

Chapter 155

ZONING

[HISTORY: Adopted by the Village Council of the Village of Bellevue 3-27-2007 by Ord. No. 2007-001. Amendments noted where applicable.]

GENERAL REFERENCES

Floodplain management — See Ch. 64.

Property maintenance — See Ch. 109.

Planning Commission — See Ch. 107.

PREAMBLE

An ordinance enacted by the Village of Bellevue under the Joint Municipal Planning Act, Public Act 226 of 2003, MCLA § 125.131 et seq., the Municipal Planning Act, Public Act 285 of 1931 as amended, MCLA § 125.31 et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCLA § 125.3101 et seq., to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings and structures, including tents and mobile homes; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said ordinance.

ARTICLE I

Title, Purposes and Legal Clauses**§ 155-1.01. Title.**

This chapter shall be known and may be cited as the Village of Bellevue Zoning Ordinance.

§ 155-1.02. Repeal of ordinance.

The existing 1971 Zoning Ordinance of the Village of Bellevue, Ord. No. 53, adopted October 18, 1971, and all amendments thereto are hereby repealed with the effective date of this chapter; except that such repeal shall not have any effect upon existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of said ordinances so repealed.

§ 155-1.03. Purposes.

It is the intent and purpose of this chapter to promote the following:

- A. Promoting and protecting the public health, safety and general welfare.
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other areas within the community and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce and other land uses in future growth.
- F. Fixing reasonable standards to which buildings or structures shall conform.
- G. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings, or structures permitted within specified zoning districts.
- H. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- J. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- K. Conserving the taxable value of land, buildings and structures throughout the

community.

- L. Providing for the completion, extension, substitution or elimination of nonconforming uses.
- M. Creating a Board of Appeals and defining the powers and duties thereof.
- N. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this chapter.
- O. Providing for the payment of fees for permits.
- P. Providing penalties for the violation of this chapter.

§ 155-1.04. Validity and severalty clause.

- A. If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not specifically included in said ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

§ 155-1.05. Conflict with other laws.

- A. Where any condition imposed by any provision of this chapter 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 chapter or by the provision of an ordinance adopted under any other law, the provision of which is more restrictive or imposes a higher standard or requirement shall govern.
- B. This chapter is not intended to abrogate or annul any easement, covenant or other private agreement, provided that where any provision of this chapter is more restrictive, or imposes a higher standard or requirement, than such easement, covenant or other private agreement, the provisions of this chapter shall govern.
- C. Land uses and activities thereon which are violative of state, local or federal law shall be and are hereby prohibited in all zoning districts within the Village of Bellevue. [Added 2-22-2011 by Ord. No. 2011-001]

§ 155-1.06. Period of effectiveness.

This chapter shall remain in full force and effect henceforth unless repealed.

ARTICLE II
Construction of Terms and Definitions

§ 155-2.01. Construction of language.

For the purpose of this chapter, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" shall also mean a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" shall also mean the word "structure" and either includes any part thereof.
- D. The word "lot" shall also mean the word "plot," "tract," or "parcel."
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.
- G. The words "this chapter" means the text of this chapter as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- 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," "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 the connected items, conditions, provisions or events may apply singly or in any combination.
 - (3) "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "community" is the collective jurisdiction of the Village of Bellevue and the Township of Bellevue in the County of Eaton, State of Michigan.
- J. Any word or term not interpreted or defined by this chapter shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- K. "Days" means calendar days unless otherwise stated.

§ 155-2.02. Definitions.

- A. Definitions of words and phrases beginning with the letters "A" through "E":
ACCESSORY BUILDING — A building or structure customarily incidental and

subordinate to the principal structure and located on the same lot as the principal building.

ACCESSORY RETAIL SALES — An industrial operation that has a minor part of its operation retailing products produced by said industry.

ACCESSORY USE — A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

ADULT ENTERTAINMENT FACILITIES —

- (1) **ADULT BOOKSTORE** — An establishment that has, as a substantial or significant portion of its stock-in-trade, sexual paraphernalia, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films, and/or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity, sadomasochistic abuse or sexual conduct.
- (2) **ADULT MOTION PICTURE THEATER** — An establishment, whether in a completely enclosed building or not, that offers, for an admission fee, membership fee, or other valuable consideration, the viewing during more than 25% of its operating hours of motion picture films, pictures or photographs which are distinguished or characterized by their emphasis on nudity, sadomasochistic abuse, or sexual conduct.
- (3) **ADULT THEATER** — An enclosed building or any portion of a building which is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct, nudity, or sadomasochistic abuse by any means of display, including, without limitation, by motion picture, mechanical amusement devices, television, including videotape or closed circuit, or live performance for observation by patrons therein.
- (4) **NUDITY** — Uncovered or less than opaquely covered postpubertal human male or female genitals, pubic areas or buttocks.
- (5) **SADOMASOCHISTIC ABUSE** — Flagellation or torture by or upon a human.
- (6) **SEXUAL CONDUCT** — Any of the following actual or simulated acts of:
 - (a) Human sexual intercourse, homosexual or heterosexual;
 - (b) Human or animal masturbation;
 - (c) Bestiality;
 - (d) Fellatio;
 - (e) Cunnilingus;
 - (f) Human excretory functions;
 - (g) Sodomy; or

- (h) Fondling or erotic touching of human genitals, pubic region, buttocks or breasts.

AGRICULTURAL BUSINESS — The sales, service, repair, storage, and processing activities which are directly dependant upon the agricultural community and are necessary to support agricultural enterprise.

AGRICULTURE — Any land, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, PA 93 of 1981, MCLA § 286.471 et seq.; including, but not limited to, pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.

AIRPORT — An airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics, under Section 86 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCLA § 259.86.

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

AMBIENT — The sound pressure level exceeded 90% of the time or L90.**[Added 10-27-2009 by Ord. No. 2009-002]**

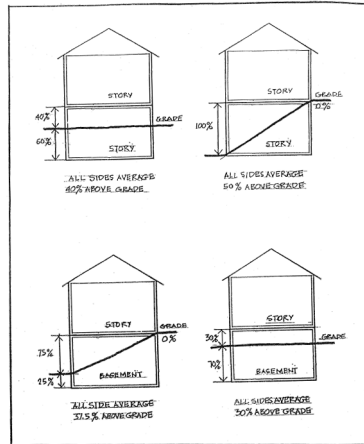
ANEMOMETER TOWER — A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.**[Added 10-27-2009 by Ord. No. 2009-002]**

ANSI — The American National Standards Institute.**[Added 10-27-2009 by Ord. No. 2009-002]**

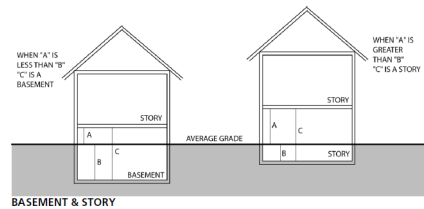
APARTMENT — A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple-family dwelling intended and designed for use as a residence by a single family.

ARCHERY AND GUN RANGE — An area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting for other than personal use.

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



BASEMENT & STORY



BED-AND-BREAKFAST — A single-family residential structure used for the purpose of renting bedrooms on a nightly basis, including the provision of bathing and lavatory facilities and a breakfast meal.

BERM — A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes which may be used to provide a transition between uses of differing intensity.

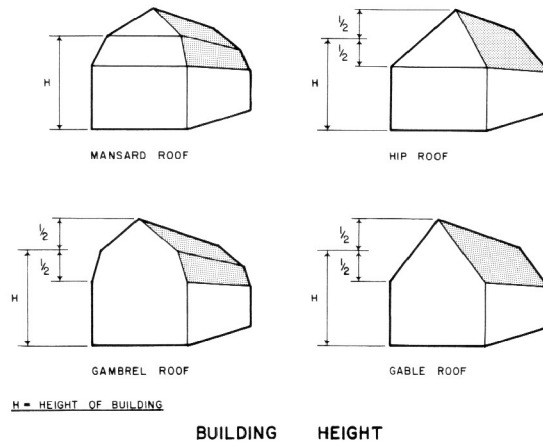
BILLBOARD — A sign, other than off-premises directional signs and political signs, which does not pertain to the principal use of the premises upon which it is located.

BUFFER AREA — A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties in different zoning districts.

BUILDING — Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes, but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

BUILDING HEIGHT — In the case of a principal building, the vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the decline of mansard roofs, and the average height between eaves and the ridge of

gable, hip, and gambrel roofs The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.



BUILDING LINES — A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high-water mark.

CHURCH AND PLACE OF WORSHIP — A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

CLINIC — A building or group of buildings wherein more than one professional, such as a physician, dentist, veterinarian or the like, examines and treats patients, except that such patients are not lodged therein overnight.

CLUB OR LODGE, PRIVATE — A nonprofit association of persons who are bona fide members paying dues, which owns, hires or leases a building, or a portion thereof, the use of such premises being restricted to members and their guests.

COMMUNICATION TOWER — Any structure or system of, including, but not limited to, wires, poles, rods, reflecting discs, or similar devices attached to the ground or any other structure or any other equipment used to facilitate, improve, support, or constructed primarily for the purpose of transmission, reception or transfer of radio, telephone, television, microwave, other telecommunication signals and similar communication purposes, including, but not limited to, self-supporting lattice towers, guyed towers, or monopole towers. The term includes the structures and supports thereto.

COMMUNITY MASTER PLAN — The Joint Master Plan of the Village of Bellevue and the Township of Bellevue.

CONDITIONAL USE — A use which is subject to conditional approval by the Planning Commission or Village Council. A conditional use may be granted when specified by this chapter and for those uses not specifically mentioned.

CONDOMINIUM PROJECT — A plan or project consisting of two or more condominium units established and approved in conformance with the Condominium Act, Public Act 59 of 1978, MCLA § 559.101 et seq., as amended.

CONDOMINIUM SUBDIVISION — A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, MCLA § 560.101 et seq., as amended.

CONDOMINIUM SUBDIVISION PLAN — The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

CONDOMINIUM UNIT — That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, 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. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit," or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this chapter, including minimum lot size, minimum lot width, maximum lot coverage and setbacks.

DAY-CARE CENTER — A facility, other than a private residence, 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. A day-care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child-care center, day-care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A day-care center does not include any of the following:

- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a twelve-month period.
- (2) A facility operated by a religious organization where children are cared for not greater than three hours while persons responsible for the children are attending religious services.
- (3) A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency, a full-time foster family home, a full-time foster family group home, a group day-care home, or a family day-care home.

DAY-CARE HOME, GROUP — A private home in which the operator permanently resides as a member of the household in which more than six but not more than 12 minor children are given care and supervision for periods of less than

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. A group day-care home includes a home that gives care to more than six unrelated minor children for more than four weeks during a calendar year.

DAY-CARE HOME, FAMILY — A private home in which the operator permanently resides as a member of the household in which one but less than seven minor children are received for care and supervision for periods of less than 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. A family day-care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

dB(A) — The sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear. **[Added 10-27-2009 by Ord. No. 2009-002]**

DECIBEL — The unit of measure used to express the magnitude of sound pressure and sound intensity. **[Added 10-27-2009 by Ord. No. 2009-002]**

DEED RESTRICTION — A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Village has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Village.

DENSITY — The number of existing or proposed dwelling units per net acre of land. Net acreage is the gross acreage of a lot, less the public rights-of-way.

DISTRICT — An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district."

DRIVE-IN — A business developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to service patrons while in the motor vehicle rather than within a building or structure or to permit patron self-service.

DRIVE-THROUGH — An establishment developed so that some portion of its retail or service character is dependent upon providing a driveway approach and a staging area specifically designed to serve patrons remaining in their motor vehicles at the point of sale.

DWELLING UNIT — A building or portion thereof, designed for occupancy by one family for residency purposes and having cooking facilities.

DWELLING, MULTIPLE-FAMILY — A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, ONE-FAMILY — A building designed exclusively for one dwelling unit.

DWELLING, TWO-FAMILY — A building designed exclusively for two dwelling units.

EFFICIENCY APARTMENT — Is a dwelling unit containing a minimum of at least 150 square feet of floor area consisting of not more than one room in addition to kitchen and sanitary facilities.

EQUIPMENT SALES AND SERVICING — A place of business where equipment such as farm machinery and similar equipment is sold and serviced.

ERECTED — Built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavation, fill, drainage, and the like shall be considered a part of the erection when done in conjunction with a structure.

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

EXTRACTION OPERATIONS — The removal, extraction or mining of sand, gravel, stone or similar material for commercial gain.

B. Definitions of words and phrases beginning with the letters "F" through "J":

FAMILY —

- (1) **Domestic family.** An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.
- (2) **Functional equivalent family.** A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. The Zoning Administrator shall presume that a functional equivalent of a domestic family is limited to six or fewer persons. A property owner may rebut this presumption to allow more than six persons subject to the standards set forth in this chapter. This definition shall not apply in instances of group care centers or state-licensed residential facilities as established under PA 110 of 2006, as amended, MCLA § 125.3101 et seq.

FARM — Land used for commercial agriculture comprising at least 20 contiguous acres, and which may contain other noncontiguous acreage, all of which is operated by a sole proprietorship or corporation and including all necessary farm buildings, structures, and machinery.

FENCE OR WALL, OBSCURING — A fence or wall characterized by primarily closed construction so as to permit no or only limited visibility from one side to another, and which is typically intended to provide privacy or otherwise screen from view the space contained behind or within. Examples of obscuring fences and walls include, by example, solid wood fence, solid brick wall, solid poured concrete wall, and other fences and walls of similar character.**[Added 5-27-2014 by Ord. No. 2014-005]**

FENCE OR WALL, ORNAMENTAL — A fence of open construction that serves as a decorative landscape element. A fence or wall that exhibits a decorative aspect across the entire face of the fence or wall, through the use of multiple materials or other features that place an emphasis on the decorative character of the fence or wall rather than the functional aspect of the fence or wall to enclose or otherwise identify a space. An ornamental fence or wall may be of solid or open construction unless specified otherwise by this chapter. Examples of decorative fences and walls include, by example, picket fences, split rail fences, wrought iron fences, brick and/or stone walls, and combinations thereof. Unless expressly provided for elsewhere in this chapter, "ornamental fence" shall not be construed to include wire-woven, mesh-like and other similar appearing fences, including those commonly referred to as cyclone and chain-link fences, and mesh-like fences commonly used to contain farm animals irrespective of the dimensions of the mesh comprising the fence.**[Amended 5-27-2014 by Ord. No. 2014-005]**

FENCE/WALL — An accessory structure of narrow depth intended to enclose a space, to screen or block views to a space, to serve as a physical barrier, and/or to serve as a decorative landscape element. A fence is typically constructed of wood, materials made to look like wood, plastics or wrought iron. A wall is typically constructed of brick, stone, poured concrete, and/or other masonry materials.¹**[Amended 5-27-2014 by Ord. No. 2014-005]**

FLOOD HAZARD AREA — Land which, on the basis of available floodplain information, is subject to a one-percent or greater chance of flooding.

FLOOD HAZARD BOUNDARY MAP — An Official Map of a community, issued by the Federal Insurance Administration, whereon the boundaries of the areas of special flood hazards have been designated as Zone A.

FLOOD INSURANCE RATE MAP — An Official Map of a community, on which the Federal Insurance Administration has delineated both the areas of special hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY — The official report provided by the Federal Insurance Administration, containing flood profiles, the Flood Hazard Boundary Floodway Map and the water surface elevation of the base flood.

FLOOD or FLOODING — A temporary partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any

1. Editor's Note: The former definition of "fence, privacy," which immediately followed this definition, was repealed 5-27-2014 by Ord. No. 2014-005.

source.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.

FLOOR AREA, GROSS — The sum of all gross areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, courtyards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

FLOOR AREA, MINIMUM (FOR A DWELLING UNIT) — The sum of all gross floor areas of all stories of a dwelling unit, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, courtyards, or patios shall not be considered as part of the minimum floor area.

FLOOR AREA, USABLE — For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

FOSTER CARE FACILITY — An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or a nursing home, licensed under PA 139 of 1956, as amended,² or a mental hospital for mental patients licensed under PA 151 of 1923.³

(1) **FAMILY HOME** — A facility which provides foster care to six or fewer persons.

(2) **GROUP HOME** — A facility which provides foster care to seven or more persons.

FRONTAGE — The total continuous length of the front lot line. For the purpose of determining the yard requirement on corner lots, all sides of a lot adjacent to streets shall be considered frontage. On a circular turnaround or cul-de-sac the minimum frontage requirement shall be measured at the front setback line.

GARAGE, COMMERCIAL — Any garage other than a private garage, available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

GARAGE, PRIVATE — An accessory building not over one story or 15 feet in height used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.

2. Editor's Note: The Nursing Home and Home for the Aged Licensing Act, PA 139 of 1956, was repealed by Act 368 of 1978.

3. Editor's Note: The Hospital Act for Mentally Diseased Persons, PA 151 of 1923, was repealed by Act 175 of 1966.

GASOLINE SERVICE STATION — A building or premises used for the retail sale of fuel, lubricants, air, water, and other commodities designed for motor vehicles, aircraft and boats. Such an operation may include space and facilities for selling, installing, or adjusting tires, batteries, parts and accessories within a completely enclosed building, and may include accessory convenience store merchandise primarily sold to patrons purchasing gasoline and/or services.

GOVERNING BODY — The Village Council of the Village of Bellevue.

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

HOME BUSINESS — An accessory use to a customary farming operation or non-farm household located in a rural area involving the sale of goods and services which are conducted either from within the dwelling and/or from accessory buildings located within 500 linear feet of the dwelling unit occupied by the family conducting the home business.

HOME OCCUPATION — An accessory use of a dwelling unit for gainful employment which is conducted entirely within a dwelling and which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this chapter.

HOSPITAL — An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

HOUSEHOLD PET — Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include domestic dogs, domestic cats, domestic tropical birds, domestic tropical fish, and domestic rodents, but excluding animals which meet this chapter's definition for "livestock" or "wild animal."

IEC — The International Electrotechnical Commission. **[Added 10-27-2009 by Ord. No. 2009-002]**

ISO — The International Organization for Standardization. **[Added 10-27-2009 by Ord. No. 2009-002]**

JUNK — Miscellaneous solid waste, rubbish, scrap, debris, and reclaimable material located outside of a completely enclosed building, including, but not limited to, paper, rags, scrap metal and equipment, glass, household appliances, garbage, tires, vehicle parts, or motor vehicles which are inoperable, partially dismantled, wrecked, or abandoned, excluding farm machinery.

JUNKYARD — Any land or building used for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running conditions, or parts thereof.

- C. Definitions of words and phrases beginning with the letters "K" through "O":

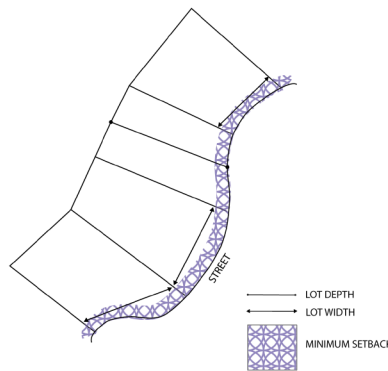
KENNEL — Any lot or premises on which four or more dogs, cats or other household pets are either permanently or temporarily boarded for remuneration.

LEASE UNIT BOUNDARY — Boundary around property leased for the purposes of a wind energy system, including adjacent parcels to the parcel on which the wind energy system tower or equipment is located. For purposes of setback, the lease unit boundary shall not cross road rights-of-way. **[Added 10-27-2009 by Ord. No. 2009-002]**

LIVESTOCK — Cattle, horses, sheep, goats, llamas, swine, poultry, and other animals or fowl which are being produced primarily for commercial profit or slaughter, or home use, but excluding animals which meet this chapter's definition for "wild animal."

LOADING SPACE — An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials.

LOT — Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this chapter, and having its principal frontage upon a public street or on a private road.



LOT WIDTH, DEPTH AND SETBACK

LOT AREA, NET — The area within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot.

LOT COVERAGE — The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the dripline of the roof or from the wall or foundation if there is no projecting portion of the roof.

LOT LINES — The lines bounding a lot or parcel.

- (1) **FRONT LOT LINE** — The line(s) separating the lot from any street right-of-way, private road or other access easement.

(2) **REAR LOT LINE** — The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least 10 feet in length, entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

(3) **SIDE LOT LINE** — Any lot line other than a front or rear lot line.

LOT OF RECORD — A lot which is part of a subdivision, the map of which has been recorded in the Office of the Eaton County Register of Deeds prior to the adoption or amendment of this chapter, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the office of the Eaton County Register of Deeds prior to the adoption or amendment of this chapter.

LOT WIDTH — The straight line distance between the side lot lines, measured at the two points where the minimum required front setback line intersects the side lot lines.

LOT, CORNER — Any lot having at least two contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than 135°. A lot abutting a curved street(s) shall be a corner lot if the arc of the street has a radius less than 150 feet.

LOT, DEPTH OF — The distance between the front and rear lot lines, measured along a line midway between the side lot lines.

LOT, FLAG — A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located.

LOT, INTERIOR — A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

LOT, THROUGH — An interior lot having frontage on two more or less parallel streets.

MAJOR AUTOMOBILE SERVICE AND REPAIR STATION — Buildings and premises for the primary purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, and painting.

MAJOR THOROUGHFARE — A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by Eaton County or as a principal or minor arterial by the Michigan Department of Transportation or as a major thoroughfare on the master plan.

MANUFACTURED HOUSING — A dwelling unit which is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

MASTER PLAN — The statement of policy by the Planning Commission relative to the agreed upon desirable physical pattern of future community development consisting of a series of maps, charts, and written material.

MINI STORAGE (WAREHOUSE) FACILITIES — A building or group of buildings in a controlled access or fenced area that contains individual

compartmentalized and controlled storage of customers' goods or wares which are generally not accessed on a daily basis.

MINOR AUTOMOBILE SERVICE AND REPAIR STATION — Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair. Retail sales may include convenience store merchandise sold primarily to patrons purchasing fuel or services.

MINOR THOROUGHFARE — A public street identified as a county local road by Eaton County, except that no street in a platted subdivision, nor any private road, shall be considered a minor thoroughfare under this chapter.

MOBILE HOME — A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pickup campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

MOBILE HOME PARK — A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational 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 mobile home.

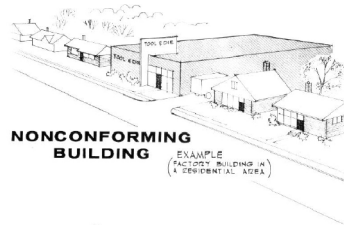
MODULAR (PREMANUFACTURED) HOUSING UNIT — A dwelling unit constructed solely within a factory, as a single unit, or in various-sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation, meeting all construction codes and regulations.

MOTEL — A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple-family dwelling.

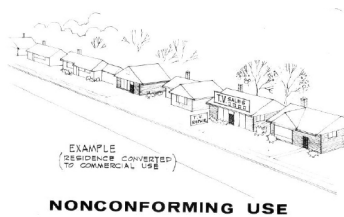
MOTOR HOME — A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

NONCONFORMING LOT OF RECORD (SUBSTANDARD LOT) — A lot lawfully existing prior to the effective date of this chapter, or a subsequent amendment thereto, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located. This definition includes and expands upon any definition of a nonconforming lot or record, and/or substandard lot as may be provided by relevant law.

NONCONFORMING STRUCTURE — A building or structure (or portion thereof) lawfully existing at the time of adoption of this chapter or a subsequent amendment thereto, that does not conform to the provisions of this chapter relative to height, bulk, area, placement or yards for the zoning district in which it is located.



NONCONFORMING USE — A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this chapter or subsequent amendment thereto, that does not conform to the provisions of the chapter. This definition includes and expands upon any definition of a nonconforming use as may be provided by relevant law.



NONCONFORMING USE OR STRUCTURE-CLASS A — A nonconforming use or structure which has been designated to be allowed to be perpetuated and improved under the provisions of this chapter.

NONCONFORMING USE OR STRUCTURE-CLASS B — A nonconforming use or structure which has been designated to be allowed to be perpetuated within the restricted provisions of this chapter.

NUISANCE — An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, including, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right to Farm Act, PA 93 of 1981, MCLA § 286.471 et seq., as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

NURSING HOME — An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

ON-SITE WIND ENERGY SYSTEM — A land use for generating electric power from wind that is intended to primarily serve the needs of the consumer at that site. **[Added 10-27-2009 by Ord. No. 2009-002]**

OUTDOOR COMMERCIAL RECREATION USE — An outdoor recreational facility operated as a business and open to the public for a fee, including, but not limited to, campgrounds, riding stables, rental cottages, swimming beaches, boat rentals, shooting preserves, and athletic fields.

D. Definitions of words and phrases beginning with the letters "P" through "T":

PARCEL — A lot described by metes and bounds or described in a recorded plat.

PARK — A parcel of land, building or structure open to the public for recreational purposes, including, but not limited to, playgrounds, sport fields, game courts, trails, picnicking areas, and leisure time activities.

PARKING AREA, OFF-STREET — A land surface or facility providing off-street vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide vehicular access to the parking spaces.

PARKING SPACE — An accessible area of land provided for vehicle parking, exclusive of drives, aisles, or entrances giving access thereto.

PAVEMENT — Asphalt or portland cement concrete.

PERSONAL SERVICES — An establishment or place of business primarily engaged in the provisions of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and nail salons, barbershops, shoe repair shops, tailor shops, laundromats and dry cleaners.

PLANNED COMMERCIAL CENTER — A business development consisting of two or more retail outlets characterized by a unified grouping of stores, under common architecture, served by a common circulation and parking system.

PLANNED UNIT DEVELOPMENT — A tract of land or lot, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public uses and may include commercial or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified and in accord with the goals and objectives of the master plan.

PLANNING COMMISSION — The Bellevue Joint Planning Commission established pursuant to Public Act 226 of 2003, MCLA § 125.131 et seq., by the Village of Bellevue Ord. No. 107 and the Township of Bellevue Ord. No. 4.

PLAT — A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act of 1967, as amended, MCLA § 560.101 et seq., or a prior statute.

PLOT PLAN — Depicts all salient features of a proposed development. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single- and two-family dwellings.

PRINCIPAL BUILDING — A building on a lot in which the principal use exists or is served by such building.

PRINCIPAL USE — The main use to which the premises are devoted and the main purpose for which the premises exist.

PRIVATE ROAD — A private way or means of approach which provides access to two or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

PRIVATE SANITARY SEWAGE DISPOSAL SYSTEM — An individual on-site sewage disposal system as defined in the Barry–Eaton District Health Department Sanitary Code.

PRIVATE WATER SUPPLY — A well or other water supply system approved by the Barry–Eaton District Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended, MCLA § 333.12701 et seq.

PROHIBITED USE — A use of land which is not permitted within a particular zoning district.

PUBLIC SANITARY SEWER — A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of discharge.

PUBLIC USES — Public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

PUBLIC UTILITY — Any person, firm, or corporation, municipal department, board or commission, duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

REASONABLE ACCOMMODATION USE — Housing accommodations for handicapped persons in residential districts.

RECREATIONAL VEHICLE — A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle (Act 96, Michigan Public Acts of 1987, MCLA § 125.2301 et seq., as amended).

RECREATIONAL VEHICLE PARK — All lands and structures which are owned and operated by private individuals, or a business or corporation which is predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

RESTAURANT, DRIVE-THROUGH — A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may also have indoor seating.

RESTAURANT, STANDARD — An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state primarily for on-premises consumption, and whose principal method of operation includes one or both of the following characteristics:

- (1) Customers, normally provided with an individual menu, are served their food

and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;

- (2) Cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

RIGHT-OF-WAY — A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

ROADSIDE STAND — A structure used seasonally for display and sale of agricultural produce. The seasonal operation of a roadside stand shall not be considered a commercial use.

ROTOR — An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting, through rotation, kinetic energy directly from the wind. **[Added 10-27-2009 by Ord. No. 2009-002]**

SANITARY LANDFILL — A method of disposing of refuse on land without creating nuisances or hazards to public health or safety by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary; and maintained in accordance with the provisions of Act 87 of Public Acts of 1965, as amended⁴ and other Public Acts governing such operations.

SATELLITE DISH ANTENNA — Any apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

SCHOOL — An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

SCREEN — A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be nonstructural, consisting of shrubs or other growing materials.

SEASONAL MOBILE HOME PARK — A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. A seasonal mobile home park does not include a campground licensed pursuant to PA 368 of 1978.⁵

SETBACK — The unoccupied distance between lot lines and principal and accessory buildings or uses required to meet the front, side and rear yard open space requirements of this chapter.

SHADOW FLICKER — Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and

4. Editor's Note: The Garbage and Refuse Disposal Act, PA 87 of 1965, was repealed by PA 642 of 1978.

5. Editor's Note: See MCLA 333.1101 et seq.

stationary objects, such as, but not limited to, a window at a dwelling. **[Added 10-27-2009 by Ord. No. 2009-002]**

SIGN — Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises and intended to convey information to the public.

SITE CONDOMINIUM (CONDOMINIUM SUBDIVISION) — A method of subdivision where landownership of sites is regulated by the Condominium Act (PA 59 of 1978, as amended, MCLA § 559.101) as opposed to the Subdivision Control Act of 1967 (MCLA § 560.101). "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this chapter.

SITE PLAN — A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this chapter. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple-family developments.

SOLID WASTE — Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

SOUND PRESSURE — An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound as measured at a receiver. **[Added 10-27-2009 by Ord. No. 2009-002]**

SOUND PRESSURE LEVEL — The sound pressure mapped to a logarithmic scale and reported in decibels (dB). **[Added 10-27-2009 by Ord. No. 2009-002]**

SPECIAL LAND USES — Uses which are reasonably compatible with the permitted primary uses and structures within a zoning district, but which require special consideration in relation to the health, safety, convenience and general welfare of the Village's inhabitants.

STABLE, COMMERCIAL — A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

STABLE, PRIVATE — An accessory structure and/or land use where horses are kept solely for private use by the occupants of the parcel.

STOP-WORK ORDER — An administrative order served on the property owner which directs a person not to continue, or not to allow the continuation of, an activity which is in violation of this chapter.

STORY — That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above,

then the space between the floor and the ceiling or roof next above it.

STORY, HEIGHT OF — The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

STREET — A public thoroughfare or approved private road which affords the principal means of access to abutting property.

STREET LINE — The legal line of demarcation between a street right-of-way and abutting land.

STREET, MAJOR — A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.

STREET, MINOR — A public way, the principal use of which is to give access to abutting properties.

STRUCTURAL ALTERATION — The erection, strengthening, removal, or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

TRAILER COACH — See "mobile home."

TRAILER COACH PARK — See "mobile home park."

TREE CANOPY — The total spread of limbs and branches of a tree.

E. Words and phrases beginning with the letters "U" through "Z":

UNDEVELOPABLE LAND — Land which has soil types or a high-water table condition which presents severe limitations upon the use or type or types of construction which should be placed thereon.

USE — The purpose for which land or building(s) thereon are arranged, occupied, maintained, let or leased.

USABLE FLOOR AREA — The area used for or intended to be used for the sale of merchandise or services or to serve patrons, clients, or customers. Usable floor area shall be the sum of the gross floor areas of the several floors of the building measured from the interior faces of the exterior walls, less floor area used or intended to be used principally for the storage or processing of merchandise or utilities.

UTILITY GRID WIND ENERGY SYSTEM — A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as, but not limited to, a SCADA tower, electric substation. A utility grid wind energy system is designed and built to provide electricity to the electric utility grid.**[Added 10-27-2009 by Ord. No. 2009-002]**

VARIANCE — A modification of the literal provisions of this chapter which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought and not the result of action of

the applicant.

WALL — See definition for "fence or wall." **[Added 5-27-2014 by Ord. No. 2014-005]**

WILD ANIMAL — Any animal not domesticated by humans; or which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or which a person is prohibited from possessing by law.

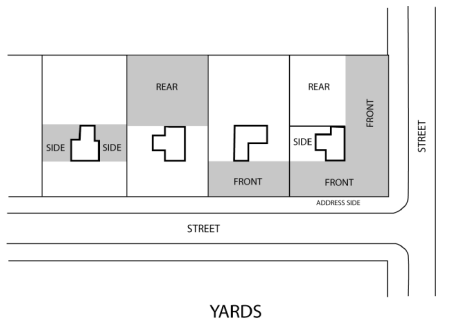
WIND ENERGY SYSTEM — A land use for generating power by use of wind; utilizing use of a wind turbine generator and may include the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also "on-site wind energy system" and "utility grid wind energy system." **[Added 10-27-2009 by Ord. No. 2009-002]**

WIND SITE ASSESSMENT — An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system. **[Added 10-27-2009 by Ord. No. 2009-002]**

WOODLAND — A lot, parcel or tract of land containing 50% or more of its area covered by a canopy of trees.

YARD — An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this chapter and as defined herein (see figure at end of this section):

- (1) **FRONT YARD** — An open space extending the full width of the lot, the depth of which is the minimum distance between the front lot line and the nearest point of the principal building foundation. There is a front yard on each street side of a corner lot.
- (2) **REAR YARD** — An open space extending the full width of the lot, the depth of which is the minimum distance between the rear lot line and the nearest point of the foundation of the principal building. In the case of corner lots, the rear yard designated by the owner.
- (3) **SIDE YARD** — An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the distance from the nearest point of the side lot line to the nearest point of the foundation of the principal building.
- (4) **INTERIOR SIDE YARD** — A side yard abutting a side yard of an adjacent lot.
- (5) **EXTERIOR SIDE YARD** — A side yard abutting a street.



ZONING ADMINISTRATOR — The person or persons designated to administer and enforce the Zoning Ordinance.

ZONING BOARD AND BOARD OF APPEALS — The Zoning Board of Appeals.

ZONING LOT — A lot or combination of lots utilized by a single use which for the purpose of determining setback requirements shall be considered as a single lot or parcel.

ARTICLE III
Zoning Districts and Map

§ 155-3.01. Establishment of districts.

For the purpose of this chapter, the Village is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names.

ARTICLE III, Zoning districts map and requirements

ARTICLE IV, AG Agricultural District

ARTICLE V, RA Single-Family District

ARTICLE VI, RB Single- and Two-Family District

ARTICLE VII, RC Single- and Two-Family District

ARTICLE VIII, RD Multiple-Family District

ARTICLE IX, BOS Business, Office, Service District

ARTICLE X, CBD Central Business District

ARTICLE XI, GB General Business District

ARTICLE XII, I-1 Light Industrial District

ARTICLE XIII, I-2 Heavy Industrial District

§ 155-3.02. § 3.02. Zoning Map.

- A. Zoning Map incorporated. The Zoning Map delineating the zoning districts set forth in § 155-3.01 is hereby declared to be a part of this section. Except where reference is shown on the map to a street line or other line designated by dimensions, the district boundary lines follow lot lines or the center lines of streets, alleys, streams and railroads, as they existed at the time of the adoption of this chapter.
- B. Lot divided by zone line. Where a district boundary line, as established in this section, or as shown on the Zoning Map, divides a lot shown or recorded as being in single ownership at the time of enactment of this section, the district regulations and uses shall be observed on the respective side of the district line to which they apply.

§ 155-3.03. Zoning text interpreted.

Where uncertainty exists with respect to uses permitted in any district, or any condition set forth in this chapter, the following rules shall apply:

- A. No use of land shall be permitted in any use district except those uses specifically permitted in a zoning district.
- B. Uses or structures not specifically permitted in a zoning district shall be prohibited in such district.
- C. Unless otherwise provided for in this chapter, where uses of yard areas are indicated as being permitted, the use of any yard area for any use other than that permitted shall be prohibited.

§ 155-3.04. (Reserved)

§ 155-3.05. Zoning of vacated lands.

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 classified in the same zone district as the property to which it attaches.

§ 155-3.06. District requirements.

All buildings and uses in any district shall be subject to all of the applicable provisions of Articles I through XXXII of this chapter.

§ 155-3.07. Permitted and special uses: agricultural and residential districts.*

Uses	AG	RA	RB	RC	RD
1. One-family dwellings	Y	Y	Y	Y	Y
2. Two-family dwellings	N	SP	SP	SP	Y
3. Multiple-family dwellings	N	N	N	N	Y
4. Agricultural operations	Y	N	N	N	N
5. Agricultural business	SP	N	N	N	N
6. Schools, institutional & public uses	Y	Y	Y	Y	Y
7. Public and private conservation	Y	Y	Y	Y	Y
8. Archery and gun ranges	SP	N	N	N	N
9. Camping facilities	SP	N	N	N	N
10. Essential services	Y	Y	Y	Y	Y
11. Cemeteries	SP	SP	SP	SP	SP
12. Home occupations	Y-SP	Y-SP	Y-SP	Y-SP	Y-SP
13. Communication towers	SP	N	N	N	N
14. Country club, golf courses and similar uses	Y	SP	SP	SP	SP
15. Extraction operations	SP	N	N	N	N
16. Home business	SP	N	N	N	N
17. Junkyards	SP	N	N	N	N
18. Kennels	SP	N	N	N	N
19. Airports and landing strips	SP	N	N	N	N
20. Child-care/day-care centers	SP	N	SP	N	SP
21. Mobile home	SP	N	N	N	N
22. Mobile home parks	N	N	N	SP	N
23. Funeral homes	N	SP	SP	SP	SP

Uses	AG	RA	RB	RC	RD
24. General hospitals	N	N	N	N	SP
25. Nursing homes	N	N	N	N	SP
26. Customary accessory uses	Y	Y	Y	Y	Y
27. Bed-and-breakfast	SP	N	N	N	SP
28. Functional equivalent family - additional persons	SP	SP	SP	SP	Y
29. Reasonable accommodation use	SP	SP	SP	SP	SP
30. Child-care facilities/family day-care and foster family homes	Y	Y	Y	Y	Y
31. Churches and places of worship	Y	SP	SP	SP	SP
32. Satellite dish antenna over 39 inches in diameter	SP	SP	SP	SP	SP
33. Farm employee accessory building	Y	N	N	N	N
34. Recreation and conservation areas	Y	Y	Y	Y	Y
35. Accessory structures and uses	Y	Y	Y	Y	Y
36. Planned Unit Development	SP	SP	SP	SP	SP
37. Single-family cluster and open space	N	SP	SP	SP	N

***LEGEND**

N=NO, Y=YES, SP= SPECIAL LAND USE

§ 155-3.08. Permitted and special uses: business and industrial districts*.

Uses	BOS	CBD	GB	I-1	I-2
1. Store for retail sales and services	N	Y	Y	N	N
2. Banks and credit unions	Y	Y	Y	N	N
3. Office buildings	Y	Y	Y	N	N
4. Medical and dental offices	Y	Y	Y	N	N
5. Funeral homes	Y	Y	Y	N	N
6. Day-care centers and foster care group homes	SP	SP	SP	N	N

Uses	BOS	CBD	GB	I-1	I-2
7. Child-care facilities/family day-care homes and foster family homes	Y	Y	Y	N	N
8. Laundry and dry cleaners	Y	Y	Y	N	N
9. Plumbing, electrical, welding shop	N	Y	Y	Y	Y
10. Drive-in establishment	N	SP	SP	N	N
11. Printing or publishing	N	Y	Y	Y	Y
12. Restaurants and taverns	N	Y	Y	N	N
13. Bed-and-breakfast	SP	SP	SP	N	N
14. Indoor auto, boat and RV sales	N	N	Y	N	N
15. Outdoor sales space for new and used auto, boats, mobile homes and RVs	N	N	SP	SP	SP
16. Warehouse, wholesale and trucking	N	N	N	Y	Y
17. Lumber, fuel or building supply yards	N	N	Y	Y	Y
18. Major auto repair	N	N	N	SP	SP
19. Service station, minor automotive repair	N	N	SP	SP	SP
20. Auto car wash	N	N	Y	N	N
21. Bus passenger station	N	N	Y	N	N
22. Hotel, motel	N	SP	SP	N	N
23. Bowling alley and pool hall	N	N	Y	N	N
24. Apartment above stores	N	SP	SP	N	N
25. Functional equivalent family	SP	SP	SP	N	N
26. Reasonable use	SP	SP	SP	N	N
27. Single-family cluster and open space	SP	N	SP	N	N
28. Special uses of the BOS District	Y	Y	Y	N	N
29. Uses similar to the GB uses	N	N	Y	N	N
30. Reserved					
31. Churches and places of worship	SP	SP	SP	N	N
32. Essential services	Y	Y	Y	Y	Y

Uses	BOS	CBD	GB	I-1	I-2
33. Business schools	Y	Y	Y	N	N
34. Accessory retail sales connected with an industrial use	N	N	N	Y	Y
35. Theaters and social clubs	N	Y	Y	N	N
36. Private clubs and lodge halls	N	Y	Y	N	N
37. Mini storage facilities	N	N	SP	SP	Y
38. Laboratories	N	N	N	Y	Y
39. Nonaccessory signs	N	N	N	SP	SP
40. Open air business	N	N	Y	N	N
41. Kennels	N	N	N	SP	SP
42. Off-street parking lots	Y	Y	Y	Y	Y
43. Equipment sales and servicing	N	N	N	Y	Y
44. Personal services	Y	Y	Y	N	N
45. Hospitals/convalescent homes	Y	Y	Y	N	N
46. Sidewalk cafe	N	SP	SP	N	N
47. Industrial uses and manufacturing	N	N	N	Y	Y
48. Accessory structures and uses	Y	Y	Y	Y	Y
49. Planned unit development	SP	SP	SP	N	N
50. Communication towers	N	N	SP	SP	SP
51. Outdoor commercial recreation	N	N	SP	N	N
52. Junkyard	N	N	N	N	SP
53. Adult entertainment facilities	N	N	N	SP	SP
54. Trade or industrial schools	N	N	N	Y	Y
55. Satellite dish antenna over 39 inches in diameter	SP	SP	SP	SP	SP
56. Extraction operation	N	N	N	N	SP
57. Schools, institutions and public uses	SP	SP	SP	N	N
58. Public parks and recreation areas	Y	Y	Y	N	N
59. Planned commercial center	N	N	SP	N	N

§ 155-3.08

BELLEVUE CODE

§ 155-3.08

Uses	BOS	CBD	GB	I-1	I-2
60. Outdoor storage	N	N	N	Y	Y
61. Metal plating and buffering	N	N	N	Y	Y
62. Uses similar to I-1 uses permitted	N	N	N	Y	Y
63. Outdoor sales space	N	N	SP	SP	SP
64. Uses similar to I-2 uses permitted	N	N	N	N	Y
65. Productions and processing operations	N	N	N	N	Y
66. Special uses of the I-1 district	N	N	N	SP	SP
67. Private roads	SP	N	SP	SP	N

ARTICLE IV
AG Agricultural District

§ 155-4.01. Purpose.

The purpose of this district is to protect and stabilize the essential characteristics of agricultural areas within the Community and to ensure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are predominately agricultural in nature, and which are most appropriate for present and future agricultural developments. It is essential that development in areas which are predominately agricultural be based on sound principles which realize the importance of such activities to the economy and welfare of the community.

§ 155-4.02. Permitted uses.

- A. Agricultural operations.
- B. One-family dwellings.
- C. Farm employee accessory buildings.
- D. Public and private conservation area and structures for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- E. Schools, parks, institutional and public uses.
- F. Country clubs, golf courses and similar uses.
- G. Child-care facilities, limited to foster family homes and family day-care homes.
- H. Churches and places of worship.
- I. Home occupations subject to the following:
 - (1) Home occupations that create the following conditions shall not be permitted:
 - (a) Change the outside appearance of the dwelling visible from the street;
 - (b) Traffic, parking, sewerage, or water use in excess of what is normal in the neighborhood;
 - (c) Noise, vibration, glare, fumes, odors or resulting in electrical interference, or becoming a nuisance;
 - (d) Outside storage or display of anything other than a sign in accordance with § 155-21.05;
 - (e) The employment of more than one person in the home other than the dwelling occupants;
 - (f) Exterior building alterations to accommodate the occupation;
 - (g) Occupation of more than 25% of the floor area of the dwelling, or 50% of a detached garage;

- (h) Off-site parking for customers, or a requirement of more than one parking space at curbside on the street;
 - (i) The delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.;
 - (j) Deliveries made other than by small vehicles such as step vans and similar vehicles.
- (2) The following are permitted home occupations provided they do not violate any of the provisions of the previous paragraph:
- (a) Dressmaking, sewing and tailoring;
 - (b) Painting, sculpturing or writing;
 - (c) Telephone answering;
 - (d) Home crafts, such as model making, rug weaving and lapidary work;
 - (e) Tutoring, limited to four students at a time;
 - (f) Computer application including software and not including sale of computers;
 - (g) Salesperson's office or home office of a professional person;
 - (h) Laundering and ironing;
 - (i) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - (j) Barber shops and beauty parlors, limited to one operator;
 - (k) Dance studios, limited to four students;
 - (l) Use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence pursuant to MCLA § 125.3204.
- (3) The following are prohibited as home occupations:
- (a) Private clubs;
 - (b) Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - (c) Restaurants;
 - (d) Motor vehicle repair or paint shops;
 - (e) Retail sales that require visits of customers to the home.
- (4) Any proposed home occupation that is neither specifically permitted by Subsection I(2) of this section nor specifically prohibited by Subsection I(3) of

this section shall be considered a special use and be granted or denied upon consideration of those standards contained in Article XVII of this chapter.

- J. Public recreation and conservation areas.
- K. Essential services.
- L. Uses similar to the above permitted uses.
- M. Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

§ 155-4.03. Special uses. [Amended 10-27-2009 by Ord. No. 2009-002]

The following uses may be permitted by the Village Council as provided for in Article XVII:

- A. Agricultural business (§ 155-17.05).
- B. Archery and gun ranges (§ 155-17.25).
- C. Camping facilities (§ 155-17.27).
- D. Cemeteries (§ 155-17.09).
- E. Communication towers (§ 155-17.11).
- F. Extraction operations (§ 155-17.13).
- G. Group homes (§ 155-17.14).
- H. Home businesses (§ 155-17.15).
- I. Junkyards (§ 155-17.16).
- J. Kennels (§ 155-17.17).
- K. Private landing strips (§ 155-17.22).
- L. Bed-and-breakfast (§ 155-17.08).
- M. Satellite dish antenna over 39 inches in diameter (§ 155-17.38).
- N. Home occupations as provided for in § 155-4.02I (§ 155-17.37).
- O. Mobile home (§ 155-17.35).
- P. Functional equivalent family (§ 155-17.39).
- Q. Reasonable accommodation use (§ 155-17.40).
- R. Day-care group homes and foster care family homes (§ 155-17.14).
- S. Planned unit developments (Articles XIV and XXV).
- T. Single-family cluster and open space (Article XVI).

- U. Anemometer tower over 20 meters high.
- V. Utility grid wind energy system.
- W. On-site use wind energy system over 20 meters high.

§ 155-4.04. Required conditions.

- A. The following conditions shall be required in AG Districts.
 - (1) Site plan review. Site plan review and approval must be obtained for all new construction, other than farm buildings and single-family dwellings.

ARTICLE V
RA Single-Family District

§ 155-5.01. Purpose.

The RA Single-Family District is designed to provide for low density dwelling sites and residentially related uses in keeping with the master plan for residential development in the Village. The uses permitted by right and as special uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods quiet and free of unrelated traffic, and other noises.

§ 155-5.02. Permitted uses.

- A. One-family detached dwellings.
- B. Schools, parks, recreation and conservation areas, institutional and public uses.
- C. Child-care facilities, limited to foster family homes and family day-care homes.
- D. Public and private recreation and conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- E. Essential services.
- F. Home occupations subject to the following:
 - (1) Home occupations that create the following conditions shall not be permitted:
 - (a) Changes to the outside appearance of the dwelling visible from the street;
 - (b) Traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
 - (c) Noise, vibration, glare, fumes, odors or resulting in electrical interference, or becoming a nuisance;
 - (d) Outside storage or display of anything other than a sign in accordance with Article XXI;
 - (e) Employment of more than one person in the home other than the dwelling occupants;
 - (f) Exterior building alterations to accommodate the occupation;
 - (g) Occupation of more than 25% of the floor area of the dwelling, or 50% of a detached garage;
 - (h) Off-street parking for customers, or a requirement of more than one parking space at curbside on the street;
 - (i) The delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.;
 - (j) Deliveries made other than by small vehicles such as step vans and

similar vehicles.

- (2) The following are permitted home occupations. provided they do not violate any of the provisions of the previous paragraph:
 - (a) Dressmaking, sewing and tailoring;
 - (b) Painting, sculpturing or writing;
 - (c) Telephone answering;
 - (d) Home crafts, such as model making, rug weaving and lapidary work;
 - (e) Tutoring, limited to four students at a time;
 - (f) Computer application including software and not including sale of computers;
 - (g) Salesperson's office or home office of a professional person;
 - (h) Laundering and ironing;
 - (i) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - (j) Barber shops and beauty parlors, limited to one operator;
 - (k) Dance studios, limited to four students;
 - (l) Use of a single-family residence by an occupant of that residence to give instruction in a craft or fine art within the residence pursuant to MCLA § 125.3204.
- (3) The following are prohibited as home occupations:
 - (a) Private clubs;
 - (b) Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - (c) Restaurants;
 - (d) Commercial stables and kennels;
 - (e) Motor vehicle repair or paint shops;
 - (f) Retail sales that require visits of customers to the home.
- (4) Any proposed home occupation that is neither specifically permitted by Subsection F(2) of this section nor specifically prohibited by Subsection F(3) of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in Article XVII of this chapter.

G. Uses similar to the above permitted uses.

- H. Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.
- I. Keeping of horses for the use of occupants of the site is permitted. Not less than two acres of land for each horse so kept shall be provided. This does not include the keeping or boarding of horses for other than the occupants of the site.

§ 155-5.03. Special uses. [Amended 10-27-2009 by Ord. No. 2009-002]

The following uses may be permitted by the Village Council as provided for in Article XVII:

- A. Day-care group homes and foster care family homes (§ 155-17.14).
- B. Home occupations as provided for in § 155-5.02F(4) (§ 155-17.37).
- C. Functional equivalent family (§ 155-17.39).
- D. Reasonable accommodation use (§ 155-17.40).
- E. Satellite dish antenna over 39 inches in diameter (§ 155-17.38).
- F. Churches and places of worship (§ 155-17.10).
- G. Cemeteries (§ 155-17.09).
- H. Country clubs and golf courses (§ 155-17.28).
- I. Funeral homes (§ 155-17.43).
- J. Two-family dwellings (§ 155-17.31).
- K. Planned unit developments (Article XIV).
- L. One-family cluster and open space (Article XVI).
- M. Anemometer tower over 20 meters high.
- N. Utility grid wind energy system.
- O. On-site use wind energy system over 20 meters high.

§ 155-5.04. Required conditions.

- A. Site plan review and approval shall be obtained for all new construction other than single-family dwellings and permitted accessory structures in accord with Article XXII.
- B. Dwelling unit review. All dwelling units shall be reviewed by the Zoning Administrator.
 - (1) Dwelling units shall conform to all applicable codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling.

- (2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
 - (3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (4) Dwelling units shall be provided with roof designs and roofing material similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (5) Dwelling units shall be provided with an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - (6) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling. Said storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less, and shall be anchored by a system approved by the Zoning Administrator.
 - (7) The Zoning Administrator may request a review by the Planning Commission of any dwelling unit with respect to this section. The Zoning Administrator or Planning Commission shall not seek to discourage architectural variation, but seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the community at large. In reviewing any such proposed dwelling unit, the Zoning Administrator may require the applicant to furnish such plans, elevations and similar documentation as he/she deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling unit, consideration shall be given to comparable types of homes within 300 feet. Should the area within 300 feet not contain any such homes, then the nearest 20 dwellings shall be considered for comparison purposes.
- C. Area and bulk requirements limiting height and bulk of buildings, minimum size of lots and providing for yard setback requirements as provided for in Article XV.

ARTICLE VI
RB Single- and Two-Family District

§ 155-6.01. Purpose.

The RB Single- and Two-Family District is designed to provide for single-family residential neighborhoods at densities greater than those permitted in the RA Residential District. This district is characterized by both existing residential neighborhoods and vacant land available to accommodate residential development of similar general character while preserving the residential character of the nearby existing residential areas.

§ 155-6.02. Permitted uses.

- A. All permitted uses of the RA District, § 155-5.02, subject to the requirements of the RB District.

§ 155-6.03. Special uses. [Amended 10-27-2009 by Ord. No. 2009-002]

The following uses may be permitted by the Village Council as provided for in Article XVII:

- A. All special uses of the RA District § 155-5.03.
- B. Two-family dwellings (§ 155-17.31).
- C. Anemometer tower over 20 meters high.
- D. Utility grid wind energy system.
- E. On-site use wind energy system over 20 meters high.

§ 155-6.04. Required conditions.

- A. All required conditions of the RA District, § 155-5.04, shall apply.

ARTICLE VII
RC Single- and Two-Family District

§ 155-7.01. Purpose.

The RC Single- and Two-Family District is established to provide for medium density residential use, including mobile home developments as mobile home parks and including recreation facilities, churches, schools and necessary public utilities.

§ 155-7.02. Permitted uses.

- A. All permitted uses of the RB District, § 6.02, subject to the requirements of the RB District.

§ 155-7.03. Special uses. [Amended 10-27-2009 by Ord. No. 2009-002]

The following uses may be permitted by the Village Council as provided for in Article XVII:

- A. All special uses of the RB District (§ 155-6.03).
- B. Mobile home parks (§ 155-17.34).
- C. Anemometer tower over 20 meters high.
- D. Utility grid wind energy system.
- E. On-site use wind energy system over 20 meters high.

§ 155-7.04. Required conditions.

- A. All required conditions of the RA District, § 155-5.04, shall otherwise apply.

ARTICLE VIII
RD Multiple-Family District

§ 155-8.01. Purpose.

The RD Multiple-Family Districts are designed to provide sites for low- to moderate-density one- and two-story planned attached multiple dwelling structures. The multiple dwelling is further provided to serve the limited needs for the apartment type of unit and as a transition use of property between single-family and nonresidential districts.

§ 155-8.02. Permitted uses.

- A. All permitted uses of the RB District, § 155-6.02, subject to the requirements of the RB District.
- B. Multiple-family dwellings.

§ 155-8.03. Special uses. [Amended 10-27-2009 by Ord. No. 2009-002]

The following uses may be permitted by the Village Council as provided for in Article XVII:

- A. Subject to the requirements of the RB District, all special uses of the RB District, § 155-6.03, except mobile home parks and one-family clusters and open spaces.
- B. General hospitals (§ 155-17.41).
- C. Anemometer tower over 20 meters high.
- D. Utility grid wind energy system.
- E. On-site use wind energy system over 20 meters high.

§ 155-8.04. Required conditions.

- A. All required conditions of the RB District, § 155-6.04, shall apply.

ARTICLE IX
BOS Business, Office, Service District

§ 155-9.01. Purpose.

The BOS Business, Office, Service District is established to create and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas as a land use buffer, while minimizing the undesirable impact of the uses on the neighborhoods which they service.

§ 155-9.02. Permitted uses.

- A. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales;
- B. Medical office and dental offices, including clinics and laboratories;
- C. Facilities for human care such as hospitals, convalescent and nursing homes;
- D. Banks, credit unions, savings and loan associations, and similar uses; drive-through facilities as an accessory use;
- E. Laundry and dry cleaning establishments;
- F. Public uses;
- G. Personal service establishments, including barber shops, beauty shops and health salons;
- H. Off-street parking lots;
- I. Business schools;
- J. Essential services;
- K. Public parks and recreation areas;
- L. Foster family homes and family day-care homes;
- M. Funeral homes;
- N. Accessory structures and uses customarily incidental to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

§ 155-9.03. Special uses. [Amended 10-27-2009 by Ord. No. 2009-002]

The following uses may be permitted by the Village Council as provided for in Article XVII:

- A. Bed-and-breakfast (§ 155-17.08).
- B. Functional equivalent family (§ 155-17.39).
- C. Reasonable accommodation use (§ 155-17.40).

- D. Group day-care and group foster care facilities (§ 155-17.14).
- E. Churches and religious institutions (§ 155-17.10).
- F. Schools, institutional and public uses (§ 155-17.24).
- G. Planned unit developments (Article XIV).
- H. Anemometer tower over 20 meters high.
- I. Utility grid wind energy system.
- J. On-site use wind energy system over 20 meters high.

§ 155-9.04. Required conditions.

- A. All uses shall be conducted within the confines of a building.
- B. Area and bulk requirements in accord with Article XV, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.
- C. Site plan review and approval shall be obtained for all new construction in accordance with the provisions of Article XXII.

ARTICLE X
CBD Central Business District

§ 155-10.01. Purpose. [Amended 1-12-2015 by Ord. No. 2015-002]

The CBD Central Business District is established to preserve and enhance the Village's downtown center for principally retail, office, entertainment and service-oriented businesses along with complementary governmental facilities and services, public uses and spaces, and other uses that contribute to a desirable mix of uses. Uses and development in the CBD is intended to foster safe and appealing public spaces and pedestrian activity and preserve the historical character of the downtown area, including its architectural features, continuous storefronts, and businesses of a comparatively small gross floor area principally serving the local day-to-day needs of residents and visitors in the greater Bellevue area.

§ 155-10.02. Permitted uses.

- A. All uses permitted in the BOS District.
- B. Stores for retail sales and retail services.
- C. Theaters and social clubs.
- D. Printing or publishing.
- E. Restaurants and taverns.
- F. Private clubs and lodge halls.
- G. Public parks and recreation areas.
- H. Uses similar to the above uses.
- I. Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same lot with permitted use.

§ 155-10.03. Special uses. [Amended 10-27-2009 by Ord. No. 2009-002]

The following uses may be permitted by the Village Council as provided for in Article XVII:

- A. All special uses of the BOS District, § 155-9.03, subject to requirements of the BOS District.
- B. Apartments above stores (§ 155-17.30).
- C. Sidewalk cafes (§ 155-17.29).
- D. Motels and hotels (§ 155-17.19).
- E. Group day-care and foster care facilities.
- F. Satellite dish antenna over 39 inches in diameter.
- G. Churches and religious institutions.

- H. Anemometer tower over 20 meters high.
- I. Utility grid wind energy system.
- J. On-site use wind energy system over 20 meters high.
- K. Ground-level apartments (§ 155-17.46). [Added 2-22-2011 by Ord. No. 2011-002]

§ 155-10.04. Required conditions. [Amended 1-12-2015 by Ord. No. 2015-002]

- A. All required conditions of the BOS District, § 155-9.04.
- B. Building design standards.
 - (1) Purpose. The downtown area in the Village is characterized by a variety of historical architectural styles and building materials that combine to create visual harmony and establish a sense of place for the Bellevue community. In order to maintain and enhance these benefits, it is essential that renovations and additions to existing nonresidential buildings and the construction of new nonresidential buildings occur in a manner that is visually compatible with such existing buildings and supports the desired character for the downtown. The purpose of the CBD design standards is to provide regulations so that as existing nonresidential buildings are renovated, remodeled and restored and new nonresidential buildings are constructed, these physical improvements adhere to a consistent set of design standards that will enhance and preserve the historical character and sense of place of downtown Bellevue.
 - (2) Applicability. The requirements of this section shall apply to the following uses within the CBD:
 - (a) Newly constructed nonresidential buildings.
 - (b) Exterior alterations to existing nonresidential buildings that require a building permit.
 - (3) Application and review procedures.
 - (a) Site plan review. Except for windows as provided in Subsection B(4)(b) below, development projects subject to review under this § 155-10.04B shall be reviewed by the Planning Commission, according to the procedures and requirements for site plan review as set forth in Article XXII and the requirements of this § 155-10.04B.
 - (b) Building plans and architectural drawings. In addition to the submittal requirements of § 155-22.02, the site plan application shall also include building plans and architectural drawings to demonstrate compliance with the design standards of this § 155-10.04B.
 - (4) Design standards.
 - (a) Buildings. Alterations and additions to existing buildings and any new buildings to be constructed within the CBD shall be designed to substantially incorporate such styles and building materials as are contained in any design guidelines for commercial buildings adopted by

the Planning Commission. These design guidelines shall be maintained by the Zoning Administrator and shall be available for review by the public.

(b) Windows.

[1] Applicability and review. Windows that are proposed to be added to a building, replaced or increased or decreased in size such that a building permit is required, and which face one or more of the following public street segments, shall be reviewed by the Zoning Administrator to determine compliance with this Subsection B(4)(b).

[a] Public street segments:

Capital Avenue Segment: Williams Street to East Street along both sides of the street.

Main Street Segment: Mill Street to Catherine Street along both sides of the street.

Jackson Street Segment: Elizabeth Street to Adams Street along both sides of the street.

Adams Street Segment: Jackson Street to the Canadian National Railroad right-of-way along both sides of the street.

Elizabeth Street Segment: Jackson Street to the Canadian National Railroad right-of-way along both sides of the street.

[2] All windows.

[a] A window pane, or multiple window panes stacked vertically, shall not exceed a height of the lesser of one story or 15 feet. This limitation shall not prohibit a single window pane, or multiple window panes stacked vertically, to exceed a height of 15 feet provided the design of such single window pane or multiple window panes appears as spanning separate stories.

[b] Windows shall be transparent and of nonreflective glass. Only clear or lightly tinted, nonreflective glass in windows and doors, including in display windows, shall be considered transparent.

[c] Windows shall not be blocked by interior displays, or otherwise have views to the interior obstructed, for a depth of not less than five feet into the building.

[3] First-story windows.

[a] The first story of a facade shall be comprised of window surface area that covers a minimum of 40% and a maximum of 90% of the first story wall area, except that this provision shall not apply in the case of those portions of structures used for assembly areas in association with theaters, auditoriums,

churches and similar indoor areas where the allowance of light to penetrate the facade would fundamentally undermine the purpose of the indoor area enclosed by such facade.

- [b] The bottom of the window surface area shall be between 30 and 40 inches from the level of the sidewalk beneath the window surface.
- [4] Upper-story windows.
- [a] Between 20% and 40% of the facade wall area for all stories above the first story shall be devoted to transparent windows, except that this provision shall not apply in the case of those portions of structures used for assembly areas in association with theaters, auditoriums, churches and similar indoor areas where the allowance of light to penetrate the facade would fundamentally undermine the purpose of the indoor area enclosed by such facade.
 - [b] Windows that are rectangular in shape and part of any story above the first story shall be oriented in a vertical direction.
 - [c] Windows that are part of any story above the first story shall contain visible sills and lintels on the exterior wall and no single pane of glass shall exceed 36 square feet in area.
- (5) Modification of standards. The standards of this section may be modified by the Planning Commission or the Zoning Administrator as applicable in their review of a site plan provided the approving body finds that such modifications comply with the following and the approving body documents findings of fact supporting such modifications:
- (a) The modification shall satisfy the purposes stated in § 155-10.04B.
 - (b) The modification shall result in the alteration of an existing building or the construction of a new building that is visually compatible and comparable with nearby existing buildings and which maintains or improves upon the historical architectural character of downtown Bellevue through the use of historical or contemporary similar building materials and design.

ARTICLE XI
GB General Business District

§ 155-11.01. Purpose.

The GB General Business Districts are characterized by more diversified types of automotive services and goods often located to serve passerby traffic.

§ 155-11.02. Permitted uses.

- A. All uses permitted in the BOS Districts.
- B. Stores for retail sales and retail services.
- C. Theaters and social clubs.
- D. Printing or publishing.
- E. Restaurants and taverns.
- F. Private clubs and lodge halls.
- G. Public parks and recreation areas.
- H. Indoor sales for new automobiles, boats and recreational vehicles.
- I. Automobile car wash.
- J. Bus passenger station.
- K. Bowling alleys, pool or billiard halls and other recreational facilities.
- L. Plumbing and electrical shops.
- M. Lumber, fuel and building supply.
- N. Open air business such as, but not limited to, retail sales of plant materials, lawn furniture, playground equipment and garden supplies.
- O. Uses similar to the above uses.
- P. Accessory structures and uses customarily incident to the above permitted uses, provided such structures and uses are located on the same zoning lot with a permitted use.

§ 155-11.03. Special uses. [Amended 10-27-2009 by Ord. No. 2009-002]

The following uses may be permitted by the Village Council as provided for in Article XVII:

- A. All special uses of the BOS District, § 155-9.03, subject to requirements of the BOS District.
- B. Apartments above stores (§ 155-17.30).
- C. Sidewalk cafes (§ 155-17.29).

- D. Motels and hotels (§ 155-17.19).
- E. Gasoline service stations and minor automobile repair (§ 155-17.07).
- F. Drive-in establishments (§ 155-17.12).
- G. Communication towers (§ 155-17.11).
- H. Outdoor commercial recreation (§ 155-17.21).
- I. Mini storage (§ 155-17.18).
- J. Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats (§ 155-17.32).
- K. Planned commercial center (§ 155-17.36).
- L. Planned unit developments (Article XIV).
- M. Anemometer tower over 20 meters high.
- N. Utility grid wind energy system.
- O. On-site use wind energy system over 20 meters high.
- P. Major automobile service and repair station (§ 155-17.06). **[Added 1-28-2014 by Ord. No. 2014-003]**

§ 155-11.04. Required conditions.

- A. All required conditions of the BOS District § 155-9.04.

ARTICLE XII
I-1 Light Industrial District

§ 155-12.01. Purpose.

The I-1 Industrial District is designed so as to primarily accommodate wholesale and warehouse activities, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared material.

§ 155-12.02. Permitted uses.

- A. Any of the following uses when conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides by an eight-foot fence which shall obscure the view from any adjacent districts zoned for residential use:
- (1) Warehousing, wholesale establishments and trucking facilities.
 - (2) The manufacture, compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, chemicals (excluding heavy chemicals manufacturing such as, but not limited to, soda ash manufacturing, cement manufacturing and the like), pharmaceuticals, toiletries, food products; hardware and cutlery; tool, die, gauge, and machine shops, grinding, welding, reprocessing or reconditioning of manufacturing equipment.
 - (3) The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, chemicals, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wax, wood (excluding rough saw and rough planning mills) and yarns.
 - (4) The manufacture of articles or merchandise from sheet metal (including stampings of metals of seven gauge or lighter), hot or cold forging of products made from wire of no greater diameter than 5/16 inch.
 - (5) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - (6) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products.
 - (7) Manufacture or assembly of electrical appliances, electronic instruments and devices, radio and phonographs.
 - (8) Laboratories-experimental, film, or testing.
 - (9) Plumbing, electrical and welding shops.
 - (10) Printing and publishing.

- (11) Equipment sales and servicing.
- (12) Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (13) Outdoor storage upon issuance of a permit by the Zoning Administrator as follows: On a permanent basis if annually renewed for contained scrap materials generated from on-site operations; on a temporary basis for obsolete machinery if stored for more than 90 days and inventory which is part of the principal activity if stored for more than 90 days.
- (14) Lumber, fuel and building supply yards.
- (15) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
- (16) Essential services.
- (17) Accessory retail sales.
- (18) Off-street parking lots.
- (19) Trade or industrial school.
- (20) Accessory structures and uses customarily incidental to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

§ 155-12.03. Special uses. [Amended 10-27-2009 by Ord. No. 2009-002]

The following uses may be permitted by the Village Council as provided for in Article XVII:

- A. Outdoor sales space (§ 155-17.32).
- B. Towers and antennas for wireless communication facilities (§ 155-17.11).
- C. Major automobile service and repair station (§ 155-17.06).
- D. Adult entertainment facilities (§ 155-17.04).
- E. Satellite dish antenna over 39 inches in diameter (§ 155-17.38).
- F. Kennels (§ 155-17.17).
- G. Mini storage (§ 155-17.18).
- H. Public uses (§ 155-17.24).
- I. Service station and minor auto repair (§ 155-17.07).
- J. Nonaccessory signs (§ 155-17-42).
- K. Anemometer tower over 20 meters high.
- L. Utility grid wind energy system.

M. On-site use wind energy system over 20 meters high.

§ 155-12.04. Required conditions.

- A. Any use established shall be operated so as to comply with the performance standards set forth hereinafter in § 155-23.02 of this chapter.
- B. Site plan review and approval shall be obtained for all new construction in accordance with the provisions of Article XXII.

ARTICLE XIII
I-2 Heavy Industrial District

§ 155-13.01. Purpose.

The I-2 Industrial District is designed primarily for manufacturing, assembling, and fabrication activities, including large-scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts.

§ 155-13.02. Permitted uses.

- A. All permitted uses of the I-1 Light Industrial District, § 155-12.02.
- B. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which shall conform with the performance standards set forth in § 155-23.02 of this chapter and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, glare or heat.
- C. Warehouse, storage and transfer and electric and gas service buildings and yards.
- D. Water supply, water and gas tank holders.
- E. Railroad transfer and storage tracks and railroad rights-of-way.
- F. Heating and electric power generating plants.
- G. Storage facilities for building materials, sand, lumber and similar materials, open storage of contractor's equipment and supplies, provided such is enclosed within an obscuring wall or fence on those sides abutting all residential, business, or office districts, and on any front yard abutting a public thoroughfare. In any I-2 District, the extent of such fence or wall shall be eight feet in height. A chain-link type fence, with heavy shrubbery, in a continuous greenbelt five-foot wide inside of said fence, shall be considered to be an obscuring fence.
- H. Other uses similar to the above uses.
- I. Accessory structures and uses customarily incidental to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

§ 155-13.03. Special uses. [Amended 10-27-2009 by Ord. No. 2009-002]

The following uses may be permitted by the Village Council as provided for in Article XVII:

- A. All special uses of the I-1 District, § 155-12.04, subject to the requirements of the I-1 District.
- B. Extraction operations (§ 155-17.13).
- C. Junkyards (§ 155-17.16).

- D. Anemometer tower over 20 meters high.
- E. Utility grid wind energy system.
- F. On-site use wind energy system over 20 meters high.

§ 155-13.04. Required conditions.

- A. All required conditions of the I-1 district shall apply.

ARTICLE XIV
PUD Planned Unit Development

§ 155-14.01. Purpose.

Planned unit development is intended to permit the private or public development or redevelopment of areas throughout the community which shall be substantially in accord with the goals and objectives of the Bellevue Community Master Plan in providing for a balanced land use pattern for homes, businesses, industry, community facilities and services. The land use patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience and general welfare. It is further the intent of this article to provide for development which will be carried out in such manner as to preserve natural features such as waterfront areas and their accessibility to the public and to promote energy-efficient development. Such planned unit development may embrace a mixture of one or more uses or zoning categories all in accord with the Bellevue Community Master Plan.

§ 155-14.02. Procedure for application.

Both a site plan and a special land use application shall be filed with the Zoning Administrator. Special land use permits may be granted only by the Village Council, consistent with the provisions of this article and Articles XVII and XXV of this chapter. If not required pursuant to Articles XVII and XXV of this chapter, the applicant shall also submit the following material for review:

- A. A property area survey of the exact area being requested (scale: one inch equals 100 feet).
- B. A proof of ownership of land if rezoning is being requested.
- C. A topography map of the entire area at a contour interval showing two foot changes in elevation. This map shall indicate all natural and man-made features (scale: one inch equals 200 feet).
- D. A preliminary plan of the entire area carried out in such detail as to show the land use being requested, the business area, industrial buildings and uses, the housing densities being proposed where applicable, the system of collector streets, and off-street parking system.
- E. A written statement explaining in detail the full intent of the sponsor indicating the specifics of the development plan as it related to the type of dwelling units contemplated and resultant population; the extent of nonresidential development and the resultant traffic generated and parking demands created; and providing supporting documentation such as, but not limited to: market studies, supporting land use request, and the intended scheduling of development.

§ 155-14.03. Stage I preliminary site plan.

The preliminary site plan shall be reviewed by the Planning Commission and by other community agencies or consultants to the Community as may be deemed necessary to

provide guidance to the Planning Commission and the Village Council in their review of the project. In reviewing the preliminary site plan, the following procedures and conditions shall be followed:

- A. In an area considered for planned unit development, no development shall take place therein, nor use made, of any part thereof except in accordance with the site plan as originally approved, or in accordance with an approved amendment thereto.
- B. The proposed planned unit development shall be consistent with the intent of the master plan.
- C. The preliminary site plan shall be reviewed and a report with recommendation shall be made by the Planning Commission to the Village Council relative to the plans meeting the intent and requirements of the master plan and the requirements of the zoning ordinance or modifications to such requirements as may be necessary to accomplish a desirable development which meets the objectives of the master plan.
- D. Recommendation by the Planning Commission shall be given only after public hearing. Such hearing shall be carried out in accord with requirements of Act 110 of 2006, as amended and Article XXV of this chapter.
- E. Approval of the preliminary plan by the Village Council shall not constitute approval of the final site plan. It shall be deemed approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan.
- F. Acceptance of the preliminary site plan by the Village Council shall be effective for a period of two years.

§ 155-14.04. Stage II final site plan.

The final site plan shall initially be reviewed by the Planning Commission, by other community agencies or consultants to the Village Council as may be deemed necessary to provide guidance to the Planning Commission in review of the project.

In reviewing the final site plan, the following conditions shall be followed:

- A. Prior to presentation to, and action by, the Village Council, the final site plan shall be forwarded to the Planning Commission for review and recommendation.
- B. A final overall site plan for the entire area being requested under this planned unit development shall be submitted. This plan shall be worked out in detail showing specific uses, building location, off-street parking, street alignment changes, open spaces and other physical plan details being proposed. Supporting documentation in the form of building floor plans, building elevation drawings, type of building materials and the schedule of construction shall be submitted.
- C. The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan. Standards for building, height, bulk, setbacks from public streets and the waterfront, and off-street parking shall be equal to at least the minimum standards set forth for like uses in the schedule of regulations and off-street parking requirements of this chapter, provided the Planning Commission and Village Council may modify these standards where the objectives of the Master Plan can be proved to be better served by such modifications.

§ 155-14.05. Stage II final site plan: approval of site plan.

In reviewing and approving the final plan, the following conditions shall be set forth:

- A. Approval of the final site plan (Stage II) may be granted by the Village Council after review and recommendation is made by the Planning Commission. A hearing shall not be required on the Stage II site plan, but a resolution of the Village Council determining that such Stage II site plan is in compliance with the planned unit development representations made at the time of approval of a Stage I site plan, and also the requirements set forth in § 155-14.06 which follows. Final approvals may be granted in stages provided such stages are in keeping with previously approved preliminary site plans.
- B. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.
- C. Upon issuance of a certificate of site plan approval, the site plan, building elevations and other development proposals, including the proposed uses, shall become integral for purposes of recordation, shall be referred to as "Planned Unit Development No. _____" which number shall be recorded on the appropriate properties of the Zoning Map. All approved plans shall be filed with the Village Council.
- D. Approval of the final site plan shall be effective for a period of three years; providing that development is commenced within one year, as evidenced, at a minimum, by issuance of a building permit. If development is not commenced within one year or not completed within three years, the Planning Commission shall review progress to date and make a recommendation to the Village Council regarding extension of the original approval.

§ 155-14.06. Required conditions.

Before approving the plan in either the preliminary Stage I site plan or final Stage II site plan submittal, the Planning Commission and the Village Council shall determine that:

- A. The uses permitted shall be in keeping with the Master Plan and to such corresponding zoning district uses and shall meet the requirements of Article XV, Schedule of Regulations, unless otherwise modified by the Village Council to accomplish the overall intent of the planned unit development.
- B. Provisions, including bonds or other financial guarantees, satisfactory to the Village Council have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Village Council.
- C. The cost of installing all streets, necessary utilities and site amenities has been assured by a means satisfactory to the Village Council.
- D. The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall suspend approval of the overall plan until such changes or amendments have been reviewed

and approved as in the instance of the first submittal, it being the intent of this section that no other administrative or Board of Appeals action shall constitute official approval of such changes or amendments to the overall plan. Denial by the Village Council of any requested changes or amendments shall not void the originally approved plan.

- E. A proposed change of occupancy, type of use, or alteration of a building in an established planned unit development shall require review by the Zoning Administrator, who may grant approval only if the proposed change is consistent with the intent of the existing approved planned unit development. The Zoning Administrator may defer the decision to the Planning Commission.
- F. Fees for review of plans and requests for changes or alterations shall be established by resolution of the Village Council.

ARTICLE XV
Schedule of Regulations

§ 155-15.01. Schedule of regulations for uses permitted(a).

(See following page for explanation of footnotes.)

Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width & Frontage (feet)	Maximum Building Height		Minimum Yard Setback (feet)			Maximum Lot Coverage (%)
			Stories	Feet	Front Yard	Each Side Yard	Rear Yard	
AG Agricultural (o)	36,300 (n)	110	3	35 (b)	65	20	35	35
RA Single-Family (f)(g)(o)	36,300	110	2	35	50	20	35	20
	30,000 (k)	100			40 (k)	15 (k)	35	25 (k)
	20,000 (k,l)	80			35 (l)(o)	10 (l)	35	25 (l)
	15,000 (k,l,m)	75					35	30
RB Single- and Two-Family (f)(g)	7,200 (c)	60 (c)	2	35	30 (o)	8	35	35
RC Single- and Two-Family (f)(g)	7,200 (c,d)	60 (c,d)	2	35	30 (o)	8	35	35
RD Multiple-Family	20,000 (e)	80	2	35	30 (o)	10 (e)	35	35
BOS Business, Office, Service	—	—	2	30	20(h)	10 (i)	10	—
CBD Central Business District	—	—	2	35	—	10 (i)	10	—
B-2 General Business	—	—	2	0	10	10 (i)	20	—
I-1 Light Industrial	—	—	—	35	30	30	4 (j)	—
I-2 Heavy Industrial	—	—	—	35	40	40	50 (j)	—

Zoning District	Minimum Lot Area (sq. ft.)	Minimum Lot Width & Frontage (feet)	Maximum Building Height (feet)	Minimum Yard Setback (feet)	Front Yard	Each Side Yard	Rear Yard	Maximum Lot Coverage (%)
PUD Planned Unit Development	See Article XIV for standards.							
Cluster and Open Space Plan	See Article XVI for standards.							

NOTES:

- (a) This schedule summarizes basic site development standards. The specific district regulations and other regulations should be consulted to identify additional standards and regulations, and clarifications of the above standards, and all other applicable site development provisions. Where this schedule contradicts the text of the chapter, the chapter text shall rule. See Article XIV for site development standards regarding planned unit developments and Article XVI for development standards regarding cluster housing and open space plans.
- (b) Height regulations for dwellings and non-farm buildings and structures.
- (c) Two-family dwellings shall require a minimum lot area of 9,600 square feet with a minimum width of 100 feet. All other provisions for building height, setbacks, floor area and lot coverage of the district shall apply as provided in Article XVII, Special Land Uses, § 155-17.31.
- (d) Standards for mobile home parks shall be required in accord with Article XVII, Special Land Uses, § 155-17.34
- (e) In an RD Multiple-Family District, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, exclusive of public road right-of-way, divided by 1,500 (Count closets, pantries, small storage rooms?). In all instances where wetlands exist on the site, such wetlands shall not be utilized for determining the number of rooms allowed on the site. (Why a consideration based on wetlands?) All units shall have at least one living room and one bedroom, except that not more than 10% of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:
 - Efficiency = 1 room
 - One bedroom = 2 rooms
 - Two bedroom = 3 rooms
 - Three bedroom = 4 rooms
 - Four bedroom = 5 rooms

Plans presented showing one-, two- or three-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.

In RD Districts, the minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than 30 feet. Parking may be permitted within a required side or rear yard, but shall not cover more than 30% of the area of any required side or rear yard or any minimum distance between buildings. Yards abutting major thoroughfares shall have a minimum depth of 50 feet. The formula regulating the required minimum distance between two buildings is as follows:

$$S = LA + LB + 2(HA + HB) \div 6$$

Where:

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

LA = Total length of building A.

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB = The total length of building B.

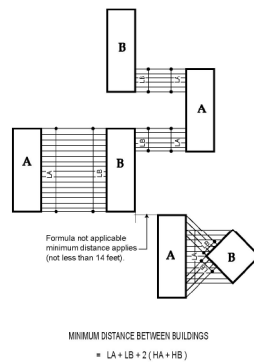
The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A.

HA = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

HB = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.



DISTANCE SPACING BETWEEN BUILDINGS

- (f) Single-family detached condominiums in site condominium subdivisions shall meet all minimum requirements and standards of the district in which such dwellings are to be constructed. Minimum yards for site condominiums shall be provided in accord with this section and shall be computed as follows.
- (1) Minimum front yard setbacks shall be equal to the distance between the front yard area line and the condominium dwelling.
 - (2) Minimum rear yard setbacks shall be equal to the distance between the rear yard area line and the condominium dwelling.
 - (3) Minimum side yard setbacks shall be equal to the distance between the side yard area line and the condominium dwelling.
- (g) See Article XVI, One-Family Cluster and Open Space Plan Option.
- (h) Off-street parking shall be permitted to occupy a portion of the required front yard, provided that there shall be maintained a minimum unobstructed and landscaped setback of 10 feet between the nearest point of the parking area, exclusive of access drives, and the street right-of-way.
- (i) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code, provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than 10 feet shall be provided. Where a lot borders on a residential district or a street, there shall be provided a setback of not less than 10 feet on the side bordering the residential district or street.
- (j) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six feet high, or with a chain-link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office, or business district or from a public street.
- (k) Platted lots.
- (l) Lots served by public sanitary facilities.
- (m) Platted lots served by a public water supply.

- (n) Land may be developed, at the option of the landowner, with the same number of dwelling units on a parcel of land as specified in the zoning district, but not more than 80% as determined by the community, could otherwise be developed, under the ordinance on the entire land area being developed if all of the following apply:
- (1) A percentage of the land area specified in the zoning ordinance, but not less than 50%, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, and approved by the Village Council.
 - (2) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon such an extension.
 - (3) The option provided pursuant to this subsection has not previously been exercised with respect to that land.
 - (4) The development is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
- (o) In a block on one side of the street 50% or more occupied, the depth of the front yard need not be more than the average depth of front yards of existing buildings and in no instance shall such yard be less than 10 feet in depth.

ARTICLE XVI
One-Family Cluster and Open Space Plan Option

§ 155-16.01. Purpose.

The intent of this section is to, by special land use permit, provide for the development of one-family residential patterns which, through design innovation, will provide for an alternative means for development of single-family areas. To accomplish this, modifications to the one-family residential standards, as outlined in the Schedule of Regulations (Article XV) may be permitted by special land use permit in the RA, RB, and RC districts.

§ 155-16.02. Standards for one-family cluster option.

In RA, RB, and RC residential districts, the requirements of the schedule of regulations may be waived and the attaching of one-family dwelling units, one to another, may be permitted subject to the standards of this article.

§ 155-16.03. Conditions and qualifications.

- A. The Village Council may approve the clustering or attaching of buildings on parcels of land under single ownership and control, which, in the opinion of the Village Council, have characteristics that would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension or because it is located in a transitional use area or the site has natural characteristics which are worth preserving or which make platting difficult. In approving an area for cluster development, the Village Council shall find at least one of the following conditions to exist:
- (1) The parcel contains floodplain or wetland soil conditions that result in a substantial portion of the total area of the parcel being unbuildable.
 - (2) The parcel contains natural assets that would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land that serves as a natural habitat for wildlife, unique topographic features or other natural assets that should be preserved.
 - (3) The parcel has water frontage which would be preserved and enhanced by the clustering of housing units.
 - (4) The parcel is shaped in such a way that the angles formed by its boundaries make a subdivision difficult to achieve.
 - (5) The parcel has a substantial portion of its perimeter bordered by land that is located in an RD, BOS, CBD, I-1 or I-2 district.
- B. In order to qualify a parcel for development for cluster housing, the Village Council shall determine that the parcel has characteristics as stated in Subsection A above and the request shall be supported by written and/or graphic documentation, prepared by a landscape architect, engineer, professional community planner, architect, or environmental design professional. Such documentation shall include the following as appropriate: soil test borings, floodplain map, topographic map at

a maximum two-foot contour interval, inventory of natural assets, including plant material.

§ 155-16.04. Permitted densities.

- A. Dwelling unit densities shall not utilize stormwater detention basins nor more than 25% of any wetland in computing the maximum permitted densities. The maximum permitted densities are as follows:
- B. For those areas qualifying under § 155-16.03, the following shall apply.
 - RA district: 3.5 dwelling units/acre
 - RB district: 7 dwelling units/acre
 - RC district: 8 dwelling units/acre
- C. Water bodies within the parcel, not to include streams, may be included in the computation of density provided that land adjacent to the water is substantially developed as open space.

§ 155-16.05. Development standards and requirements.

- A. In areas meeting the criteria of this section, the minimum yard setback and minimum lot sizes per unit as required in Article XV may be waived and the attaching of dwelling units may be accomplished subject to the following:
 - (1) The attaching of one-family dwelling units, one to another, may be permitted when the homes are attached by means of one of the following:
 - (a) Through a common party wall forming interior room space which does not have over 75% of its length in common with an abutting dwelling wall, excluding garage;
 - (b) By means of architectural wall detail that does not form interior room space;
 - (c) Through abutting garage party walls of adjacent structures;
 - (d) The number of units attached in this manner shall not exceed four.
 - (2) Yard requirements shall be provided as follows:
 - (a) Spacing between groups of attached buildings or between each group of four unattached buildings shall be equal to at least 30 feet measured between the nearest points of adjacent buildings. The minimum distance between any single detached unit and any adjacent building shall be 15 feet.
 - (b) Building setbacks from streets shall be equal to the front yard setback of the district.
 - (c) Buildings shall not be closer than 25 feet to the pavement edge of interior private drives.

- (3) The area in open space (including recreation areas and water) accomplished through the use of one-family cluster development shall represent at least 15% of the total parcel area. The provision of walks, trails, and recreation facilities is required within the open space areas.
- (4) In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one-family residential district, the Planning Commission shall determine that the abutting one-family district is effectively buffered by means of one of the following within the cluster development:
 - (a) Single-family lots subject to the standards of the schedule of regulations.
 - (b) Detached one-family buildings with setbacks as required by the schedule of regulations for the applicable residential district.
 - (c) Open or recreation space not less than 100 feet in depth.
 - (d) A densely planted buffer not less than 50 feet in depth.

§ 155-16.06. Procedures.

A. Qualification for cluster development.

- (1) A special land use application and site plan, as provided in Articles XXII and XXV of this chapter, shall be filed with the Zoning Administrator for review and recommendation by the Planning Commission. The documents filed shall include evidence sustaining one or more of the characteristics outlined in § 155-16.03 of this article.
- (2) The Planning Commission may make a preliminary determination as to whether or not a parcel qualifies for the cluster option under one of the provisions of § 155-16.03 of this article based upon the documentation submitted. Such review is not a requirement but may be requested by the sponsor.
- (3) A preliminary determination by the Planning Commission that a parcel qualifies for cluster development does not ensure approval. It does, however, give an initial indication as to whether or not a petitioner should proceed to prepare a site plan.

B. Preliminary site plan approval.

- (1) A preliminary site plan shall be submitted to the Planning Commission for review in two stages:
 - (a) An initial review of the plan concept including the information called for below in Subsection B(2).
 - (b) Review of the plan at a public hearing, including information called for below in Subsection B(3).
- (2) In submitting a proposed layout under this section, the applicant of the development shall include, along with the site plan, typical building elevations

and floor plans, topography drawn at two-foot contour intervals, all computations relative to acreage and density, a preliminary grading plan, and any other details that will assist in reviewing the proposed plan.

- (3) Site plans submitted under this option shall be accompanied by information as required in the subdivision regulations of the Village provided, however, that:
 - (a) Submission of an open space plan and project cost estimates for the initial review of the preliminary site plan shall be submitted at the option of the applicant.
 - (b) The open space plan and cost estimate shall be submitted for review at the public hearing.
- (4) The Planning Commission shall give notice of the public hearing in accordance with provisions of § 155-25.03 of this chapter.
- (5) If the Planning Commission is satisfied that the proposal meets the letter and spirit of the zoning ordinance and should be approved, it shall set forth any conditions upon which such approval may be recommended. If the Planning Commission is not satisfied that the proposal meets the letter and spirit of this chapter, or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record the reasons therefore in the minutes of the Planning Commission meeting. Notice of recommendation of approval or disapproval of the proposal together with copies of all layouts and other relevant information shall be forwarded to the Village Council.
- (6) The Village Council shall review the action of the Planning Commission together with relevant material submitted by the applicant, and shall take action consistent with Article XXV to approve or disapprove the application for special land use, or refer the application back to the Planning Commission with direction for further review. The Planning Commission shall approve or disapprove a site plan only after approval of a special land use permit by the Village Council.

§ 155-16.07. Final site plan.

- A. After approval of a preliminary site plan, a final site plan shall be submitted in accordance with the requirements of Article XXII.
- B. As a condition for the approval of the final site plan and open space plan, the applicant may be required to deposit cash, irrevocable letters of credit, or other equivalent form of security as approved by the Village Council in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvements within a time to be set by the Village Council. Actual development of the open space shall be carried out concurrently with the construction of dwelling units. The Village Council may require landscape improvement for the entire site frontage where such site abuts public streets as an initial site improvement even though such frontage is not part of any early stage of project development.

§ 155-16.08. (Reserved)

§ 155-16.09. (Reserved)

§ 155-16.10. Standards for open space plan option.

The purpose of a subdivision or site condominium open space plan is to promote the preservation of open space while allowing a reduction in lot sizes, by special land use permit, in instances where the reduction would be compatible with lot sizes existing in the surrounding area. In reviewing a subdivision open space plan, the Planning Commission and Village Council shall consider the following objectives:

- A. To encourage appropriate relationships in orientation and size of yards and open spaces with other developed parcels in the area.
- B. To provide a more desirable living environment by preserving the natural character of wetlands, strands of trees, brooks, hills, and similar natural assets.
- C. To encourage developers to use a more creative approach in the development of residential areas.
- D. To encourage the provisions of open space within reasonable distance of all lot development of the subdivision and to further encourage the development of recreational facilities or preservation of natural environmental assets and to lessen the impact on existing park and open space in the Village.
- E. To encourage a more efficient, aesthetic, and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.

§ 155-16.11. Modification to standards.

- A. Modifications of the standards as outlined in Article XV may be made in the districts when the following conditions are met:
 - (1) Lot dimensions may be reduced in accordance with the following schedule, provided that the number of residential lots shall be no greater than if the land area to be subdivided was developed in the minimum square foot lot areas as required for each one-family district under Article XV. All calculations of density for residential development shall be predicated upon the one-family districts having the following gross densities (including roads):

District	Dwellings Per Acre	Minimum Lot Width
RA (no public water or sewer)	1.1	100
RA (public water)	1.4	90
RA (public sewer)	2.2	75
RA (public water and public sewer)	2.7	70

District	Dwellings Per Acre	Minimum Lot Width
RB (public water and public sewer)	5.5	55

- (2) For each square foot of land gained under the provisions of the above Subsection A(1) within a residential district, through the reduction of lot sizes below the minimum requirements as outlined in Article XV, the property owner shall record an irrevocable conservation easement, plat, site condominium, restrictive covenant, or restriction by other legal means that is satisfactory to the Village, for an equal amount of open space land area, which restriction shall run with the land and which shall mandate that the designated open space will perpetually remain in an undeveloped state.
- (3) The land area necessary to meet the minimum requirements of the density and dimensional standards of Article XV shall not include bodies of water or wetlands which would make land unsuitable for recreation purposes, except that lakes or ponds, when landscaped and maintained as portions of larger open space areas within the development, may be included in density computations. All land reserved for recreation shall maintain its natural drainage. The entire area may, however, be located in a floodplain.
- (4) A parcel to be dedicated for the common use of the subdivision or site condominium shall be in no instance be fewer than three acres and shall be in a location and shape approved by the Village Council, provided that a parcel divided by a road or stream shall be considered as one parcel.
- (5) Access shall be provided to areas dedicated for the common use of the subdivision for those lots not bordering on such dedicated areas by means of streets or pedestrians.
- (6) Under this open space approach, the proprietor shall dedicate sufficient park area so that each final plat is within maximum density requirements; provided, however, that the entire park area within a single block shall be dedicated as a whole.
- (7) An application for approval of an open space plan shall be submitted at the same time a preliminary subdivision plat or site condominium plan is submitted for approval.

§ 155-16.12. Ownership, improvement and maintenance of open space areas.

- A. A plan for the open space areas shall be submitted and shall include a cost estimate of improvements to be made within the open space.
- B. Whenever a developer or proprietor employs the terms of this section, provision shall be made for the incorporation of a home owners' association or equivalent to ensure the maintenance of all common open space areas.
- C. Prior to approval, the Bellevue Village Attorney shall review the proposed open space plan and render an opinion with respect to:

- (1) The proposed manner of holding title to the open land;
- (2) The proposed manner of payment of taxes;
- (3) The proposed method of regulating the use of the open land;
- (4) The proposed method of maintenance of property and financing thereof;
- (5) Any other factor related to the legal or practical problems of ownership, use and maintenance of the open land.

§ 155-16.13. Site plan and special land use permit procedures and approval.

- A. Special land use. Review and approval of a proposed open space plan special land use permit shall be pursuant to the provisions of this article and Article XXV.
- B. Site plan. Review and approval of a final site plan for an open space plan for which a special land use permit has been granted by the Village Council, shall be pursuant to this article and Article XXII.
- C. Procedures for a subdivision or site condominium development shall be in accord with the applicable Subdivision Control Act, Public Act 288 of 1967, MCLA § 560.101 et seq., as amended, or the Condominium Act, Public Act 597 of 1978, § MCLA 559.101 et seq., as amended.

ARTICLE XVII
Special Land Uses

The development and execution of this article is based upon the division of the Village into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, on the impact of those uses upon neighborhood land. These uses include public uses and uses entirely private in character, but of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. Regulations in this article are in addition to regulations within other articles of this chapter. Where this article's regulations are more stringent than the regulations in other articles of this chapter, this article's regulations shall prevail.

[Amended 1-12-2015 by Ord. No. 2015-001]

§ 155-17.01. Purpose. [Amended 1-22-2018 by Ord. No. 2018-001]

It is the purpose of this article to specify the process that shall be followed in the review and approval of "special land uses" as authorized by the districts and elsewhere in this chapter, including the standards by which such applications shall be evaluated to ensure conformance with this chapter and encourage public health, safety and welfare. Special land uses are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures permitted in the district, but could present potential injurious effects upon the primary uses or are otherwise unique in character, and therefore require special consideration in relation to the welfare of adjacent properties and to the Village as a whole.

§ 155-17.02. Procedures. [Amended 1-22-2018 by Ord. No. 2018-001]

- A. Application. An application for a zoning permit for a special land use shall consist of:
- (1) An application form available from the Zoning Administrator, signed by the property owner(s) and applicant(s).
 - (2) A site plan prepared according to Article XXII.
 - (3) A detailed description of the proposed project, in narrative form and part of a document signed by the applicant. Such description shall address, at a minimum, the intended use of the property, typical day-to-day operational features of the proposed use, hours of operation, number of employees by shift, the extent to which there will be indoor or outdoor storage and the materials to be stored, the extent of hazardous materials to be present and for what purpose, the means of waste disposal, and anticipated traffic by volume and type including the extent to which truck traffic will be present in association with customers and deliveries.
- B. Review and action/public hearing:

- (1) Application for a zoning permit for a special land use shall follow the same general procedures as delineated for site plan review according to § 155-22.03, except that the Planning Commission shall hold a public hearing on such application before forwarding a recommendation on the application to the Village Council for final action. The Planning Commission's recommendation shall provide for approval, conditional approval or denial. Notice of the hearing shall comply with the Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended.
- (2) When evaluating the application, the Planning Commission and Village Council shall refer to the approval standards set forth in § 155-17.03 in addition to those specified for site plan approval (§ 155-22.04). The recommendation of the Planning Commission and decision of the Village Council shall each be incorporated in a statement of findings and conclusions relative to the special land use application that specifies the basis for the decision and any conditions of approval.
- (3) An application for a special land use shall be an application to determine the appropriateness of both the proposed use on the subject property and the manner in which the proposed use is to be arranged and function on the site as delineated in the required site plan. The use and site plan shall be viewed as inseparable and shall be acted upon through a single motion of approval, conditional approval or denial.

C. Changes:

- (1) Site plan. Changes to an approved site plan that are classified as "minor" according to § 155-22.06 shall be acted upon as provided in § 155-22.06. In the case where such change constitutes a "major" change, such change shall be subject to the same review and approval provisions of Subsections A and B.
- (2) Use or activity. A change in the character of the use or activity from what the originally approved zoning permit authorized shall not occur until such change is applied for and approved according to the application and review procedures of Subsections A and B. Examples requiring a new application and review procedure include the establishment of another special land use; the expansion or reduction of the land area comprising the original approved application; and the expansion or increase in intensity of the use, including the erection of additional buildings and the extension of authorized hours of operation.

D. Appeals. A person aggrieved in association with a special land use decision may appeal the decision to the circuit court only. This limitation shall not prohibit an applicant from seeking a variance from a specific site development standard of this chapter according to Article XXVI.

E. Reapplication. No application for a zoning permit for a special land use which has been denied wholly or in part shall be resubmitted until the expiration of one year from the date of such denial, except on the grounds of newly discovered evidence or proof of changed conditions having bearing on the basis for the previous denial, as determined by the Village Council. Reapplication shall follow the provisions of Subsections A and B.

- F. Expiration of approval. A zoning permit issued for a special land use shall not expire except according to § 155-24.04C and in the case where the special land use has been abandoned or has been otherwise inactive for a period of more than five years. Where such a permit has expired, the use shall not be reinitiated except upon approval of a newly submitted application including site plan approval and a public hearing.

§ 155-17.03. Approval standards. [Amended 1-22-2018 by Ord. No. 2018-001]

- A. General approval standards. No special land use application shall be approved except where the application complies with the following general standards:
- (1) Master plan. The application shall be consistent with the Village of Bellevue Master Plan.
 - (2) Zoning district. The application shall be consistent with the purpose of the zoning district in which it is located.
 - (3) Compatibility of character. The proposed facility shall be designed, constructed, operated and maintained so as to be compatible with the existing and planned character of the general vicinity, taking into consideration such features as the bulk, placement, and materials of proposed structures, open space areas, lighting, and landscaping and screening of parking and storage areas, and hours of operation.
 - (4) Neighborhood impact. The proposed facility shall not be substantially hazardous, disturbing, or detrimental to the use, peaceful enjoyment, economic value or development of neighboring property, or the vicinity in general, taking into consideration such features as hours of operation; and the production of noise, glare, vibration, odors, or other external impacts.
 - (5) Public facilities/utilities. The proposed facility shall be served adequately by essential public facilities and services such as utilities including water and sewage facilities, police and fire protection, streets, drainage structures, refuse disposal, schools, and streets including minimizing the impact of traffic generated by the proposed development on adjacent properties.
 - (6) Public cost. The proposed facility shall not require excessive additional public facilities and services requirements at public cost.
 - (7) Public health, safety and welfare. The proposed facility shall not involve uses, activities, processes, materials and equipment or conditions of operation that will endanger the public health, safety or welfare, including detrimental impacts on air, soil, surface and groundwater resources, and other features of the natural environment.
 - (8) Site plan approval standards. The proposed facility shall be in compliance with the site plan approval standards of § 155-22.04.
- B. Specific site development standards. In addition to compliance with the above general standards in Subsection A, special land uses shall also comply with the specific site development standards and regulations presented in this article for

delineated uses. Unless otherwise specified, each specific use addressed in this article shall be subject to all setback, lot area and other standards of the district in which the use is located. Where this article establishes a standard more stringent than that required elsewhere in this chapter, including the district in which the lot is located, the standard of this article shall apply. Any requirements of this article regarding application submittal data, plans, and drawings shall be in addition to the data requirements of Article XXII, Site Plan Review. Compliance with the standards and requirements of this article does not relieve the owner or operator of a permitted use from complying with requirements of other ordinances.

§ 155-17.04. Adult entertainment facilities.

Adult entertainment facilities may be permitted provided the conditions below and such other conditions as may be required to protect adjacent uses and residential neighborhoods are met.

- A. No adult entertainment facility shall be permitted within 600 feet of a church, park, or a public or private school property.
- B. No adult entertainment facility shall be permitted within 600 feet of a residentially zoned district.
- C. No adult bookstore or adult motion-picture theater shall be located within 800 feet of any other establishment that is an adult bookstore or adult motion-picture theater.
- D. In determining the distance limitation in the paragraphs above, measurement shall be made from the lot line of the church, park, school, adult bookstore or adult motion-picture theater or residential zoning district in a direct line to the nearest point on the lot line of the proposed adult motion-picture theater or adult bookstore.

§ 155-17.05. Agricultural business.

- A. Permitted uses:
 - (1) Commercial riding stable.
 - (2) Food, feed, fiber, alcohol processing facility, handling products for more than one farm operator.
 - (3) Grain and feed elevators.
 - (4) Greenhouses with on premise retail sales.
 - (5) Livestock auction yards.
 - (6) Livestock transport facilities.
 - (7) Nurseries with on premise retail sales.
 - (8) Sawmills.
 - (9) Seasonal farm markets; provided, however, that seasonal farm markets selling only fresh produce raised on the premises and conducting retail sales shall not be regulated under this article.

(10) Slaughterhouse selling products butchered on the premises.

(11) Veterinary hospital or clinic and kennel.

B. Special performance standards.

(1) Animal holding areas associated with livestock auctions, transportation facilities or slaughterhouses shall be set back 100 feet from all property lines and the road right-of-way.

(2) There shall be no storage of manure or dust producing material within 100 feet of any property line or road right-of-way.

(3) Signs shall comply with Article XXI of this chapter.

(4) Parking areas shall comply with Article XX of this chapter.

(5) Agricultural business shall be established and conducted in compliance with all other applicable federal, state and local laws and ordinances.

§ 155-17.06. Major automobile service and repair stations.

A. The following site and developmental requirements shall apply:

(1) For facilities with new underground storage tanks, the site shall be not less than 300 feet from any residential well, 800 feet from a non-community public water well and 2,000 feet from any public water well, or as otherwise required by state or federal law.

(2) Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.

(3) No more than two driveways onto a roadway shall be permitted per site. Curb openings for driveways shall not exceed 50 feet and driveway widths shall not exceed 35 feet. Driveways shall be separated by a minimum of 20 feet.

(4) Curb openings shall be no closer than 10 feet to any adjoining lot line and shall be no closer than 20 feet to an intersection, as measured from the right-of-way.

(5) No lot line of the site shall be less than 200 feet from any lot line of any place of public assembly, including, but not limited to, hospitals, sanitariums, schools, churches or other institutions.

(6) All buildings shall be set back not less than 40 feet from all street right-of-way lines.

(7) All gasoline pumps shall be located not less than 15 feet from any lot line or within 30 feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.

(8) The site shall be a minimum of 14,000 square feet in area and have a minimum of 140 feet of frontage. On lots with frontage on two streets, the street designated as the major access side of the site shall have not less than 90 feet

of street frontage.

- (9) The entire area used for vehicle service shall be hard-surfaced and adequately drained.

B. Special performance standards:

- (1) Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
- (2) Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than 30 days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
- (3) A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
- (4) Retail sales of convenience store merchandise sold primarily to patrons purchasing fuel or services may be permitted.

§ 155-17.07. Automobile service station with minor vehicle repair.

A. The following site and development standards shall apply:

- (1) The minimum lot area shall be 10,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait for service.
- (2) The curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 20 feet from a street intersection or from adjacent residential districts.
- (3) There shall be provided, on those sides abutting or adjacent to a residential district or use, a four-foot solid wall such as brick, decorative block or decorative poured concrete. The height of the fence or wall shall be measured from the surface of the ground of the abutting residential district or use.
- (4) All lighting shall be shielded from adjacent residential districts.
- (5) The sale of propane gas is permitted provided all requirements of the International Fire Code as amended are complied with.

§ 155-17.08. Bed-and-breakfast.

A. The following site and developmental requirements shall apply:

- (1) Off-street parking shall be provided based upon one space for each rental room and one space for the operator of the facility. It is the intent to discourage yards from being destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking. In those instances where

parking requirements cannot be met, the applicant may request special consideration by submittal of an analysis of parking required and parking available within a three-hundred-foot radius of the subject parcel. After analyzing this data, the Planning Commission may recommend the Village Council approve a lower number of required parking spaces if sufficient off-street parking exists in the neighborhood.

- (2) A bed-and-breakfast dwelling shall not be located on a lot which is within 300 feet of the nearest lot line of another such facility.
- B. Special performance standards. The bed-and-breakfast facility must be a single-family dwelling which is operated and occupied by the owner of the dwelling. The bed-and-breakfast facility may have up to six bedrooms used for and material.
- (1) Paying guests. Meals may be served to overnight guests only, and may not be served to the public at large.
 - (2) The applicant shall provide a scaled floor plan of the premise as part of the special land use application.
 - (3) The exterior appearance of the structure shall not be altered from its single family character.
 - (4) The impact of the bed-and-breakfast establishment on the neighborhood shall be no greater than that of a private home with overnight guests.
 - (5) Retail sales are not permitted beyond those activities serving overnight patrons.
 - (6) No receptions, private parties or activities for which a fee is paid shall be permitted.
 - (7) Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
 - (8) The establishment shall contain at least two exits to the outdoors.
 - (9) Rooms utilized for sleeping must be part of the primary residential structure and not have been specifically constructed or remodeled for rental purposes.
 - (10) No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.
 - (11) No paying guests shall reside on the premises for more than seven days in any thirty-day period. A guest registry indicating name, address, phone number, and vehicle license number shall be kept, indicating dates of arrival and departure, and shall be available for inspection by the Zoning Administrator upon request.
 - (12) Lavatories and bathing facilities shall be available to all persons using the premises.
 - (13) No separate or additional kitchen facilities shall be provided for paying guests.

§ 155-17.09. Cemeteries.

- A. The following site and developmental requirements shall apply:
- (1) All burial plots and all structures shall be set back no less than 30 feet from any lot line or street right-of-way.
 - (2) Parking shall be provided on the site, at least 50 feet from any lot line.
- B. Special performance standards. Cemeteries shall be established in compliance with applicable federal and state law.

§ 155-17.10. Churches and religious institutions. [Amended 1-12-2015 by Ord. No. 2015-001]

- A. The following site and developmental requirements shall apply:
- (1) All ingress and egress to and from the site shall be hard-surfaced.
 - (2) No more than 25% of the site area shall be covered by buildings, except that this limitation shall not apply to the (CBD) Central Business District zoning district.
 - (3) No more than 60% of the site shall be covered by impervious surface, except that this limitation shall not apply to the (CBD) Central Business District zoning district.
 - (4) No building shall be closer than 50 feet to any lot line or right-of-way, except that this limitation shall not apply to the (CBD) Central Business District zoning district.
 - (5) No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one foot for each one-foot of additional height above the district height limitation. A spire is excluded.
 - (6) No day-care center, private school, or other use requiring special land use Approval shall be allowed on the site without a separately approved special land use permit for each use.

§ 155-17.11. Wireless communication towers and antennas; special use permit and exception to special use permit requirements.

- A. Intent and purpose. It is the intent and purpose of this section to establish regulations and concepts for placement of wireless communication towers and antennas. In this regard, it is the Village's desire to protect residential areas and land uses from potential adverse impacts of such towers and antennas; and encourage the location of towers in nonresidential areas, minimize the total number of towers throughout the Village, encourage the joint use of new and existing tower sites as a primary option, rather than construction of additional single use towers; encourage owners and users of such facilities to place same to the extent possible in areas where adverse impact on the Village is minimized; to encourage owners and users of such facilities to adopt designs and configurations that minimize the adverse

visual impact of said facilities, including, but not limited to, siting, landscape, screening, camouflage technique and coloration; to enhance the ability of providers of telecommunication services to provide such services to users within the Village; to consider public health and safety; and avoid potential damage to adjacent properties from tower failure through engineering and site selection.

- B. As used in this chapter, the following terms shall have the meanings as set forth below.

ALTERNATIVE TOWER STRUCTURE — Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

BACKHAUL NETWORK — The lines that connect a provider's towers/cell sites to one or more cellular telephone switching office(s), and/or long distance providers, or the public switched telephone network.

FAA — The Federal Aviation Administration.

FCC — The Federal Communications Commission.

HEIGHT — When referring to a tower or other structure, means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

PREEXISTING TOWERS AND PREEXISTING ANTENNAS — Any legally existing tower or antenna prior to the effective date of this chapter, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

- C. Applicability.

- (1) New towers and antennas. All new towers and antennas in the Village shall be subject to these regulations, except as provided in Subsection C(2) through (4) of this section, inclusive.
- (2) Amateur radio station and antennas capable of reception only. This chapter shall not be deemed to be applicable to any tower or installation of any antenna that is owned and operated by a federally licensed amateur radio station operator, or is used exclusively for receive only antennas.

- (3) Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of Subsection D(6) and (7).
- (4) AM array. For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

D. General requirements.

- (1) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (2) Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (3) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Village or within an adjacent municipality that provides service within the Village of Bellevue, including specific information about the location, height and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the Village; provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (4) Aesthetics. Towers and antennas shall meet the following requirements:
 - (a) Towers shall be of monopole construction only unless the applicant can demonstrate that a lattice (non-guyed) tower is the only structure feasible based upon engineering criteria. Towers shall maintain a galvanized steel finish or, subject to applicable FAA standards, be painted a neutral color so as to reduce visible obtrusiveness.
 - (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
 - (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the

supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- (5) Lighting. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (6) State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (7) Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Village concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (8) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Village irrespective of municipal and county jurisdictional boundaries.
- (9) Not essential services. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities or private utilities.
- (10) Franchises. Owner and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Village have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
- (11) Public notice. For purposes of this chapter, any special use request, variance request or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Subsection F(2)(g)[1] and [2], in addition to any notice otherwise required by this chapter.
- (12) Signs. No signs shall be allowed on an antenna or tower.

- (13) Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Subsection H.
- (14) Multiple antenna/tower plan. The Village encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

E. Administratively approved uses.

- (1) General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.
 - (a) The Zoning Administrator may administratively approve the uses listed in this section.
 - (b) Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Subsection F(2)(b) and (d) of this chapter and a nonrefundable fee as established by resolution of the Village Council to reimburse the Village for the costs of reviewing the application.
 - (c) The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Subsection D and F(2)(d), (e), (f) and (g).
 - (d) The Zoning Administrator shall respond to each such application within 60 days after receiving it by either approval or denying the application. If the Zoning Administrator fails to respond to the applicant within said 60 days, applicant may apply to the Village Council for action within the following 30 days.
 - (e) In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in Subsection F(2)(f) or separation distances between towers in Subsection F(2)(g) by up to 50%.
 - (f) In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
 - (g) If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Subsection F prior to filing any appeal that may be available under this chapter.
- (2) List of administratively approved uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:
 - (a) Locating an antenna, including the placement of additional buildings or other supporting equipment used in connection with said antenna, in the AG, I-1 and I-2 zoning districts.

- (b) Locating antennas on existing structures or towers consistent with the terms of Subsection E(2)(b)[1] and [2] below.

[1] Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional or multifamily structure of eight or more dwelling units, provided:

[a] The antenna does not extend more than 30 feet above the highest point of the structure;

[b] The antenna complies with all applicable FCC and FAA regulations; and

[c] The antenna complies with all applicable building codes.

[2] Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

[a] A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole;

[b] Height.

[i] An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the co-location of an additional antenna.

[ii] The height change referred to in Subsection E(2)(b)[2][c][i] may only occur one time per communication tower.

[iii] The additional height referred to in Subsection E(2)(b)[2][c][i] shall not require an additional distance separation as set forth in Subsection F. The tower's premodification height shall be used to calculate such distance separations.

[c] On-site location.

[i] A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on site within 50 feet of its existing location.

- [ii] After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
- [iii] A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculation of separation distances between towers pursuant to Subsection F(2)(g). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Subsection F(2)(g).
- [iv] The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Subsection F(2)(g) shall only be permitted when approved by the Zoning Administrator.

F. Special use permits.

- (1) General. The following provisions shall govern the issuance of special use permits for towers or antennas by the Village Council:
 - (a) Applications for special use permits under this section shall be subject to the procedures and requirements of Article XXV of this chapter, except as modified in this section.
 - (b) In granting a special use permit, the Village Council may impose conditions to the extent the Council considers such conditions to be necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - (c) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
 - (d) An applicant for a special use permit shall submit the information described in this section and a nonrefundable fee as established by resolution of the Village Council to reimburse the Village for the costs of reviewing the application.
- (2) Towers.
 - (a) New towers. Locating any new tower shall require heights and co-location as follows:
 - [1] For a single user, up to 75 feet in height.
 - [2] For two users, towers of 75 feet and less than 90 feet in height; and
 - [3] For three users, towers of 90 feet and not more than 120 feet in height.
 - (b) Information required. In addition to any information required for applicants for special use permits pursuant to Article XXV of this chapter, applicants for a special use permit for a tower shall submit the following information:

- [1] A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including adjacent land users in other municipalities), comprehensive development plan classification and zoning classification of the site and all properties within the applicable separation distances set forth in Subsection F(2)(g), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Zoning Administrator to be necessary to assess compliance with this chapter.
 - [2] Legal description of the parent tract and leased parcel (if applicable).
 - [3] The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - [4] The separation distance from other towers described in the inventory of existing sites submitted pursuant to Subsection D(3) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - [5] A landscape plan showing specific landscape materials.
 - [6] Method of fencing, and finished color, and, if applicable, the method of camouflage and illumination.
 - [7] A description of compliance with Subsections D(3), (4), (5), (6), (7), (10), (12), and (13) and F(2)(f) and F(2)(g) and all applicable federal, state or local laws.
 - [8] A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
 - [9] Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - [10] A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - [11] A description of the feasible location(s) of future towers or antennas within the Village based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (c) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wire line systems,

such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

- (d) Factors considered in granting special use permits for towers. In addition to any standards for consideration of special use permit applications pursuant to Article XXV of this chapter, the Planning Commission and Village Council shall consider the following factors in determining whether to issue a special use permit, although the Village Council may waive or reduce the burden on the applicant of one or more of these criteria if the Village Council concludes that the goals of this chapter are better served thereby:
- [1] Height of the proposed tower;
 - [2] Proximity of the tower to residential structures and residential district boundaries;
 - [3] Nature of uses on adjacent and nearby properties;
 - [4] Surrounding topography;
 - [5] Surrounding tree coverage and foliage;
 - [6] Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - [7] Proposed ingress and egress; and
 - [8] Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Subsection F(2)(e) of this chapter.
- (e) Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Village Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission and Village Council related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- [1] No existing towers or structures are located within the geographic area which meet applicant's engineering requirements;
 - [2] Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
 - [3] Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related

equipment;

[4] The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

[5] The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;

[6] The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(f) Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Village Council may reduce the standard setback requirements if the purpose and goals of this chapter would be better served thereby:

[1] Towers must be set back a distance equal to at least 75% of the height of the tower from any adjoining lot line.

[2] Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(g) Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Village Council may reduce the standard separation requirements if the purpose and goals of this chapter would be better served thereby.

[1] Separation from off-site uses/designated areas.

[a] Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

[b] Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units ⁶	200 feet or 300% height of tower, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% of height of tower, whichever is greater ⁷

Table 1

Off-Site Use/Designated Area	Separation Distance
Vacant unplatted residentially zoned lands ⁸	100 feet or 100% height of tower, whichever is greater
Existing multifamily residential units greater than duplex units	100 feet or 100% of height of tower, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply

[2] Separation distances between towers.

[a] Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The minimum separation distance for towers of 75 feet or less shall be one mile; for towers in excess of 75 feet not to exceed 90 feet, separation distance shall be 1.25 miles; and in excess of 90 feet but not to exceed 120 feet, the separation distance shall be 1.5 miles.

(h) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Village Council may waive such requirements as it deems appropriate.

(i) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Village Council may waive such requirements if the purpose and goals of this chapter would be better served thereby.

[1] Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

[2] In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced, waived or postponed and the special use permit may require installation of landscaping at a later date based upon changes in surrounding area land use.

6. Includes modular homes and mobile homes used for living purposes.
 7. Separation measured from base of tower to closest building setback line.
 8. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

- [3] Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- G. Buildings or other equipment storage. Buildings to house equipment used in association with antennas or towers shall not exceed 360 square feet in floor area and nine feet in height for each user; provided, however, upon good cause shown, the Planning Commission may allow a larger structure if necessary to serve the particular tower or number of users. Equipment cabinets utilized for antennas mounted on structures, rooftops, utility poles, light poles or similar facilities shall be no larger than necessary to serve each user of said antenna.
- H. Removal of abandoned antennas and towers. The tower owner shall advise the Village of discontinuance of tower use or abandonment within 60 days of such discontinuance. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Village notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds for the Village to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Village may, as a condition for approval, require a financial guarantee in the form of a performance bond, cash deposit or irrevocable letter of credit to provide sufficient funds for removal of abandoned towers and buildings associated therewith.
- I. Nonconforming uses.
- (1) No expansion of nonconforming use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - (2) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.
 - (3) Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding Subsection I, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the setback and separation requirements specified in Subsection F(2)(f) and (g). The type, height, and location of the tower on site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as set forth in Subsection H.

- J. Final determinations; written decision. No determination rejecting a request to place, construct or modify personal wireless facilities, including wireless communication towers, shall be final until a written decision is adopted by the Village entity which made the decision.

§ 155-17.12. Drive-in establishments.

- A. The following site and developmental requirements shall apply:
- (1) All egress and ingress to and from the site shall be hard-surfaced and shall be at a distance of at least 60 feet from the intersection of two streets, as measured from the right-of-way of the intersecting street.
 - (2) All buildings shall be set back a minimum distance of 60 feet from all street right-of-way lines.
- B. Special performance standards:
- (1) The outdoor space used for parking and movement shall be hard-surfaced.
 - (2) No drive shall be closer than 75 feet to any other drive and the maximum number of driveways permitted is two.

§ 155-17.13. Extraction operations.

- A. The following site and developmental requirements shall apply:
- (1) A minimum lot area of five acres is required.
 - (2) Notwithstanding any other minimum yard sizes required by this chapter, extraction activities shall be set back the following minimum distances:
 - (a) One hundred feet from the right-of-way of any public street, private road, or highway.
 - (b) One hundred fifty feet from abutting property in a zoning district permitting residential use.
 - (c) One hundred feet from abutting property in zoning districts permitting commercial or industrial use.
 - (3) A landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided for a minimum of 50 feet in depth around the perimeter of the site.
- B. Special performance standards:
- (1) The extraction areas shall not be used for the disposal of foreign material without prior approval from the Village, and any appropriate federal, county, or state entities.
 - (2) No operation shall be conducted in a manner so as to raise or lower the water table on surrounding properties except as may be authorized by a Department of Environmental Quality permit.

- (3) If, in the opinion of the Village Council, an extractive use operation might present a dangerous condition if left unprotected, the Council may require that the area involved in the use be enclosed by a chain-link or similar fence.
- (4) Any excavator shall be responsible for notifying the Michigan Department of State, Bureau of History when human remains and/or artifacts are discovered.
- (5) All extractions shall use measures to substantially reduce the potential for erosion and limit the amount of sediment reaching surface waters.
- (6) The extraction operations shall be graded in a fashion which will not cause water to accumulate in stagnant pools.
- (7) Air pollution, noise and vibrations shall be minimized from any effect upon adjacent properties by adequate soundproofed equipment and buildings designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens.
- (8) Truck or heavy vehicle traffic related to extraction operations shall use points of ingress and egress as approved by the County Road Commission.
- (9) Public streets within 1,500 feet of the exit of the extractive use site shall be kept reasonably clear of mud, dirt and debris from vehicles exiting the site.
- (10) All permitted buildings, structures and stationary equipment associated with extraction activities shall be located a minimum of 150 feet from all lot lines.
- (11) All reclamation activities shall be initiated at the earliest possible date. Reclamation of the site concurrent with extraction activities shall be undertaken to the extent that the reclamation activities will not interfere with the excavating activity or if the excavating activity will damage the reclaimed areas. No extraction work can extend more than five acres in area until reclamation of the previously excavated five acre area is satisfactorily completed or underway. Excavated areas shall be reclaimed pursuant to a phasing plan reviewed by the Planning Commission and approved by the Village Council, and shall comply with the following standards:
 - (a) Vegetation shall be restored by the appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion.
 - (b) When extraction operations are completed, the excavated area shall be graded so that no gradients in disturbed earth are steeper than a slope of 3:1 (horizontal-vertical).
 - (c) A layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level in accordance with the approved reclamation plan.
 - (d) Extraction which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and dropoffs) promulgated by the United States Department of Agriculture, Natural Resources Conservation Service, and

shall be approved by that agency.

- (e) Where extraction operations result in a body of water, the owner or operator shall place appropriate "Keep Out-Danger" signs around said premises not more than 150 feet apart.
 - (f) Backfill and grading materials shall not be noxious, flammable or toxic.
 - (g) Fill and soils shall be of sufficient quality to be well drained and nonswelling and shall not be overly compacted. If the reuse plan involves development of dwellings or other buildings, fill and soils shall be of proper bearing capacity to support foundations and septic systems.
 - (h) All temporary structures shall be removed from the premises upon completion of the extraction activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
 - (i) If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
- (12) The excavator may be required to post an acceptable performance bond pursuant to § 155-24.05 of this chapter in the amount up to 100% of the estimated reclamation costs for each five acres of land to be disturbed or excavated or fraction thereof. Extraction activities shall not be initiated on any location of the site until such performance bond or letter of credit has been posted for that area of the site.
- (13) Trees and other vegetation or ground cover shall not be prematurely stripped off the surface of the ground so as to unnecessarily expose areas of ground prone to wind or water erosion such that ground or dust could be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or create a nuisance.
- (14) The hours of operation shall be set by the Village Council after consideration of the surrounding land uses and traffic patterns on public roads in the area. The maximum range of hours is Monday through Saturday from 7:00 a.m. to 7:00 p.m. with no operations permitted on legal holidays and Sundays. The zoning administrator may grant temporary exemption from the limitation on hours of operation for emergency repair of equipment or for public emergencies.
- C. Additional materials to be submitted for special land use review. In addition to the data requirements of Article XVII, each application shall be accompanied by plans, drawings, and information prepared by appropriate registered professionals depicting, at a minimum:
- (1) Name and address of surface owner and/or mineral rights owner of land from which extraction activities will take place.
 - (2) Name, address and telephone number of operator (person, firm or corporation

who will be conducting the actual extraction).

- (3) Location, size and legal description of the total site area to be excavated, including a legend showing a North point, scale and date.
- (4) Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
- (5) A statement from the applicant identifying all other federal, state and local permits required, if any.
- (6) Proof of liability insurance from the operator.
- (7) Notification of any deed restrictions on the property.
- (8) Provisions for buffer zone, landscaping and screening.
- (9) A description of the proposed method of extraction, including:
 - (a) The area and amount of material to be excavated in cubic yards.
 - (b) Proposed side slopes and depths for all portions of the excavated area.
 - (c) Proposed drainage system, settling ponds and retention ponds, as appropriate.
 - (d) The time, duration, phasing and proposed work schedule of the total project.
 - (e) The proposed location of any buildings, storage areas, stockpiling areas, and sorting or crushing equipment as appropriate.
 - (f) Area from which extraction will take place in the first year of operation and likewise for each successive year to completion.
- (10) The proposed location of access points to the site and proposed haul routes for disposal of excavated material.
- (11) A detailed reclamation plan, drawn to an acceptable scale, and program to be performed upon completion of each phase of the project. At a minimum, the plan of reclamation shall include:
 - (a) Physical descriptions of the location of each cell, number of acres included in each cell, estimated length of time to complete each cell in extraction.
 - (b) Depiction of finished, stabilized, side slopes, including methods and plant materials proposed for use.
 - (c) Landscape plan for the portion of the property disturbed by extraction and associated activities, including an inventory of plant/tree species to be used.
 - (d) A reuse plan for the site once extraction is complete.
- (12) Site plan and associated background reports shall document the method of

compliance with the performance standards of this section.

- D. Other conditions. The conditions of any special land use permit issued under this section apply not only to the owner but also to the operator who is either an owner or lessee of mineral rights or any other person engaged in or preparing to engage in extraction.
- (1) When an operator disposes of his interest in extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Administrator may release the operator from the duties imposed upon him/her by this chapter as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the special land use zoning permit may be transferred.
 - (2) Extraction operations authorized by the special land use permit shall be inspected with reasonable frequency to determine compliance with this chapter and permits issued pursuant to this chapter.
 - (3) The general site plan may be modified at any time by mutual consent of the operator and the Village Council to adjust to changed conditions, technology or to correct an oversight. The Village Council shall solicit the recommendation of the Planning Commission prior to approving any modifications.
 - (4) When activities on or use of the area subjected to extraction, or any portion thereof, have ceased for more than one year, the operation shall be considered abandoned and a new special land use permit shall be required before additional extraction activities can occur. Cessation may be determined by any of the following events:
 - (a) The completion of the extraction.
 - (b) The Village determines that no substantial work has occurred on the site for more than one year.
 - (c) The Village has received notification from the owner that operations are complete.
 - (d) A special land use permit for the extraction has expired.
- E. Existing extraction areas. For the purposes of this section, future operations shall be interpreted to mean any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by an issued permit validly in place at the effective date of this chapter, and shall require special approval.

§ 155-17.14. Group day-care homes.

- A. The following site and developmental requirements shall apply:
- (1) Group day-care homes shall not be located closer than 1,500 feet to any of the following facilities as measured along a street, road, or other public

thoroughfare, excluding an alley:

- (a) Another licensed group day-care home.
- (b) Another licensed group day-care home, a licensed adult foster care small or large group home.
- (c) A facility offering substance abuse treatment and rehabilitation services to seven or more people which is licensed by the State of Michigan.
- (d) A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

B. Special performance standards.

- (1) All outdoor play areas shall be enclosed with fencing, a minimum of four feet high.
- (2) The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day-care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
- (3) One identification sign shall be permitted. Such sign face shall not be greater than two square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
- (4) At least one off-street parking space shall be provided for each nonfamily employee of the group day-care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street dropoff area is to be provided with the capability to accommodate at least two automobiles in addition to the parking required for nonfamily employees of the dwelling and the parking normally required for the residence.
- (5) Hours of operation shall not exceed 16 hours in a twenty-four-hour period.

§ 155-17.15. Home business.

A. The following site and developmental requirements shall apply:

- (1) The business shall hire no more than four employees other than the resident occupants of the dwelling.
- (2) The business shall be conducted in a fully enclosed building.
- (3) Outdoor storage of materials shall be completely fenced to obstruct view to a height equal to the elevation of the tallest material to be stored; provided, however, that up to two display units produced on site may be exhibited outside a fence.
- (4) Adequate off-street parking shall be provided in accordance with Article XX of this chapter.

- (5) No external alteration of the dwelling shall be made to accommodate the home business.
- (6) The home business shall at all times comply with all other applicable laws and ordinances.
- (7) Signs shall be permitted in accordance with Article XXI of this chapter.
- (8) Total floor area for home business use located both within a dwelling and accessory buildings when taken together with outdoor storage area and any outdoor display areas shall not exceed 4,000 square feet.

B. Prohibited home businesses:

- (1) Motor fuel service station, parking garage and commercial garage.
- (2) Automobile salvage yard.
- (3) New and used vehicle sales.
- (4) Activities which are specifically provided for elsewhere in this chapter by special use permit, site plan approval or permitted only in the industrial districts.

§ 155-17.16. Junkyards.

A. The following site and developmental requirements shall apply:

- (1) A solid fence, wall or earthen berm at least eight feet in height shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence or wall shall be of permanent finish and sound construction.
- (2) No portion of the enclosed area shall be located within 200 feet of residentially zoned properties, schools, day-care facilities, churches, hospitals, and convalescent or nursing homes.
- (3) Ingress and egress to the facility shall be only from a major thoroughfare. The Village Council may approve access to a minor thoroughfare if the Council finds that such access point will minimize impacts on other properties.
- (4) The minimum lot or parcel size for junkyards shall be 10 acres and the minimum frontage and lot width shall be 300 feet.
- (5) All enclosed areas shall be set back at least 100 feet from any lot line. Whenever the installation abuts a residential district, a buffer strip at least 200 feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.
- (6) Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.

- (7) The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Article XXII of this chapter.

B. Special performance standards:

- (1) All activities shall be confined within the enclosed area, including any storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
- (2) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- (3) All roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved. Access drives in storage areas shall be watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
- (4) The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow nonoperational vehicles.
- (5) Materials listed on the Michigan Critical Materials Register (gasoline and solvents) that require secondary containment and a Pollution incident protection plan shall be filed with the Michigan Department of Natural Resources.

§ 155-17.17. Kennels.

A. The following site and developmental requirements shall apply:

- (1) The lot area shall be at least five acres in size and 300 feet in width.
- (2) Kennels may not be located in a platted subdivision or condominium subdivision.
- (3) Buildings where animals are kept, runs, and exercise areas shall not be located nearer than 100 feet to any adjacent lot line in a residential district or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

B. Special performance standards:

- (1) All kennels shall be operated in conformance with all applicable county, state and federal regulations.
- (2) All animals must be licensed and maintained in a healthful and careful manner.
- (3) The main kennel building used to house the animals shall be insulated in such

a manner that animal noises are minimized.

- (4) Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring landowners or residents is prohibited.
- (5) Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
- (6) During the hours of 7:00 a.m. until 10:00 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large in unfenced areas of the property, except as part of supervised training.
- (7) Dust and drainage from the kennel shall not create a nuisance or hazard to adjoining property or uses.
- (8) The outside perimeter of the run and/or exercise area shall be enclosed by chain-link or cyclone fencing sufficient to prohibit the escape of animals.
- (9) The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
- (10) Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

§ 155-17.18. Mini storage facilities.

A. The following site and developmental requirements shall apply:

- (1) The facility shall have direct access to a paved thoroughfare.
- (2) The minimum lot or parcel size for mini storage facilities shall be two acres and the minimum frontage shall be 200 feet.
- (3) One parking space shall be provided for each 20 rental units within the buildings, and one parking space shall be provided for each employee.
- (4) If the space between storage facilities is to be utilized for parking or driving, it shall be signed for parking and traffic direction regulation. There shall be a minimum of 35 feet of driveway if the driveway is one way and 45 feet if the driveway is two-way between warehouses. Where no parking is provided within the building separation areas, said building separation need only be 25 feet.
- (5) The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.

B. Special performance standards:

- (1) No retail, wholesale, fabrication, manufacturing, or service activities may be conducted in or from the storage units by the lessees.
- (2) Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or

pickup of goods in vehicles with a gross vehicle weight rating in excess of 10,000 pounds.

- (3) All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
- (4) The exterior of mini storage buildings shall be of finished quality and properly maintained.
- (5) No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

§ 155-17.19. Motels and hotels.

A. The following site and developmental requirements shall apply:

- (1) Ingress and egress shall be only from a paved thoroughfare.
- (2) The minimum lot or parcel area shall be one acre and the minimum lot width and frontage shall be 200 feet.
- (3) Units shall be rental units and shall not constitute permanent residential accommodations nor shall such units be converted to other than rental units unless such units meet the following requirements:
 - (a) Units shall meet the requirements of the RD Multiple-Family District.
 - (b) All units shall meet the requirements of all Village ordinances and county and state requirements for dwelling construction and occupancy.

§ 155-17.20. Nursing homes.

A. The following site and developmental requirements shall apply:

- (1) All ingress and egress for the site shall be from a paved thoroughfare.
- (2) No building shall be closer than 50 feet to any lot line.

B. Special performance standards:

- (1) Parking areas shall not be located within 50 feet of a residential district or use.
- (2) All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

§ 155-17.21. Outdoor commercial recreation.

A. The following site and developmental requirements shall apply:

- (1) The site shall be located on a paved thoroughfare.
- (2) Minimum site area shall be:
 - (a) Three acres for; flea markets, batting cages, skateboard parks and mini golf.

- (b) Ten acres for amphitheater, amusement parks, driving ranges, and campgrounds. Minimum lot width shall be 600 feet.
 - (c) Eighty acres for a nine-hole golf course; 160 acres for an eighteen-hole golf course.
 - (d) Twenty acres for drive-in theaters, air gun and survival games, fairgrounds, recreational vehicle parks, travel trailer parks, go-cart racing, automobile and motorcycle tracks, and campgrounds, including youth camps, religious retreats, and hunting camps. Minimum lot width shall be 600 feet.
- (3) No building or spectator seating facility shall be located within 100 feet of a lot line.
 - (4) Front, side and rear yards shall be at least 80 feet. The first 50 feet of such yards shall be kept free of off-street parking and shall be landscaped.
 - (5) A landscaped buffer zone shall be provided between parking and principal building areas and any adjacent residential development. Whenever parking areas are within 60 feet adjacent to land zoned or used for residential purposes, a five foot or greater wall or obscuring fence shall be provided along the sides of the parking area adjacent to such residential land.
 - (6) The entire periphery of race tracks and drive-in theaters shall be enclosed with an obscuring screen fence at least eight feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.
- B. Special performance standards for all outdoor commercial recreation facilities:
- (1) The applicant shall obtain and provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
 - (2) Facilities shall provide off-street parking and passenger loading areas.
 - (3) An adequate stacking area shall be provided for vehicles waiting to enter the lot.
 - (4) No temporary sanitary facility or commercial dumpster type of trash receptacle shall be located within 200 feet of an existing dwelling.
 - (5) All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
 - (6) Except in the case of golf courses, operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight) and may be prohibited on legal holidays.
- C. Special performance standards for drive-in theaters.
- (1) Drive-in theater screens shall be so located as to be out of view from any major

thoroughfare or residential area.

§ 155-17.22. Airports and landing strips.

- A. Site and developmental requirements, as well as site performance standards, shall be consistent with the requirements of the Michigan Aeronautics Commission and the Federal Aviation Authority.

§ 155-17.23. Planned unit developments.⁹

§ 155-17.24. School, institutional and public uses.

- A. The following site and developmental requirements shall apply:
- (1) Ingress and egress to the site shall be only from a paved thoroughfare.
 - (2) The minimum lot or parcel size shall be two acres.
 - (3) Service areas and facilities, and outdoor recreation facilities, shall not be located within 100 feet of a residential district or use.
 - (4) Parking areas shall not be located within 50 feet of a residential district or use.
 - (5) Student dropoff and vehicular turnaround facilities shall be provided on the site so that vehicles will not interfere with traffic.
 - (6) No parking shall be allowed within the minimum front yard setback of 50 feet.
 - (7) All principal buildings, including multiple-family dwellings, shall be no closer than 75 feet from any lot line or right-of-way.

§ 155-17.25. Archery and gun range.

- A. The following site and developmental requirements shall apply:
- (1) Archery and gun ranges shall be designed and constructed in accordance with the standards of the National Rifle Association (NRA) and the design shall be certified as meeting such requirements by an architect or engineer licensed to practice in the State of Michigan.
 - (2) An applicant for a special use permit for an archery and gun range shall submit an application on forms provided by the Village, which application shall require a description of the proposed archery and gun range and the qualifications of the applicant to operate the proposed facility.
 - (3) All signs shall comply with the provisions of Article XXI of this chapter.
 - (4) All off-street parking shall comply with Article XX of this chapter.

§ 155-17.26. (Reserved)

9. Editor's Note: See Article XV.

§ 155-17.27. Camping facilities.

- A. The following site and developmental requirements shall apply:
- (1) Each campsite shall be set back from any right-of-way or lot line at least 70 feet.
 - (2) A common use area shall be provided in the parcel at a rate of 500 square feet per campsite.
 - (3) There shall be no permanent storage of tents, campers, travel trailers or mobile homes units in the development unless specifically permitted.
 - (4) No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
 - (5) Each campsite shall have designated places for fires.

§ 155-17.28. Golf courses and country clubs.

- A. The following site and developmental requirements shall apply:
- (1) Accessory uses may include: clubhouse/pro shop/managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sports, and swimming facilities.
 - (2) The clubhouse design is to be of a residential character.
 - (3) Major accessory uses such as a standard restaurant and bar shall be housed in same building as the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop, may be located in separate structures.
 - (4) There may be a maximum of two identification signs. Each sign may have a maximum area of 30 square feet. Both signs may be lighted.
 - (5) Additional parking shall be required for permitted accessory uses.
 - (6) The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.
 - (7) All principal or accessory buildings shall be not less than 200 feet from any lot line; provided that where topographic conditions are such that buildings would be screened from view, the Village Council may modify this requirement.
 - (8) The total lot area covered with principal and accessory buildings shall not exceed 15%.
 - (9) A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five-foot front yard and a one-hundred-foot side and rear yard setback. The areas shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. Additional buffering may be imposed by the

Village Council.

- (10) A fifty-foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.
- (11) Water quality protective measures are required as follows:
 - (a) Maintenance of erosion control barriers during construction and until all ground cover is established.
 - (b) To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
 - (c) At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application.
 - (d) All chemical applications must be made by an applicator licensed by the Michigan Department of Agriculture. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.

§ 155-17.29. Sidewalk cafes.

- A. Cafes occupying public sidewalks or a public space may be permitted subject to the following:
 - (1) A site drawing showing a detailed plan of the outdoor cafe must be submitted to and approved by the Village Council.
 - (2) Plans for setting up the outdoor cafe must provide for the passage of pedestrians in a manner designed to ensure traffic and pedestrian safety.
 - (3) The outdoor cafe must be part of a licensed restaurant and meet all the requirements of the Department of Health.
 - (4) Liability insurance and property damage coverage naming the Village as an insured party, in an amount approved by the Village, must be provided before an outdoor cafe may be set up on any public space.
 - (5) Approval of the Village Council is required for the use of any public area or facility.

§ 155-17.30. Apartments above stores.

- A. Apartments above stores may be permitted subject to the following:
 - (1) No dwelling unit shall occupy any portion of a commercial or industrial building at or below ground level. Businesses may occupy any number of

floors.

- (2) Above-store apartment dwellings shall meet applicable codes and ordinances of the Village, county, or state.
- (3) Floor plans drawn to scale of all floors to be utilized for dwelling purposes shall be submitted to the Zoning Administrator.
- (4) Approved smoke detectors shall be provided in each dwelling unit, in common hallways and as required by the Building Code applicable to the Village.
- (5) Emergency egress lighting shall be provided as required by the Building Code applicable to the Village.
- (6) A approved fire extinguishers shall be provided in the common hallway and required by the Building Code applicable to the Village.
- (7) In those instances where residential uses are proposed to occupy the same floor as a business use, the Village Council shall review such mixed use and may approve such mixed use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include but are not limited to:
 - (a) Compatible hours of operation.
 - (b) Noise of operation or occupancy that would be detrimental to the business operation or vice versa.
 - (c) Excessive foot traffic.
- (8) Off-street parking shall be provided in accord with Article XX.

§ 155-17.31. Two-family dwellings.

- A. Dwelling exterior designs shall be compatible with single-family dwellings within 300 feet of the two-family dwelling.
- B. Conversion of an existing one-family dwelling to a two-family dwelling shall only be permitted provided all requirements of all codes and ordinances are complied with and shall meet all requirements of Article XV, Schedule of Regulations.

§ 155-17.32. Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats. [Amended 6-28-2011 by Ord. No. 2011-003]

- A. All lighting shall be shielded from adjacent residential districts.
- B. Ingress and egress to the outdoor sales area shall be at least 20 feet from the intersection of any two streets.
- C. A four-foot wall or solid fence shall be provided when abutting or adjacent districts are zoned or used for residential use. The height of the fence or wall shall be measured from the surface of the ground of the abutting residential district.
- D. No major repair or major refinishing shall be done on the property, unless this use

has met the standards and been granted its own special land use as set forth in § 155-17.06, Major automobile service and repair stations.

- E. A suitable building for said use shall be located on the site.
- F. A minimum lot width of 100 feet fronting on a street and containing a minimum of at least 10,000 square feet of area shall be provided.
- G. The provisions of State of Michigan Public Act 300 of 1949 as amended, MCLA § 257.1 et seq., regulating new and used vehicles shall be complied with.

§ 155-17.33. Child-care or day-care centers.

- A. Child-care or day-care centers may be permitted as the principal use of the property or may be permitted as an accessory use to an approved use, such as a church, school, office or other place of employment upon review and approval as a special use.
- B. A valid registration or license as required by the state shall continually be on file with the Village.
- C. The facility shall comply with all applicable building codes.
- D. One parking space per caregiver and/or employee plus off-street dropoff for delivery and pickup of children shall be provided.
- E. The site shall comply with the sign provisions of Article XXI.
- F. The building shall have an appearance which is nonintrusive and consistent in color materials, roofline and architecture with the district in which it is located, as determined by the Village Council.

§ 155-17.34. Mobile home parks.

- A. Site development requirements. The following minimum and maximum standards shall apply to all uses and structures in the Mobile Home Park District.
 - (1) Minimum lot area: 10 acres.
 - (2) Minimum lot frontage and lot width: 330 feet.
 - (3) Maximum height: two stories, but not to exceed 25 feet.
 - (4) Mobile home park open space requirements. All mobile home parks having 50 or more mobile home sites shall include dedicated open space. The total amount of land dedicated for open space shall not be less than 2% of the park's gross acreage, or 25,000 square feet of open space, whichever is greater.
 - (5) Mobile home site area. All mobile home parks shall be developed with sites comprised of 5,500 square feet per mobile home unit, subject to the following:
 - (a) The area requirement for any one site may be reduced by no more than 20% in a one-for-one exchange for area dedicated as open space above and beyond the minimum required 2% open space area required.

- (b) In no case shall the open space and distance requirements be less than that required under Rules 941, 944, and 946 of the Mobile Home Commission General Rules.
 - (6) Mobile home construction. All mobile homes constructed after June of 1976 and placed on sites within mobile home parks shall conform with all United States Department of Housing and Urban Development (HUD) mobile home certification requirements. All mobile homes constructed prior to June of 1976 and placed on sites within mobile home parks shall conform to all American National Standards Institute mobile home certification requirements.
 - (7) Mobile home park; nonresidential uses. No portion of any mobile home park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park.
 - (8) Home occupations. Home occupations involving any accessory structure shall be prohibited in mobile home parks.
 - (9) Skirting. Skirting shall be installed around the entire periphery of a mobile home.
 - (10) Applicable provisions of Article XIX, Nonconforming Uses and Structures; Article XX, Off-Street Parking and Loading Requirements; Article XXI, Signs; § 155-23.08, Landscape planting; and other provisions of this chapter as may be applicable shall apply.
- B. Special performance standards.
- (1) Other site development requirements. All mobile home parks shall be constructed and maintained in accordance with PA 96 of 1987 as amended, the Mobile Home Commission Act, MCLA § 125.2301, and the rules and regulations promulgated by the Mobile Home Commission pursuant to the authority vested in the Mobile Home Commission by such Act. The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Public Health, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act.

§ 155-17.35. Mobile home.

- A. The mobile home shall be associated with a farm enterprise operating on 20 acres or more.
- B. The mobile home shall be used as a primary or secondary residence.
- C. The mobile home shall be located no closer to a roadway than the primary residence or the minimum yard setback of the district.
- D. Not more than one mobile home shall be located on the farm enterprise property.

§ 155-17.36. Planned commercial center.

- A. The following minimum yard setbacks shall apply:
- (1) Front yard: 75 feet.
 - (2) Side yards: 60 feet each side yard.
 - (3) Rear yard: 60 feet.
- B. Parking is permitted in required front and side yards provided a twenty-foot landscaped, unobstructed greenbelt is provided abutting all streets.
- C. In those instances where the commercial center abuts residential property, either of the following shall be provided to effectively screen the development from the residential area:
- (1) A six-foot high masonry wall; or
 - (2) A chain-link fence not less than five foot in height together with a greenbelt not less than 20 feet wide consisting of evergreen planting and deciduous trees and shrubs.

§ 155-17.37. Home occupations.

- A. Home occupations not specifically permitted, or prohibited, may be permitted in all residential districts as a special land use subject to the following procedures and conditions and subject further to all conditions specified in § 155-4.02I:
- (1) The exterior appearance of the structure shall not be altered or the occupations within the residence conducted in a manner which would cause the premises to differ from its residential character.
 - (2) No person other than members of the immediate family occupying the dwelling shall be employed.
 - (3) The occupations shall occupy no more than 25% of the floor area of the dwelling, or 50% of a detached garage;
 - (4) There shall be no outside storage of any kind related to any home occupation.
 - (5) The use may not increase vehicular traffic flow and off-street parking as set forth in the off-street parking regulations in Article XX.
 - (6) Mechanical or electric equipment employed by the home occupation shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocation.
 - (7) Only one nameplate shall be allowed, in accordance with the sign regulations at 144 square inches. The sign may display the name of the home occupations, for example, John Doe, Realtor, and must be attached to the principal building.
 - (8) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation

exists.

§ 155-17.38. Satellite dish antenna.

- A. Satellite dish antennas over 39 inches in diameter in all residential districts.
- (1) Roof-mounted antennas shall be located only on the rear 1/2 of the roof (that portion of the roof furthest from the street upon which the residential building abuts) so that it will be screened from the street side.
 - (2) Roof-mounted antennas shall not project upward beyond the height in feet allowed for the main building within the district in which said satellite antennas dish is being placed.
 - (3) Ground-mounted antennas shall only be located in the rear yard and shall not extend into any rear extension of required side yards.
 - (4) Ground-mounted antennas shall not project upward more than 12 feet.
- B. Satellite dish antennas over 39 inches in diameter in nonresidential districts.
- (1) No ground-mounted antennas shall be permitted.
 - (2) Roof-mounted antennas shall not project upward beyond 12 feet measured from the roof upon which it is mounted. The combined height of the building and antennas shall not exceed the maximum allowable height for a building designated for that particular district in which said antenna is to be mounted.

§ 155-17.39. Functional equivalent family; additional persons.

The limit upon the number of persons who may reside as the functional equivalent of the domestic family may be increased or enlarged upon demonstration by the applicant of all the following:

- A. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises, and adequate storage for each person proposed to reside on premises;
- B. The extent of increase or enlargement of the limit upon the number of persons shall not, when considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities and/or schools.
- C. There shall be a minimum of 150 square feet of usable floor space per person on the premises;
- D. If the Village Council grants an approval under this provision, the determination shall include the specific maximum number of persons authorized to reside on the property, and minimum parking or storage requirements to be maintained.

§ 155-17.40. Reasonable accommodation use.

This section is intended to authorize the grant of relief from the strict terms of the

ordinance in order to provide equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under law and to encourage innovation in land use and variety in design and layout. In the event state and federal law, e.g., the Federal Fair Housing Amendment Act of 1988, requires the Village to make "reasonable accommodation" for a particular proposed uses of property, the following shall apply:

- A. As a condition to approval of a reasonable accommodation use, the applicant shall comply with all the terms of this section, and shall demonstrate all of the following:
 - (1) The ultimate residential users of the property shall be persons for whom the state or federal law mandates the Village shall make reasonable accommodations in connection with proposed uses of land:
 - (2) In consideration of the needs, facts, financial and other conditions within the Village, and within the population to be served by the proposed use, the proposed reasonable accommodation shall be necessary to afford such persons equal opportunity and enjoyment within the Village:
 - (3) Approval of the proposed housing shall not require or likely result in a fundamental alteration in the nature of the land use district and neighborhood in which the property is situated, considering cumulative impact of one or more other uses and activities in, or likely to be in the area, and shall not impose undue financial and administrative burden. The interests of the Village shall be balanced against the need for accommodation on a case-by-case basis.
 - (4) No other specific provision exists and is available to provide the relief sought.
- B. The application for a reasonable accommodation use shall include the following:
 - (1) A plan drawn to scale showing the proposed use and development.
 - (2) A separate document providing a summary of the basis on which the applicant asserts entitlement to approval of a reasonable accommodation use, covering each of the requirements of Subsection A(1) through (4) above.
 - (3) The information required for site plan review, provided, upon showing by the applicant that the inclusion of specified information generally required for site plan review would be irrelevant, the Village may waive the requirement to include such material in the application.
 - (4) All regulations and standards for buildings, structures and site improvements within the district in which the property is situated shall apply.

§ 155-17.41. General hospital.

- A. The proposed site shall have at least one property line abutting a major thoroughfare.
- B. The minimum distance of any main or accessory building from boundary lot lines or streets shall be at least 50 feet for front, rear and side yards for all two story structures. For every story above two the minimum yard distance shall be increased by at least 10 feet.

- C. Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence five feet in height. Ingress and egress to the site shall be directly from a major thoroughfare.
- D. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be from a major thoroughfare.

§ 155-17.42. Nonaccessory signs¹⁰

§ 155-17.43. Funeral homes.

- A. Adequate assembly area shall be provided for vehicles participating in funeral processions.
- B. Off-street parking shall be provided in accord with § 155-20.02C(15).
- C. Lighting of outdoor parking areas shall be shielded from abutting residential areas.

§ 155-17.44. Equipment sales and service.

- A. The site shall be a minimum of 14,000 square feet in area and have a minimum frontage on two streets. The street designated as the major access side of the site shall have not less than 90 feet of street frontage.
- B. Ingress and egress to the facility shall be only from a paved major thoroughfare or from a shared access drive to such roadway.
- C. No more than two driveways onto a roadway shall be permitted per site. Curb openings for driveways shall not exceed 50 feet and driveway widths shall not exceed 35 feet. Driveways shall be separated by a minimum of 20 feet.
- D. Curb openings shall be no closer than 10 feet to any adjoining lot line and shall be no closer than 20 feet to an intersection, as measured from the right-of-way.
- E. No lot line of the site shall be less than 200 feet from any lot line of any place of public assembly, including, but not limited to, hospitals, sanitariums, schools, churches or other institutions.
- F. All buildings shall be set back not less than 40 feet from all street right-of-way lines.
- G. For facilities with underground storage tanks, the site shall be not less than 300 feet from any residential well, 800 feet from a non-community public water well and 2,000 feet from any public water well or as otherwise required by state or federal law.
- H. All gasoline pumps shall be located not less than 15 feet from any lot line or within 30 feet from the street right-of-way and shall be arranged so that the motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.

10. Editor's Note: See § 155-21.08.

- I. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

§ 155-17.45. Utility grid wind energy system, on-site wind energy system over 20 meters high, and anemometer towers over 20 meters high. [Added 10-27-2009 by Ord. No. 2009-002]

A utility grid wind energy system, on-site use wind energy system over 20 meters high, and anemometer towers over 20 meters high shall be a special land use and shall meet the following standards in addition to the general special land use standards (§ 155-17.02):

A. Property setback:

- (1) Anemometer tower setback shall be the greater distance of the following:
 - (a) The setback from property lines of the respective zoning district;
 - (b) The setback from the road right-of-way; and
 - (c) A distance equal to 1 1/2 times the height of the tower from property lines or from the lease unit boundary, which ever is less.
- (2) The utility grid and on-site use wind energy system setback shall be a greater distance than the following:
 - (a) The setback from property lines of the respective zoning district;
 - (b) The setback from the road right-of-way; and
 - (c) A distance equal to 1 1/2 times the height of the tower, including the top of the blade in its vertical position from property lines or from the lease unit boundary, whichever is less.
- (3) An operations and maintenance office building, a substation, or ancillary equipment shall comply with any property setback requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the setback and placement requirements applicable to public utilities.

- B. Sound pressure level. The sound pressure level shall not exceed 55 dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three total minutes in any hour of the day. However, if the ambient sound pressure level exceeds 55 dB(A), the sound pressure level that shall not be exceeded shall be ambient dB(A) plus 5 dB(A).

- C. Safety. 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. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential

danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

- D. Post-construction permits. Construction codes, towers, and interconnection standards shall comply with all applicable state construction and electrical codes and local building permit requirements.
- E. Preapplication permits.
- (1) Utility infrastructure shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, MCLA § 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, as amended, MCLA § 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
 - (2) Environment:
 - (a) The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment, including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the environmental analysis.
 - (b) Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCLA § 324.101 et seq.), including, but not limited to:
 - [1] Part 31 Water Resources Protection (MCLA § 324.3101 et seq.);
 - [2] Part 91 Soil Erosion and Sedimentation Control (MCLA § 324.9101 et seq.);
 - [3] Part 301 Inland Lakes and Streams (MCLA § 324.3101 et seq.);
 - [4] Part 303 Wetland Protection (MCLA § 324.30301 et seq.);
 - [5] Part 323 Shorelands Protection and Management (MCLA § 324.32301 et seq.);
 - [6] Part 325 Great Lakes Submerged Lands (MCLA § 324.32501 et seq.); and
 - [7] Part 353 Sand Dune Protection and Management (MCLA § 324.35301 et seq.) as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.
- F. Performance security. Performance security, pursuant to Article XXXI,

§ 155-31.06, Performance bonds, of this chapter, shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.

- G. Utilities. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.
- H. The following standards apply only to utility grid wind energy systems:
- (1) Visual impact. Utility grid wind energy system projects shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single, nonreflective matte finished color. A project shall be constructed using wind energy systems 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. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's plan.
 - (2) Avian and wildlife impact. Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the avian and wildlife impact analysis.
 - (3) Shadow flicker. Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the shadow flicker impact analysis.
 - (4) Decommissioning. A Planning Commission approved decommissioning plan indicating the anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, the method of ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the project will be decommissioned and the site restored.
 - (5) Complaint resolution. A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project.
 - (6) Electromagnetic interference. No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

§ 155-17.46. Ground-level apartments. [Added 2-22-2011 by Ord. No. 2011-002]

- A. Ground-level apartments may be permitted subject to the following:
- (1) ground-level apartments shall only be permitted in properties that are on the perimeter of the CBD Central Business District zone that have a rear or side property yard abutting a residential zoning district.
 - (2) Residential unit density shall be no greater than that permitted in the abutting residential zoning district.
 - (3) Accessory structures shall comply with all zoning requirements. Setbacks for accessory structures related to the approved ground-level apartment use shall comply with setbacks required for the abutting residential zoning district.
 - (4) Ground-level apartment dwellings shall comply with applicable codes and ordinances of the Village, county, and/or state.
 - (5) Floor plans drawn to scale for all floors to be utilized for dwelling purposes shall be submitted to the Zoning Administrator.
 - (6) Approved smoke detectors shall be provided in each dwelling unit, in common hallways and as otherwise required by the Building Code applicable to the Village.
 - (7) Emergency egress lighting shall be provided as required by the Building Code applicable to the Village.
 - (8) An approved fire extinguisher shall be provided in the common hallway and required by the Building Code applicable to the Village.
 - (9) In those instances where residential uses are proposed to occupy the same floor as a business use, the Planning Commission shall review such mixed use and may approve such mixed use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include, but are not limited to:
 - (a) Compatible hours of operation.
 - (b) Noise of operation or occupancy that would be detrimental to the business use or residential use.
 - (c) Excessive foot traffic.
 - (10) Off-street parking shall be provided in accordance with Article XX.

ARTICLE XVIII
General Exceptions

§ 155-18.01. Area, height and use exceptions.

The regulations in this chapter shall be subject to the following interpretations and exceptions.

§ 155-18.02. Essential services.

Essential services serving the Village and essential transportation services authorized by state and federal law shall be permitted as authorized and regulated by law and other ordinances of the Village.

§ 155-18.03. Voting place.

The provisions of this chapter shall not be construed so as to interfere with the temporary use of any property as a voting place in connection with a public election.

§ 155-18.04. Height limit.

The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, wireless transmission towers or approved wireless communication towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure required authorization unless otherwise specified in this chapter.

§ 155-18.05. Lot area.

Any lot existing and of record on the effective date of this chapter may be used for any principal use permitted in the district in which such lot is located, provided the development of such lot meets setback requirements.

§ 155-18.06. Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this chapter, 1/2 the width of such alley abutting the lot shall be considered as part of such lot.

§ 155-18.07. Agricultural buildings and structures.

Agricultural buildings and structures in AG Districts, other than dwellings, shall be exempt from requirements for building permits and certificates of occupancy.

§ 155-18.08. Yard regulations.

When yard regulations cannot reasonably be complied with, or where their applications cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

§ 155-18.09. Porches and decks.

An open, unenclosed and uncovered porch or paved terrace may project into a required front yard for a distance not exceeding 10 feet and in no instance shall such projection be closer than six feet to a front lot line. Decks not exceeding 24 inches in height above the grade upon which placed may project into a required side or rear yard not to exceed a depth of 30% of the depth of the required side or rear yard.

§ 155-18.10. Access through yards.

For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other surface servicing a like function, and not in excess of 12 inches above the grade upon which placed, shall, for the purpose of this chapter, not be considered to be a structure, and shall be permitted in any required yard.

§ 155-18.11. Projections into yards.

Architectural features, including gutters, soffits, eaves, cornices, and roof overlaps, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet.

Bay windows, chimneys, cantilevered floors, and other similar projections of up to 10 feet in length, and not occupying more than 30% of the length of the wall on which they are located, may project into required side yards not more than two inches for each one foot of width of such side yard (up to a maximum of two feet of projection), and may project into a required front or rear yard not more than three feet.

§ 155-18.12. Yard exceptions.**A. Front yards.**

- (1) Except for existing alignment of building setbacks, in any residential district, the front yard requirements of a lot may be modified by the Zoning Administrator so as to equal the average depth of existing developed front yards on lots within 100 feet of the lot and within the same block front. The front depth shall not be less than 10 feet and in no such instance shall encroachment by a porch or paved terrace be located closer than six feet to a front lot line.

B. Side yards.

- (1) On lots with a width of less than 60 feet and recorded as less than 60 feet prior to the date of adoption of this chapter the minimum width of each of the side yards shall be five feet, except side street yards shall be a minimum width of 10 feet.

C. Rear yards.

- (1) Rear yards can be reduced in the following cases.

- (2) In all residential districts, any platted and recorded lot less than 120 feet deep may have four inches deducted from the required rear yard depth for every foot the lot is less than 120 feet deep. No rear yard shall be less than 10 feet deep.

D. All yards.

- (1) When determining yard types for setback purposes, any wall of any building can be the front, rear, or side so long as the rear is opposite the front and the sides are opposite to each other. The address side of the lot shall be considered the front yard side of the lot unless otherwise determined by the Board of Appeals.

ARTICLE XIX
Nonconforming Uses and Structures

§ 155-19.01. Intent and purpose.

- A. It is recognized that there exists within the districts established by this chapter or amendments that may later be adopted, lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter.
- B. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- C. It is further recognized that certain nonconforming uses and structures do not significantly depress the value of nearby properties and are not contrary to the public health, safety and welfare and that such use or structure was lawful at the time of its inception and that no useful purpose would be served by the strict application of requirements for nonconformities under this chapter and, therefore, two classes of nonconforming use and structure are designated, being Class A and Class B. All nonconforming uses and structures are classified as Class B nonconforming uses or structures unless designated Class A nonconforming uses or structures.

§ 155-19.02. Class B nonconforming uses and structures.

All nonconforming uses or structures not designated Class A shall be Class B nonconforming uses or structures. Class B nonconforming uses and structures shall comply with all the provisions of this article relative to nonconforming uses and structures.

§ 155-19.03. Class A nonconforming uses or structures.

Nonconforming uses or structures shall be designated Class A, providing that the Planning Commission finds all of the following exist with respect to the use or structure:

- A. The use or structure was lawful at its inception.
- B. Continuance of the use or structure is not likely to significantly depress property values of nearby properties.
- C. Continuance of the use or structure would not be contrary to the public health, safety or welfare or the spirit of this chapter.
- D. No useful purpose would be served by strict application of the provisions of this chapter with which the use or structure does not conform.

§ 155-19.04. Class A conditions.

The decision to grant a Class A designation shall be made, in writing, setting forth its findings of fact and basis for the designation. For changes or improvements to a Class A use or structure, site plans shall be required and the Planning Commission may condition its approval on the following, and by the following procedure to ensure the public health, safety or welfare or the spirit and purpose of this chapter:

A. Conditions.

- (1) Screening and landscaping in keeping with community standards to provide compatibility with adjacent uses.
- (2) Restrictions on lighting, noise, or visual impact.
- (3) Prohibition of curbside parking to an extent greater than the immediate property frontage of the nonconforming use, where such use is in close proximity to homes.
- (4) Signage in compliance with zoning district requirements. Existing nonconforming signs may be required to be eliminated or reduced in size and number.
- (5) Exterior building materials utilized in any alteration or rebuilding of the building shall be harmonious with materials on abutting properties whenever practical.
- (6) Enlargement or replacement of a building that does not create a more nonconforming yard setback condition which would impact on conforming properties in the immediate vicinity.
- (7) Other reasonable safeguards and improvements imposed to protect conforming uses in the surrounding area.

B. Procedure.

- (1) A Class A designation shall be deemed temporary until the Planning Commission has received written verification from the Zoning Administrator that the party requesting the Class A designation has complied with all of the conditions set forth by the Planning Commission.
- (2) Once the Planning Commission has received written verification from the Zoning Administrator that the party requesting the Class A designation has complied with said conditions, the Class A designation shall become final, subject to other provisions of this chapter as hereafter prescribed.
- (3) No Class A nonconforming use or structure shall be resumed if it has been discontinued for six consecutive months, or 18 months total in any three-year period. No Class A nonconforming use or structure shall be used, altered or enlarged in violation of any conditions imposed in its designation.
- (4) A temporary Class A nonconforming use or structure designation shall be void after six months if any conditions imposed by the designation remain unmet, unless the Planning Commission grants a written request for an extension of

six months. No more than two extensions may be granted.

§ 155-19.05. Nonconforming lots.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the Register of Deeds at or before the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals. However, if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this chapter.

§ 155-19.06. Nonconforming uses of land.

Where, at the effective date of adoption or amendment of this chapter, a lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

§ 155-19.07. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the district in which it is located, provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this article, but no such use

shall be extended to occupy any land outside such building.

- B. Should such structure be destroyed by any means to an extent of more than 50% of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this chapter, including the respective site development standards for the district in which it is located.
- C. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.

§ 155-19.08. Change in nonconforming uses.

Irrespective of other requirements of this article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of similar or less nonconformance, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.

§ 155-19.09. Repairs and maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 25% of the building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of adoption or amendment of this chapter shall not be increased. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

§ 155-19.10. Change of tenancy or ownership.

A change of tenancy or ownership of a nonconforming use is allowed, provided there is no increase in the degree of nonconformance of the nonconforming use.

§ 155-19.11. District changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this article shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

§ 155-19.12. Hardship cases.

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when the Zoning Board of Appeals finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the hardship.

§ 155-19.13. Illegal nonconforming uses.

Nonconforming uses of structures or land existing at the effective date of this chapter that were established without a zoning compliance approval or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this chapter, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses by this article.

§ 155-19.14. Permits.

Permits for construction on, expansion of, or substitution of nonconforming lots, uses or structures require a zoning permit pursuant to Article XXIV. Other permits and approvals may also be required.

§ 155-19.15. Residential dwelling exception.

Residential dwelling units, which are existing and so used at the effective date of this chapter shall not be considered nonconforming structures for purpose of replacement as provided in §§ 155-19.07 and 19.09.

ARTICLE XX
Off-Street Parking and Loading Requirements

§ 155-20.01. General parking requirements.

- A. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building use, shall be determined prior to the issuance of a certificate of occupancy as prescribed in this chapter.
- B. Application for parking lot construction. Any person desiring to establish or change a parking area shall submit plans to the Zoning Administrator showing the locations, elevations, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. Proposed curb cuts, entrances, exits, and drainage involving County or State highways shall be submitted to the appropriate agency for approval.
- C. Minimum required off-street parking areas shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
- D. Off-street parking existing at the effective date of this chapter in connection with the operation of an existing building or use shall not be reduced to any amount less than that required in this chapter for a similar new building or new use.
- E. Two or more buildings or uses may collectively provide for required off-street parking in which case the number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of dual function off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant a variance.
- F. The placement of materials, merchandise, motor vehicles, trucks, trailers, recreational vehicles or equipment in the designated off-street parking area of a property for the purpose of sale, rental or repair, including the storage of such items, is prohibited, except as otherwise provided in this chapter.
- G. For uses not specifically mentioned, requirements for off-street parking facilities shall be in accord with similar uses.
- H. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded and fractions over 1/2 shall require one parking space.
- I. For the purpose of computing the number of parking spaces required, the definition of "usable floor area" in Article II shall govern. In those instances where floor area cannot be computed from plans, 75% of gross floor area shall be considered usable floor area.
- J. For all buildings in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent under the same ownership.
- K. Parking in residential districts shall not be permitted in any required front yard area

or in the street side yard area of a corner lot except in a driveway or a defined parking area. The aggregate area of the driveway or defined parking area shall not exceed 35% of the front yard. The parking area shall be paved with concrete, asphalt, stone, or gravel. In those instances where stone or gravel is utilized, a compacted depth of stone or gravel not less than three inches thick shall be provided and maintained.

- L. Required off-street parking for single-family dwellings may be provided in a stacking configuration in a driveway or garage or combination thereof.
- M. Within a residential district, all parking areas, except for single-family dwellings, shall be screened on all sides that abut upon (1) a single-family residence, (2) a residential district, or (3) a street, with an ornamental fence or compact hedge which shall not be less than four feet high and, of a type which will obscure vision at all seasons from adjoining premises, except where it may block clear vision for traffic movement it shall be 30 inches in height.
- N. No commercial repair work or commercial servicing of any kind shall be conducted in parking areas in residential districts. A resident may repair his/her vehicles on the property of the resident's dwelling unit, but no others, and such repair shall be conducted in not to exceed seven consecutive days in any thirty-day period.
- O. A resident of a dwelling unit may have not more than one motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. In no instance shall a vehicle for sale be displayed in a front yard other than on the driveway portion of the yard.
- P. Within a residential district parking shall be limited to passenger vehicles, recreational vehicles, recreation equipment, and trucks with a load capacity of 2 1/2 tons or less.

§ 155-20.02. Required off-street parking.

A. Residential.

Use	Number of Minimum Parking Spaces Per Unit of Measure
(1) Residential, one-family	Two for each dwelling unit
(2) Residential, multiple-family	Two for each dwelling unit having two or fewer bedrooms and 2 1/2 for each dwelling unit having three or more bedrooms
(3) Elderly housing, dependent	0.75 for each dwelling unit
(4) Elderly housing, independent	1.25 for each dwelling unit
(5) Mobile home park	Two for each mobile home site, one for each employee of the mobile home park and one for each three mobile homes for visitor parking

B. Institutional.

Use	Number of Minimum Parking Spaces Per Unit of Measure
(1) Churches and temples	One for each three seats or six feet of pews in the main unit of worship
(2) Mosques	One for each 30 square feet of floor space in the main unit of worship
(3) Hospitals	One and one quarter for each bed plus parking for related uses
(4) Convalescent and/or nursing homes	One for each four beds
(5) Elementary and junior high schools	One for each teacher, employee or administrator, in addition to the requirements of the auditorium or stadium
(6) Senior high schools	One for each teacher, employee or administrator, in addition to the requirements of the auditorium or stadium
(7) Private clubs or lodge halls	One for each 75 square feet of usable floor area
(8) Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each three member individuals
(9) Golf courses open to the general public except miniature or "par 3" courses	Four for each golf hole and one for each employee, plus spaces required for each accessory use, such as a restaurant or bar
(10) Stadium, sports arena or similar place of outdoor assembly	One for each three seats or five feet of benches
(11) Theaters and auditoriums	One for each three seats plus one for each two employees
(12) Nursery schools, day nurseries or child-care centers	One space for each caregiver or teacher and off-street dropoff and child pickup space
(13) Library, museum, post office	One for each 150 square feet of usable floor area

C. Business and commercial.

Use	Number of Minimum Parking Spaces Per Unit of Measure
(1) Auto wash (automatic)	One for each employee In addition, parking spaces equal in number to four times the maximum capacity of the auto wash; maximum capacity of the auto wash shall mean the greatest number of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20
(2) Auto wash (self-service or coin-operated)	Three for each washing stall in addition to the stall itself
(3) Beauty parlor or barber shop	Two spaces for each of the first two beauty or barber chairs, and one space for each additional chair
(4) Bowling alleys	Five for each bowling lane plus parking for accessory uses
(5) Dance halls, pool or billiard parlors, roller skating rinks, exhibition halls, and assembly halls without fixed seats	One for each 60 square feet of usable floor area
(6) Drive-in restaurant	One for each employee and one for each 25 square feet of usable floor area
(7) Drive-through	One for each employee and four stacking spaces for each drive-through window or station
(8) Carry-out (with no eating on premises)	One for each employee and one for each 60 square feet of usable floor area with a minimum of four spaces
(9) Establishment for sale and consumption on the premises of beverages, food or refreshments	One for each 75 square feet of usable floor area or one for each two persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater
(10) Furniture and appliance household equipment, repair shops, showroom of a plumber, decorator or electrician	One for each 800 square feet of usable floor area For floor area used in processing, one additional space shall be provided for each two persons employed therein

Use	Number of Minimum Parking Spaces Per Unit of Measure
(11) Gasoline service stations	One parking space for each 50 square feet of floor area in the cashier and office areas in addition to space provided at each fuel pump dispenser; in no instance shall such facility provide fewer than three spaces for cashiers and office use Gasoline service stations providing car wash facilities, lubrication facilities, sale of food, beverages and other products shall provide additional off-street parking spaces based upon the requirements for such uses
(12) Laundromats and coin-operated dry cleaners	One for each three washing and dry-cleaning machines
(13) Miniature or "par 3" golf courses	One for each two holes plus one for each employee
(14) Mini storage rental	One space for each employee and one space for each 50 storage rental units
(15) Mortuary establishments	One for each 50 square feet of each assembly room
(16) Motel, hotel or other commercial lodging establishments	One for each occupancy unit plus one for each employee
(17) Motor vehicle sales and service establishments	One for each 100 square feet of usable floor area of sales room or three for each auto service stall in the service areas, whichever is the greater
(18) Oil change and lubrication station	One for each employee plus parking spaces equal in number to three times the maximum capacity of service stalls provided at the facility
(19) Retail stores, except as otherwise specified herein	One for each 160 square feet of usable floor area
(20) Public utility structures	One for each employee on the maximum work shift
(21) Indoor tennis facility	Four for each court plus spaces as required for each permitted accessory use
(22) Amusement arcade	One for each game table and one for each amusement device

Use	Number of Minimum Parking Spaces Per Unit of Measure
<p>(23) Athletic clubs, exercise establishments, health clubs, sauna baths, judo clubs and other similar uses</p>	<p>One parking space for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus one space per employee; in those instances where memberships are provided for, not less than one space per each four memberships shall be provided, plus one space per employee</p>
D. Office.	
Use	Number of Minimum Parking Spaces Per Unit of Measure
<p>(1) Banks</p>	<p>One for each 100 square feet of usable floor area</p>
<p>(2) Banks (drive-in)</p>	<p>One for each employee</p> <p>In addition, waiting spaces at each service window or station shall be provided at the rate of four for each service window or station; each waiting space shall measure not less than 20 feet in length</p>
<p>(3) Business offices or professional offices, except as indicated in Subsection D(4)</p>	<p>One for each 250 square feet of usable floor area</p>
<p>(4) Professional office of doctors, dentists and similar professions</p>	<p>One for each 50 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair, office, laboratory, X-ray therapy room or similar use area</p>
E. Industrial.	

Use	Number of Minimum Parking Spaces Per Unit of Measure
(1) Industrial or research establishments and related accessory offices	<p>Five plus one for every 1 1/2 employees in the largest working shift or one for each 450 square feet of usable floor area, whichever is greater</p> <p>Space on site shall also be provided for all construction workers during periods of plant construction</p>
(2) Warehouses and wholesale establishments and related accessory offices	<p>Five plus one for every employee in the largest working shift, or five plus one for every 1,700 square feet of usable floor space, whichever is greater</p> <p>Space on site shall also be provided for all construction workers during periods of construction</p>

F. Parking for handicapped. All districts:

- (1) Off-street parking facilities required for physically handicapped-accessible buildings shall be based on the provisions of Act 230 of the Public Acts of 1972, as amended.

§ 155-20.03. Required off-street loading.

A. Off-street loading and unloading spaces shall be provided in all office, business and industrial districts in connection with all office, commercial and industrial uses, except in cases where adequate space, as determined by the Zoning Administrator, is or can be provided on adjacent public property, as set forth below:

- (1) For 10,000 to 50,000 square feet of floor area, one space.
- (2) For 50,000 to 100,000 square feet of floor area, two spaces.
- (3) One additional space for each additional 100,000 square feet of floor area or part thereof. All loading and unloading space shall be subject to the following provisions:
 - (a) Each loading space shall be at least 12 feet in width, 88 feet in length, and have a height clearance of 14 feet above grade.
 - (b) The space may occupy all or any part of any required yard or court space, excluding front yard area.
 - (c) No space shall be located closer than 50 feet to any lot in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides facing residential zones by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not

less than eight feet in height.

§ 155-20.04. Design and construction.

- A. Off-street parking lots shall be so arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces, and in no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk.
- B. Each nonresidential parking space shall be served by a drive or aisle. Design and construction of drives and aisles must be approved by the Zoning Administrator.
- C. There shall be a curb or wheel stop or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk right-of-way, or adjoining property line. The curb, wheel stop or bumper rail shall be designed to prevent any portion of a vehicle from encroaching upon the sidewalk, right-of-way, or adjoining property.
- D. Any lighting used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises.
- E. Design and construction of access drives shall be approved by the Zoning Administrator.
- F. Any construction or rearrangement of existing drives which involve the ingress or egress of vehicular traffic to or from a public street shall be arranged to ensure the maximum safety and the least interference of traffic upon the streets.

§ 155-20.05. Parking space layout, standards, construction and maintenance.

- A. Whenever the off-street parking requirements in this article require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:
 - (1) No parking lot shall be constructed unless and until a permit therefor is issued. Applications for permit shall be submitted with two sets of site plans for the development and construction of the parking lot showing that the provisions of this article will be fully complied with.
 - (2) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements (Table B) except as modified by Act 230 of 1972, MCLA § 125.1501 et seq. (parking space width requirement of not less than 12 feet).
 - (3) All spaces shall be provided adequate access by means of maneuvering lanes, and may not require backing directly onto a street or sidewalk.
 - (4) All maneuvering lane widths shall permit one-way traffic movement except that the 90° pattern shall permit two-way movement.
 - (5) All parking areas for commercial or industrial district uses shall be screened on all sides abutting or across a street or alley from a residential district. The

screen shall be an ornamental fence or compact hedge not less than six feet high of a type which will obscure vision at all seasons from adjoining premises.

- (6) Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.
- (7) The entire parking and loading area, including parking spaces and maneuvering lanes required under this section, shall be provided surfacing in accordance with specifications approved by the Village except as provided for in residential areas (§ 155-20.01L). The parking areas shall be surfaced within one-year of the date the occupancy permit is issued.
- (8) Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

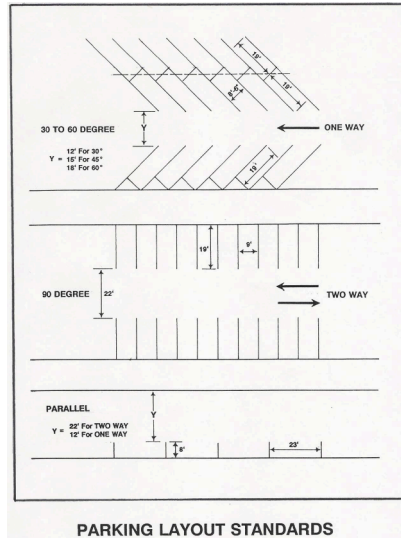
B. Parking space layout standards shall be provided in accord with the specification in the following table:

Table B

Parking Pattern	Maneuvering Land Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
Parallel parking	12 feet	8 feet	23 feet	N/A	N/A
30° to 53°	12 feet	8 feet 6 inches	20 feet	26 feet	46 feet
54° to 74°	15 feet	8 feet 6 inches	20 feet	36 feet	56 feet
75° to 90°	20 feet	9 feet	20 feet	48 feet	68 feet

§ 155-20.06. Variances and exceptions.

A. The Zoning Board of Appeals shall have authority to interpret this section and may in specific cases and after public hearing and where justified grant variances to the requirements of this Article XX.



ARTICLE XXI

Signs**§ 155-21.01. Purpose.**

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this article that unrestricted signage does not support the existing character of the Village and does not benefit either private enterprise or the community at large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

§ 155-21.02. Definitions.

For the purposes of this article, the following terms and definitions shall apply. See Figures 1 through 19 at the end of this chapter for examples of sign types.

ALTER — To change or otherwise modify a sign, including structural modifications and modifications to nonstructural elements of the sign such as the frame and sign copy.

AWNING SIGN — A sign which is painted on or attached directly to an awning.

BILLBOARD — A sign, other than off-premises directional signs and political signs, which does not pertain to the principal use of the premises on which it is located.

CANOPY SIGN — A sign which is painted on or attached directly to a canopy.

DECORATIVE DISPLAY — A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

ERECT — To build, construct, attach, place, suspend, affix or paint.

FREESTANDING SIGN — A sign other than a ground, pole or portable sign which is not attached to a building and is capable of being moved from one location to another on the site on which it is located.

GROUND SIGN — A sign supported by one or more columns, uprights or braces in the ground surface and having a height not in excess of eight feet.

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

NON ACCESSORY SIGN — A sign, other than an off-premises directional sign or political sign, that does not pertain to the principal use of the premises on which it is located.

OFF-PREMISES DIRECTIONAL SIGN — A sign which provides direction to another location.

POLE SIGN — A display sign supported by one or more columns, uprights or braces in the ground surface and having a height in excess of eight feet.

PORTABLE SIGN — A sign and sign structure which is designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. A sign shall be considered portable only if such sign is manifestly designed to be portable to facilitate its movement from one zoning lot to another, and shall not be considered a freestanding sign under this chapter.

PROJECTING SIGN — Projecting sign means a sign which is affixed to any building or structure, other than a marquee, awning or canopy, any part of which extends beyond the building wall more than 18 inches.

PYLON SIGN — A ground sign in excess of eight feet in height.

ROOF SIGN — A sign which is erected, constructed and maintained on or above the roof of a building.

SIGN AREA — The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all the display area of the sign and including all of the elements of the matter displayed and structural and nonstructural trim. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back, parallel to one another and less than 12 inches apart from one another, the area of the sign shall be the area of one face.

SIGN COPY — Portion of a sign which describes the business or service establishment, including, but not limited to, the name, type of, and nature of said establishment.

SIGN, ACCESSORY — A sign which pertains to the principal use of the premises.

SIGN, NONACCESSORY — A sign which does not pertain to the principal use of the premises.

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

WALL SIGN — A display sign which is painted on or attached directly to the building wall and projecting not more than 18 inches from the wall.

WINDOW SIGN — A sign affixed to a window so as to be observable from the opposite side of the window to which such sign is located or affixed.

§ 155-21.03. Sign permits.

- A. Permit required. Except as provided in Subsection B below, it shall be unlawful for any person to erect, alter or relocate within the Village any sign or other advertising structure without first obtaining a permit from the Zoning Administrator and making payment of fee or fees as provided below. Sign permits are not transferable between owners and any changes in the name of a business on a sign shall require a permit. Painting, repainting, servicing or cleaning of sign, or the changing of the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made. The

changing of a name on all nonconforming signs shall be considered an alteration and said sign shall be made to conform to the requirements of this section. Repair to a conforming sign damaged by winds, vandalism, fire or an act of God shall not require a permit provided each repair restores sign to original design and meets all necessary structural and electrical codes. Permits for change of copy on billboards may be issued on an annual basis for each billboard face by the Zoning Administrator at a fee as provided herein.

B. Signs not requiring a permit. No person may erect, alter or relocate any sign within the Village without first obtaining a permit from the Zoning Administrator, with the exception of the following:

- (1) Wall signs, which are used as nameplates, not exceeding two square feet in area; occupational signs denoting only the name and profession of the occupants in a commercial, public or other institutional building and not exceeding two square feet in area.
- (2) Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or aluminum.
- (3) Traffic or other municipal signs, legal notices, danger and such temporary emergency or nonadvertising signs.
- (4) Sign advertising the rental, sale or lease of the property upon which it is located.
- (5) Gasoline price signs.
- (6) Directional signs regulating on-site traffic and parking with not more than six square feet of sign area.
- (7) Flags bearing the official design of a nation, state, municipality, educational institution, organization, or as approved by the Zoning Administrator.
- (8) Barber poles when a minimum of seven feet above the pedestrian right-of-way.
- (9) Menu boards at drive-through restaurants with a maximum size of 60 square feet.

C. Application for sign permit. Applications for permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the applicant.
- (2) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- (3) Position of the sign or other advertising structure in relation to nearby buildings or structures.
- (4) One blueprint or drawing of the plans and specifications and methods of construction and attachment to the building or in the ground.

- (5) Name of person, firm, corporation or association erecting the sign and structure.
 - (6) Written consent of the owner of property where the sign is to be erected.
 - (7) In all cases where wiring is to be used in connection with the structure, it shall comply with the local, county or state electrical code(s).
 - (8) Such other information as the Zoning Administrator shall require demonstrate compliance with this and all other ordinances of the Village.
- D. Sign permit issued if application in order. The Zoning Administrator, upon review of an application for a sign permit and determination that the proposed sign complies with the requirements of this chapter, shall issue a sign permit. In the case of illuminated signs, both an electrical permit and a building permit are required.
- E. Sign permit fee. Prior to the erection or alteration of any sign, except those signs specifically exempted herein, a permit shall first be obtained from the Zoning Administrator for such erection or alteration, and a permit fee paid to the Village according to the schedule of fees as shall be established from time to time by resolution of the Village.
- F. Sign permit revocable at any time. A sign permit issued pursuant to this article may be revoked by the Zoning Administrator upon the permittee's violation of any of the conditions contained herein. If the work authorized by a sign permit has not been completed within four months after date of issuance, said permit shall become null and void.

§ 155-21.04. General requirements for all signs.

- A. Permit number. Every sign hereafter erected or altered shall have placed on the face of the sign in a conspicuous place thereon, in letters not less than 1/2 inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therein. Any change to the sign shall require the original permit number to remain on the sign.
- B. Illumination. Signs may be permitted to be internally and externally lighted, reflectorized, glowing, or otherwise illuminated, except as provided elsewhere in this chapter. All illumination shall be concentrated on the area of the sign or landscape feature so as to prevent glare upon the street or adjacent property. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with all Codes and Ordinances. In no instance shall such illumination be located so as to be hazardous to traffic. Illuminations shall not be of a flashing, intermittent flashing.
- C. Signs not to constitute a traffic hazard. No sign shall be erected in such a manner as to obstruct free and clear traffic vision.
- D. Face of sign shall be smooth. No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the advertising structure.

- E. Obscene matter prohibited. It shall be unlawful for any person to display upon any sign or other advertising structure any specified anatomical areas or specified sexual activities as defined herein.
- F. Removal of certain signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product, or entertainment, service or commodity offered or sold on the lot shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which said sign shall be found within 30 days after written notice from the Zoning Administrator. This provision may be waived by the Zoning Board of Appeals for signs having historic value.
- G. Public right-of-way. No sign shall be erected or placed in the public right-of-way unless specifically authorized.
- H. Sign setbacks. All freestanding, ground, pole, portable and pylon signs shall be set back not less than five feet from all street right-of-way lines except as otherwise provided herein.
- I. Construction.
 - (1) All pole signs shall be securely built, constructed and erected upon posts and standards sunk at least 42 inches below ground level and embedded in concrete. Wood or wood products shall be of Wolmanized® or equal treatment. A lightning grounding device shall be provided in accord with applicable electric codes.
 - (2) All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or super imposed upon any sign shall be safely and securely built or attached to the sign structure.
 - (3) All wall signs shall be of noncombustible material.
 - (4) All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.

§ 155-21.05. Permitted signs accessory to churches, schools, and nonprofit institutions.

- A. Churches, schools, colleges, buildings housing governmental functions and utilities of the Village, county or state, or any subdivision thereof, are permitted to erect a sign irrespective of the zoning district within which such use is to exist. Such signs may be illuminated. Such signs, when of a permanent nature, shall be constructed of materials approved by the Zoning Administrator and shall meet all the requirements of this chapter, be limited to ground, portable and temporary signs as defined in this chapter and subject to the following conditions:
 - (1) Ground signs.
 - (a) There shall be no more than one sign.
 - (b) Such signs shall be set back from the lot line at least 1/3 of the distance

from the lot line to the nearest building, but need not be set back more than 100 feet from the property line.

- (c) No sign shall exceed 20 square feet in area, unless the sign is located more than 50 feet behind the property line, then said sign may be increased by five additional square feet for each additional 10 feet of setback, but in no event shall such sign exceed 50 square feet in area.
- (2) Temporary signs.
 - (a) Not more than one construction sign for building or remodeling of buildings shall be allowed not to exceed 32 square feet in total surface area and shall be located on the premises being utilized for such construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six months.
 - (b) One sign advertising the rental, sale or lease of property shall be allowed. Such sign shall not exceed six square feet in area and not exceed six feet in height.
 - (3) Portable sign.
 - (a) Portable signs not exceeding 32 square feet in area for each face of such sign shall be allowed and shall be permitted as temporary signs for periods not to exceed seven consecutive days in a twenty-eight-day period and not to exceed 28 days in any one year. In no instance shall such signs be located so as to obstruct parking spaces or automobile or pedestrian travel lanes. Such signs shall not flash or be located so as to obstruct traffic vision and lighting shall be of a type so as not to be confused with traffic controls and not to cause distraction to vehicle drivers.
 - (b) Connections to an energy source for lighting shall be in accord with all codes of the Village, county and state and shall not be exposed in any way that may constitute a safety hazard to the public. This provision shall apply to existing portable signs and to new portable signs.
 - (4) Off-premises directional signs.
 - (a) Directional signs not exceeding four square feet in area per sign face may be located in any district and shall not exceed a total of two such signs per using entity.
 - (b) Permission for the location of directional signs shall be secured by the owner of such sign from the property owner of the property on which such sign is to be located.

§ 155-21.06. Permitted signs in all agricultural and residential districts.

- A. Wall, ground and temporary signs, as defined in this chapter, are allowed in all agricultural and residential districts, provided such signs shall not be illuminated unless otherwise provided for in this chapter and subject to the following conditions by type:

(1) Ground signs.

- (a) Signs advertising the lots and/or buildings in any subdivision or multiple-family development. It shall be permissible for a real estate broker or builder to erect one sign not to exceed a total surface area of 32 square feet or an overall height of six feet, to advertise the lots and/or buildings in any one subdivision.
- (b) Multiple-family residential units and mobile home park districts:
 - [1] Any person owning or operating any multiple-family residential units or mobile home park may erect a sign bearing the name of the development. Such sign shall not exceed 32 square feet in area or exceed an overall height of six feet above the ground level. The sign may be lighted during the hours of darkness, but shall not contain advertising or information other than the name of the development and status of occupancy. No more than one sign may be erected for each development entrance.
- (c) Funeral homes. One ground sign having a sign face of not more than 32 square feet for each sign face which may be not exceed an overall height of six feet above the ground. Such sign may be lighted between the hours of 5:00 p.m. and 10:00 p.m.

(2) Wall signs.

- (a) Dwelling nameplate. For each dwelling unit, one nameplate not exceeding two square feet in area indicating name of occupant.
- (b) All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws.

(3) Temporary signs.

- (a) Garage sale signs. Garage sale signs may be used to advertise a garage sale and shall be promptly removed upon completion of the garage sale.
- (b) Banners and pennants. During periods of "open house" for new homes, banners and pennants may be allowed for periods not to exceed 30 consecutive days as designated in the sign permit.
- (c) Construction signs. For building or remodeling of residential buildings, not more than one sign shall be allowed not to exceed 10 square feet in total surface area and shall be located on the premises being utilized for such construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six months.
- (d) One sign advertising the rental, sale or lease of property shall be allowed not to exceed 10 square feet and not to exceed a height of six feet.

§ 155-21.07. Permitted signs in BOS and B-2 Districts.

A. BOS and B-2 districts sign types allowed. Wall, awning, canopy, freestanding,

ground, marquee, projecting, pole, window, vehicle and temporary signs as defined in this chapter and subject to the following conditions:

- (1) Ground sign.
 - (a) One ground sign shall be permitted having a sign area of not more than 32 square feet for each sign face. On corner lots, two such signs are permissible where business fronts both streets. Such sign shall not exceed six feet in height.
 - (b) Not more than one ground sign may be erected accessory to any one development regardless of the number of buildings, separate parties, tenants or uses contained therein. On corner lots, two such signs are permissible where business fronts both streets.
 - (c) No ground sign shall be located nearer than five feet to any existing or proposed right-of-way line.
 - (d) Ground signs may not be illuminated with flashing lights.
- (2) Pole.
 - (a) To be allowed only when a ground sign cannot be erected due to building location or other site constraints and upon approval of the Planning Commission.
 - (b) One pole sign maybe erected accessory to any one development regardless of the number of buildings, separate parties, tenants or uses contained therein.
 - (c) A pole sign shall not be erected to a height greater than 30 feet above the level of the street upon which the sign faces. The distance from the ground to the bottom of the sign shall be not less than eight feet and shall be so erected as to not obstruct traffic vision. The area of such sign shall not exceed 120 square feet for each sign face.
 - (d) Signs may not be illuminated with flashing lights.
 - (e) Time and temperature signs shall be permitted.
 - (f) All pole signs shall be securely erected upon posts and standards at least 42 inches below ground level and shall be embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment.
- (3) Projecting.
 - (a) One projecting sign may be erected at each entrance to a business or office establishment.
 - (b) Projecting signs must project at right angles to the building, have no more than two faces, and project no more than five feet from the face of the building.
 - (c) The bottom of the sign projecting must be at least 10 feet above ground

level and its top may not extend higher than whichever of the following is lowest:

- [1] Twenty-five feet above grade.
- [2] The sills of the first level of windows above first story.
- [3] The lowest part of the roof.

(d) The area of each projecting sign may not exceed 24 square feet for each sign face, unless the sign includes a public message device (such as a time and temperature sign). In the case of a public message device, an additional 10 square feet on each face is allowed.

(4) Wall.

(a) Wall signs may be provided on all street sides, parking lots sides or alley sides of a building. Where a single principal building is devoted to two or more business, offices or commercial uses, the operator of each such use may install a wall sign. The total sign area of all wall signs on any one wall shall not exceed 10% of the wall surface of such wall. In those instances where a change of tenancy occurs which presents a hardship in providing signage based on this requirement, the Zoning Board of Appeals may vary these provisions.

(b) Signs may not be illuminated with flashing lights.

(c) Time and temperature signs shall be permitted.

(d) Materials required. All wall signs of a greater area than 50 square feet shall have surfaces of noncombustible material.

(e) Limitation on placement. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

(f) Projection and height. No wall sign shall have a greater thickness than 12 inches measured from the wall to which it is attached to the outermost surface. Wall signs may project over the public right-of-way not to exceed 12 inches provided a clearance of not less than seven feet six inches is maintained below the sign if it projects more than four inches. A wall sign shall not project above the roofline.

(5) Awning, canopy and marquee.

(a) Letters may be painted or otherwise affixed to any permissible awning, canopy, or marquee subject to the following regulations:

[1] Lettering or letters shall not project above, below or beyond the vertical drip of the awning or canopy.

[2] Lettering on a marquee shall not extend beyond the geometric figure which encloses the sign message.

- [3] No awning, canopy or marquee sign shall extend below a minimum height of seven feet six inches.
 - [4] The area of such sign shall be limited as part of the total sign area for all signs as provided in Subsection A(4)(a) above.
- (6) Window.
 - (a) Window signs shall not exceed 30% of the glass area of the window area on the section of building front occupied by the business.
 - (7) Temporary or real estate signs.
 - (a) For sale or rental of individual units, there shall be no more than one sign, except that on a corner lot two signs, one facing each street shall be permitted. No such sign shall exceed six square feet in area for each sign face of, and all such signs shall be removed upon occupancy.
 - (b) Signs advertising buildings under construction may be erected for the period of construction and shall not exceed a face area of 64 square feet for each sign face. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, engineer contractor, subcontractor, building or materials and equipment used, and the proposed use.
 - (c) Temporary window signs are allowed only on the inside of the window and only if they advertise special sales or events lasting no more than 15 days. They shall occupy no more than 30% of the area of the window in which they appear.
 - (d) No temporary sign shall be strung on a building exterior or on a sign structure or across any public right-of-way nor shall any temporary sign project beyond the property line except as authorized by the Village Council.
 - (e) Temporary signs found by the Zoning Administrator to be in torn or damaged condition must be removed by the owner within three days after receipt of notice to do so from the Zoning Administrator. Temporary signs found to be unsafe shall be removed immediately upon receipt of notice from the Zoning Administrator.
 - (8) Attention getting devices.
 - (a) Attention getting devices including searchlights, pennants, banners, propellers, spinners, streamers, balloons and similar devices or ornamentation designed for purposes of attracting attention, promotions or advertising are allowable only subject to approval of the Planning Commission for a period not to exceed 15 days except as otherwise prohibited herein.

§ 155-21.08. Permitted signs in industrial districts.

- A. The provisions of § 155-21.07 shall also apply to industrial districts. In addition,

nonaccessory and off-premises directional signs shall be permitted according to the following conditions, provided further that in those instances where the Michigan Department of Transportation has jurisdiction, a permit shall be filed with the appropriate state agency.

(1) Nonaccessory sign.

- (a) Area and height limitations. No billboard may be erected or maintained with a greater surface area than 300 square feet, an overall height above the ground greater than 35 feet, or bottom less than three feet above the ground surface.
- (b) Location. Billboards may be erected only in industrial districts. No billboard may be erected or maintained within 500 feet of any public park, recreation ground, public reservation, school or church nor within 50 feet of street lines at any street intersection and shall have a minimum setback from the front property line which meets the setback requirement of the district.
- (c) Spacing. Billboards shall be located no closer to one another than 1,000 feet.

§ 155-21.09. Nonconforming signs.

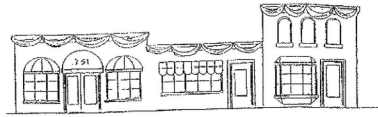
- A. Nonconforming signs. All signs existing prior to the adoption of this chapter that do not conform to the provisions of the chapter shall be permitted to continue as nonconforming signs, provided that the nonconforming sign meets the following criteria:
- (1) The sign was lawful at its inception;
 - (2) Continuance of the sign would not be contrary to the public health, safety or welfare of the residents of the Village;
 - (3) No useful purpose would be served by strict application of the provisions of this article with which the sign does not conform; and
 - (4) The sign is not insecure, in danger of falling, or otherwise unsafe.
- B. Signs on nonconforming uses. A nonconforming use shall not be permitted to add additional signs to the building or premises. This shall not preclude the changing of copy on a nonconforming sign which was manifestly designed to provide changeable lettering. Signs on nonconforming uses may be maintained.

§ 155-21.10. Unsafe and damaged signs and sign maintenance.

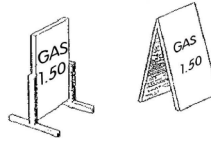
- A. Unsafe signs. When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this chapter, the owner or lessee shall, upon receipt of a written notice from the Zoning Administrator, forthwith in the case of immediate danger, and in any case in not more than 24 hours, make such sign conform to the provisions of this chapter or shall cause it to be removed. If the order is not complied with within 24 hours, the Zoning Administrator may remove such

sign at the expense of the owner or lessee.

- B. Damaged signs. If any sign or advertising structure or supporting structure is torn, damaged, defaced or destroyed, and not repaired or replaced within 10 days of said casualty, the Zoning Administrator shall issue a written notice to the owner or lessee of the sign requiring the repair, replacement or removal within 20 days. In the event said owner or lessee does not repair, replace, or remove the sign pursuant to the notice, or cannot establish a good-faith effort to comply, the Zoning Administrator is authorized to cause removal of the sign. The expense of removing the sign shall be paid by the owner or lessee of the sign or by the owner of the building or structure or property from which the sign or structure was removed.
- C. Sign maintenance. All signs, together with all their supports, braces, guys and anchors, shall be maintained in good working order; and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept in good repair so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.



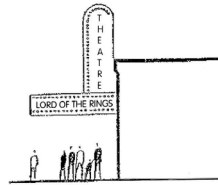
DECORATIVE DISPLAY SIGN



FREESTANDING SIGN



POLE SIGN



MARQUEE SIGN



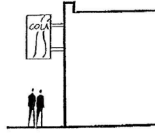
PORTABLE SIGN



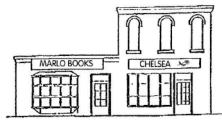
ROOF SIGNS - FIG. 6



REAL ESTATE SIGN - FIG. 7



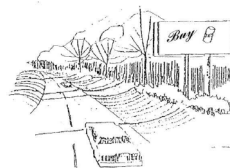
PROJECTING SIGN - FIG. 8



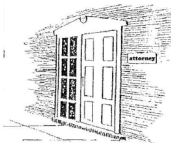
WALL SIGNS - FIG. 9



TEMPORARY SIGNS - FIG. 10



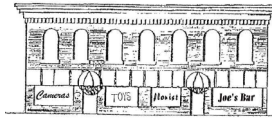
BILLBOARD SIGN - FIG. 11



IDENTIFICATION NAME PLATE - FIG. 12



BANNER SIGN - FIG. 13



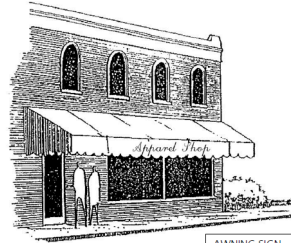
WINDOW SIGN - FIG. 14



VEHICLE BUSINESS SIGN - FIG. 15



GROUND SIGNS - FIG. 16



AWNING SIGN - FIG. 17



BENCH SIGN - FIG. 18



CANOPY SIGNS - FIG. 19

ARTICLE XXII
Site Plan Review

[Amended 10-27-2009 by Ord. No. 2009-002; 1-22-2018 by Ord. No. 2018-001]

§ 155-22.01. Purpose.

It is the purpose of this article to specify standards, application and data requirements, and the review process that shall be followed in the preparation of site plans as required by this chapter. These requirements are incorporated into the zoning permit application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and development of sites with regard to such considerations as parking, vehicular and pedestrian circulation, drainage, landscaping and screening, signage, lighting, environmental and community character protection, and conformance with all applicable provisions and standards of this chapter.

§ 155-22.02. Site plan approval required.

A. Uses requiring site plan approval. Except as provided by Subsection A(1) below, site plan approval is required prior to the Zoning Administrator's issuance of a zoning permit for the establishment or alteration of any use, building or structure including multiple-family developments, commercial and industrial uses, institutions, site condominiums, and platted subdivisions. For the purpose of this section, "the establishment or alteration of" shall be construed to also include "the initiation of," "the expansion of," and "the relocation of."

(1) Exceptions:

- (a) Agricultural buildings, single-family dwellings and two-family dwellings, and alterations and accessory structures and buildings thereto, including driveways, shall be subject to plot plan approval by the Zoning Administrator according to § 155-24.04B.
- (b) Uses and structures expressly exempted elsewhere in this chapter.

§ 155-22.03. Review procedures.

A. Optional preapplication conference. Prior to the submission of a site plan, a prospective applicant may request a meeting with the Zoning Administrator, together with such consultants and local officials and staff as either the Village or the applicant deem appropriate. The purpose of such a meeting shall be for the prospective applicant to inform Village officials of the general theme for the proposed development and to provide the potential applicant with information regarding land development policies, procedures, standards and requirements of the Village pertaining to the development being contemplated. At the preapplication conference, the applicant may present a general sketch plan of the proposed site plan which provides an overview of the proposed project such as property location, lot lines and the general location of proposed buildings, streets, and parking areas. Statements made in the course of a preapplication conference shall not be legally binding nor be interpreted as assuring or suggesting a specific action by the Planning Commission on any subsequent site plan submittal.

- B. Optional preliminary site plan. Prior to preparing a detailed final site plan and seeking approval of such final site plan, the applicant may seek approval of a preliminary site plan for the purpose of receiving approval of the general design and layout of the project. A preliminary site plan shall be reviewed and acted upon in the same manner as a final site plan, as delineated in Subsections C through F below:
- (1) Level of detail. A preliminary site plan shall be prepared according to the manner and information required for a final site plan pursuant to § 155-22.03C, except that detailed construction drawings to address specific site improvements are not necessary. However, the detail of the preliminary information shall adequately portray the arrangement and feasibility of critical components of the project such as, but not limited to, stormwater management including flow direction and preliminary location of detention/retention basins; general grading including limits of clearing and proposed contours; vehicular circulation, including general street alignments, parking spaces, parking circulation and respective dimensions; approximate lot areas and lot lines; signage; and landscaping.
 - (a) A preliminary site plan shall be evaluated according to the level of information required at the preliminary plan level. A preliminary plan shall be approved if it contains the information required by, and is in compliance, with this chapter, the conditions imposed pursuant to this chapter, other Village planning documents, other applicable ordinances, and state and federal statutes.
 - (2) Approval period. Approval of the preliminary site plan is valid for a period of 18 months except where this chapter provides otherwise. If a complete final site plan has not been submitted during this period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Planning Commission upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. In the case of an expired preliminary site plan that is not granted an extension of time, such plan shall not undergo review or action except upon the applicant submitting a wholly new application according to this section.
- C. Final site plan submittal, distribution and data. A minimum of 12 copies of a final site plan shall be submitted to the Zoning Administrator along with a zoning permit application form for the proposed development for which site plan approval is being sought. Upon receipt of the final site plan, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission and other agencies or individuals selected to review the site plan. Additional site plan copies may be required by the Zoning Administrator upon determination that the additional copies are necessary in association with reviewing agencies.
- (1) Site plan preparation. A site plan shall be provided on a professional quality drawing of scale not less than one inch equals 50 feet and shall clearly present the required information. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. The

site plan shall present all necessary information in a clear and comprehensible fashion and be of such clarity and detail to permit determination of its conformance to this chapter and the satisfactory construction of the project. Sheet size shall not exceed 24 inches by 36 inches. The following information shall be included on a site plan.

- (a) General information. Each site plan sheet shall include the following general information in addition to the information required under Subsection C(2) and (3):
 - [1] The applicant's full name, address and phone number.
 - [2] The name, address and phone number of the person and firm responsible for the site plan sheet's preparation; and the name of the proposed development.
 - [3] Bar/graphic scale and north arrow.
 - [4] The most current revision date on each sheet.
- (b) Specific site information. A site plan shall include the specific site information required under Subsection C(2) and (3) below except where the Planning Commission determines that the waiving of specific submittal items, due to the particular character of proposed development or site or surrounding conditions, shall not undermine the effective evaluation of the extent to which the site plan complies with the standards of this chapter and protects the public health, safety and welfare. The Planning Commission may subsequently void this waiver should deliberations reveal the need for additional information.
- (2) Site plan/existing conditions information. The site plan shall identify the existing conditions on the subject property and shall portray the following minimum information:
 - (a) General map identifying the site within the Village and a more detailed location map identifying all streets and street names within 750 feet of the site and adjacent land uses.
 - (b) A property line survey, correlated with a legal description, showing property line dimensions and bearings and net acreage (minus rights-of-way) and total acreage, to the nearest 1/100 acre or square foot.
 - (c) Zoning classification of applicant's lot and all abutting lots.
 - (d) Distance from lot frontage corners to nearest driveways along both sides of such frontage.
 - (e) Notation of any variances that have been granted.
 - (f) Buildings and structures including dimensions, height, and setbacks from lot lines, with a designation as to which are to be retained, removed, or otherwise altered.
 - (g) Streets, drives and alleys including surface materials and surface and

right-of-way widths.

- (h) Parking space and aisle dimensions and the total number of spaces.
 - (i) Natural features including soil types and soil unit boundaries; topography at minimum two-foot contour intervals, referenced to a United States Geological Survey benchmark and extending a minimum distance of 50 feet from all lot lines; lakes, ponds, continuous and intermittent drainage courses; floodplains; and wetlands including the source of wetland delineation information.
 - (j) Nonmotorized travel ways, including trails, paths, and sidewalks, and the widths of each.
 - (k) Utilities, including sanitary sewer, septic system, potable water, electricity, communication and gas service.
 - (l) Location, width and purpose of all easements and rights-of-way, including for utilities, access, and drainage.
- (3) Site plan/proposed modifications. A site plan shall identify proposed modifications to the subject property, including the following minimum information:
- (a) Buildings and structures, including location, height, outside dimensions, floor area of each and in total, floor plans and elevations, and required setbacks. Elevations shall indicate type and color of exterior materials, roof design, projections, canopies, awnings, overhangs, screen walls, and outdoor or roof-located mechanical equipment such as air-conditioning units, heating units, and transformers.
 - (b) Accessory structures including the location, dimensions, and construction details for signage; location and height of lighting; and location, dimensions and construction details for fences and walls;
 - (c) Streets, drives and other access and circulation features, including sidewalks and trails; driveway entrances; center lines; surface materials; surface and right-of-way widths; inside radii of all curves, including driveway curb returns; acceleration, deceleration, passing and fire lanes; typical cross section of streets and driveways; loading and unloading areas; and parking lots, including configurations, parking space and aisle dimensions, location of handicap parking spaces, total number of parking spaces, and the basis for calculating the required number of parking spaces. Proposed traffic control measures (signs) shall also be indicated.
 - (d) Landscape plan prepared according to and identifying the information required by Article XXIII.
 - (e) Accessory structures and use areas, including outdoor storage, trash receptacle and transformer pad locations and method of screening, and exterior lighting locations and method of shielding lights from adjacent properties.

- (f) Proposed source and location of all public and private utilities, including gas, electric, and telephone service; potable water and sewage disposal including sewer and water mains, septic field facilities, well sites, water service leads and hydrants; and the necessary easements that exist or are to be established for installation, repair and maintenance of such utilities.
- (g) Proposed grading, storm drainage and stormwater management plan, including soil erosion and sedimentation control measures and spot elevations to adequately portray drainage patterns and final elevations and grades, and proposed topography at minimum one-foot contours. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport stormwater. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
- (h) Proposed location and specifications for any existing or proposed aboveground or below-ground storage facilities for any flammable, toxic or hazardous substances, as well as any containment structures or clear zones required by government authorities; a complete inventory of toxic or hazardous substances to be stored or used on the site, including the quantity of substances, substance names and characteristics; the proximity of such materials to groundwater aquifers, wetlands, surface waters, existing and proposed wells, storm sewers, storm drains, and sanitary sewers; and a proposed storage and disposal plan for such materials including their transfer and/or transport.
- (i) Location and description of all easements and rights-of-way for utilities, access, and drainage.
- (j) Intended schedule for completing the project, including the timing of project phases.
- (k) A statement identifying all federal, state and local permits required, if any.
- (l) In the case of a platted subdivision, condominium subdivision or similar residential development, the number, type and location of each type of residential unit on each lot; density calculations; garage and carport locations; street alignments, widths, names and intersection details; community building locations, dimensions, floor plans, and facade elevations; the location, size and purpose of open space and recreation areas including swimming pool deck and fencing details. If common area or community buildings are proposed, the site plan shall indicate the responsibilities of the subdivision or condominium association, property owners, or other entity, with regard to maintenance of the common areas or community property on a continuing basis.
- (m) Any additional information that may be determined necessary to enable

Village officials to determine compliance with the standards of this chapter.

- D. Zoning administrator review of final site plan for completeness. Upon receipt of the application materials, the Zoning Administrator shall review the materials and determine their completeness. If determined to be insufficient in adequately portraying the required information, the Zoning Administrator shall not forward the material to the Planning Commission and the applicant shall be notified, in writing, of the deficiencies.
- E. Planning Commission action on final site plan. Upon receipt of a complete application, the Planning Commission shall review the final site plan application materials and determine their conformity with the applicable provisions of this chapter, including the standards of § 155-22.04. After conducting a review, the Planning Commission shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in this chapter, including the standards of § 155-22.04. A site plan shall be approved if it contains the information required by, and is in compliance with this chapter, the conditions imposed pursuant to the ordinance, other Village planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Planning Commission for approval shall be stated, in writing, together with the reasons, and delivered to the applicant.
- (1) Revised site plan. The Planning Commission may require the submittal of a fully revised final site plan upon determining that the conditions necessary for the approval of such plan are of such an extent or character that a fully revised set of documents is necessary before an approval action can be granted.
 - (2) Application completeness. The Zoning Administrator's finding that an application is sufficiently complete according to Subsection D shall not prohibit the Planning Commission from requiring additional information if it finds the additional information is necessary to adequately evaluate the application according to the standards of the ordinance.
- F. Issuance of zoning permit/building permit required. Upon approval or conditional approval of a site plan by the Planning Commission, the Zoning Administrator shall issue a zoning permit authorizing the use and construction subject to the approved application. Where a conditional approval expressly provides for the delay of the issuance of a zoning permit until a specific condition has first been met, the Zoning Administrator shall delay the issuance of the permit until the condition has been met.
- (1) Building permit required. Upon issuance of a zoning permit, no construction shall be initiated prior to the acquisition of all necessary building permits from the Building Inspector.
- G. Approved site plans. Three copies of an approved site plan, with any conditions contained within, shall be maintained as part of the Village records for future review and enforcement. One copy shall be returned to the applicant. Each of the three approved copies shall be dated and signed by the Zoning Administrator and Planning Commission Chairperson, with the date of approval specified.

- H. As-built drawings. The applicant shall submit three copies of as-built drawings upon completion of construction activities, but no later than 60 days from the issuance of a permit of occupancy by the Building Inspector. Such drawings shall identify all improvements made upon the site including the location of all aboveground and below-ground utility lines.

§ 155-22.04. Site plan approval standards.

- A. Specific site development standards. A preliminary and final site plan shall conform with the specific site development standards of this chapter including, but not limited to, requirements pertaining to lot area, lot width, setbacks, building heights, permitted uses, nonconformities, lighting, potable water, sewage disposal, and the provisions of:
- (1) Article XV, Schedule of Regulations.
 - (2) Article XVII, Special Land Uses.
 - (3) Article XVIII, General Exceptions.
 - (4) Article XIX, Nonconforming Uses and Structures.
 - (5) Article XX, Off-Street Parking and Loading.
 - (6) Article XXI, Signs.
 - (7) Article XXIII, General Provisions.
- B. General site plan approval standards. In addition to compliance with the standards of Subsection A above, all site plans shall comply with the following general site plan approval standards:
- (1) Site organization. All elements of the site plan shall be harmoniously and efficiently organized in relation to the size and character of the lot, the manner in which buildings and support facilities on the lot relate to one another both visually and physically, and the character of the proposal as viewed from nearby properties and streets.
 - (2) District purpose. The site plan shall be of a character that supports the purpose of the district in which the development is to be located.
 - (3) Surrounding properties. The site plan shall not impede the normal and orderly development, improvement, or enjoyment of surrounding property for uses permitted in the district, including matters pertaining to visual impacts from lighting, signage, outdoor storage, and off-street parking. Landscaping measures shall be employed to enhance the development's character and encourage compatibility with existing and planned development and uses in the area. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space, shall be coordinated with adjacent properties as opportunities may present.
 - (4) Environmental character. The site plan shall preserve the environmental character of the site insofar as practical by minimizing the removal or

disturbances to on-site natural features such as trees, woodlands, soils, topography, watercourses and wetlands.

- (5) Stormwater management. The site plan shall provide for the removal of stormwater so as to minimize on-site flood conditions and ensure the well being of the users of the property, while not adversely affecting adjacent properties, streets and rights-of-way, and public and natural drainage systems, due to flooding, erosion, sedimentation, or other negative impacts. Stormwater management plans shall rely on existing drainage patterns where practical and minimize topographic alterations, and incorporate the necessary measures to discourage soil erosion and sedimentation and the discharge of impurities into the groundwater and surface waters.
- (6) Circulation. The site plan shall provide vehicular and nonmotorized circulation and parking in a manner that ensures visually clear, safe, convenient and efficient travel in the site and at ingress and egress points. The circulation plan shall minimize congestion, conflicting turning patterns, negative impacts upon abutting properties, and the avoidance of unnecessary curb cuts and streets. New curb cuts, drives and streets shall be coordinated with the existing and planned public circulation system and improvements thereto, and shall ensure adequate sight distances. All buildings shall be arranged as to permit emergency access by some practical means to all sides.
- (7) Utilities. The site plan shall provide for all necessary utilities and such utilities and easements shall be appropriately located to ensure ease of access and servicing and coordination with other site features. Underground facilities shall be provided to the greatest extent feasible.
- (8) Phasing. Where a project is proposed for construction in phases, the site plan phasing shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of project and surrounding properties.
- (9) Other. Site plans shall conform to all applicable Village planning documents including the goals and objectives of the Village of Bellevue Master Plan, other applicable ordinances, and state and federal statutes.

§ 155-22.05. Conformity to approved site plans.

Property which is the subject of site plan approval shall be developed in compliance with the approved site plan and any approved changes thereto. If construction or use of the property does not conform to such approved plans, the zoning permit issued for the project shall be subject to revocation pursuant to § 155-24.04C.

§ 155-22.06. Changes to approved site plan.

- A. Site plan changes. No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures:
 - (1) Major changes. Major changes to an approved site plan shall be reviewed and

acted upon according to § 155-22.03, including the approval standards of § 155-22.04, and subject to Planning Commission approval. A "major change" shall include the following:

- (a) A change in excess of five feet in the location of vehicular circulation ways, parking areas, or exterior building walls.
 - (b) A change in the number of accesses to a street or alley or any other change impacting the basic circulation pattern and/or traffic flow.
 - (c) A reduction or increase of more than four parking spaces or 100 square feet of floor area.
 - (d) An increase in the number of dwelling units, or the realignment of lot lines in a platted or condominium subdivision where such realignment exceeds five feet at any single point.
 - (e) An increase of more than three feet in building height.
 - (f) The addition of a building.
 - (g) The relocation of outdoor storage areas or other outdoor use areas.
 - (h) The reoccupancy of a vacant building.
- (2) Minor changes. Minor changes shall be subject to Zoning Administrator approval. Approved changes shall be clearly specified, in writing, and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action on a minor change to the Planning Commission.
- (a) Minor changes to an approved site plan shall include changes not otherwise identified as a major change in Subsection A(1) above, including changes to required landscaping and screening where the change will not alter the overall appearance and effectiveness of the required landscaping and screening, and changes to the location, elevation or grade of storm sewer, sanitary sewer, or other utilities where the Village Engineer has approved such changes.

§ 155-22.07. Preexisting site plans under review.

All development subject to site plan approval shall comply with the regulations and standards of this chapter except in the case where a development plan has received preliminary site plan approval prior to the effective date of this chapter or amendment thereto. In such case, the final site plan shall be reviewed using the procedures and substantive standards under the Ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the effective date of this chapter or amendment thereto, contains all required information and is accompanied by all required fees.

§ 155-22.08. Expiration of site plan approval.

Unless expressly authorized otherwise by this chapter, an approved site plan shall

become null and void at the time the zoning permit issued for the approval site plan may become null and void according to § 155-24.04C. In the case of a multi-phased project, site plan approval for a second or subsequent phase shall become null and void when a zoning permit has not been issued within one year of the intended initiation of such phase, according to the approved site plan.

ARTICLE XXIII
General Provisions

§ 155-23.01. Conflicting regulations.

Wherever any provision of this chapter conflicts with the requirements, regulations or limitations imposed by any other law or ordinance, the law or ordinance with more stringent provisions shall govern.

§ 155-23.02. Performance standards.

Uses permitted within any district shall conform to the following standards of use, occupancy, and operation:

A. Smoke:

- (1) Emission; exceptions. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 2 on the Ringelmann Chart; provided that the following exceptions shall be permitted:
 - (a) Smoke, the shade or appearance of which is equal to but not darker than No. 3 on the Ringelmann Chart for a period, or periods, aggregating four minutes in any 30 minutes.
 - (b) Smoke, the shade or appearance of which is equal to but not darker than No. 3 of the Ringelmann Chart for a period or periods, aggregating three minutes in any 15 minutes, when building a new fire or when breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable.
- (2) Method of measurement. For the purposes of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this article, shall be the standard. However, the Umbrascopes readings of smoke densities may be used when correlated with the Ringelmann Chart.

B. Dust, dirt and fly ash.

- (1) No person, firm or corporation shall operate or cause to be maintained any process for any purpose, or a furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating while using said process or furnace or combustion device, recognized and approved equipment means, method, device or contrivance to reduce the quantity of gas borne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed 9.29 grains per cubic foot of the carrying medium at a temperature of 500° F.
- (2) Method of measurement. For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50% at full load. The foregoing requirement

shall be measured by the ASME Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

C. Open storage:

- (1) The open storage of any equipment, vehicles, and all materials, including wastes, shall be screened from public view from public streets and adjoining properties by an enclosure consisting of a wall or an obscuring fence not less than eight feet in height, except as otherwise provided herein. Scrap, junk cars and other junk materials shall not be piled or stacked as open storage to a height in excess of 25 feet. Sand, gravel, aggregate, slag or other materials of this nature, piled or stored outside buildings shall not exceed the height of 40 feet.

D. Glare and radioactive materials:

- (1) Glare from any process which emits harmful rays shall be completely shielded from public view. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not emit radiation at levels which exceed quantities established as safe by the United States Bureau of Standards, when measured at the property's lot lines.

E. Fire and explosive hazards:

- (1) The storage, utilization or manufacture of materials, goods or products ranging from incombustible to moderate burning, as determined by the fire department, is permitted, subject to compliance with all other performance standards of this chapter.
- (2) The storage, utilization, or manufacture of combustible materials, goods, or products ranging from free or active to intense burning, as determined by the fire department, is permitted subject to compliance with all other yard requirements and performance standards of this chapter, providing that the following conditions are met:
 - (a) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code.
 - (b) All such buildings or structures shall be set back at least 40 feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system installed pursuant to the applicable state or local fire code.
 - (c) The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941, as amended (MCLA § 29.2 et seq., MSA § 4.559 et seq.)

F. Noise:

- (1) Noise from any use of property shall not exceed 55 dB(A) as measured at the property line of the use emitting such noise. Exceeding this level shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area. The "dB(A)" represents the sound pressure level in decibels measured on the "A" scale of a standard level meter. Temporary uses such as lawn mowers, snow blowers and portable generators are excepted, provided such uses does not exceed one hour per 24 hours. Portable generators may be utilized for the entire period of a power outage.

§ 155-23.03. Fences and walls. [Amended 5-27-2014 by Ord. No. 2014-005]

A. A. General provisions. All fences and walls shall comply with the following standards.

- (1) Approval required. No fence or wall shall be erected prior to the submittal of an application to the Zoning Administrator and the issuance of a certificate of zoning compliance. Such an application shall comply with the site plan or plot plan requirements of Article XXII, as applicable, and shall clearly and accurately depict the location, height and construction details for the fence or wall. The Zoning Administrator shall approve a fence or wall application if it complies with the standards of this section and all other provisions of this Zoning Ordinance, except that the Planning Commission shall be the approval body for uses requiring site plan approval.
- (2) Finished side. The finished side of a fence or wall shall face the exterior of the property on which it is located, the finished side being that side on which structural, framing and similar less ornamental features are less visible.
- (3) Sharp objects/electrification. Fences and walls with barbs, spikes, nails, or other sharp or electrified devices shall be prohibited except where expressly authorized by the Planning Commission during site plan review proceedings, upon the finding of a practical need for such fencing and that such barbs, spikes, nails, or other sharp or electrified devices are a minimum of eight feet above the ground below.
- (4) Clear vision. No fence or wall shall be erected along or near a street in such a manner as to obstruct safe, free and clear vision of oncoming traffic or vehicles attempting to access such street or negotiate movement through an intersection.
- (5) Gates. No fence or wall shall include gates that open over an alley, public right-of-way or other public property.
- (6) Materials and maintenance. Fences and walls shall be constructed of materials designed and intended for such purposes. In no case shall a fence or wall be constructed of tires, vehicle parts, rotting lumber, pallets, glare-producing materials, trash or any materials capable of providing habitat for pests or vermin. All fences and walls shall be maintained in good exterior and structural condition.

- (7) Vertical support heights. Vertical supports of a fence or wall, such as in the case of a post or column, may exceed the maximum specified fence and wall heights of this section by no more than four inches.
 - (8) Height increases. Where a use is subject to site plan approval by the Planning Commission, the Planning Commission may grant a maximum 25% increase in the specified maximum fence or wall heights of this section, upon a finding that unique conditions are present that substantiate the need for an increased height. Such unique conditions may pertain to, by example, public safety concerns, special screening issues, or special operational aspects of the use of the lot.
- B. Residential and agricultural districts. Fences and walls in the AG, RA, RB, and RC districts, and any other agricultural and residential districts, shall comply with the following:
- (1) Obscuring fences and walls:
 - (a) Side and rear yards. Obscuring fences and walls are permitted in side and rear yards, subject to the following standards:
 - [1] Minimum setback. No setback is required except that in the case of a multiple-family development and any nonresidential use, where the Planning Commission determines tree or shrub plantings along the exterior side of the fence or wall are necessary during site plan review proceedings to mitigate impacts or otherwise enhance the character of the development, the Planning Commission may require a setback not to exceed 15 feet.
 - [2] Maximum height: six feet.
 - (b) Front yards. Obscuring fences and walls are prohibited in a front yard except as provided below:
 - [1] In the case of a corner lot, an obscuring fence or wall may be erected along one of the front yards subject to the following limitations:
 - [a] Minimum setback. The minimum setback from the front lot line of the yard in which the fence or wall is to be located shall be a minimum of 10 feet.
 - [b] Maximum height: six feet.
 - [c] Yard selection. The fence or wall shall not be erected in a front yard adjacent to a major street as defined in this chapter, unless both front yards are adjacent to a major street.
 - [d] Maximum length. The fence or wall shall not extend along the front yard in which it is located, toward the other front yard, beyond the leading edge of the building's facade facing such other yard.
 - [2] In the case of a through-lot, an obscuring fence or wall may be

erected within one of the front yards subject to the following limitations:

- [a] Minimum setback. The minimum setback from the respective front lot line shall be equal to the district's required minimum front yard setback for the principal building on the lot.
- [b] Maximum height: six feet.
- [c] Yard selection. The fence or wall shall not be erected in a front yard adjacent to a major street as defined in this chapter, unless both front yards are adjacent to a major street.

(2) Ornamental fences and walls:

- (a) Side and rear yards. Ornamental fences and walls, including wire-woven, chain-link, and other mesh-like fencing that is commonly used to contain farm animals, are permitted in side and rear yards subject to the following standards:

[1] Minimum setback: No setback is required.

[2] Maximum height: six feet.

- (b) Front yards: Ornamental fences and walls are permitted in a front yard, subject to the following standards:

[1] Minimum setback. The minimum setback from the front lot line shall be two feet. No setback is required from side and rear lot lines within a front yard.

[2] Maximum height: four feet.

[3] Materials and design. Ornamental fences and walls shall be of a minimum 50% open construction for all portions of such fence or wall in excess of three feet in height. "Open construction" shall be construed to mean the allowance of visibility through the fence or wall, measured across any one square foot of its vertical surface and as viewed perpendicularly to the fence or wall.

- (3) Exemptions. Fences and walls for the purpose of confining livestock in association with agriculture in the AG District are exempt from the provisions of this Subsection B.

C. Commercial and industrial districts. Fences and walls in BOS, CBD, GB, I-1 and I-2 Districts, and any other commercial and industrial districts, shall comply with the following:

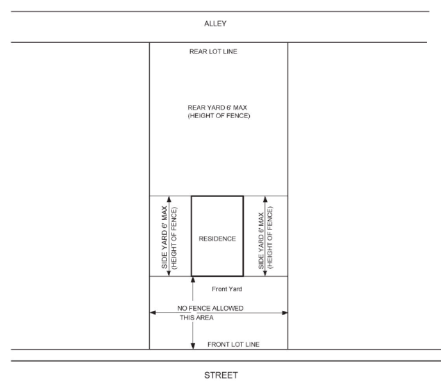
(1) Obscuring fences and walls:

- (a) Side and rear yards. Obscuring fences and walls are prohibited in side and rear yards in the CBD. Obscuring fences and walls are permitted in side and rear yards in the BOS, GB, I-1 and I-2 Districts, and any other commercial and industrial districts, subject to the following standards:

- [1] Minimum setback. No setback is required except where the Planning Commission determines tree or shrub plantings along the exterior side of the fence or wall are determined necessary during site plan review proceedings to mitigate impacts or otherwise enhance the character of the development, in which case the setback shall be as determined necessary by the Planning Commission but not to exceed 15 feet.
 - [2] Maximum height: six feet, except that a maximum height of 10 feet may be approved during site plan review proceedings upon the Planning Commission finding the proposed increased height is necessary due to the nature of the particular use and such increased height shall not unreasonably impact adjacent properties.
- (b) Front yards. Obscuring fences and walls in front yards are prohibited in BOS, CBD, GB, and any other commercial districts. Obscuring fences and walls in front yards in I-1, I-2 and any other industrial districts, are prohibited except upon a finding by the Planning Commission during site plan review proceedings that the practical development and use of the site necessitates the use of such obscuring fence or wall in the front yard and that the proposed height, setback, design and construction materials shall be compatible with surrounding conditions. However, in no case shall such fence or wall exceed eight feet in height and be less than 40 feet from the front lot line.
- (2) Ornamental fences and walls.
- (a) Side and rear yards. Ornamental fences and walls, including wire-woven, chain-link, and other mesh-like fencing that is commonly used to contain farm animals, are permitted in side and rear yards subject to the following standards:
- [1] Minimum setback. No setback is required except where the Planning Commission determines tree or shrub plantings along the exterior side of the fence or wall are determined necessary during site plan review proceedings to mitigate impacts or otherwise enhance the character of the development, in which case the setback shall be as determined necessary by the Planning Commission but not to exceed 10 feet.
 - [2] Maximum height: six feet, except that a maximum height of 10 feet may be approved during site plan review proceedings upon the Planning Commission finding the proposed increased height is necessary due to the nature of the particular use and such increased height shall not unreasonably impact adjacent properties.
- (b) Front yards. Ornamental fences and walls are permitted in a front yard, subject to the following standards:
- [1] Minimum setback. No setback is required except where the Planning Commission determines tree or shrub plantings along the exterior side of the fence or wall are necessary during site plan review

proceedings to mitigate impacts or otherwise enhance the character of the development, in which case the setback shall be as determined necessary by the Planning Commission but not to exceed five feet in the CBD District and 15 feet in all other districts.

- [2] Maximum height. Four feet, except that the Planning Commission may approve fence and wall heights of not greater than six feet during site plan review proceedings, upon a finding that the additional height is in keeping with surrounding conditions, the fence is compatible in design, location and scale with adjacent developed lots, is compatible with site features on adjacent developed lots, and/or otherwise enhances the visual appearance of the site as viewed from adjacent lots and road corridors.
- [3] Materials and design. Any portion of a decorative fence or wall in excess of four feet in height, as may be approved by the Planning Commission according to subsection above, shall be of a minimum 50% open construction. "Open construction" shall be construed to mean the allowance of visibility through the fence or wall, measured across any one square foot of its vertical surface and as viewed perpendicularly to the fence or wall.



Permitted Fence Height and Location

§ 155-23.04. Accessory uses, buildings, and structures. [Amended 4-10-2012 by Ord. No. 2012-001; 1-22-2018 by Ord. No. 2018-001]

Accessory buildings, structures and uses, except as otherwise permitted in this chapter, shall be subject to the following regulations.

- A. Attached. An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this chapter applicable to the principal building.
- B. Separation distance. An accessory building or structure unless attached and made structurally a part of the principal building, shall not be closer than 10 feet to any other structure on the lot, except that no separation setback is required in the case of an unenclosed breezeway, or decks, porches, patios and similar features, that do

not exceed 30 inches in height at their highest point including posts and railings and do not unreasonably interfere with nonvehicular emergency access.

- C. Placement. Except for fences, accessory buildings and structures are subject to all setback requirements from the street applying to the principal building. Except for docks, boathouses, and pump houses on waterfront lots, accessory buildings shall not be erected in the required front yard setback. Except for fences, no accessory building or structure shall be closer than five feet to any interior side or rear lot line.
- D. Lot coverage. An accessory building or structure shall not occupy more than 30% of the area of a required rear yard and in no instance shall the accessory building or structure exceed the ground floor area of the principal building, except that an accessory building or structure may occupy up to 50% of the area of a rear yard of a nonconforming lot of record, and side and rear yard setbacks are met.
- E. Accessory farm buildings and structures. Accessory buildings on farms in AG Districts are excluded from these regulations, provided; however, residential lots separate from a farm operation shall comply with requirements of this § 155-23.04.
- F. Front yard. In all zones the minimum required front yard setback shall be the same as required for the principal building. A detached accessory building may be located between the minimum required front yard setback and the principal building provided the accessory building is setback from the side yard lot line the same distance as required for the principal building.

§ 155-23.05. Flood hazard areas.

- A. Purpose. It is the purpose of this section to reduce hazards to persons and damage to property as a result of flood conditions in the community, and to comply with the provisions and requirements of the National Flood Insurance Act of 1968, as amended, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the United States Department of Housing and Urban Development, Federal Insurance Administration, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976.
- B. Flood hazard area delineation.
 - (1) The flood hazard area shall overlay existing districts on the Zoning Map of the Village. The boundaries of the flood hazard area shall coincide with the boundaries of the areas of special flood hazards (A zones) designated by the Federal Insurance Administration in the Flood Hazard Boundary Maps, which are hereby adopted by reference, and declared to be part of this chapter.
 - (2) When Flood Hazard Boundary Maps are not available, the flood hazard area boundaries shall coincide with the Intermediate Region Flood designations as established by the United States Army Corps of Engineers, "Floodplain Information" reports, which are hereby adopted by reference, and declared to be a part of this chapter.
- C. Development permits. No new construction of any structure, or the placement of mobile homes or prefabricated buildings, shall occur within a flood hazard area except upon issuance of a zoning compliance permit in accordance with the

requirements of this chapter and the following standards:

- (1) Applicable permits. In addition to other permits required under this chapter or applicable state or local statute, the following permits shall have been issued by the appropriate authorities:
 - (a) Floodplain permit, or letter of no authority. From the Land and Water Management Division of the Michigan Department of Environmental Quality (MDEQ), pursuant to Part 31, Floodplain Regulating Authority, of the Natural Resources and Environmental Protection Act of 1994, PA 451, MCLA § 324.101 et seq., as amended.
 - (b) Soil erosion and sedimentation control permit. From the Eaton County Drain Commissioner pursuant to Part 91, Act 451 of the Public Acts of 1994, Id., as amended.
 - (c) Inland lakes and streams act United States Army Corps of Engineers 404 permit. Administered by the Michigan Department of Environmental Quality pursuant to Part 301 "Inland Lakes and Streams," of the Natural Resource Environmental Protection Act of 1994, PA 451, MCLA § 324.30101 et seq., as amended.
 - (d) Wetlands Protection Permit pursuant to Part 303, "Wetlands Protection" of the Natural Resource Environmental Protection Act of 1994, PA 451, MCLA § 324.30301 et seq., as amended.
- (2) All new construction and substantial improvements of residential structures. Shall have the lowest floor, including basement, elevated to one foot or more freeboard above the base flood level.
- (3) Mobile homes. Shall be placed on a lot which is elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above base flood level.
- (4) All new construction & substantial improvements of nonresidential structures. Shall have either:
 - (a) The lowest floor, including basement, elevated to or above the base flood level; or
 - (b) Be constructed such that, below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall indicate the elevation to which the structure is floodproofed.
- (5) Public utilities and facilities. Shall be designed, constructed and located to

minimize or eliminate flood damage.

- (6) Access drive. At least one access drive shall be provided to any building which has a finished grade elevation which is no lower than 16 inches below the base flood level, in order to provide for potential evacuation of the building.
- D. Disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is required to meet federal and state standards. Approval of the use of land under this section shall not be considered a guarantee or warranty of safety from flood damage.

This chapter does not imply that areas outside the flood hazard area will be free from flood damage. This chapter does not create liability on the part of the Village or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision made thereunder.

§ 155-23.06. On-site use wind energy systems and anemometer towers. [Added 10-27-2009 by Ord. No. 2009-002]

An on-site use wind energy system and an anemometer are an accessory use which shall meet the following standards:

- A. Designed to primarily serve the needs of a home, farm, or small business.
- B. Shall have a tower height of 20 meters or less.
- C. Property setback. The distance between an on-site use wind energy system and the site's property lines shall be equal to or greater than 1 1/2 times the height of the wind energy system tower, including the top of the blade in its vertical position. The distance between an anemometer tower and the site's property lines shall be equal to or greater than 1 1/2 times the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than 10 feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
- D. Sound pressure level. On-site use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. However if the ambient sound pressure level exceeds 55 dB(A), the sound pressure level that shall not be exceeded shall be ambient dB(A) plus 5 dB(A).
- E. Construction codes, towers, and interconnection standards. On-site use wind energy systems, including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCLA § 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCLA § 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

- F. Safety. An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

§ 155-23.07. Reserved.

§ 155-23.08. Landscape planting.

- A. All plant materials required by this chapter or an approved site plan shall be planted to completion within six months from date of approval and shall thereafter be properly maintained.
- B. All plantings shall consist of permanent, living plant materials and shall be maintained in a healthy growing condition which shall include watering, cultivation and weed control, and further maintained in a neat and orderly appearance free of refuse and debris. All unhealthy and dead plant materials shall be replaced within three months or during the next appropriate planting season.
- C. A site plan including a detailed planting plan for the required landscape screen or plantings must be submitted to the Zoning Administrator and receive approval by the Planning Commission prior to issuance of a building permit. Plans shall be submitted in accordance with the following:
- (1) A minimum scale of one-inch equals 40 feet.
 - (2) Plans shall indicate, to scale, the location, spacing, starting size and description for each unit of plant material proposed for use within the required screening or planting area, together with the finished grade elevations therein.
 - (3) Plans shall indicate the proposed location of all structures (including height), off-street parking areas, points of ingress and egress to the site, walks, roadways, proposed outside storage, dumpster areas, loading or service areas and transformers.
 - (4) Plans shall indicate existing plant or tree cover including types and heights of trees.
- D. The planting plan shall be reviewed relative to the following:
- (1) The proper spacing, height, placement, location and type of plant materials:
 - (a) To ensure landscape screens are sufficient to achieve the requisite horizontal and vertical obscuring of the proposed land use.
 - (b) To ensure landscape planting areas meet the minimum requirements set forth in this chapter.
 - (c) Where landscape screens are required a proper relationship must exist between deciduous and evergreen plant materials to ensure that the desired obscuring effect will be maintained throughout the various

seasonal periods.

- (2) The choice and selection of plant materials so as to ensure that root systems will not interfere with public utilities and that fruit and other debris (excluding leaves) will not constitute a nuisance within public rights-of-way or to abutting property owners.
 - (3) The choice and selection of plant materials are of types that will survive and thrive in the area in which they are to be located. It is suggested that a mixture of plant materials (evergreen and deciduous trees and shrubs) be provided in all landscape plans as a protective measure against disease and insect infestation.
 - (4) The size of plant materials (both starting and ultimate).
 - (a) Where landscape screens are required to ensure adequate maturity and optimum screening effect.
 - (b) Where landscape planting areas are required, to ensure such areas are safely distant from any building, point of ingress or egress and do not create a traffic hazard.
- E. Landscape planting screens and landscape planting areas shall consist of suitable plant materials laid out in conformance with the following:
- (1) Landscape planting screen:
 - (a) Plant materials (except creeping vine type) shall not be located within two feet of a property line.
 - (b) Where plant materials are planted in two or more rows, planting shall be staggered in rows.
 - (c) Evergreen trees shall be a minimum of six feet in height. When planted in informal groupings, they shall be spaced not less than 10 feet on centers. If placed further apart, additional screen plantings shall be used to achieve the desired obscuring effect. When planted in rows, they shall be spaced not more than eight feet on centers.
 - (d) Narrow evergreen trees shall be a minimum of five feet in height. When planted in informal groupings, they shall be spaced not more than 10 feet on centers. When planted in rows, they shall be spaced not more than five feet on centers.
 - (e) Tree-like shrubs shall be a minimum of six feet in height and spaced not more than 10 feet on centers.
 - (f) Large deciduous shrubs shall be a minimum of four feet in height and spaced not more than six feet on centers.
 - (g) Deciduous trees shall be a minimum of eight feet in height with a minimum caliper of 2 1/2 inches; they shall be spaced not more than 30 feet on centers.

F. Street trees.

- (1) In addition to landscape requirements as specified herein, trees shall be located on private property spaced 35 feet on centers along all street frontages. On streets under the jurisdiction of the county or the state, plans for street trees shall be subject to the requirements of such agency.

G. Landscaping planting areas.

- (1) Spacing between and minimum size of plant materials (in feet) shall be as follows:

Plant Material Types	Narrow Evergreen Trees	Evergreen Trees	Tree-Like Shrubs	Large Deciduous Trees	Large Shrubs
Narrow evergreen tree	Minimum 5 feet Maximum 10 feet	Minimum 12 feet	Minimum 10 feet	Minimum 15 feet	Minimum 5 feet
Evergreen trees	Minimum 12 feet	Minimum 10 feet Maximum 20 feet	Minimum 12 feet	Minimum 20 feet	Minimum 6 feet
Tree-like shrubs	Minimum 10 feet	Minimum 12 feet	Minimum 8 feet Maximum 15 feet	Minimum 15 feet	Minimum 6 feet
Large deciduous trees	Minimum 15 feet	Minimum 20 feet	Minimum 15 feet	Minimum 20 feet Maximum 30 feet	Minimum 6 feet
Large shrubs	Minimum 5 feet	Minimum 6 feet	Minimum 6 feet	Minimum 6 feet	Minimum 4 feet Maximum 6 feet

- Narrow evergreen trees, five feet in height
- Evergreen trees, six feet in height
- Tree-like shrubs, six feet in height
- Large deciduous trees, 2 1/2 inch caliper
- Large deciduous shrubs, four feet in height

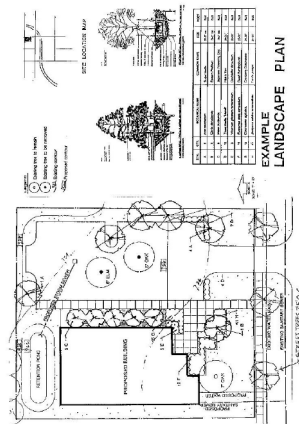
- (2) Trees not permitted (all locations):

- (a) Box elder.

- (b) Soft maples.
 - (c) Elms.
 - (d) Horse chestnut (nut-bearing).
 - (e) Tree of heaven.
 - (f) Catalpa.
 - (g) Ash.
- (3) Trees not permitted within street right-of-way:
- (a) Basswood.
 - (b) Cottonwood.
 - (c) Willow.
- (4) The following table is a list of suggested plant materials. Size, special characteristics and tolerances are given to aid in determining what plant materials are right for individual situations. This list is not intended to be a comprehensive list of plant materials, especially in the area of deciduous shrubs.¹¹

Key:

- T — Tolerant
- I — Intolerant
- S — Slow
- M — Moderate
- F — Fast
- V — Varies



11. Editor's Note: The List of Suggested Plant Materials is included as an attachment to this chapter.

§ 155-23.09. Private roads.

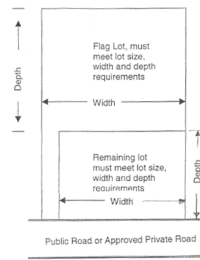
- A. Where accessibility by vehicle is permitted through other than a dedicated and accepted public road, such accessibility shall comply with the following:
- (1) An application for a special land use shall be filed.
 - (2) A sketch plan may be submitted for preliminary review.
 - (3) A private road permit shall be required showing the following:
 - (a) A plan drawn to scale showing the road location and properties abutting such road drawn by registered engineer or land surveyor.
 - (b) Date, North point and scale.
 - (c) The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and buildings within 100 feet.
 - (d) Legal description of parcels being served by the private road.
 - (e) Existing and proposed topography with contours at two foot intervals (based on USGS datum).
 - (f) The location and nature of any streams, drains, swamps, marshes, and unstable soils.
 - (g) An indication of basic drainage patterns, existing and proposed and including any structures, retention basins and fencing which are proposed. The applicant shall contact the appropriate public and private agencies to determine the adequacy of utility and stormwater proposals, slope and sod erosion requirements to determine if any such requirements will adversely affect the site.
 - (h) The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property. The setbacks to all existing and proposed structures to be retained or constructed on the site shall be indicated; this includes buildings, signs, trash storage areas, walls, fences, berms, parking areas, etc. The height of all proposed structures shall also be indicated.
 - (4) Where a private road is 660 feet or less in length, and is serving or intended to serve not more than two separate dwellings, parcels, units, or ownerships, it shall not be less than 40 feet in right-of-way width.
 - (5) Where a private road extends for more than 660 feet from a dedicated public road, or is serving or intended to serve more than two dwellings, parcels, units, or ownerships, it shall be not less than 66 feet in right-of-way width. If dead-ended, a private road shall have a cul-de-sac or other means of turnaround for the accommodation of emergency, commercial, and other vehicles, the size of which shall be subject to the Fire Department's review and approval.
 - (6) No private road shall extend for more than 1,000 feet from a public road.

- (7) No private road shall serve more than 12 separate dwellings.
- (8) Private road construction shall comply with the following standards:
 - (a) The driving surface shall be a minimum of 16 feet wide with two foot shoulders on each side of the driving surface.
 - (b) The driving surface material shall be at least six inches of bank run gravel and two inches of processed gravel over a compact base. The roadway shall be sufficient to support emergency vehicles in all seasons.
 - (c) The road shall be ditched on both sides to prevent accumulation of water on the driving surface and shoulders.
- (9) Both easements providing ingress and egress and a maintenance agreement shall bind the owners of all affected parcels whose primary access is provided by the private road and must be recorded with the County Register of Deeds. Copies of the proposed easements and maintenance agreement must be submitted to the Zoning Administrator for review prior to issuance of a special land use permit and shall include at least the following information:
 - (a) A provision for an incorporated association of co-owners along the proposed private road, which shall be responsible to collect fees and to build and maintain the private road.
 - (b) A restrictive covenant shall be included in the maintenance agreement establishing the responsibility for maintaining the private road on all lots and parcels to be serviced by the private road.
 - (c) A feasible and practical method for financing the repair and maintenance of the private road in compliance with this chapter.
- (10) The Village shall not be obligated to perform regular inspections or provide necessary repairs or maintenance to the private road, and is not responsible for the legality or enforcement of the maintenance agreement.

§ 155-23.10. Property divisions.

- A. Any real property which is divided after the effective date of this chapter shall comply with the following:
 - (1) All lots created or adjusted after the effective date of this chapter shall have the required minimum lot width (frontage) on a public or approved private road, or access provided to a public or approved private road.
 - (2) A sketch plan may be submitted for preliminary review.
 - (3) Land divisions shall be reviewed and approved by the Village prior to obtaining a building permit. Before such an approval can be granted, the Village shall be provided with the following information:
 - (a) A completed application for proposed land divisions. Applications shall include the following:

- [1] The name of all owners of any legal or equitable interest, and their signatures and a copy of a recorded document demonstrating the applicant's ownership interest in the property.
 - [2] A copy of the most recent paid tax bill for the undivided parcel.
 - [3] A drawing of the parcel as it exists prior to the proposed division or combination drawn to a scale of one inch equals 100, 200, 300, 400, or 500 feet. Two true copies of the scaled drawing shall accompany the application.
 - [4] A drawing of the parcel as it will appear following the proposed division or combination, including the number of square feet or acres in each parcel so divided or combined, and a legal description for each resultant parcel. This drawing may be combined with the drawing in Subsection A(3)(a)[3].
 - [5] The date of any previous applications for land divisions or combinations of all or part of the property, whether granted or denied.
 - [6] A recorded boundary line survey and legal description of the proposed land division.
- (4) The Village shall have a maximum of 45 days to review the proposed land division in compliance with the Michigan Land Division Act, PA 288 of 1967, MCLA § 560.101 et seq., as amended.
 - (5) Any land division which has not been approved by the Village will not be issued a building permit.
 - (6) Prior to the issuance of a building permit, the following shall be provided to the Zoning Administrator:
 - (a) Documentation of Village approval of a land division or combination, if applicable.
 - (b) The tax identification number assigned by the property division of the County's Equalization and Property Description Department.
 - (c) Documentation that the lot boundary lines have been established in the field with stakes by a licensed land surveyor.
 - (7) Flag lots (see illustration) shall meet private road requirements of § 155-23.09 and shall meet minimum area, depth, and width requirements of the zoning district in which they are located.



Flag Lot Illustration

Flag Lot Illustration

ARTICLE XXIV
Administration
[Amended 1-22-2018 by Ord. No. 2018-001]

§ 155-24.01. Purpose.

It is the purpose of this article to provide for the administration and enforcement of this chapter, including the creation of a review and permit process. The primary permit process shall require the issuance of a zoning permit which shall indicate that the uses and plans for which the permit is requested comply with this chapter. Upon the issuance of a zoning permit, the applicant may establish the use for which the permit has been issued, including the erection of a building or structure, provided a building permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the construction code.

§ 155-24.02. Zoning permit required.

- A. When zoning permit required. Except as provided in Subsection C, none of the following shall occur until the Zoning Administrator has issued a zoning permit that shall signify the proposed activity conforms to the requirements of this chapter and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a building permit:
- (1) The initiation of any grading or excavation.
 - (2) The erection, enlargement, alteration, movement or demolition of any wall, structure or building.
 - (3) The use of any land or building or change in the use of any land or building including the conversion of an abandoned building to an active use.
- B. Zoning permit form/approval. A zoning permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, and any conditions made part of such permit. No zoning permit or building permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this chapter. See § 155-24.04 regarding application review procedures.
- C. Zoning permit exemption. A zoning permit shall not be required for the following or as provided elsewhere in this chapter, but the following shall be subject to the standards and other requirements of this chapter:
- (1) The alteration of any wall of any building provided no change is made to the location of an exterior wall and such alterations are in compliance with all requirements and standards of this chapter. A building permit may be necessary for such an alteration pursuant to the Construction Code.
 - (2) Grading and/or excavation to a depth no greater than 12 inches in association with ground care, landscaping or agricultural field contouring.

- (3) Agricultural buildings on a farm in the AG District and fences used in association with such agriculture.
- (4) Structures that do not exceed 200 square feet in area, excluding additions to existing structures where the total square feet of the structure and additions exceeds 200 square feet.

§ 155-24.03. Responsibility for administration.

- A. General administration. The administration and enforcement of this chapter shall be the responsibility of the Village Council, Planning Commission, Zoning Board of Appeals, and such personnel as designated by the Village Council in accordance with PA 110 of 2006, as amended, and this chapter. The Village Council shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this chapter. The Zoning Administrator may simultaneously serve as the Building Inspector.
- B. Duties of the zoning administrator. Under no circumstances is the Zoning Administrator permitted to make changes in this chapter, nor to vary the terms of this chapter while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this chapter including, at a minimum:
 - (1) Provision of application forms. The Zoning Administrator shall make available zoning administration forms as necessary for the efficient and comprehensive administration of this chapter.
 - (2) Review applications. Undertake and/or assist in the review of zoning permit applications and other applications made under this chapter, including applications for plot plans, site plans, special land use approvals, and variances.
 - (3) Issue zoning permits. Issue zoning permits and other approvals when all provisions of this chapter have been met and the necessary approval has been granted by the designated body or official.
 - (4) File of applications. Maintain files of all applications submitted under this chapter, actions on such applications, and any performance guarantees associated with permits.
 - (5) Inspections and violations. Assist in the investigation and resolution of violations of this chapter including inspections to investigate, monitor and ensure conformance with this chapter.
 - (6) Record of complaints. The Zoning Administrator shall keep a record of any complaint of a violation of this chapter and of the action taken consequent to each complaint.
 - (7) Reports/meetings. The Zoning Administrator shall report to the Planning Commission, Zoning Board of Appeals, and Village Council, to report on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and

enforcement matters as may arise. The Zoning Administrator shall attend meetings of the Planning Commission, Zoning Board of Appeals, and Village Council, as may be requested, in association with such reports.

§ 155-24.04. Zoning permit application and review procedures.

- A. General application and review procedures. An application for a zoning permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a zoning permit shall be issued.
- (1) Single-family and two-family dwellings. Whenever the Zoning Administrator determines an application for a single-family or two-family dwelling and accessory uses and structures thereto is in conformity with the provisions of this chapter, the Zoning Administrator shall issue the zoning permit . See § 155-24.04B.
 - (2) Buildings and structures not associated with single-family or two-family dwellings. Zoning permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator only after the Planning Commission approves such application and directs the Zoning Administration to issue a zoning permit, except that in the case of a special land use application, only after the Village Council, following receipt of a Planning Commission recommendation, directs the Zoning Administrator to do so.
 - (3) Plot plan/site plan. An application for a zoning permit shall include the submittal of a plot plan or site plan. An application for a single-family or two-family dwelling and accessory structures thereto shall include the submittal of a plot plan according to Subsection B below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article XXII (Site Plan Review) unless provided otherwise by this chapter.
 - (4) Special land uses. In addition to meeting the site plan requirements of Article XXII, a Zoning Permit application for a use classified as a "special land use" according to the district in which the lot is located or elsewhere in this chapter, shall be processed according to the provisions of Article XVII (Special Land Uses), which requires Village Council action after receipt of a Planning Commission recommendation.
 - (5) Variances. Where the approval of a variance by the Zoning Board of Appeals pursuant to Article XXVI is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be acted upon by the Zoning Administrator, Planning Commission or Village Council, nor shall such project be issued a zoning permit, until action on such variance request has first been acted upon by the Zoning Board of Appeals.
 - (6) Incomplete applications. If zoning permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action

on the application until it is made complete in a readily comprehensible manner.

- (7) Performance guarantees. A performance guarantee may be required as a condition to the issuance of a permit in order to ensure conformance with the requirements of this chapter, according to § 155-31.06.
 - (8) Permit refusal in writing. In any case where a zoning permit or other approval requested under this chapter is refused, the reasons shall be provided to the applicant in writing by the Zoning Administrator. Such notification may include a copy of the meeting minutes and motion containing such reasons.
- B. Single-family dwellings, two-family dwellings and agricultural buildings/plot plan approval.
- (1) Application required. Application for a zoning permit for a single-family or two-family dwelling, including alterations and accessory structures and buildings thereto, and agricultural buildings, shall be submitted to the Zoning Administrator on a form for that purpose. See § 155-24.02C for exceptions. Three copies of all application materials shall be submitted and shall consist of:
 - (a) The completed application form, and all permit applications, approvals and supporting documents associated with required county, state or federal permits including county soil erosion control and stormwater management permits, MDOT permits, and state wetland permits.
 - (b) An accurate, readable, drawing of scale not less than one inch equals 40 feet, constituting a plot plan, identifying:
 - [1] Name, address and telephone number of the applicant (and owner if different).
 - [2] A scaled property drawing showing lot lines, dimensions, bearings, lot area, legal description, and an arrow pointing north. The Zoning Administrator may require a property survey prepared by a Michigan-licensed surveyor where conditions are present that necessitate a greater level of detail and/or accuracy regarding the location of property lines and/or buildings, such as in the case of an existing or proposed building in the immediate proximity of a lot line.
 - [3] The location and footprint of existing structures, and the location, height, footprint and scaled floor plans of proposed structures to be erected, altered, or moved on the lot.
 - [4] Distances of buildings and structures from lot lines.
 - [5] A description of proposed use(s) of the building(s), land and structures, including the number of bedrooms.
 - [6] Configuration of the driveway and parking areas.

- [7] Existing public and private rights-of-way and easements.
- [8] Existing and/or proposed location of septic drain field and potable water well and/or public sewer and water lines.
- [9] In the case of a corner lot, the designated side and rear yard.
- [10] Any other information deemed necessary to determine Ordinance compliance and provide for the enforcement of the Ordinance.

- (2) Application review. The Zoning Administrator shall review a zoning permit application and determine its conformity with the provisions of this chapter.
- (3) Action on application. After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this chapter. The applicant shall be notified, in writing, of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within 15 days of the receipt of a complete application including copies of all required county, state and federal applications and permits. A plot plan shall be approved if it contains the information required by, and is in compliance with this chapter.
- (4) Approved plot plans. At least two copies of an approved application, with any conditions contained within, shall be maintained as part of the Village records. A third copy shall be returned to the applicant. Each copy of the approved plans shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from this chapter have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Village records as a part of the application and delivered to the applicant.
- (5) Plot plan changes. The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this Subsection B.

C. Permit withholding, revocation and expiration.

- (1) Withholding permit. A designated approving body, including in the case of a variance approval by the Zoning Board of Appeals, may withhold approval of an application pending verification that an applicant has received required county, state or federal permits. Similarly, such body may condition its approval of the requested application on the receipt of such permits.
- (2) Revocation. A body that grants approval of a permit or application under this chapter may revoke or cancel such approval in the case of failure or neglect to comply with this chapter, or in the case of any false statement or misrepresentation in the application. The Zoning Administrator may issue a stop-work order to halt all construction activities and/or use of the premises pending a revocation decision.
- (3) Expiration of permit.

- (a) A zoning permit, including the approved plot plan or site plan upon which the permit is based and including in the case of a special land use, shall expire after one year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector.
 - [1] Where a zoning permit does not provide for an immediate building or structure, such as in the case of a platted subdivision or site condominium, such permit shall become null and void after one year from the date of granting such permit unless the clearing, preliminary grading, and survey staking of streets and drives shall have been completed within such time. Such permit shall become null and void after two years from the date of granting such permit unless utilities and accessways, including streets, have been completed.
- (b) The body that approved a zoning permit may waive or extend the period of time in which the permit is to expire, for multiple periods with each period not to exceed one year, if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction and even though the permit and plot/site plan may not comply with the most current standards of this chapter due to amendments since the issuance of the permit.
 - [1] In the case where the original zoning permit is to expire more than three years following the initial issuance of the permit, no extension shall be granted unless the body that approved the permit finds that surrounding conditions and land uses, and the most current standards of this chapter, continue to support the adequacy of the plot/site plan, and the owner or developer is maintaining a good faith intention to proceed with construction.
 - [2] In the case of a multi-phased project, the expiration of a zoning permit for a specific phase shall similarly result in the expiration of all zoning permits previously granted for subsequent phases.
- (c) Should a Zoning Permit expire, such use, building and/or activity shall not be initiated or continued except upon reapplication, subject to the provisions of all ordinances in effect at the time of reapplication. Upon expiration of the permit, failure to terminate the use for which the permit was issued is declared to be a nuisance per se and a violation of this chapter.

§ 155-24.05. Building permit/permit of occupancy required.

- A. Building permit. No grading, excavation, or construction shall be initiated prior to the issuance of a zoning permit except according to the exceptions delineated in § 155-24.02C, and where required by the Construction Code, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a building permit. No alterations or repairs shall be initiated to an existing building or structure prior to the issuance of a zoning permit except

according to the exceptions delineated in § 155-24.02C, and, where required by the Construction Code, the Building Inspector certifies proposed alterations and repairs comply with the Construction Code through the issuance of a building permit. The terms "alterations" and "repairs" shall include any changes in structural parts, stairways, type of construction, light or ventilation, and/or means of egress and ingress.

- B. Occupancy permit. No structure or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Construction Code.

§ 155-24.06. Timely action on applications.

- A. General intent. All approvals applied for under this chapter shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this chapter that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.
- B. Specific guidelines. The following time provisions shall apply unless provided otherwise by this chapter or special circumstances arise such as delays associated with the acquisition of county, state or federal permits or the submittal of an incomplete application. The prescribed review periods under Subsections B(2) and (4) below require that an application must be received by the Zoning Administrator at least 30 days prior to the meeting when the reviewing body would normally begin deliberation on such application and, if submitted within a lesser time, the reviewing body may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.
 - (1) Applications requiring zoning administrator action. A complete application for a zoning permit for a single-family or two-family dwelling or an accessory structure or use thereto shall be acted upon by the Zoning Administrator within 15 days of the submittal of a complete application.
 - (2) Applications requiring Planning Commission action. Action on an application by the Planning Commission, as in the case of action on a site plan or amendment petition, shall occur within 90 days of the applicant's submittal of a complete application. Where a public hearing is required to be held, this time frame shall be extended by 30 days.
 - (3) Applications requiring Village Council action. Where this chapter requires the Village Council to act on an application, as in the case of a special land use application or rezoning petition, the Village Council shall take action on the application within 90 days of the applicant's submittal of a complete application. Where the Village Council must delay action until receipt of a recommendation from the Planning Commission, the Village Council shall take action on the application within 90 days of such recommendation.
 - (4) Applications requiring Zoning Board of Appeals action. Where the Zoning Board of Appeals is required by this chapter to act upon a request for a variance, ordinance interpretation, administrative appeal, or other request as

provided by this chapter, the Zoning Board of Appeals shall take action on the request within 60 days of the applicant's submittal of a complete application.

- (5) Public hearing notices. See § 155-24.09.

§ 155-24.07. Application fees.

- A. Application fees required. Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits required under this chapter shall be deposited with the Zoning Administrator in advance of processing any application. The amount of such fees shall be established by the Village Council and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Village and may include but are not limited to costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and professional assistance.
- B. Professional review and fee. For any application for a zoning permit, variance, or other approval under this chapter, the Village Council or the reviewing body may also require the payment of a professional review fee when professional assistance is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee and if actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to continued deliberations on such application. The applicant shall receive a copy of any professional review report.

§ 155-24.08. Site inspections.

- A. Inspections authorized. The Zoning Administrator shall have the authority to make inspections of premises, upon request at reasonable times, for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this chapter, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this chapter. No person shall interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator may seek a search warrant any time a property owner refuses access to a property in order to make an inspection.
- B. Required inspections. No construction shall be initiated and/or continued except where the Building Inspector has completed required inspections and issued the necessary approval including the staking of proposed foundation walls prior to excavation.

§ 155-24.09. Public hearing notices.

- A. Hearing notice content. Unless otherwise required by the Michigan Zoning Enabling Act or this chapter where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:
- (1) Describe the nature of the request including whether the request is for a text amendment, Zoning Map amendment (rezoning), special land use, variance,

appeal, ordinance interpretation or other purpose.

- (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - (3) Indicate the date, time and place of the hearing(s).
 - (4) Indicate when and where written comments will be received concerning the request.
- B. Recipients and means of notice. Unless otherwise required by the Michigan Zoning Enabling Act or this chapter where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in Subsection A above.
- (1) General public, by publication of the hearing notice in a newspaper of general circulation in the Village.
 - (2) To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
 - (3) To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in the Village of Bellevue, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - (a) Subsection B(3) above shall not apply in the case of rezoning requests involving 11 or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
 - (b) If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 - (4) To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Village Clerk for the purpose of receiving the notice of public hearing, by mail. Such notifications need only be provided in the case of text amendments or Zoning Map amendments to this chapter.
 - (5) To any neighborhood organization that registers its name and mailing address

with the Village Clerk for the purpose of receiving all or specific notices of public hearings, by mail. Such requests must be renewed every two years to maintain hearing notifications. Fees may be assessed by the Village Council for the provision of these notifications.

- C. Timing of notice and determination of notice given. Unless otherwise required by the Michigan Zoning Enabling Act or this chapter where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than 15 days before the date the request will be considered, including applications for Zoning Map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations. The notice under Subsection B shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.
- D. Confirmation of notices made by mail or personal delivery. The Village Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

ARTICLE XXV
Planning Commission

§ 155-25.01. Powers and duties.

The Planning Commission is hereby designated the commission pursuant to Act 285, Public Acts of Michigan 1931, MCLA § 125.31 et seq., as amended, and shall perform the duties of said commission as provided in said Act, together with such other powers and duties as are given to the commission by the provisions of this chapter. One member of the Planning Commission shall serve as a member of the Board of Appeals.

§ 155-25.02. Authority to approve uses.

Whenever in this chapter the lawful exercise or existence of a use requires the approval of the Village Council, the Commission is hereby authorized and directed to investigate the matter requiring such approval, to conduct a hearing thereon, and to make a determination and recommendation to the Board of Trustees, which shall then approve, approve with modifications, or deny the requested use.

§ 155-25.03. Hearing; notice.

Upon receipt of an application for a special land use approval, a conditional use approval, a planned development approval, a single-family cluster approval or any other land use approval which requires a decision on discretionary grounds, notice shall be provided pursuant to the requirements of Public Act 110 of 2006, MCLA § 125.3101 et seq.

§ 155-25.04. Surveys and plans.

Where the Planning Commission is empowered to approve certain uses of premises under the provisions of this chapter or in cases where the Commission is required to make an investigation and recommendation to the Village Council, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the Commission for the proper evaluation and consideration of the matter.

§ 155-25.05. Special land uses.

- A. The Village Council shall have sole authority to approve, conditionally approve, or reject applications for special land use permits.
- B. Application for a special land use permit shall be made by filing the application form, required information, and required fee with the Zoning Administrator. The fee shall be set by resolution by the governing body, except that no fee shall be required for a special land use permit application for the construction of a single-family residence or of any governmental body or agency. The Zoning Administrator shall transmit a copy of the application and submitted information to the Planning Commission for investigation, review and recommendation to the Village Council.
- C. An application for a special land use permit shall contain the following information:
 - (1) The applicant's name, address, and telephone number.

- (2) The names and addresses of all record owners and proof of ownership.
 - (3) Legal description, address, and tax parcel number of the property.
 - (4) A scaled and accurate survey drawing correlated with a legal description and showing all existing buildings, drives, and other improvements.
 - (5) A detailed description of the proposed use.
 - (6) A site plan, if requested by the Planning Commission, which plan shall meet all the requirements of Article XXII.
 - (7) Any other information required by Articles XIV, XVI, XVII and XXII of this chapter.
- D. The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and with respect to any additional standards set forth in this chapter. The Planning Commission shall find and report adequate data, information, and evidence demonstrating whether the proposed use meets all required standards and;
- (1) Will be consistent with the intent and purpose of this chapter.
 - (2) Will be compatible with the natural environment and existing and future land uses in the vicinity.
 - (3) Will be compatible with the community master plan of current adoption.
 - (4) Will be compatible with essential public facilities and services, such as highways, streets, police and fire protection, drainageways and structures, refuse disposal, or schools affected by the use.
 - (5) Will not be hazardous, or disturbing to existing or future neighboring uses;
 - (6) Will not create additional requirements at public costs for public facilities and services that will be detrimental to the economic welfare of the Village.
 - (7) Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - (8) The use will be consistent with the public health, safety and welfare of the Village.
- E. The Planning Commission shall recommend approval, conditional approval, or rejection of a special land use permit application. The Planning Commission's recommendation, the basis for its decision, and all conditions imposed, shall be described in a written statement which shall be made a part of the record in a public meeting.
- F. Upon consideration of the Planning Commission's recommendation, the Village Council shall approve, conditionally approve, or reject a special land use permit application. The Village Council's basis for its decision, and all conditions imposed,

shall be described in a written statement and finding of facts, which shall be made a part of the record in a public meeting.

- G. In granting a special land use permit, the Village Council may impose conditions it deems necessary to achieve the objective and standards of this chapter, the standards of the Zoning Act, and the public health, safety, and welfare of the Village. Failure to comply with such conditions shall be considered a violation of this chapter. An approved special land use permit, including all conditions, shall run with the land to which the approval applies, and shall remain unchanged except upon the mutual consent of the Village Council and the permittee. Any such changes shall be recorded in the minutes of the Village Council meeting at which the action occurred. The procedures required for an original application shall be followed with respect to any proposed changes.
- H. An application for a special land use permit which has been denied wholly or in part by the Village shall not be resubmitted for a period of 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.
- I. A special land use approval runs with the land until such time as the use designated in the "approval" is changed by the occupant. The land then reverts back to only the uses and conditions permitted by right in that specific zoning district.
- J. The decision of the Village Council with respect to a special land use permit may not be appealed to the Zoning Board of Appeals.

§ 155-25.06. Application of procedures to planned unit developments, cluster, open space options and private roads.

- A. The procedures for consideration, recommendation, and approval, conditional approval or rejection of special land use permit applications provided in this article apply equally to planned unit developments the one-family cluster open space option and private roads.

§ 155-25.07. Conditions for approval.

Reasonable conditions may be required in conjunction with the approval of a special land use, planned development district, single family cluster development or other land uses or activities permitted by discretionary decision. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do the following:

- A. Be designed to protect natural resources, the health, safety and welfare, as well as 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 Village as a whole.
- B. Be reasonably compatible with the master plan for future land use.

- C. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- D. Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- E. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

ARTICLE XXVI
Zoning Board of Appeals (ZBA)
[Amended 1-22-2018 by Ord. No. 2018-001]

§ 155-26.01. Purpose.

The purpose of this article is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, as amended, including its responsibilities, procedures, and standards of review, to ensure that the objectives of this chapter are fully and equitably achieved.

§ 155-26.02. Creation and membership.

- A. Establishment. A ZBA is hereby established in accordance with Public Act 110 of 2006, as amended. The Village Council shall act as the ZBA in accordance with Public Act 110 of 2006, as amended.
- B. Alternate members. The Village Council may appoint not more than two alternate members to the ZBA. The alternate members shall be called on a rotating basis to sit as regular members of the ZBA in the absence of a regular member if the regular member will be unable to attend one or more meetings of the ZBA. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA. An employee or contractor of the Village Council may not serve as an alternate member of the ZBA.
- C. Terms of appointment. Terms of appointment of ZBA members shall be limited to the time they are members of the Village Council. Alternative members, if appointed, shall be appointed for three-year terms.
- D. Removal from office/conflict of interest. A member of the ZBA may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest constitutes malfeasance in office.

§ 155-26.03. Organization.

- A. Rules of procedure and officers. The ZBA may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Village President shall serve as the Chairperson of the ZBA and the Village President Pro Tem shall serve as the ZBA's Vice Chairperson.
- B. Meetings and quorum. Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the regular membership of the ZBA shall comprise a quorum, which may include an alternate member(s) sitting in for a regular member(s). The ZBA shall not conduct official business unless a quorum is present. All meetings

shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act (PA 267 of 1976, as amended).

- C. Oaths and witnesses. The chairperson may administer oaths and compel the attendance of witnesses.
- D. Records/minutes. The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Village Clerk, and shall be a public record according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions, and shall be available to the public according to the Open Meetings Act.
- E. Legal counsel. The Village Attorney shall act as legal counsel for the ZBA.

§ 155-26.04. Jurisdiction.

The ZBA shall act upon questions as they arise in the administration of this chapter and take other actions as specified in this chapter. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this chapter, but shall have the power to act on those matters so specified in this chapter, including Ordinance interpretations, variances, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the administration or enforcement of this chapter.

§ 155-26.05. Appeals for administrative reviews.

- A. Authority. The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this chapter. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official that made the decision subject to the appeal. This authority shall not extend to decisions on special land use applications and ordinance amendment petitions.
- B. Standards. The ZBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed:
 - (1) Was arbitrary or capricious, or
 - (2) Was based upon an erroneous finding of a material fact, or
 - (3) Constituted an abuse of discretion, or
 - (4) Was based upon erroneous interpretation of the Zoning Ordinance or zoning law, or
 - (5) Did not follow required procedures.
- C. Procedures:

- (1) Application requirements. A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within 21 days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of seven copies of the application shall be submitted along with any required application fees.
- (2) Stay. An appeal of an administrative decision shall stay all proceedings in furtherance of the action appealed unless the officer or body from whom the appeal is taken certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certification, a stay would in the opinion of the officer or body would cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on satisfactory demonstration of due cause.
- (3) Record of facts/transmission of record. Upon receipt of an application for administrative review, the officer or body that made the decision being appealed shall transmit to the ZBA all papers constituting the record associated with the decision being appealed. In hearing and deciding administrative appeals, the ZBA's review shall be based upon the record of the administrative decision being appealed.
 - (a) The ZBA shall not consider new information which had not been presented to the administrative official or body that made the decision subject to the appeal except where the ZBA first remands the matter back to the body that made the original administrative decision with an order to consider the new information and affirm or modify its original decision.
- (4) Hearing. Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with § 155-24.09. See § 155-24.06 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
- (5) Decision. The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or otherwise modify the action subject to the appeal. A member of the ZBA shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member serving in the capacity of the Planning Commission or Village Council. However, the member may consider and vote on other unrelated matters involving the same property.

§ 155-26.06. Interpretations.

- A. Authority. The ZBA shall hear and decide upon requests to interpret the provisions of this chapter when it is alleged that certain provisions are not clear or that they could have more than one meaning, including the determination of the precise location of the boundary lines between zoning districts, application of off-street parking requirements for a specific use, and whether a particular use is authorized in a particular district.
- B. Standards. In deciding on an interpretation, the ZBA shall be guided by the following:
- (1) An interpretation shall be consistent with the intent and purpose of this chapter and the specific article in which the language in question is contained.
 - (2) A text interpretation shall apply to the specific provision for which the interpretation is requested, and shall not extend to matters beyond such specific provision.
 - (3) A zoning district boundary interpretation shall be guided by § 155-3.02.
 - (4) All interpretations shall take into account any relevant interpretations previously issued by the ZBA and any relevant past ordinance administration practices.
 - (5) Prior to deciding a request for an interpretation, the ZBA may confer with Village staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions.
- C. Procedures.
- (1) Application requirements. A written application for an interpretation shall be completed and filed with the Zoning Administrator on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of seven copies of the completed application shall be submitted along with any application fees.
 - (2) Hearing. Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with § 155-24.09. See § 155-24.06 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
 - (3) Decision. The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to make an interpretation.
 - (a) A decision providing an interpretation may be accompanied by a

recommendation to the Planning Commission for consideration of an amendment of the Ordinance to address what the ZBA may find is a problematic aspect of the Ordinance.

§ 155-26.07. Variances.

- A. Authority. The ZBA shall have the power to authorize specific variances from specific site development standards of this chapter, such as lot area and width requirements, building height and setback requirements, yard width and depth requirements, lot depth to width ratio requirements, off-street parking and loading space requirements, and sign requirements. The ZBA shall not have the power to authorize variances pertaining to permitted uses of land in a district.
- B. Standards. The ZBA shall have the power to authorize variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.
- (1) That there are practical difficulties that prevent carrying out the strict letter of this chapter due to unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 - (2) That the practical difficulty or special circumstance is not a result of the actions of the applicant.
 - (3) That the variance will relate only to property described in the variance application.
 - (4) That the variance will be in harmony with the purpose of this chapter and the intent of the district, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
 - (5) That the variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or district.
 - (6) That strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 - (7) That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.
- C. Procedures.
- (1) Application requirements. Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being

requested; and a plot plan, site plan, elevation drawing or similar drawing prepared by a registered land surveyor or registered engineer that clearly illustrates property lines, property line bearings and dimensions, existing buildings and structures, and the proposed improvements to the lot for which the variance is requested. 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, including any information the applicant may choose to submit to demonstrate conformance with the standards of Subsection B above. A minimum of seven copies of the completed application shall be submitted along with any application fees.

- (2) Hearing. Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with § 155-24.09. See § 155-24.06 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
- (3) Decision. The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to grant a variance.
 - (a) In granting a variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this chapter. In the case where the ZBA prescribes such conditions, the ZBA may require that a performance guarantee be furnished to ensure compliance with such conditions, according to § 155-31.06. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. See Section 504 of the Michigan Zoning Enabling Act (MCLA § 125.3504) regarding conditional approvals.
 - (b) A variance shall become null and void unless the construction authorized by such variance has been commenced within 180 days after the granting of the variance, and there is a continuous good faith intention to continue construction to completion. The ZBA may extend this time limit upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.
 - (c) No application for a variance that has been acted upon shall be resubmitted for a period of one year from the date of denial, except on the grounds of newly discovered evidence or proof of changed conditions having bearing on the basis for the original denial, in the discretion of the ZBA.

§ 155-26.08. Review by circuit court.

- A. Circuit court review. The decision of the ZBA shall be final. However, any party

aggrieved by an order, determination or decision of the ZBA may obtain a review thereof in the Circuit Court provided that application is made to the Court within 30 days after the ZBA issues its decision in writing signed by the chairperson, or within 21 days after the ZBA approves the minutes of its decision. The Circuit Court shall review the record and decision of the ZBA to insure that the decision:

- (1) Complies with the constitution and laws of the state.
- (2) Is based upon proper procedure.
- (3) Is supported by competent, material, and substantial evidence on the record.
- (4) Represents the reasonable exercise of discretion granted by law to the ZBA.

ARTICLE XXVII
Zoning Commission

§ 155-27.01. Designation.

The Planning Commission is hereby designated as the Commission specified in Act 110 of the Public Acts of 2006, as amended, and shall perform the duties of said Commission as provided in the statute in connection with this chapter.

ARTICLE XXVIII
Changes and Amendments

§ 155-28.01. Procedure for changes and amendments.

The Village Council may from time to time on recommendation from the Planning Commission, on its own motion or on petition amend, supplement, or change this chapter as follows:

- A. Upon presentation to the Village Council of a petition for amendment of this chapter by an owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Village Council.
- B. All amendment proposals not originating with the Planning Commission shall be referred by the Village Council to the Planning Commission for a recommendation before any action is taken by the Village Council.
- C. The Planning Commission shall study the proposed Ordinance amendment and make written recommendation to the Village Council for approval, conditional approval, or disapproval. In the course of such study, the Planning Commission may hold public informational meetings on the proposed amendment.
- D. The Planning Commission shall hold a public hearing thereon. The Village Council may hold a public hearing if it considers it necessary, and must grant a hearing to a property owner who makes a request by certified mail to the Village Clerk. Such hearings may be conducted only after notice is given pursuant to Act 110 of the Public Acts of 2006, MCLA § 125.3101 et seq., as amended.

ARTICLE XXIX
Interpretation

§ 155-29.01. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

ARTICLE XXX
Vested Right

§ 155-30.01. No vested rights.

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

ARTICLE XXXI
Enforcement, Penalties and Other Remedies

§ 155-31.01. Violations.

Any firm, corporation or person who violates any provision of this zoning ordinance is responsible for a municipal civil infraction as defined in § 1-20 of the Code of Ordinances, subject to payment of a civil fine as set by Village Council resolution from time to time, plus costs and other sanctions, for each infraction.

§ 155-31.02. Declaration of public nuisance.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the effective date of this chapter and in violation of any of the provisions hereof is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.

§ 155-31.03. Fines, separate offenses.

The owner of any building, structure or premises or part thereof where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be responsible for a separate offense and be liable for the fines herein provided.

§ 155-31.04. Each day a separate offense.

A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

§ 155-31.05. Rights and remedies cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

§ 155-31.06. Performance bonds.

- A. Where in this chapter there is delegated to the Zoning Board of Appeals, Village Council or the Planning Commission the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, site plan approval, special approval or variance, the Zoning Board of Appeals, Village Council or the Planning Commission may, to ensure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit, require a cash, performance or surety bond executed by a reputable surety company authorized to do business in the state, or irrevocable letter of credit, in an amount determined by the Zoning Board of Appeals, Village Council or the Planning Commission to be reasonably necessary to ensure compliance hereunder; provided, however, that in fixing the amount of such cash, performance, surety bond or irrevocable letter of credit, consideration shall be given to the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant

in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

- B. The performance guarantee shall be deposited with the Village Council at the time of the issuance of the permit authorizing the activity or project.
- C. The Village Council shall establish procedures whereby a rebate of cash deposits, in reasonable proportion to the ratio of work completed on the required improvements, will be made as work progresses.
- D. As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting approval to protect natural resources or the health, safety and welfare of the residents of the Village and future users or inhabitants of the proposed project or project area, including, but not limited to, roadways, paving, walls, curbing, striping, lighting utilities, sidewalks, screening landscaping and drainage.
- E. A certificate of occupancy for any improvement will not be issued nor shall the property be used or occupied in any way until the required physical site improvements are fulfilled. In instances where all improvements as required by this chapter are not completed and a temporary certificate of occupancy is requested, the cost of such remaining improvements shall be estimated by the Zoning Administrator, taking into account the criteria listed above. The Zoning Administrator may grant temporary occupancy if use of the premises does not constitute a hazard or nuisance. Temporary occupancy will not be granted until satisfactory cash bond or irrevocable letter of credit in the amount of the estimated cost of completion is filed with the Village Council. If the work is not completed by the date specified on the temporary occupancy permit, the Village Council may use the cash, surety bond or irrevocable letter of credit to complete the improvements. Issuance of a temporary certificate of occupancy is also subject to the provisions of Article XXIV, § 155-24.03B(5), temporary certificates.

Objection to a performance guarantee requirement must be in writing and filed with the Village Council within 30 days of notice of the requirement. The determination of the Village Council shall be final.

ARTICLE XXXII
Effective Date

Public hearing having been held hereon, the provisions of this chapter shall take effect upon expiration of seven days after publication, pursuant to the provisions of Act 110 of the Public Acts of 2006, as amended.

