was constructed as an all weather truck route appropriate for industrial and agricultural development. Class A Roads may carry legal loads after the first frost in the fall and have higher load limits than County primary and County local roads. (Ord. 04-04; 3/2/04)

**Class C Liquor License Establishment.** A Class C Liquor establishment shall mean any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine, and spirits for consumption on the premises.

**Clinic.** Offices for one or more health practitioners engaged in treating the sick or injured on an outpatient basis.

**Clustering.** A development design technique in which uses are grouped or “clustered” in specific areas on a site (see also Cluster Housing).

**Cluster Housing.** A housing development that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**Civic Club.** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit. See also **Lodge**.

**Cocktail Lounge or Night Club.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

**Commercial Vehicle.** Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six-thousand-five-hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

**A. Semi-trailer.** A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.

**B. Truck Tractor.** A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.

**C. Other Commercial Vehicles.** Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9)



feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

**Commercial Livestock Operations.** The use of land for the growing and/or raising of livestock and processing of livestock products for income, including but not limited to beef cattle, hogs, poultry, and other farm animals.

**Common Land.** A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision or a planned unit development.

**Common Open Space.** An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

**Community Center.** A building dedicated to social or recreational activities, serving the Village or a neighborhood and owned and operated by the Quincy Village, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the Village.

**Composting Center:** Composting is the biological decomposition of organic matter under controlled conditions that are characterized by aerobic, elongated piles (windrows) that generate heat. A composting center is a location where organic matters is collected and delivered from off-site, thereby allowing for large-scale composting involving various composting technologies.

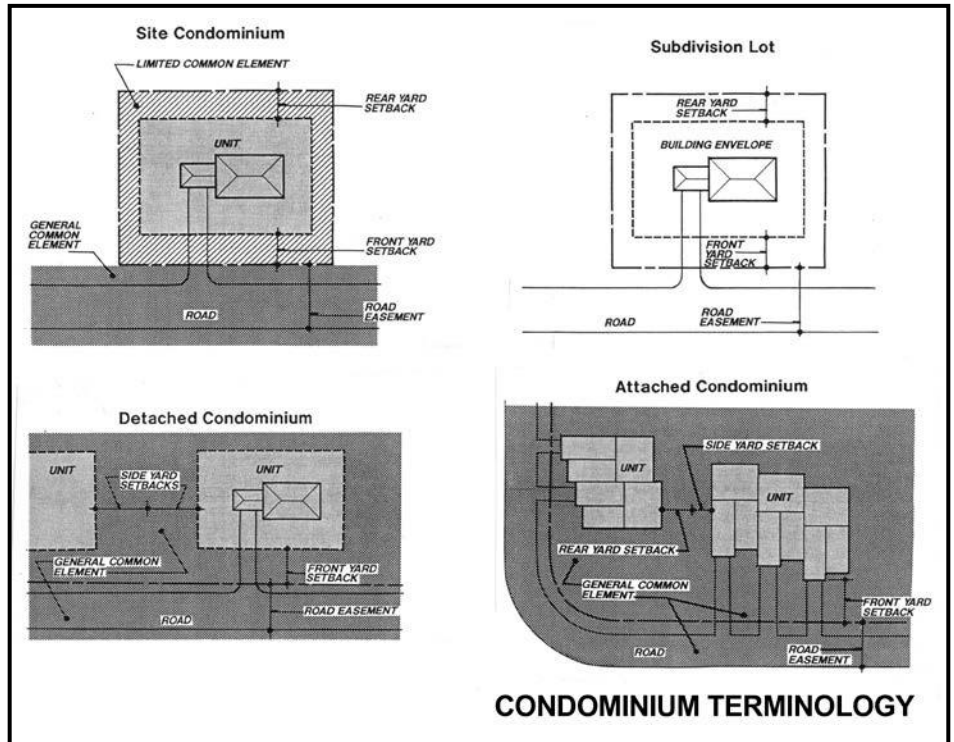
**Condominium.** A condominium is a system of separate ownership of individual units and/or multiple- unit projects according to the state Condominium Act, Public Act 59 of 1978, as amended (MCL 559.101 et seq.). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

**A. Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**B. General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.

**C. Limited Common Element.**

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



- D. Site Condominium.** All allocation or division of land permitted under the State of Michigan Condominium Act, Act 59 of 1978 as amended, which permits single family detached housing pursuant to a master deed.
- 1. Site Condominium Project.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
  - 2. Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
  - 3. Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term “condominium unit site” shall be equivalent to the term “lot” for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
    - a. Front Yard Setback.** The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from fifteen (15) feet from the nearest pavement edge to the foundation of the unit.
    - b. Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
    - c. Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.
  - 4. Condominium Master Deed.** The condominium document recording the condominium project as approved by the Village including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
  - 5. Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The term “condominium unit” or “condominium unit site” shall be equivalent to the term “lot” for the purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, and maximum floor area ratio. (Amended 2004).
  - 6. Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Quincy Village Code of Ordinances and the Condominium Act.
  - 7. Condominium Conversion.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
  - 8. Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**Congregate Living Dwelling.** A building or portion thereof containing a minimum of twenty-four (24) living units designed for occupancy by senior citizens living independently of each other except that cooking, kitchen, and dining accommodations are provided in a central area and not located within the individual living units.

**Congregate Living Unit.** The individual area within a given congregate living dwelling or project that provides an enclosed living environment for those activities relating to self-maintaining behavior such as sleeping, grooming, bathing and toileting. Each living unit may be occupied by no more than two persons.

**Convalescent or Nursing Home.** A home for the care of children, the aged or the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. Such home shall also conform to and qualify for a license under applicable State laws (Public Act 139 of 1956, as amended).

**Corner Clearance Area.** A triangular area, formed at an intersection of any two street rights-of-way by a straight line drawn from one right-of-way line to the other at a distance along each line of ten (10) feet from their intersection point.

**Courtyard or Court.** An open unoccupied space other than a yard, on the same lot with a building and which is bounded on three or more sides by the building.

**Deceleration Lane.** An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

**Demolition.** An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

**Density.** The number of dwelling units situated on or to be developed per net or gross acre of land.

**Detention basin.** A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

**Development.** The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**Diameter Breast Height (D.B.H.).** The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.

**District.** A portion of Quincy Village within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term "zone" or "zoning district."

**Drainage Ways and Streams.** Existing permanent or intermittent watercourses.

**Drive-In Establishment.** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles, rather than within a building or structure, so that consumption within motor vehicles may be facilitated.

**Drive-Through Establishment.** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

**Driveways.** A private lane, designed primarily for use by vehicles that connects a house, garage, or other buildings with the road.

**Dumpster Enclosure.** Any exterior space which secures or screens containers, structures, or other receptacles intended for temporary storage of solid waste materials.

**Dwelling.** A building or part of a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families. (Amended 2006).

**A. Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

- 1. Accessory Apartment.** A dwelling for one (1) family located within a primary building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. "mother-in-law" apartment).
- 2. Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.

**B. Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

**C. Detached Dwelling.** A dwelling unit which is not attached to any other dwelling unit by any means.

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

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

**E. Manufactured (Mobile) Home.** A type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered manufactured homes for the purposes of this Ordinance.

**F. Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.

**G. Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families with each floor having two (2) means of egress, exclusive of an elevator.

**H. Site Built Dwelling.** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials, and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

- I. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one family.
- J. **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane in an appropriate manner for multiple-family uses. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.
- K. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building with no visible separation between walls or roof. Each townhouse dwelling shall be capable of individual use and maintenance without trespassing upon adjoining dwellings, and access, utilities and service facilities shall be independent for each dwelling.
- L. **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two(2) families.

**Easement.** A grant of one (1) or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

**Erect.** To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill and drainage activities.

**Essential Services.** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this ordinance. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this ordinance.

**Estate Sale.** The sale of used personal property belonging to the occupants of a residential dwelling and conducted on the residential lot to liquidate an estate.

**Excavation.** Any breaking of ground, except common household gardening and ground care.

**Exterior Architectural Feature.** The architectural style, design, general arrangement and components of all of the outer surfaces of a building or structure, as distinguished from the interior surfaces enclosed by such outer surfaces. Such exterior architectural feature shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building or structure, such as cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**Facade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative and structural features.

**Family.**

- A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than two (2) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuous, non-transient, 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 terms of other similar determinable periods.

**Farm.** The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products.

A farm permitted by this Ordinance is not intended nor implied to permit trucking, equipment and/or vehicle repairs(s) and/or sales, contractor's yards, snow removal businesses, lawn maintenance businesses, or any other activities other than those incidental to the bona fide farm.

**Farm Animals.** Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, that are capable of being trained and adapting to living in a human environment.)

**Farm Buildings:** Any building or structure other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for the agricultural operations carried on that type of farm.

**Feedlot:** Any parcel of land or premises on which the principal use is the concentrated feeding of farm animals within a confined area. Farm animals include livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals. Feedlots are also known and sometimes referred to as "livestock confinement areas."

**Fence.** Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to property ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall be considered fences for the purpose of this Ordinance when placed in a manner or position to serve as such.

- A. Agriculture fence.** A fence constructed for the purpose of enclosing farm animals and protecting farms and agricultural areas within the Agriculture (A) zoning district.
- B. Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.
- C. Industrial fence.** A chain-link or ornamental fence constructed for the purpose of enclosing or securing an industrial use.
- D. Living fence.** A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.
- E. Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than forty percent (40%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
- F. Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than forty percent (40%) for the purpose of obscuring or screening an area from public view.

**G. Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet (6') apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty percent (40%).

**H. Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the Building Inspector for the purpose of enclosing or securing an area for a limited period of time.

1. **Construction.** A fence erected for the purpose of securing a construction site against unauthorized access.
2. **Special Events.** A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across street rights-of-way except as authorized by the Village Council and Branch County Road Commission, where appropriate.

**Filling.** Filling shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

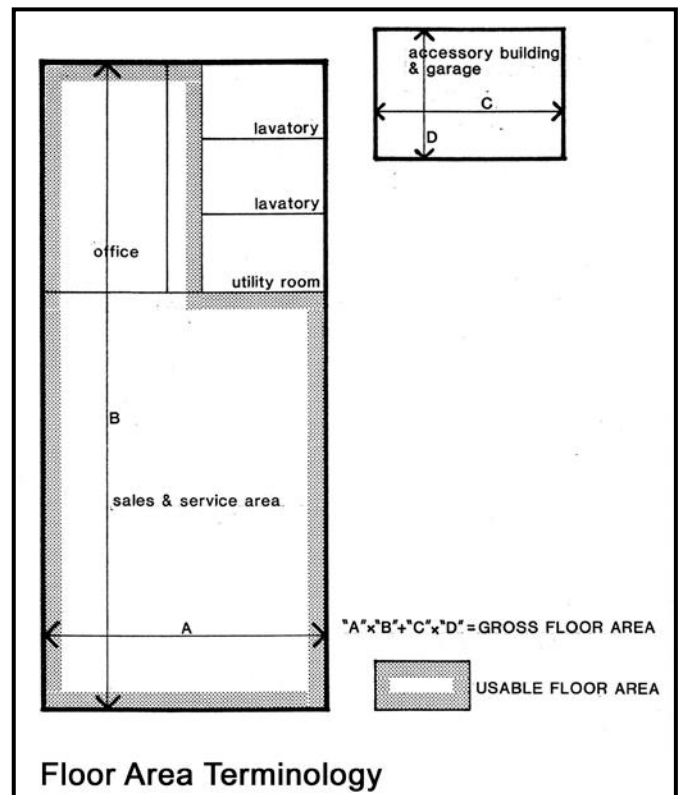
**Floor Area.** The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a building or structure used for parking of motor vehicles shall not be computed in the floor area. Courtyards or

balconies open to the sky and roofs which are utilized for recreation, etc., shall not be counted in the floor area but shall be a part of the recreational space.

**A. Floor Area, Gross (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building, which is what this normally is referred to as, includes the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher. Any space devoted to off- street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

**B. Floor Area Ratio (FAR).** The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Example: a FAR of 2.0 would allow floor space of twice the lot area, or a four-story, building covering one- half (1/2) of the lot. A FAR of 0.5 would allow floor space of one-half (1/2) the lot area, or a two- story building covering one-quarter (1/4) of the lot.

**C. Floor Area, Usable (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.



**Frontage.** All the property adjacent to one side of a street, as measured along the street right-of-way line, or at the front yard setback line for pie-shaped lots on cul-de-sacs.

**Garage Sale.** The sale of used tangible household personal belongings to the householder and conducted on an individual lot used as a one-family, two-family, or multiple-family dwelling. The items offered for sale shall be limited to personal property that is usual to a residence and commonly used in a family. A garage sale is not for the sale, display, or trading of articles of commerce obtained either new or used for the purpose of sale or resale nor for the sale, display or trading of goods manufactured or processed either on or off the lot for the purpose of sale or resale.

**Garage, Private.** Space in a principal building, or in an accessory building or on the same lot, used for storage and maintenance of occupant-owned motor vehicles as an accessory use only.

**Garage, Storage.** A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

**Garbage.** Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

**Garden Center.** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies, landscaping materials, and equipment.

**Grade.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building/dwelling.

**A. Grade, Average.** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

**B. Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

**C. Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.

**Greenbelt.** A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.

**Hazardous Substance:** Pursuant to Michigan Public Act 451 of 1994, as amended, "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act, Act No. 93 of the Public Acts of 1981, as amended, being sections 286.471 to 286.474 of the Michigan Compiled Laws:

**A.** Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, or welfare, or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources.

**B.** A Hazardous substance as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-510, 94 Stat. 2767.

**C.** A Hazardous waste as defined in Chapter 3, Part 111, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.11101 to 324.11152 of the Michigan Compiled Laws.



**D.** A Petroleum as defined in Chapter 8, Parts 211 and 213, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, being sections 324.21101 to 324.2121331 of the Michigan Compiled Laws.

**Hedgerow.** A row of eight (8) or more trees having a four (4) inch diameter or greater at a height of four (4) feet; the drip line of the trees defines the land area of the hedgerow.

**Height, Building. (see Building Height)**

**Hospital.** An institution, licensed by the Michigan Department of Health, to provide in-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time. Included as an integral part of the institutions are such related facilities as laboratories, out-patient departments, educational facilities, food services and staff offices.

**Hospital, Long Term.** An institution providing in-patient medical treatment of an intensive and specialized nature for the chronically ill, who are generally confined for periods of time exceeding thirty (30) days. Long-term hospitals include homes for alcoholic, narcotic, or psychiatric patients, and institutions for patients with a contagious disease, such as tuberculosis sanitariums.

**Hotel.** One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services. This definition shall include hotels, extended stay hotels, motels and inns.

**Junk Yard or Motor Vehicle Storage or Dismantling Yard.** An open area where waste, used or secondhand material is bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper rags, rubber tires, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. The term “junk yard” does not include drop-off stations for residential recyclables.

**Junk.** Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

**Kennel.**

**A.** Any building, lot or premises where four or more dogs or cats (at least eight weeks of age) are kept. This shall not include residentially zoned premises or premises which are used for residential purposes, at which the occupant is keeping his or her own dogs or cats; or

**B.** Any building, lot, or premises where dogs or cats are kept or housed, for which remuneration is received.

**Laboratory.** A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

**Landfill.** A tract of land that is used to collect and dispose of “solid waste” as defined and regulated in Michigan Public Act 641 of 1979, as amended.

**Landmark.** A structure or property which is of value in preserving the historical, cultural, architectural or archeological heritage, or an outstanding example of design or a site closely related to an important personage, act or event in history. Such structures or property should be preserved and restored to their historical character and should be protected from modifications which detract from their historical significance.

**Lighting.** The following definitions are related to lighting:

- A. **Awning.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
  - B. **Floodlight.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
  - C. **Footcandle.** A unit of illuminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.
  - D. **Fully Shielded Fixture.** A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.
  - E. **Glare.** Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
  - F. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting
  - G. **Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties
  - H. **Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of property in which it is located
  - I. **Luminaire.** The complete lighting system including the lamp and light fixture.
  - J. **Luminaire Cut-Off Angle.** The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
  - K. **Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g. neon, argon, etc.
  - L. **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.
- Livestock.** Horses, cattle, sheep. Goats, chickens and other domestic animals normally kept or raised on a farm.
- Loading Space.** An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- Lodge.** An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.
- Lot.** A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any structures, and having frontage upon a public or private street or road.
- A. **Corner Lot.** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, where any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.
  - B. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel streets.

- C. Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a street.
- D. Zoning Lot.** An area of land that, at the time of filing for site plan review or a permit, is designated to be used, developed or built upon as a unit. A zoning lot may include one or more lots of record, and shall satisfy the dimensional requirements of this Ordinance. Multiple adjacent lots under common ownership shall be deemed a single zoning lot if they are occupied by or designated for occupation by a single primary use or integrated primary uses and are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.
- E. Lot Area.**
- 1. Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and waterbodies.
  - 2. Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.

**Lot Coverage.** A ratio, expressed as a percentage, of the lot area covered or occupied by buildings or structures to the net lot area of the zoning lot.

**Lot Depth.** The mean horizontal distance measured from the front street right-of-way line to the rear lot line.

**Lot Line.** Any line dividing one lot from another lot, or from a street right-of-way or from any public place. Specifically:

- A. Front Lot Line.** The line separating a lot from a street right-of-way (in the case of a private street that does not have a dedicated right-of-way, this line shall be parallel to and thirty feet (30') back from the centerline of the pavement). Where lots border upon waterbodies, the front lot line shall be designated as that line fronting on the street.
- B. Rear Lot Line.** The boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line.
- C. Side Lot Line.** Any lot line not a front lot line or a rear lot line.

**Lot of Record.** A parcel of land, the dimensions and legal description of which are on file with the Branch County Register of Deeds and Village Treasurer, or any parcel which has been created in accordance with the provisions of state laws and local ordinances regulating the division of land and has been assigned a parcel (tax) identification number by the Assessor for Quincy Village or the Branch County Register of Deeds.

**Lot Split and Consolidation:** The dividing or uniting of lots by virtue of changes in the deeds in the office of the Branch County Register of Deeds and the Village Treasurer.

**Lot, Waterfront.** A lot adjoining a body of water, such as a lake, river, or canal.

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

**Major Street.** An arterial street which is intended to serve as a large volume traffic-way for both the immediate municipal area and the region beyond, and is designated as a major street in the Quincy Village Master Plan.

**Manufactured Home.** A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailer, trailer coach, or travel trailers.

**Manufactured Home, HUD-Code.** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, 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. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).

**Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a specific mobile home.

**Manufactured Housing Park.** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

**Marquee.** A structure of a permanent nature projecting from the wall of a building.

**Massage Therapist.** An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

**Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

**Master Plan.** The comprehensive plan(s) including graphic and written proposals indicating the development goals and objectives, the planned future use of all land within the Quincy Village, as well as the general location for all physical development of the Quincy Village, and includes any unit or part of such plan(s), and any amendment to such plan(s) or part(s) thereof. Such plan(s) shall be adopted by the Planning Commission and may or may not be adopted by Village Council .

**Mechanical Amusement Arcade.** Coin-operated amusement machine and/or device establishments shall be defined as a place of business that has in operation an excess of five (5) coin-operated machines and/or devices.

**Mechanical Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffle Council, miniature pool table, or any other similar machine, instrument, or contrivance which may be operated or set in motion upon the insertion of a coin, or under normal use is designed to have a coin; however, in lieu of said coin, the proprietor charges a flat rate to use said device.

**Mezzanine.** An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

**Microbrewery.** A brewer licensed by the State of Michigan which produces and manufactures in total less than thirty-thousand (30,000) barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the thirty-thousand (30,000) barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

**Mixed Use.** A structure or project containing residential and nonresidential uses.

**Motor Home (Trailer Coach).** A self-propelled motorized vehicular unit primarily designed, used, or constructed for travel and/or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home" or "manufactured home."

**New Construction.** Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

**Nonconformities:**

- A. Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.
- B. Class A Nonconforming Designation.** A nonconforming structure or use of land that has been designated by the Planning Commission to be allowed to be perpetuated and improved in accordance with the provisions of this Ordinance and an approved site plan.
- C. Class B Nonconforming Status.** Nonconforming structures or uses of land, other than those designated as Class A, are considered to be Class B and are allowed to continue within the restricted provisions of this Ordinance.
- D. Illegal Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure, or is not in compliance with all applicable federal, state, county and Village laws, ordinances, regulations and codes.
- E. Illegal Use of Land.** A use that occupies one or more contiguous parcels of land, or structures and land in combination, which is not a conforming or a nonconforming use, or is not in compliance with all applicable federal, state, county and Village laws, ordinances, regulations and codes.
- F. Nonconforming Lot of Record.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- G. Nonconforming Sign.** See **Signs**.
- H. Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
- I. Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.
- J. Nonconforming Use Of Land.** A use that lawfully occupied a parcel or contiguous parcels of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located, or does not have special approval where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.

**Noxious.** An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.

**Nuisance Factors.** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of an activity or use across a property line which can be perceived by or affect a human being, or the generation of an excessive or concentrated movement of people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, or invasion of non-abutting street frontage by traffic.

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

**Obscene Material.** As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].

**Obscuring Screen.** A visual barrier between adjacent areas or uses consisting of structures, such as a wall or fence, or living plant material.

**Occupancy.** The purpose for which a building or part thereof is used or intended to be used.

**Occupancy Load.** The number of individuals normally permitted to occupy a building or part thereof, as determined by the Building Inspector.

**Occupied.** Includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited," not necessarily for dwelling purposes.

**Office:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**Offset.** The distance between the center lines of driveways or streets across the street from one another.

**Off-Street Parking Lot.** A facility located outside of the street right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

**Open Space.** All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use. Grading in the open space shall be minimal, with the intent to preserve existing topography.

**Ordinary High Water:** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil and the vegetation.

**Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building, excluding garage sales that are otherwise regulated in this Ordinance.

**Outdoor Motor Vehicle Storage or Dismantling Yard (Junk Yard).** Any business and any place of storage or deposit which displays, or in or upon which there are displayed, to view from a public right-of-way, two or more registered or unregistered motor vehicles which are unfit for reconditioning for use on the public highways, or used parts of motor vehicles, or old iron, metal, glass, paper, cordage, or other waste, or discarded or secondhand material which has been a part or intended to be a part of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles, but excluding

vehicles in operable condition specially adapted or constructed for racing or operation on privately owned drag strips or raceways, vehicles retained by the owner for antique collection purposes rather than for salvage or for transportation, and vehicles stored as the property of a member of the armed forces of the United States who is on active duty assignment outside the continental and territorial limits of the United States.

**Outlot.** A parcel of land designated on a site plan for future development.

**Package Liquor Store.** A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

**Parapet Wall.** An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

**Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts, or otherwise intended for active or passive recreational pursuits.

**Public Park.** Any park within the jurisdiction and control of a government agency.

**Parking Area, Public.** An open area other than a street, alley or place used for the temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**Parking Space.** A space set aside for the sole purpose of parking an automobile on a temporary basis.

**Pavement Or Hard Surface.** Plant-mixed bituminous material, concrete, and brick or masonry pavers meeting the construction specifications of the Quincy Village.

**Pawn Shop.** A shop that lends money in exchange for valuable personal property as security. This definition includes the sale of such securities after repossession and the sale of new merchandise generally found in retail stores.

**Perc Test or Percolation Test:** A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or the use of a septic system.

**Permit.** Authorization given by the Quincy Village in conformity with this Ordinance. The term "permit" shall include but not be limited to zoning permits.

**Pier:** A structure extending outward from the shore line for use as a promenade or to secure and provide access to boats. (Also see Wharf.)

**Pile, Spring, or Mooring:** A column of timber steel or concrete driven into the ground below the water to tie off or otherwise moor a boat.

**Planned Unit Development.** A form of comprehensively planned land development which permits flexibility in site design, arrangement and types of permitted uses.

**Planning Commission.** The Quincy Village Planning Commission created by Ordinance, being the agency designated to prepare and to recommend amendments to this Ordinance in accordance with authority of Public Act 184 of 1943, as amended.

**Planting Season.** The period of time during the year, as determined by a registered arborist or landscape architect, during which trees, shrubs and other plant materials may be planted with the greatest likelihood of successful growth and development.

**Plat.** A map of a subdivision of land.

**Plat, Subdivision.** The division of a tract of land for the purpose of sale, lease or building development, in accordance with Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, or any successor thereto, and subdivision control regulations as may be adopted by the Village.

**Pond.** An excavation or the altering of a water course by damming or excavation or combination thereof, for the purpose of creating a body of water greater than one thousand (1,000) square feet in area and two (2) feet or more in depth, for the use as an irrigation source, for livestock watering, for fish or aquatic life production, or for scenic purposes.

**Porch, Enclosed.** A completely enclosed (with materials other than mesh screening) and roofed space that serves as an entrance to a building or structure and a sheltered transition zone between indoor and outdoor areas.

**Porch, Open.** A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a building or structure and a transition zone between indoor and outdoor areas.

**Poultry:** Any of various breeds of birds long ago domesticated by man as so to live and breed in a tame, docile, tractable condition useful to humans for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys and similar birds not including game fowl.

**Premises.** A single zoning lot, or multiple adjacent lots under common ownership occupied by a single primary use or integrated primary uses that are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.

**Primary Use.** See Use, Primary

**Principal Use.** See Use, Principal

**Private Club.** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

**Public And Semi-Public Institutional Buildings, Structures, And Uses.** Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not limited to, office buildings, churches, municipal parking lots, post offices, libraries, and community centers.

**Public Services.** Such uses and services that provide a service to the general public, such as voting booths, pumping stations, fire halls, police stations, public health activities and similar uses.

**Public or Private Utility.** A person, firm, corporation, municipal department, Council or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this ordinance.

**Radioactive Materials.** Materials defined as radioactive under state or federal regulations for transportation of radioactive materials.

**Recreation Establishment, Indoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

**Recreation Establishment, Outdoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skate Counseling parks, and children's amusement parks.



**Recreation Area.** Any public or privately-owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, and fishing lot or parcel that is utilized for recreation.

**Recreational Vehicle.** "Recreation Vehicles" shall include the following:

- A. Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational and vacation uses and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water and electrical facilities.
- B. Camper Trailer (pop-up):** A canvas folding structure, mounted on wheels and designed for travel and vacation use.
- C. Pick-Up Camper:** A structure designed to be mounted on a pick-up or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- D. Boat:** A watercraft (including, but not limited to any vessel, ship, motorboat, sailboat, barge, scow, tugboat or rowboat) which is any one of the following:
- greater than 12 feet in length,
  - having a motor or engine of more than five (5) horsepower,
  - used for rental or other commercial purposes, or
  - registered or required to be registered with the Michigan Department of State.
- E. Boat/Personal Watercraft:** A vessel that meets all of the following requirements:
- uses a motor driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion,
  - is designed without an open load carrying area that would retain water, and
  - is designed to be operated by one (1) or more persons positioned on, rather than within, the confines of the hull.
  - registered or required to be registered with the Michigan Department of State.
- F. Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted on a chassis with wheels and capable of being moved place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

**Other Recreational Equipment:** Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

**Repair and Maintenance, Ordinary.** Any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

**Restaurant.** Any establishment whose primary business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation and whose design and principal method of operation includes the following:

- A.** Suitable seating for customers and/or a service counter for carry-out orders.
- B.** Adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night.

- C. Customers are served their food and beverages by a restaurant employee at the table where such items will be consumed, or at the counter where such items are ordered by the customer.

**Restaurant, Carry-Out.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

- A. Food and beverages are usually served in edible containers, or in paper, plastic or other disposable containers.
- B. The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

**Restaurant, Drive-In.** Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design or method of operation, or any portion of whose business, includes one or both of the following characteristics:

- A. Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicle.
- B. The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.

**Retail Stores and Retail Sales.** A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares, or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items. Included in this definition are convenience stores, department stores, variety stores, "big-box" stores, supermarkets, wholesale club stores, shopping centers and shopping malls. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the primary use of retail sales to the customer in the building. This definition does not include temporary uses, outdoor display or sales areas, or adult uses and sexually-oriented businesses.

**Retaining Wall.** A permanent, solid barrier of brick, stone or similar material approved by the Quincy Village, intended to enclose an area. All supporting members, posts, stringers, braces, pilasters or other construction features shall be located and placed on the inside of the wall away from public view, and all visible exterior surfaces shall be constructed, painted, tinted or colored. No signs shall be placed, affixed, painted or designed on retaining walls.

**Right-Of-Way.** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles or placement of public and semi-public utilities and under the legal authority of the agency having jurisdiction over the right-of-way.

**Road.** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

- A. **Private Road:** Any road which is to be privately maintained and has not been accepted for maintenance by the Branch County Road Commission, the State of Michigan or the federal government, but which is subject to approval by the Village. The inclusion of this definition is not intended to indicate that private roads are permitted in Quincy Village.

- B. Public Road:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the Branch County Road Commission, State of Michigan or the federal government.
- C. Collector Road:** A road whose principal function is to carry traffic between minor, local and subcollector roads and arterial roads but may also provide direct access to abutting properties.
- D. Cul-De-Sac:** A road that terminates in a vehicular turnaround.

**Room.** For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**Rural Cluster Zoning.** A technique that is intended to preserve the Rural Open Space Environment by grouping dwellings on some portions of the development site in order to preserve the remainder of the site as permanent open space in a natural state or for continued agricultural use. In areas not served by public sewers, units are typically clustered on the portions of the site where the soils are most capable of supporting septic systems. Rural Cluster Zoning is also known as "Open Space Zoning." (See also: "Rural Open Space Environment.")

**Rural Open Space Environment.** A type of development that preserves characteristics of the rural/town environment, such as agricultural use of farmlands, open fields, road front trees, woodlots, fence rows, wildlife habitats, historic farm buildings and sites, and wetlands. A development that preserves the rural open space environment typically minimizes large lot sprawl which results in the fragmentation of rural lands. (See also: "Rural Cluster Zoning.")

**School, Nonpublic.** A nonpublic school is any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

**School, Public.** A public school is a public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or by the department or state Council.

**Second Hand Dealers.** Any person, corporation or member or members of a corporation or firm who primarily engage in the retail sale of used merchandise, antiques, and secondhand goods; such as, clothing, shoes, furniture, books, rare manuscripts, musical instruments, office furniture, phonographs and phonograph records, store fixtures and equipment. Excluded from this definition are dealers primarily engaged in selling used motor vehicles, trailers, boats, mobile homes, automobile parts and accessories, scrap and waste dealers.

**Self-Storage Warehouse.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

**Senior Housing.** An institution other than a hospital or hotel, which provides room and Council to non-transient persons primarily sixty (60) years of age or older. Housing for the elderly may include:

- A. Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.

- B. Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- C. Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.
- D. Elderly Housing Complex.** A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.
- E. Senior Apartments.** Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.

**Separate Ownership.** Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.

**Service Drive.** An alley or other paved vehicular access that generally parallels the public right-of-way and provides shared access to multiple lots.

**Setback.** The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or street rights-of-way.

- A. Parking Lot Setback.** The minimum horizontal distance between the street right-of-way or property line and the near edge of pavement in an off-street parking lot.
- B. Required Setback.** The minimum horizontal distance between a front, rear, or side lot line and a building line required to comply with required yard provisions of this Ordinance.

**Shopping Center.** A group of commercial establishments, planned, developed, owned and managed as a unit, and related in location, size and type of shops to the trade area it serves.

**Signs.** Any surface, fabric, device, display or visual medium, including the component parts, which bears writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of the display to convey information or attract attention. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices. Graphics painted upon the side of a building which carry no advertising shall not be construed to be a sign, except where such graphics pictorially display products or business that convey an advertising intent. The term "sign" includes the sign structure, supports, braces, guys and anchors.

**Site Plan.** A scaled drawing illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this ordinance and the Code of Ordinances.

**Soil.** The word soil as used herein shall be topsoil, subsoil, sand, gravel, muck or any other type of natural earthy material.

**Special Land Use Permit.** An authorization by the Village Council or Planning Commission specified herein to use a parcel of land and/or structure for a special land use.

**Stable, Commercial.** A structure in which livestock used for pleasure riding or driving are housed or kept for hire, including a riding track.

**Stable, Private.** Space in a principal building or an accessory building on the same lot used for stabling of livestock owned by the occupants, exclusively as an accessory use.

**State Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the state pursuant to the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, as amended (MCLA 400.701 et seq.), or the Child Care Organizations Act, Public Act 116 of 1973, as amended (MCLA 722.111 et seq.), which facility provides resident services and twenty-four (24) hour supervision or care for six (6) or fewer persons in need of supervision or care.

**Steep Slopes.** Slopes with a grade of twelve percent (12%) or more.

**Store.** A retail facility offering a variety of merchandise, including but not limited to the following: food, beverages, clothing, automotive supplies, personal hygiene items, toys, sports equipment, books, electronic equipment and household items.

**A. Home Improvement or Hardware Store** A retail facility the primary focus of which is to offer a variety of merchandise for home improvement, including but not limited to building materials and supplies, appliances, plants, gardening supplies and home furnishings.

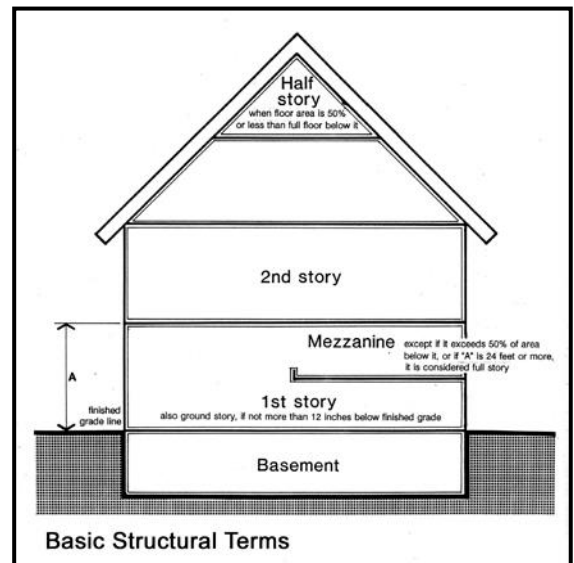
**B. Hypermarket.** A retail store with more than forty-thousand (40,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services, and includes departments for various hardline merchandise (such as hardware, lumber and building supplies, automobile parts and supplies, paint, floor coverings, furniture, home improvement supplies, sporting goods, toys, housewares, cookware, pets and pet supplies, gardening supplies, appliances, jewelry, etc.) and softline merchandise (such as clothing, shoes, cosmetics, health supplies, personal hygiene products, books and magazines, stationery and office supplies, greeting cards and gifts, infant and toddler materials, fabric and sewing supplies, household decorations, etc.).

**C. Supermarket.** A retail store with ten thousand to forty thousand (10,000 – 40,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a party store, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services.

**Story.** That part of a building, other than a mezzanine, included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. Specifically:

**A. Basement.** A story if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building, including the family of the same.

**B. First Story.** The highest story having its interior floor surface not more than four feet above the curb level, or the average elevation of the finished grade along the front of the building were it set back from the street.



- C. Half-story.** that part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half (1/2) of the floor area of such full story, provided the area contains at least two hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.
- D. Mezzanine.** A full story when it covers more than fifty percent (50%) of the area of the story underneath such mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- E. Top Story Attic.** A half story when the main line of the eaves is not above the middle of the interior height of said story.

**Street Right-of-Way Line.** The dividing line between the street and a lot.

**Street.** A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent property.

**Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

**Subdivision.** A subdivision as defined in the Quincy Village Code of Ordinances.

**Substantial Improvement.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Swimming Pool.** Any structure or container located above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and intended for swimming or bathing. A swimming pool shall be considered an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

**Tavern (Pub).** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and other mechanical amusement devices.

**Temporary Building.** A structure permitted to exist during periods of construction or for special events.

**Tent.** A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, and shall not include those types of tents used solely for children's recreational purposes.

**Truck Storage.** An area used for the temporary storage of private trucks or trucks for hire.

**Truck Terminal.** The use of property or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

**Unit.** See **Condominium Unit.** (Amended 2004).

**Use.** The purpose for which land or premises, or a building thereon, is designed, arranged or intended, or for which it is occupied maintained, let or leased.

**A. Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the primary use or building of the premises.

**B. Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.

**1. Principal Use.** An activity permitted by right in the district, subject to the requirements and standards of this Ordinance.

**2. Special Land Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.

**C. Primary Use.** The main use to which the premises are devoted and the main purpose for which the premises exist.

**D. Seasonal Use.** A temporary use permitted and regulated pursuant to this ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers and Christmas trees.

**E. Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance, including, but not limited to carnivals, circuses, farmers market, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events.

**Usable Open Space.** Open space is “usable” if it is accessible to a majority of residents of a development for recreation or leisure activities. Examples of usable open space include, but are not limited to, open fields and woodlands. Swamps or marshes would not generally be considered usable open space, except for those which are allowable within [Article 19](#) (Planned Unit Development).

**Variance.** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.

**Veterinary Clinic or Hospital.** An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

**Wading Pool.** For the purposes of this Ordinance a wading pool shall be any receptacle utilized for holding water which has a water depth not exceeding two (2) feet.

#### **Walls.**

**A. Decorative.** A screening structure walls of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.

**B. Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete or similar material.

**Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps, or marshlands. Wetlands shall also have one (1) or more of the following attributes:

**A.** At least periodically, the land supports predominantly hydrophytes.

- B. The substrate is predominantly un-drained hydric soil.
- C. The substrate is saturated with water, or covered by shallow water at some time during the growing season of each year.

**Wetland, Regulated.** Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) under the provisions of Public Act 203 of 1979, as amended, that have any of the following characteristics:

- A. Contiguous to an inland lake, pond, river or stream;
- B. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- C. Other wetlands where the MDEQ determines, with notification to the property owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.

**Wine Shop (Specialty).** A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of wine or beer with an alcohol content under twenty-one percent (21%) by volume for consumption off the premises, however no more than ten percent (10%) of the gross floor area shall be dedicated for the storage, display, and sale of beer.

**Wireless Communications Facility.** All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

- A. **Abandoned Tower or Antenna.** An antenna that is not operated for a continuous period of twelve months, or a tower constructed or maintained without an operational antenna shall be considered abandoned.
- B. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
- C. **AM Array.** One or more tower units with a supporting ground system that function as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.
- D. **Amateur Radio Communications Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.
- E. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
- F. **Backhaul Network.** The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
- G. **Co-Location.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
- H. **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
- I. **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.



**J. Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

**Yard.** An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein.

**A. Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or street right-of-way and the nearest point of the primary building.

**B. Rear Yard.** An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the primary building.

**C. Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.

**D. Side Yard.** An open space extending from the front yard to the rear yard on the side of the primary building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the main building

