

Chapter 36 - ZONING

Footnotes:

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Cross reference— Any ordinance pertaining to rezoning saved from repeal, § 1-13(15); buildings and building regulations, ch. 8; environment, ch. 10; floods, ch. 14; land divisions and subdivisions, ch. 16; streets, sidewalks and other public places, ch. 28; telecommunications, ch. 30.

State Law reference— Authority to regulate land use, MCL 125.581 et seq.; municipal planning, MCL 125.31 et seq.

ARTICLE I. - IN GENERAL

Sec. 36-1. - Short title.

This chapter shall be known and may be cited as the "Village of Goodrich Zoning Ordinance," and may be referred to as "this chapter."

(Ord. No. 82, § 1.1, eff. 6-25-1991)

Sec. 36-2. - Authority of chapter provisions.

This chapter is enacted in accordance with, and under the authority of, Public Act No. 207 of 1921 (MCL 125.581 et seq.), known as the "City and Village Zoning Act."

(Ord. No. 82, § 1.2, eff. 6-25-1991)

Sec. 36-3. - Purpose of chapter.

This zoning chapter is based on the adopted village master plan and is intended to regulate the use of land, buildings and structures to promote the public health, safety and general welfare by accomplishing the following:

- (1) Establishment of zoning districts and uniform regulations applicable to each district governing the use of the land, and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this chapter.
- (2) Accommodate and promote land uses which are compatible with the village's character and conserve the property values and longterm stability of neighborhoods.
- (3) Encourage use of the lands and natural resources in accordance with their character and capability, thus preserving the sensitive and important environmental features in the village, such as wetlands, the Mill Pond, topography, open space, mature vegetation and wildlife habitat.
- (4) Limit or prohibit improper use of land.
- (5) Reduce hazards to life and property.
- (6) Promote safe conditions for motorists, pedestrians and bicyclists by maintaining an acceptable level of service along streets and at driveways within the village.
- (7) Provide property owners with reasonable, though not always direct, access to their property.
- (8) Facilitate an adequate and cost effective systems for transportation, sewage disposal, safe and adequate water supply, education and recreational facilities; and protect the public investment in existing infrastructure and services.
- (9) Establish controls over potential conflicting land uses, and uses which may need special regulations as conditional uses in order to be compatible with surrounding development.
- (10) Encourage the maintenance, improvement and adaptive reuse, where necessary, of existing properties in the village which conform to the zoning standards.
- (11) Promote the gradual elimination of uses, buildings and structures which do not conform with the regulations and standards of this chapter.
- (12) Provide for administering this chapter, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the City and Village Zoning Act.
- (13) Balance the community's right to compatible and quality development with the property owners' right to a reasonable rate of return on investment.
- (14) Allow the establishment of any legal land use within the village in the presence of demonstrated and documented need for that land use within either the village or surrounding township, unless there is no suitable location in the village based on the village master plan, surrounding land uses, and/or potential harm to natural features.

(Ord. No. 82, § 1.3, eff. 6-25-1991)

Sec. 36-4. - Scope of chapter and conflicting regulations.

- (a) Where any provision of this chapter imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, wetlands, woodlands or other open spaces; or any other

use or activity which is regulated by this chapter, the provision or standard which is more restrictive or limiting shall govern.

- (b) The provisions of this chapter shall be considered as minimum, and such conflicting laws of a more restrictive nature shall supersede any provisions of this chapter.
- (c) This chapter shall not abrogate or annul any easement, bylaw, master deed, restriction, covenant or private agreement, except that the regulations or provisions of this chapter shall govern if determined by the village council to be more restrictive or impose a higher standard.
- (d) Every building, structure or use, or part thereof, which is erected, moved, placed, reconstructed, extended, enlarged or altered shall be regulated by this chapter.
- (e) No setback area or lot existing on the effective date of the ordinance from which this chapter was derived shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created following such date shall meet at least the minimum requirements specified in this chapter.
- (f) The regulations established in this chapter shall be the minimum regulations for promoting and protecting the public health, safety and welfare.

(Ord. No. 82, § 1.4, eff. 6-25-1991)

Sec. 36-5. - Approvals and construction prior to effective date.

Nothing in this chapter shall be deemed to require any change in the plans, construction or designated use of any building upon which received site plan approval within one year of the adoption of this chapter, provided that actual construction of building foundations approved by the village was begun prior to or within six months following the adoption of this chapter, provided that the construction is being diligently carried on and is completed within one year of adoption of this chapter, unless an extension is approved by the planning commission as outlined in the site plan review standards.

(Ord. No. 82, § 1.5, eff. 6-25-1991)

Sec. 36-6. - Validity and severability clause.

This chapter and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this chapter to be unconstitutional or invalid, such ruling shall not affect any other provisions of this chapter not specifically included in such ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this chapter to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of such provision to any other parcel, lot, use, building or structure not specifically included in such ruling.

(Ord. No. 82, § 1.6, eff. 6-25-1991)

Sec. 36-7. - General rules of construction of chapter.

The following rules of construction shall apply regarding the use and interpretation of certain terms or words used in this chapter:

- (1) The term "person" includes an individual firm, association, organization, partnership, trust, company corporation or any similar entity.
- (2) The term "shall" is always mandatory and not discretionary; the term "may" is permissive.
- (3) The term "used" includes the terms "intended", "maintained", "designed," "arranged" or "occupied."
- (4) The term "building" or "structure" includes any part thereof.
- (5) The terms "used" or "occupied," as applied to any land, building or structure, shall be interpreted to include the phrases "intended to be" or "designed to be" used or occupied.
- (6) The present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular.
- (7) 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:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- (8) Terms not defined in this section and section 36-8 shall have the meaning customarily assigned to them.

(Ord. No. 82, § 2.1, eff. 6-25-1991)

Sec. 36-8. - Definitions.

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

Abutting (lot or parcel) means a lot or parcel which shares a common border, excluding road right-of-way, with the subject lot or parcel.

Accessory structure means a detached structure on the same lot with, and/or a nature customarily incidental and subordinate to, a principal structure.

Area, gross floor, (i.e. total floor area) means the total floor area occupied by a use and measured to include all space used primarily or incidentally for such use.

Area, sales or gross leasable, means the total floor area occupied by a commercial use customarily open to the public, excluding areas such as storage, maintenance or utility rooms and bathrooms. Where calculations are not provided, the gross floor area shall be assumed to be 80 percent of the total floor area.

Apartments means a residential structure or group of structures, each of which contain more than four attached one-family dwelling units and share common front and/or rear yards.

Apartments, accessory (i.e. "mother-in-law apartment"), means a single apartment unit contained within a single-family home, intended as a temporary unit for a family member.

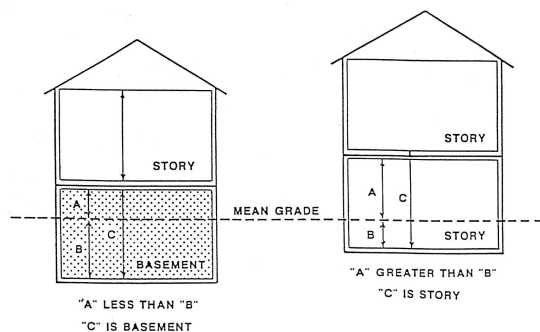
Automobile body repair station means buildings and premises where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile service station means buildings and premises for the primary purpose of the retail sales of gasoline (stored only in underground tanks), oil, grease, batteries, tires and other operational fluids and accessories for the automobile, and the installation of such commodities, and for other minor automobile repair not to include: auto refinishing, body work, dismantling of automobiles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair or service. Sales of convenience items shall be considered an accessory use when occupying no more than 25 percent of the gross floor area.

Automobile wash means any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track-mounted units and similar high volume washing establishments, but shall not include hand washing operations in an automobile service station.

Basement means the portion of a building which is partially or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling (see Figure 1).

FIGURE 1
BASEMENT AND STORY



Berm means a mound of earth graded, shaped and improved with grass and other types of landscaping typically used for visual screening and to reduce noise.

Block face means defined as and consists of those properties fronting along an existing right-of-way and located between the intersections of existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or manmade features.

Bed and breakfast inn means any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest only. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment shall have only one set of kitchen facilities, employ only those living in the house or up to one additional employee, and have facade style consistent with surrounding homes.

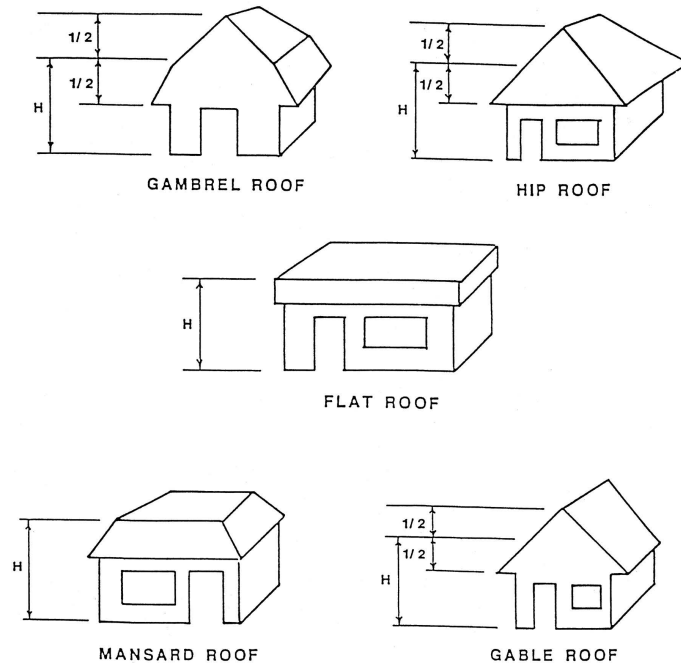
Board of appeals, zoning, means the board of appeals as provided under provisions of the City and Village Zoning Act, with powers and duties as defined in those statutes, except as modified in this chapter.

Buffer (yard) means a strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

Building means any structure (excluding fences) having a roof or walls and built, for or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition includes mobile homes, manufactured housing, tents, storage, sheds, garages, greenhouses pole barns and other accessing structures.

Building, height of, means the vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the beam height level between eaves and ridge for gable, hip and gambrel roofs (see Figure 2).

FIGURE 2
BUILDING HEIGHTS



Building line means a horizontal line generally parallel to a front, side or rear lot line which is located at the point of principal building foundation nearest the front, side or rear lot line.

Building permit means an authorization issued by the village building inspector to move, erect or alter a structure within the village.

Building, principal, means a building which houses the main uses of the lot on which such building is located.

Chimney means a vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor furnace, including that part of the structure extending above a roof.

Concrete plant means a plant for storing and mixing concrete, sand and/or gravel. The term shall include the plant, trucks associated with the plant, and all storage, stockpiles, accessory buildings, structures and uses associated with the plant. Concrete plants may include sales of other building materials as an accessory use. Concrete plants shall not include asphalt plants or crushing machinery.

Conditional use means a use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to use permitted within such district. Such uses are defined as "special land uses" in the zoning act.

Conditional use permit means an authorization approved by the village planning commission allowing use of land and/or building for a conditional use listed within the particular zoning district.

Condominium act means Public Act No. 59 of 1978 (MCL 559.101 et seq.).

Condominium, contractible, means a condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with this Code and the condominium act.

Condominium, general common elements, means the common elements other than the limited common elements.

Condominium, limited common element, means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium, master deed, means the condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Condominium setbacks means and shall be measured as follows:

- (1) *Front yard setback*. The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is not public right-of-way or access easement, the front yard setback shall be measured from the nearest pavement edge to the foundation of the unit site.
- (2) *Side yard setback*. The distance between the limits of the development and the side of a unit or the distance between the sides of any adjacent units.
- (3) *Rear yard setback*. The distance between the limit of the development and the rear of the unit or the distance between the rear of any two adjacent

units.

Condominium unit means the portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium unit site means the area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot," for purposes of determining compliance of a site condominium subdivision with provisions of this chapter pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Day means a calendar day unless otherwise stated.

Day care center, commercial, means a commercial building where the primary use is to provide day care to children.

Day care home, family, means a single-family dwelling in which the operator permanently resides as a member of the household, licensed by the state family independence agency in which one, but less than seven, adults are provided care and supervision for periods of less than 24 hours per day. A family day care home may also be an occupied single-family home in which one but less than seven minor children are provided care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related by blood, marriage or adoption to an adult member of the family occupying the single-family dwelling.

Day care home, group, means a single-family dwelling in which the operator permanently resides as a member of the household, licensed by the state family independence agency, in which more than six, but less than 12, adults are provided care and supervision for periods of less than 24 hours per day. A family day care home may also be an occupied single-family home in which more than six, but less than 12, minor children are provided care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related by blood, marriage or adoption to an adult member of the family occupying the single-family dwelling.

Density means the number of dwelling units situated on or to be developed per net or gross acre of land. For purposes of calculating maximum density, only 25 percent of the acreage comprised of open water, land within the 100-year floodplain elevation, and/or wetlands protected by part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.) shall be calculated toward the total site acreage.

Drive-in business means a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. A drive-in restaurant is distinct from a drive-through restaurant in that the majority of drive-in patrons consume food and beverages while in the vehicle and parked on the premises.

Drive-through business means a business establishment so developed that its retail or service character is wholly or partly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons food and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

Dwelling, multiple-family, means a building designed exclusively for, and containing three or more dwelling units.

Dwelling, two-family, means a building containing two dwelling units, designed for exclusive use and occupancy by two families.

Dwelling unit means a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit, except an approved accessory apartment.

Dwelling unit, single-family, means a residential dwelling unit, designed for and occupied by one family only. Such dwelling unit may be specified as either attached or detached.

Essential public service means the erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police callboxes, railroad rights-of-way, traffic signals, hydrants, and other similar equipment and accessories in connection with, but not including, buildings. Nongovernmental towers, radio and television towers, and cellular phone antennas are not considered to be essential public services.

Essential public service building means a building or structure principal to an essential public service, such as a dropoff stations for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, and cellular phone antennas.

Excavation means any breaking of ground, except common household gardening and ground care.

Family means a single individual or a number of individuals domiciled together whose relationship is of a continuing, nontransient, domestic character, and who are preparing meals and living together, and intending to continue living together for the foreseeable future, as a single, nonprofit, housekeeping unit. The definition of family shall not apply to any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.

Firewood means trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

Flood insurance rate map (FIRM) means the official map of the village upon which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the village.

Floodplain means lands which are subject to periodic flooding and have been defined by the Soil Conservation Service of the U.S. Department of Agriculture to have allured soil deposits, indicating that such flooding has taken place, or as defined by a technically qualified engineer and accepted by the village council as such a floodplain.

Floor area. See *Area*.

Foster care family home, adult, means a single-family dwelling in which the operator permanently resides as a member of the household, licensed by the state family independence agency, with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days of a week and for two or more consecutive weeks.

Foster family home means a single-family dwelling in which the operator permanently resides as a member of the household, licensed by the state family independence agency, in which at least one, but not more than four, minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for 24 hours per day, unattended by a parent or legal guardian.

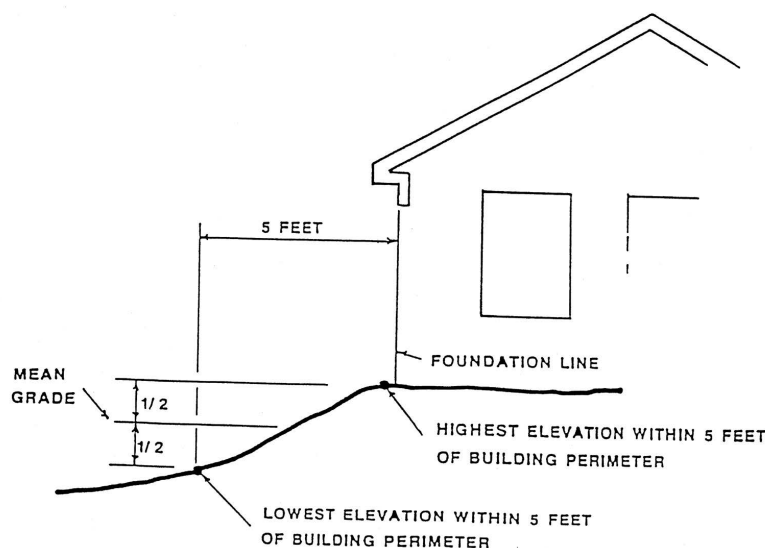
Foster family group home means a single-family dwelling in which the operator permanently resides as a member of the household, licensed by the state family independence agency, in which more than four, but fewer than seven, minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for 24 hours per day, unattended by a parent or legal guardian.

Garage means part of a principal building or an accessory building or structure used primarily for the parking or storage of vehicles in connection with a permitted use of the principal building, where there is no vehicle serving or storage for compensation.

Garden center means an establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.

Grade, mean, means the arithmetic average of the lowest and highest grade elevations in an area within five feet of the foundation line of a building or structure, or in the area between the foundation line and the lot line, where the foundation line is less than five feet from the lot line. (See Figure 3.)

FIGURE 3
MEAN GRADE



Greenbelt means a landscaped area along a street between the curb or road shoulder and the front yard building or parking setback line, this area is also referred to as the front yard parking lot setback area. Landscaping requirements for greenbelts are listed in the Table of Dimensional Standards in division 1, article III of this chapter.

Hobby farm means a noncommercial farm on a parcel of land under one ownership which is used for raising crops and/or livestock, but where such activity is not the primary source of income for the family.

Home occupation means a gainful occupation traditionally and historically conducted in a dwelling unit as an activity clearly incidental and secondary to the principal use of the building or structure.

Hospital means a facility offering primarily inpatient care, and services for observation, diagnosis, and active treatment of patients with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily care and supervision of a physician and medical support staff. A hospital may or may not also have a clinic offering outpatient services.

Kenel means any land, building or structure where four animals over six months of age are either permanently or temporarily boarded, housed, bred or sold.

Livestock means animals such as horses, cattle, sheep, goats, and swine.

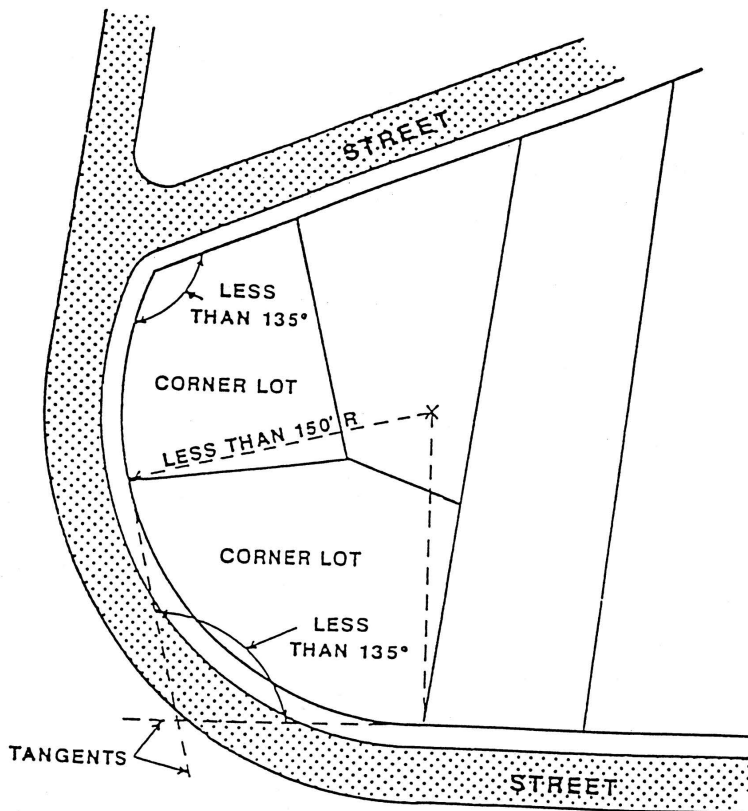
Loading space, off-street, means space logically and conveniently located for bulk pickups and deliveries, designed to accommodate the maneuvering area needed by expected sizes of delivery vehicles when all off-street parking spaces are filled.

Lot means an undivided portion of land of at least sufficient size to meet minimum zoning requirements for use, buildings, structures, lot coverage, yards, and other open spaces as may be present or required under provisions of this chapter. Such lot shall have frontage on an improved public street, or on an approved private road, and may consist of: a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, or a parcel of land described by metes and bounds.

Lot area means the total horizontal area within the lot lines of a lot. For purposes of calculation of minimum lot area, easements for overhead utilities and private access easements shall be excluded; areas within the 100 year floodplain elevation or determined to be state department of environmental quality regulated wetlands shall be included, except as noted under the definition of the term "density."

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than 150 feet, and the tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than 135 degrees. (See Figure 4.)

**FIGURE 4
CORNER LOT**



Lot coverage means the part or percent of a lot occupied by buildings, structures and accessory buildings.

Lot line means the lines bounding a lot or parcel and listed below and illustrated on Figures 5 and 6.

FIGURE 5
LOT LINES AND YARDS

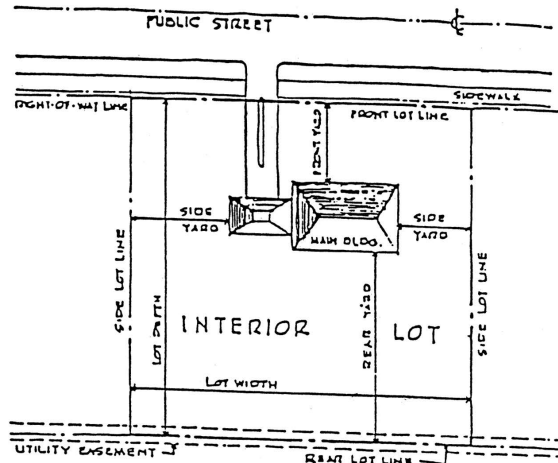
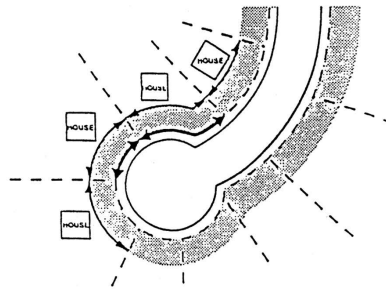


FIGURE 6
MEASUREMENTS ALONG CURVILINEAR STREETS

- Minimum front yard setback is defined along a curve, parallel to the front line.
- Minimum frontage is measured along the curved front lot line.
- Minimum lot width is measured along the curve which defines the minimum front yard setback.



- (1) Front lot line (i.e., lot frontage): The lot lines abutting a public street right-of-way or private road access easement that separates the lot from such right-of-way or easement. Corner lots or through lots are considered to have two front lot lines and shall provide the minimum required front yard setback at both front lot lines.
- (2) Rear lot line: The lot line opposite and most distant from the front lot line. For an irregular or triangular shaped lot, a line at least ten feet in length, entirely within the lot, and generally parallel to and most distance from the front lot line.
- (3) Side lot line: Any lot line not a front or rear lot line.

In the case where the above definitions are not sufficient to designate lot lines, the zoning administrator shall designate the front, rear and side lot lines in consideration of the orientation of the buildings on the lot, the address of the lot, the orientation of other buildings along the block, and natural features affecting site design.

Lot of record means a lot which has a legal description recorded in the office of the county register of deeds, as part of a subdivision or plat, or by metes and bounds.

Lot, through (i.e., a double frontage lot), means an interior lot having frontage on two more or less parallel streets.

Lot, width, means the horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback. Figure 6 illustrates calculation of minimum lot width for lots along curvilinear streets.

Manufactured home means a dwelling unit which is designed for longterm residential use and is wholly or substantially constructed at an off-site location.

Master plan means the master plan for the village, adopted by the planning commission.

Miniwarehouse or self-storage warehouse means a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Mobile home means 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.

Mobile home park (manufactured housing park) means a parcel or tract of land under the control of a person, group or firm 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 compensation, including any building, structure, enclosure, street, drive, equipment or facility used or intended for use incidental to the occupancy. Mobile home parks are licensed and regulated by the state mobile home commission.

Motel (hotel) means an establishment in which individual cabins, courts, rooms, suites or similar units or separate structures, are rented to transients for sleeping accommodations. The definition of motel does not include bed and breakfast establishments or multiple-family dwelling units.

Nonconforming building or structure means a building or structure lawfully in existence on the effective date of the ordinance from which this chapter was derived, or amendments thereto, which no longer meets the regulations of the district in which it is located.

Nonconforming lot means a lot of record, lawfully in existence on the effective date of the ordinance from which this chapter was derived and any amendments thereto, which no longer meets the dimensional requirements of this chapter for the district in which it is located.

- Minimum front yard setback is defined along a curve, parallel to the front line.
- Minimum frontage is measured along the curved front lot line.
- Minimum lot width is measured along the curve which defines the minimum front yard setback.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of this chapter (6-25-1991), as amended, and that does not conform to the use regulations of the district in which it is located.

Outdoor wood burning furnace means any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

Planned unit development means an integrated and coordinated development of various residential land uses, and in some cases nonresidential uses, comprehensively planned and approved as an entity via a unitary site plan which permits additional flexibility in building siting, usable open spaces and preservation of natural features meeting the intent of the planned unit development section of this chapter.

Principal building, structure or use means the main building, structure or use to which the premises are devoted and the principal purpose for which the premises exist.

Recreational vehicle means a vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, snowmobiles, off-road and all-terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include pickup trucks, vans, motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Recycling center means a facility in which used material, such as paper, glass, plastic or motor oil, is separated and processed prior to shipment to others who will use those materials to manufacture new products. This is distinct from a junkyard or salvage yard.

Satellite dish antenna means a device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio or other electromagnetic communication signals between terrestrially and/or extraterrestrial-based sources. This definition includes, but is not limited to, what are commonly referred to as "satellite earth stations," "TVRO's Television Reception Only satellite antennas," and "satellite microwave antennas."

Setback, required, means the minimum horizontal distance between a front, rear or side lot line and the building line. Procedures for measuring setbacks for site condominium projects are listed under the definition of condominium setback. (See also definition for *Yards*).

Shopping center means a grouping of two or more business establishments developed in accordance to an overall plan and designed and built as an interrelated project. Buildings constructed on outlots shall not be considered part of the shopping center unless access and parking easements are provided.

Shoreline means the line between upland and bottomland which persists through excessive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

Sign. Definitions for signs are listed separately in article VIII of this chapter.

Stable, private, means an accessory building incidental to an existing residential use, that shelters horses for the exclusive use of the occupants of the premises and their guests, without remuneration, hire or sale.

Story means that part of a building included between the surface of any floor and the surface of the floor, or roof, next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

Story, half, means a story which is situated within a sloping roof, the area of which at a height four feet above the floor does not exceed two-thirds of the floor area directly below.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground including, but not limited to: buildings; accessory buildings; mobile homes; walls; radio, television and cellular phone towers; fences; signs; and billboards.

Swimming pool means any artificially constructed portable or nonportable pool; capable of being used for swimming or bathing, having a depth of two feet or more at any point and having a surface area of 250 square feet or more.

Townhouse means a residential structure, or group or structures, each of which contains more than four attached one- family dwelling units with individual rear yards or front yards designed as an integral part of each one-family dwelling unit.

Untreated lumber means dry wood that has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

Use. See definition of *Principal use*.

Variance means an authorization by the zoning board of appeals permitting modification to the regulations and standards of this chapter in situations where the literal enforcement would result in undue and unnecessary hardship not present on other properties typical of the zoning district.

Vehicle means any device in, upon, or by which any person or property is or may be transported or drawn upon any street or highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.

Waste receptacle (dumpster) means any accessory exterior container used for the temporary storage of rubbish, pending collection, have capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.

Yard means a space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this chapter, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of the building or structure.

- (1) *Front yard.* A yard extending across the full width of the lot, the depth being the distance between the front lot line and front foundation line of a building or structure. In the case of a lot along the Mill Pond, lake, river, or creek, the yard on the street side shall be the front yard for zoning purposes. In the case of through lots, only one front yard shall be established for zoning purposes and shall be based on the orientation of the structure on the site and surrounding properties. Corner lots shall be considered to have two front yards.
- (2) *Rear yard.* A yard extending across the full width of the lot, the depth being the distance between the rear lot line and rear foundation line of the a building or structure.
- (3) *Side yard.* A yard between the foundation line of the principal building or structure and the side lot line extending from front yard to the rear yard, or, in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street.

Zero lot line means the location of a building on a lot in such a manner that one or more of the buildings sides rests directly on a lot line.

Zoning act means The City and Village Zoning Act, Public Act No. 207 of 1921 (MCL 125.581 et seq.).

(Ord. No. 82, § 2.2, eff. 6-25-1991; Ord. No. 85, § 1, 3-19-1993; Ord. No. 107, eff. 3-24-2000; Ord. No. 116, eff. 5-25-2002; Ord. No. 130, 9-13-2004; Ord. No. 144, 12-13-2010)

Cross reference— Definitions generally, [§ 1-2](#).

Secs. 36-9—36-40. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Footnotes:

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Cross reference— *Administration, ch. 2.*

DIVISION 1. - GENERALLY

Sec. 36-41. - Authority of zoning administrator.

- (a) Except where otherwise stated in this chapter, the provisions of this chapter shall be administered by the zoning administrator, or such other officials as may be designated by the village council.
- (b) The zoning administrator shall have the power to grant certificates of zoning compliance and to make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this chapter.
- (c) The zoning administrator shall order the discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures; discontinuance of any illegal work being undertaken; or shall take any other action authorized by the chapter to ensure compliance with, or prevent violation of, its provisions.

(Ord. No. 82, § 19.1, eff. 6-25-1991)

Sec. 36-42. - Zoning chapter amendments; initiation.

- (a) All applications for amendments to this chapter shall be submitted to the village clerk at least 30 days prior to first consideration by the village planning commission.
- (b) Requests for amendments to this chapter may be initiated in writing by the owner of the property requested for rezoning, or their agent, the planning commission or the village council. In the case of an amendment requested by the owner of the property requested for rezoning, or their agent or designated representative, the request shall include the following:
 - (1) The name and address of the person making the request and of all persons having legal or equitable interest in any land which is requested for rezoning;
 - (2) A legal description and street address of the subject property and a map at a scale of not less than one inch equals 50 feet identifying the subject property in relation to surrounding properties.
 - (3) The existing and proposed zoning district designation of the subject property.
 - (4) An application fee, as determined by the village council from time to time.

(Ord. No. 82, § 19.2, eff. 6-25-1991)

State Law reference— Amendment procedure, MCL 125.584.

Sec. 36-43. - Amendment procedure.

After initiation, amendments to this chapter, including the zoning district map, shall be considered as provided for in the City and Village Zoning Act, as amended.

- (1) The village clerk shall give notice of the time and place of the planning commission public hearing at which the amendment will be heard and the places and times at which the request can be examined. This notice shall be published in a newspaper of general circulation in the village not less than 15 days from the date of such hearing.
- (2) The village clerk shall give similar notice of the time and place of such hearing to each public utility company owning or operating any public utility or railroad within the districts or zones affected not less than 15 days before the public hearing.
- (3) The village clerk shall, in the case of the proposed rezoning of any lot, conspicuously post on such lot a notice stating the time, place, date, and purpose of the hearing at which the rezoning will be considered.
- (4) Following such hearing, the commission shall recommend to the village council that the rezoning be approved or denied, based on the standards of this article.
- (5) The village council shall hold a public hearing and either approve or deny the request.

(Ord. No. 82, § 19.3, eff. 6-25-1991)

Sec. 36-44. - Criteria for amendment to the official zoning map.

In considering any petition for an amendment to the official zoning map, the planning commission and the village council shall consider the following criteria in reaching a decision:

- (1) Whether the proposed zoning district is consistent with goals, strategies and future land use plan of the village master plan, or other adopted corridor or subarea land use studies.
- (2) Whether the proposed zoning change is consistent with the purposes of this chapter.
- (3) Whether all of the permitted uses within the proposed zoning district are compatible with existing uses surrounding the subject site.
- (4) Whether the applicant can demonstrate that a reasonable rate of return cannot be obtained under the current zoning classification.
- (5) Whether there is sufficient infrastructure capacity and land capability to support all of the various uses permitted in the requested zoning district.
- (6) Whether there is a demonstrated need for additional property in the requested zoning classification and/or a lack of available land under the requested zoning district.

(Ord. No. 82, § 19.4, eff. 6-25-1991)

Sec. 36-45. - Certificates of zoning compliance.

- (a) No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a certificate of zoning compliance has been issued therefor. Issuance of such a certificate shall indicate that the use and plans for which the permit is requested comply with this chapter.
- (b) It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or premises, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, as permitted under the terms of this chapter, until a certificate of zoning compliance shall have been issued hereunder by the zoning administrator. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this chapter.
- (c) The zoning administrator shall maintain a record of all certificates of zoning compliance.

- (d) Certificates of zoning compliance authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. Any change in approved plans shall occur only as provided for in this article and shall require the issuance of an amended certificate of zoning compliance.

(Ord. No. 82, § 19.5, eff. 6-25-1991)

Sec. 36-46. - Performance guarantees.

- (a) As a condition of approval of a site plan, conditional use or planned unit development, the planning commission or the council, as applicable, may require a financial guarantee of sufficient sum to ensure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, parking areas, utilities and similar items.
- (b) Performance guarantees shall be processed in the following manner:
- (1) Prior to the issuance of an occupancy permit, the applicant shall submit an itemized estimate of the cost of the required improvements, which shall then be reviewed by the zoning administrator or building inspector. The amount of the performance guarantee shall be 100 percent of the cost of installing the required improvements, plus the cost of necessary engineering and ten percent contingencies.
 - (2) The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the village.
 - (3) Upon receipt of the required performance guarantee, the zoning administrator shall issue an occupancy permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this chapter.
 - (4) The village clerk, upon the written request of the obliger, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
 - (5) When all of the required improvements have been completed, the obliger shall send written notice to the zoning administrator of completion of such improvements. Thereupon, the zoning administrator or village building inspector shall inspect all of the improvements and shall recommend to the council approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejections. If partial approval is recommended, the cost of the improvement rejected shall be set forth.
 - (6) The council shall either approve, partially approve or reject the improvements. The village clerk shall notify the obliger in writing of the action of the council within 30 days after receipt of the notice from the obliger of the completion of the improvements. Where partial approval is granted, the obliger shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
 - (7) A record of authorized performance guarantees shall be maintained by the village clerk.

(Ord. No. 82, § 19.6, eff. 6-25-1991)

State Law reference— Deposit of performance guarantee, MCL 125.584e.

Sec. 36-47. - Building permits.

- (a) *Required.* No structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the village building inspector. No building permit shall be issued by the village building inspector except in conformity with the provisions of this chapter, a CVP approval shall not authorize something not in conformity with the chapter, or a reversal on appeal, or variance from the zoning board of appeals in accordance with the provisions as provided by this chapter.
- (b) *Submittal requirements.* One copy of the plans shall be returned to the applicant by the village building inspector after he shall have marked such copy either as approved, or disapproved, and attested to the same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the village building inspector.
- (c) *Expiration.* If the work described in any building permit has not begun within six months from the date of the issuance thereof, such permit shall expire, except as otherwise provided in this article. It shall be canceled by the village building inspector, and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, such permit shall expire, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
- (d) *Construction and use to be as provided in applications, plans, permits and certificates of zoning compliance.* Building permits or certificates of zoning compliance shall be issued by the village building inspector on the basis of plans and applications approved, where necessary, by the village planning commission or the zoning board of appeals and authorize only the use, arrangement, and construction set forth in such approved plans or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this chapter, and punishable as provided under applicable provisions of this chapter.

(Ord. No. 82, § 19.7, eff. 6-25-1991)

Sec. 36-48. - Penalties for violation of chapter.

- (a) Violation of the provisions of this chapter or failure to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the grants of variances, or appeals, or conditional use permits, shall constitute a misdemeanor.
- (b) Each day such violations continue shall be considered a separate offense.
- (c) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section.
- (d) Nothing contained in this section shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 82, § 19.8, eff. 6-25-1991)

Sec. 36-49. - Schedule of fees, charges and expenses.

- (a) Fees, charges, and expenses shall be assessed as part of the application for conditional use permits, variances, appeals, building permits, certificates of zoning compliance, and amendments to defray expenses incurred in processing such application.
- (b) The village council shall establish a schedule of fees, charges, and expenses, and establish a procedure for their collection, and may change the schedule by a resolution duly adopted. The schedule of fees, charges, and expenses shall be available at the village offices.
- (c) No action shall be taken on any application or appeal until all applicable fees, charges, and expenses have been paid in full.

(Ord. No. 82, § 19.9, eff. 6-25-1991)

Sec. 36-50. - Conditional zoning agreement.

Pursuant to Act No. 579 of the Public Acts of 2004, amending the City and Village Zoning Act, 1921 PA 207, an applicant for a rezoning may voluntarily offer a conditional zoning agreement (herein referred to as "zoning agreement") along with an application for rezoning before or following the public hearing for a proposed rezoning. The following requirements shall apply:

- (1) *Content of agreement.* The zoning agreement shall include the following:
 - a. A description of the conditions, in accordance with section 36-50(2).
 - b. Acknowledgement that the zoning agreement was proposed voluntarily by the applicant.
 - c. Agreement and understanding that the property shall not be developed or used in any manner that is not consistent with the zoning agreement.
 - d. Agreement and understanding that the approval of the rezoning and the zoning agreement shall be binding upon and inure to the benefit of the property owner and the village, and also their respective heirs, successors, assigns, receivers or transferees.
 - e. Agreement and understanding that, if a rezoning with a zoning agreement becomes void in accordance with this section, that no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
 - f. Agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
 - g. Any other provisions as are agreed upon by the applicant, property owner, and the village.
- (2) *Allowable conditions.* The zoning agreement shall only include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. The zoning agreement may include one or a combination of the following conditions:
 - a. Techniques to minimize the impact of the development on surrounding properties.
 - b. Methods to preserve natural features and open space.
 - c. Limitations on the uses permitted on the property in question.
 - d. Specification of lower density or less intensity of development and use.
 - e. More restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.
 - f. Commitment to extension, installation or construction of or improvements to roadways, utilities or other infrastructure serving the site.
- (3) *Prohibited provisions.* The zoning agreement may not authorize the following:
 - a. Uses or developments of greater intensity or density.
 - b. Uses which are not permitted in the proposed zoning district.
 - c. Variations from height, area, setback or similar dimensional requirements which are less restrictive than the proposed zoning district.
 - d. Any conditions that do not have a reasonable and rational relationship to the subject site.
- (4) *Review and approval process.* In addition to the standard amendment procedures set forth in section 36-44, when a zoning agreement is incorporated, the following additional steps are required.

- a. The proposed zoning agreement may be submitted prior to or following the planning commission public hearing.
 - b. If the proposed agreement is provided following the public hearing it must be reviewed by planning commission prior to planning commission making its recommendation on the rezoning to the village council.
 - c. If submitted prior to or at the same time as the rezoning application, both shall be reviewed and action taken currently.
 - d. The proposed zoning agreement shall be reviewed by the village attorney to determine that the zoning agreement conforms to the requirements of this section and the City and Village Zoning Act, as amended, and shall confirm that the zoning agreement is in a form acceptable for recording with the county register of deeds.
 - e. Upon approval of the zoning agreement and rezoning, the approved zoning agreement shall be executed by the applicant, the property owner, and the village and recorded with the county register of deeds.
 - f. The approved zoning agreement and rezoning shall be referenced on the zoning map with the new district, plus a number chronologically assigned to indicate that the property is subject to a zoning agreement (i.e., "LDR-1," "GBD-2"). The village administrator shall maintain a listing of all properties subject to zoning agreements and shall provide copies of the agreements upon request.
- (5) *Standards of review.* The planning commission and village council shall use the criteria listed in [section 36-44](#) to evaluate the rezoning. In addition, the planning commission and village council shall consider whether the proposed zoning agreement meets the following additional criteria:
- a. Is consistent with the intent of this article.
 - b. Bears a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
 - c. Is necessary to insure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties.
 - d. Is necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed zoning agreement.
 - e. Leads to a better development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without a zoning agreement, or if the property were left to develop under the existing zoning classification.
 - f. Is consistent with the master plan.
- (6) *Expiration.*
- a. *Two-year expiration.* The rezoning and zoning agreement shall expire two years after adoption of the rezoning and zoning agreement, unless substantial construction on the approved development of the property pursuant to building and other required permits issued by the village commences within the two year period and proceeds diligently to completion, as required by ordinance unless extended by the village for good cause shown by the applicant.
 - b. *Agreement void.* In the event that substantial construction on the approved development has not commenced within the aforementioned two years, the zoning agreement shall be void and of no effect.
 - c. *Development cease.* Should the zoning agreement become void, all development on the subject property pursuant to the agreement shall cease, and no further development consents, or approvals shall be permitted. Until action satisfactory to the village is taken to bring the property into compliance with the zoning agreement, the village may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
 - d. *First extension.* Notwithstanding the above, if the property owner applies in writing for an extension of the zoning agreement at least 30 days prior to the expiration date and submits satisfactory evidence with just cause for the extensions, the village council may, after recommendation by the planning commission, grant an extension of up to one year.
 - e. *Second extension.* A second extension of one year may be granted provided the applicant's progress in developing the property is in accordance with the provisions of the zoning agreement and that there has been progress since the first extension granted.
- (7) *Failure to comply.* Failure to comply with the zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this chapter, and further use of the property may be subject to legal remedies available to the village.
- (8) *Reversion of zoning.* If the rezoning and zoning agreement become void as outlined above, then the land shall automatically revert back to its original zoning classification as set forth in MCL 125.286i. The village clerk will advise the land owner and developer, by registered letter, of the reversion of zoning.
- (9) *Subsequent rezoning of land.* Nothing in the zoning agreement, nor any statement or other provision, shall prohibit the village from later rezoning all or any portion of the property that is the subject of the zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the City Zoning Act. Any land use initiated pursuant to the zoning agreement shall be allowed to continue, after any later rezoning under this subsection, in accordance with subsection (10) below.
- (10) *Continuation.*
- a. Provided that all development and/or use of the property in question is in compliance with the zoning agreement, a use or development authorized there under may continue indefinitely, provided that all terms of the zoning agreement are followed.
 - b. Failure to comply with the zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this

chapter, and further use of the property may be subject to legal remedies available to the village under the Zoning Ordinance and the Village Zoning Act.

(11) *Amendment.*

- a. During the initial two year period, or during any extension granted by the village as permitted above, the village shall not add to or alter the zoning agreement, even with the landowner's consent.
- b. The zoning agreement may be amended after the expiration of the initial two year period and any extensions, in the same manner as was prescribed for the original rezoning and zoning agreement.

(12) *Other required reviews.* Any uses proposed as part of a zoning agreement that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of Articles 30 and 33.

(13) *Failure to offer conditions.* The village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this chapter.

(14) *Performance guarantee.* If the developer proposes to construct any public improvements in connection with the development of the project, the village shall be provided with an irrevocable letter of credit in an amount equal to the expected cost of the public improvements. The developer shall also warrant the public improvements for a period of one year from the date of acceptance of same by the village and shall, at its sole expense, repair or replace, at the village's sole discretion, any public improvements which fail during the one-year period following its acceptance by the village. The value of the letter of credit may be reduced as the village accepts the public improvements, by the value of the work accepted, but 25 percent of the letter of credit shall remain in effect for the duration of the one-year warranty period.

(Ord. No. 137, eff. 3-24-2006)

Secs. 36-51—36-70. - Reserved.

DIVISION 2. - ZONING BOARD OF APPEALS

Footnotes:

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Cross reference— *Boards and commissions, § 2-91 et seq.*

State Law reference— *Zoning board of appeals, MCL 125.585 et seq.*

Sec. 36-71. - Establishment.

A zoning board of appeals is hereby established pursuant to the zoning act, the composition, powers and duties of which are prescribed in this division.

(Ord. No. 82, § 20.1, eff. 6-25-1991)

Sec. 36-72. - Applicability of state statute.

The zoning act is hereby adopted and made a part of this division and the terms of the statute shall prevail, except as modified by the terms of the Code and the Charter which are not in direct conflict thereto.

(Ord. No. 82, § 20.2, eff. 6-25-1991)

Sec. 36-73. - Membership.

The village council shall serve as the zoning board of appeals, or may appoint a separate zoning board of appeals body.

(Ord. No. 82, § 20.3, eff. 6-25-1991)

Sec. 36-74. - Jurisdiction, duties and responsibilities.

The zoning board of appeals shall have all jurisdiction and powers granted by the zoning act, all jurisdiction and powers prescribed in other articles of this chapter or in other village ordinances, and the following specific jurisdiction and powers:

- (1) To hear and decide appeals from and review any order, requirements, permit, decision or determination made by the building inspector, zoning administrator or any other administrative official in enforcing the provisions of this chapter. The zoning board of appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, permit, decision or determination as in the zoning board of appeals's opinion ought to be made in the premises, and to that end shall have all the powers of the administrative official from whom the appeal is taken.
- (2) To hear and decide matters referred to it or upon which it is required to pass under any ordinance adopted pursuant to the zoning act of the state, or by other ordinances of the village.
- (3) To make decisions in interpreting this chapter, requested by the planning commission, village administrative staff, an applicant or resident of the

village.

- (4) Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the chapter applicable to the matter appealed from, the zoning board of appeals shall have power in passing upon appeals to vary or modify any of its rules, regulations or provisions relating to the construction, structural changes in, equipment, or alteration of buildings or structures or the uses of land, buildings or structures, so that the spirit of the particular chapter shall be preserved, public safety secured and substantial justice done.

(Ord. No. 82, § 20.4, eff. 6-25-1991)

Sec. 36-75. - Granting of variances.

- (a) *Intent.* These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of this chapter through a variance, where such variance will not be contrary to the public interest and where, owing to the conditions peculiar to the property and not the result of the actions of the applicant, or his predecessors in title, a literal enforcement of the chapter would result in an unnecessary and undue hardship.
- (b) *Types of variances considered.* As used in this chapter, a variance from the standards of this chapter may be considered by the zoning board of appeals only for height, area and size of building or structure; yard and open space dimensions; accessory building or structures, parking, or uses.
- (c) *Variance procedures.* An application for approval of a variance shall be made by a property owner or their agent, to the village clerk accompanied by the required submittal information, form and a nonrefundable fee. The application for a variance shall include at least the following:
- (1) A legal description of the subject property.
 - (2) A site plan drawn to an engineering scale which illustrates the variance and the relationship to buildings, structures and uses on adjacent lots.
 - (3) Dimensional elements for which a variance is requested.
 - (4) Dimensional relationships of the subject lot to the structures on all adjacent lots.
 - (5) A statement in writing by the applicant or their agent explaining how the variance request meets the standards of subsection (d) of this section.
 - (6) The village clerk shall transmit the application materials to the zoning board of appeals and place the appeal on the agenda of the zoning board of appeals.
 - (7) The village clerk shall make notice of the appeal in accordance with the procedures of the City and Village Zoning Act.
 - (8) An applicant or his agent shall be required to appear before the zoning board of appeals for any requested variances or other action.
- (d) *Finding of unnecessary hardship.* The zoning board of appeals may grant a use variance only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:
- (1) The property cannot be reasonably used for any purpose permitted in the zoning district. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate.
 - (2) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must demonstrate that there are certain features that make it impossible to earn a reasonable return without some adjustment. In those situations where others share the difficulty, the zoning board of appeals may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.
 - (3) The problem and resulting need for the variance has not been self-created by the applicant.
 - (4) The variance will not alter the essential character of the area. In determining whether this criteria, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.

(Ord. No. 82, § 20.5, eff. 6-25-1991; Ord. No. 130, 9-13-2004)

Sec. 36-76. - Millpond and wetland setback variances.

In reviewing requests for variances to reduce the required setbacks from the Mill Pond and state department of environmental quality-regulated wetlands listed in article IV of this chapter, the zoning board of appeals shall consider the following, in addition to the criteria listed in [section 36-75](#):

- (1) The setback is not necessary to preserve the ecological and aesthetic quality of the Mill Pond or the wetland;
- (2) The natural drainage pattern will not be significantly affected; and
- (3) The requested variance is the minimum necessary to allow the project to proceed.

(Ord. No. 82, § 20.6, eff. 6-25-1991)

Sec. 36-77. - Appeals process.

The process for an appeal to the zoning board of appeals is illustrated on Figure 3.1 (article IV, division 2 of this chapter) and described in more detail as follows:

- (1) The village clerk shall fix a reasonable time for the hearing of the appeal, which time shall be within 30 days of the receipt of the notice of appeal.
- (2) The village clerk shall notify the applicant and all owners of an interest in lots and within 300 feet of the subject lot upon which a variance is requested, of the time and place of the zoning board of appeals meeting at which such application will be considered; provided, however, that such

notice shall be given not less than seven days before such meeting. This notice is to be delivered personally or by mail addressed to the respective owners and tenants at the address recorded in the last assessment roll.

- (3) The board shall consider the application for variance at its next regular meeting, which provides sufficient time for notice, as required heretofore, or within not more than 35 days after receipt of the application by the village clerk, and hear and question any witness appearing before the board.
- (4) The board shall approve, with or without conditions, or disapprove the application and the village clerk shall communicate the action of the board, in writing, to the applicant, the village council, the building inspector, and the village planning commission within one week of the meeting at which it considered the application.
- (5) The village building inspector shall, upon receipt of the notice of approval and upon application by the applicant, accompanied by a receipt duly executed by the village treasurer attesting to the payment of all required fees and issue a building permit or such other approval permitting the variance, subject to all conditions imposed by such approval.

(Ord. No. 82, § 20.7, eff. 6-25-1991)

Sec. 36-78. - Stay.

An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the board or by the circuit court for the county, on application, on notice to the zoning administrator and on due cause shown.

(Ord. No. 82, § 20.8, eff. 6-25-1991)

Sec. 36-79. - Appearance.

Any interested party may appear and be heard at the hearing in person or by an agent or attorney.

(Ord. No. 82, § 20.9, eff. 6-25-1991)

Sec. 36-80. - Limitation on powers of appeal.

The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property.

(Ord. No. 82, § 20.10, eff. 6-25-1991)

Sec. 36-81. - Vote on appeals.

Matters coming before the board shall be decided within a reasonable time. A concurring vote of a majority of the members of the board shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant, a matter upon which the board is required to pass under this chapter or other chapters of the Code, except that a concurring vote of two-thirds of the members of the board shall be necessary to grant a variance from uses of land permitted in this chapter.

(Ord. No. 82, § 20.11, eff. 6-25-1991)

Sec. 36-82. - Decisions.

The decision of the board shall not become final until the expiration of five days from the date of entry of the order, unless the board shall find the immediate effect of the order is necessary for the preservation of property or personal rights and shall so certify on the record.

(Ord. No. 82, § 20.12, eff. 6-25-1991)

Sec. 36-83. - Forms of decisions.

In its decisions the board shall state a finding of facts underlying its decisions.

(Ord. No. 82, § 20.13, eff. 6-25-1991)

Sec. 36-84. - Making a record.

Decisions of the zoning board of appeals may be appealed to the appropriate court on the record and for that reason the board shall cause a record to be made of its proceedings.

(Ord. No. 82, § 20.14, eff. 6-25-1991)

Sec. 36-85. - Orders; validity; limitations.

- (a) No order of the board permitting the erection or alteration of buildings shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to a completion in accordance with the terms of such permit.
- (b) No order of the board permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that if the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.

(Ord. No. 82, § 20.15, eff. 6-25-1991)

Secs. 36-86—36-120. - Reserved.

ARTICLE III. - ZONING DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 36-121. - Districts established.

For the purpose of this chapter, the village is hereby divided into the following districts:

- VLDR very low density residential district
- LDR low density residential district
- VCR village center residential district
- MDR medium density residential district
- PUD planned unit development district
- MHP residential manufactured housing district
- CBD central business district
- GBD general business district
- OSD office-service district
- IND industrial district

(Ord. No. 82, § 4.1, eff. 6-25-1991)

Sec. 36-122. - Interpretation of district boundaries.

A map showing by appropriate means the various districts into which the village is divided shall be entitled "Village of Goodrich Zoning Map." The map shall bear the date adopted or amended and is hereby made a part of this chapter. Where uncertainty exists with respect to the boundaries of any of the districts established in this chapter as shown on the zoning map, the following rules shall be applied:

- (1) Where district boundaries are indicated as approximately following the centerlines of street or highway rights-of-way, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they are approximately parallel to the centerlines of street or rail rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the zoning map. If no such distance is given, such dimension shall be determined by the use of the scale shown on the zoning map. The official mylar map available from the village shall be used to determine such dimensions in the case of any multiple interpretations.
- (3) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- (4) Where the boundary of a district follows, or terminates at, a stream, lake, or other body of water, the boundary line shall be deemed to be at the centerline of such feature, or terminated at the limit of the adjacent jurisdiction unless otherwise indicated.
- (5) Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.
- (6) The board of appeals shall make a determination, upon written application, or upon its own motion, in those situations where unzoned property may exist, or where, due to the scale, lack of detail, or illegibility of the zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon or interpretation concerning the exact location of district boundary lines.

(Ord. No. 82, § 4.2, eff. 6-25-1991)

Sec. 36-123. - Zoning of vacated public rights-of-way.

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

(Ord. No. 82, § 4.3, eff. 6-25-1991)

Sec. 36-124. - Zoning of annexed areas.

Any unzoned area annexed to the village shall, immediately upon such annexation, be automatically classified as a "VLDR" district until a zoning map for the area has been adopted by the council. The planning commission shall recommend appropriate zoning for such area within three months after the matter is referred to it by the council.

(Ord. No. 82, § 4.4, eff. 6-25-1991)

Sec. 36-125. - General listing of permitted and conditional land uses.

A general listing of the various permitted and conditional uses within the various districts of this zoning chapter is provided in table 4.1. This table is intended as a guide, the actual lists contained within the article for each zoning district should be referenced for any standards and more detailed listing. Where inconsistencies occur, the lists of uses within each zoning district section shall take precedence.

(Ord. No. 82, § 4.5, eff. 6-25-1991)

TABLE 4.1 GENERAL LIST OF USES BY DISTRICT										
USES	DISTRICT									
	VLDR	LDR	VCR	MDR	MHP	PUD	CBD	GBD	OSD	IND
RESIDENTIAL USES:										
Single-family detached	P	P	P	P		P	P			
Single-family attached	C	C	C							
Two-family dwellings		C		P		P	P			
Upper story apartments							P			
Multiple-family dwellings				P		P	P			
Housing for the elderly			C	P		P	P			
Hobby farm and stables	P									
Manufactured dwelling parks					P					
Noncommercial greenhouses	P									
Home occupations	P	P	P				P			
CARE CENTERS:										
Day care (family - up to 6)	P	P	P	P		P	P			
Day care (group 7—12)	C	C	C	C		C				
Day care commercial				C		C		P	P	

Adult foster care family home (1—4)(see section 36-673)	P	P	P	P		P				
Foster family group home (5—6) (see section 36-673)				C						
PUBLIC, QUASIPUBLIC:										
Cemeteries		C	P							
Public parks/open space	P	P	P	P	P	P	P	P	P	P
Lighted ball fields/courts		C	C							
Essential public services	P	P	P	P	P	P	P	P	P	P
Essen. pub. service bldg/yard	C		C	C			P	P	C	P
Municipal bldg., lib., museum	P	C	C	P		P	P	P	P	P
Radio/TV/phone towers	C									P
Hospitals						P			C	
Elementary schools	C	C	C	C				P		
Junior/senior high schools	C			C				P		
Churches places of worship	C	C	C			P	P	P	P	
RECREATIONAL USES:										
Golf courses, country clubs	C	C				P				
Golf driving range	C					C		C		
Miniature golf								C		
Commercial outdoor rec.	C					P		C		
Commercial indoor rec.						C	C	P		
OFFICE/SERVICE USES:										
Banks, S & L, credit union						C	P	P	P	
Banks, etc. w/ drive-through						C	C	P	P	
Stand alone ATM						C	P	P	P	
Beauty shops/barbershops						C	P	P	C	
Commercial schools, studios							C	P	P	
Copy/print centers							P	P	P	

Dry cleaners w/out processing						C	P	P	C	
Fitness/health centers						C	C	P	C	
Funeral homes							C	P	P	
Medical clinic							C	P	P	
Newspaper offices						C	P	P	P	
Personal service uses						C	P	P	C	
Photography studio						C	P	P	P	
Professional offices						C	P	P	P	
COMMERCIAL USES:										
Auto/Transportation Uses:										
Auto parts supply/tires, sales								P		
Auto showroom and sales								C		
Auto serv. station, minor repair							C	C		
Auto body repair							C	C		P
Auto wash								C		
Commercial parking structure							C			
Bus passenger stations								C		
Food/Restaurants/Entertainment:										
Delicatessen						C	P	P		
Food establishment (retail)							P	P		
Restaurant						C	P	P		
Restaurant, drive-through/drive-in							C	C		
Open front rest. window							C	C		
Clubs, indoor theaters							C	P		
Video rental							C	P		
Lodging:										
Bed and breakfast inns	P	C	C	P		C	P	P		
Motels, hotels						C		P		

Retail:										
Building/lumber supply/sales								P		
Commercial kennels								C	C	
Convenience store, no gas								P		
Convenience store w/ gas								C		
Garden center								C		
General retail business							P	P		
Outdoor sales								C		
Shopping centers up to 60,000 sq. ft.								P		
Shopping centers over 60,000 sq. ft.								C		
INDUSTRIAL USES:										
Auto fabrication								C		
Billboards										C
Building companies										P
Commercial outdoor storage										P
Concrete plants								C		C
Contractors yards										P
Freight terminals										P
Laboratories										P
Light manufacturing										P
Lumber and planing mills										P
Ministorage warehouse								C		P
Printing and publishing										P
Research and development										P
Tool and die shops										P
Truck and trailer rental										P
Warehousing and wholesale										P

KEY:

P = Use is permitted in the zoning district.

C = Use is conditional, based on standards of article V of this chapter.

Table 4.6 Dimensional Standards: Residential Districts

DISTRICT	MINIMUM SIZE PER UNIT ^{1,2}				MINIMUM YARD SETBACKS ^{2,3,4}					
	MAXIMUM DENSITY (UNITS) ⁵	MINIMUM LOT AREA ^{5,6,15}	MINIMUM FLOOR AREA PER UNIT	LOT WIDTH ^{6,7,8}	FRONT ^{8,9}	AT LEAST ONE SIDE ⁹	TOTAL OF TWO SIDES	REAR	PARKING	MAXIMUM LOT COVER/ ¹⁰
VLDR - very low density residential	1 unit per acre	43,560 sq. ft.	Dwelling w/ basement = 1,100 sq. ft. exclusive of garages and breezeways Dwellings w/out basement = 1,250 sq. ft.	100 ft.	50 ft.	25 ft.	35 ft.	50 ft.	not applicable	
LDR - low density residential	4 units per acre	10,000 sq. ft. with public sewer & water 12,000 sq. ft.	Two-story = 800 sq. ft. on ground floor, min. total of 1,100 sq. ft.	90 ft.	35 ft. ⁶	10 ft.	20 ft.	50 ft.		25 percent bldg.
VCR - village center residential	5 units per acre	8,700 sq. ft.	Tri-level = minimum 1,100 sq. ft.	66 ft.	20 ft. ⁶	10 ft.	20 ft.	20 ft.		30 percent bldg. 50 percent impervious surface

MDR - medium density residential ¹²	12 units per acre	8,700 sq. ft. with public sewer & water 12,000 sq. ft.	Single-family = same as above Multiple-family units: Efficiencies = 700 sq. ft. 1 bedroom units = 700 sq. ft. 2 bedroom units = 850 sq. ft. 3 bedroom units = 1,100 sq. ft. 100 sq. ft. per nursing bed	300 ft. 66 ft. for single-family 80 ft. for duplex (amended 12/11/1995)	35 ft. ¹⁴ , incl. 25-foot greenbelt with berm and landscaping approved by the planning commission	30 ft. ¹³ 10 ft. for single-family (amended 12/11/1995)	60 ft. ¹³ 20 ft. for single-family (amended 12/11/1995)	30 ft. ¹³	Front 20 ft. Other 10 ft.	30 percent bldg. 50 percent impervious surface
PUD - planned unit development ¹²	As established by the Parallel Plan	5 acres		Front yard setback shall be determined by the planning commission. Side and rear yard setbacks from the property line for buildings and structures within a planned unit development shall be consistent with the requirements of the adjacent zoning district(s). Spacing between buildings or structures shall be a minimum of 24 feet.				Front 20 ft. Side/rear 10 ft.	Res. 25 percent Other 35 percent, 50 percent impervious surface	
MHP manufactured housing park	5 units per acre	Mobile home park = 10 acres	Single unit = 5,000 sq. ft. Doublewide unit = 6,000 sq. ft.	FRONT = 50 ft., parking 20 ft. SIDE = 10 ft. buffer around park 15 ft. on unit entrance side 10 ft. on other side and rear		PACING: 30 feet between units, including attached units 40 feet between ends of units			24 percent units and buildings	

Footnotes: The following references may be applicable:

1 = Refer to [section 36-487](#) for regulations applicable to single-family dwellings.

2 = For condominium developments see refer to the definition of condominium setback (section [36-8](#)) and [section 36-490](#), condominium development standards.

3 = Refer to general provisions, [section 36-483](#) regarding setbacks from the Mill Pond, and [section 36-618](#) which describes the 25-foot setback requirement from MDEQ regulated wetlands.

4 = Projections into required yards are permitted for certain architectural features as described in [section 36-615](#).

5 = For property containing easements, floodplain or MDEQ-regulated wetlands refer to the definitions of density (section [36-8](#)) and lot area (section [36-8](#)).

6 = Averaging of lot sizes is permitted as described in [section 36-611](#).

7 = Minimum lot width is measured at required front yard setback distance from right-of-way; corner lots and double frontage lots are considered to have two front yards.

8 = Measurements for curvilinear lots are described in [section 36-614](#).

9 = Exceptions to the minimum front and side yard setbacks for developed blocks and existing nonconforming lots are described in [section 36-613](#).

10 = Impervious surface includes the portion of the site covered by any principal building and structures, parking lot, drives, sidewalk and any other paved areas.

11 = See exceptions to maximum height for institutional uses, spires, cupolas, etc. in [section 36-612](#).

12 = Refer to standards for multiple-family units and exceptions for housing for the elderly in division 5, article III of this chapter, medium density residential district.

13 = Refer to [section 36-524](#) for regulations applicable to landscaping greenbelts.

14 = Where units with garages front on a street, the front yard setback can be reduced to 25 feet if garages are side entry or recessed five feet behind the front line of the dwelling.

15 = For lots created after May 25, 2002, that are not served by public sanitary sewer shall provide adequate area for on-site sewer or water as required by the county health department and the state department of environmental quality's administrative rules for on-site water supply and sewage disposal for land divisions and subdivisions. Such lots shall meet the setback, lot coverage, height and floor area requirements of the VLDR district.

(Ord. No. 82, Table 4.6, 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. eff. 4-24-1998; Ord. eff. 5-21-1999; Ord. No. 116, eff. 5-25-2002; Ord. No. 130, 9-13-2004)

Table 4.7 Dimensional Standards: Commercial and Industrial Districts

DISTRICT	MIN. LOT AREA ^{1,11}	MIN. LOT WIDTH ^{2,3}	MINIMUM YARD SETBACKS ^{4,5}				MAX. LOT COVERAGE	MAX. HEIGHT ¹⁰
			FRONT YARD ^{6,7,8}	SIDE YARD ^{6,9}	REAR YARD ⁹	PARKING LOT ¹³		
Central Business District	None	None	Nonresidential: 0 ft ¹⁰ Residential: 15 ft.	Nonresidential: 0 ft. 20 ft., if adjacent to res. District Residential: 10 ft.	Nonresidential: 20 ft. Residential: 20 ft.	none ¹⁵	none	30 ft.
Office-service district	10,000 s.f.	75 ft.	30 ft.	10 ft. 20 ft., if adj. to res. district or street r.o.w.	20 ft. 50 ft., if adjacent to res. district	10 ft.	35 percent	35 ft.
General business district	10,000 s.f.	75 ft.	30 ft.	10 ft. 20 ft., if adjacent to res. district or street r.o.w.	20 ft.	10 ft.	40 percent	35 ft.
Industrial district	1 acre	100 ft.	75 ft.	25 ft. 75 ft., if adjacent to a res. district or street r.o.w.	75 ft.	10 ft.	25 percent	35 ft.

FOOTNOTES:

- 1 = For property containing easements, floodplain or MDEQ-regulated wetlands refer to the definitions of lot area (section 36-8).
- 2 = Minimum lot width is measured at required front yard setback distance from right-of-way; corner lots and double frontage lots are considered to have two front yards.
- 3 = Measurements for curvilinear lots are described in section 36-614.
- 4 = Refer to general provisions: section 36-483 regarding setbacks from the Mill Pond, and section 36-618 which describes the 25-foot setback requirement from MDEQ-regulated wetlands.
- 5 = Projections into required yards are permitted for certain architectural features as described in section 36-615.
- 6 = Exceptions to the minimum front and side yard setbacks for developed blocks and existing nonconforming lots are described in section 36-613.
- 7 = See exceptions to maximum height for institutional uses, spires, cupolas, etc. in section 36-616. In no instance shall the maximum height of any building or structure exceed the firefighting capabilities in the village.
- 8 = Lots created after May 25, 2002, that are not served by public sanitary sewer shall provide adequate area for onsite sewer or water as required by the county health department and the state department of environmental quality's administrative rules for on-site water supply and sewage disposal for land divisions and subdivisions. Such lots shall continue to meet the setback, lot coverage, height and floor area requirements of the district.
- 9 = Where the building is connected to building on an adjoining lot by an approved fire wall, the required side yard on the common side may be reduced to zero feet.
- 10= In the CBD, nonresidential buildings shall be placed no more than 20 feet from the front lot line.
- 11= Where possible, the planning commission shall require that off-street parking lots be located in the side or rear yard.

(Ord. No. 82, Table 4.7, 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. eff. 5-21-1999; Ord. No. 116, eff. 5-25-2002; Ord. No. 130, 9-13-2004)

Secs. 36-126—36-150. - Reserved.

DIVISION 2. - VERY LOW DENSITY RESIDENTIAL DISTRICT (VLDR)

Sec. 36-151. - Intent.

The VLDR very low density residential district is the lowest density single-family residential district in the village. This VLDR district is intended to provide a low-density living environment that helps preserve the semirural character of the village's periphery, particularly in areas with sensitive environmental features. The regulations of this division are also intended to help preserve the important natural features within the VLDR district, while allowing a reasonable rate of return on investment for property owners. The VLDR district is further intended to allow clustered residential development along the fringes of the golf course.

(Ord. No. 82, § 5.1, eff. 6-25-1991)

Sec. 36-152. - Permitted uses.

In the VLDR district, land, buildings, and other structures shall be used only for one or more of the following specified uses:

- (1) Single-family detached dwellings (condominiums shall meet the standards of section 36-490).
- (2) Hobby farms and private stables, provided that they meet the following:
 - a. Lot area shall be a minimum of five acres.
 - b. Barns, pens and/or corrals shall be set back a minimum of 50 feet from all property and right-of-way lines.
 - c. Any horses kept shall be for recreational purposes for the private personal use of the owner or lessee of such land, his family, and friends.
 - d. A minimum of five acres is provided for one horse or livestock animal, with one additional acre for each additional horse or livestock animal. One foal born on the premises per permitted horse or livestock animal may be kept for up to two years.
 - e. Any commercial sales of crops or livestock shall be limited to goods raised on the hobby farm.
- (3) Greenhouses and nurseries, provided that there are no commercial sales on the premises.
- (4) Home occupations in accordance with the standards of section 36-553.
- (5) Family day care homes.

- (6) Foster family homes.
- (7) Bed and breakfast establishments, provided that required off-street parking is in the side or rear yard and screened from any adjacent residential districts, and the dwelling unit in which the bed and breakfast establishment is located is the principal owner of, and resides in, the premises.
- (8) Public parks and open space.
- (9) Essential public services including recycling stations.
- (10) Accessory uses, buildings, structures customarily incidental to any of the above Permitted Uses and meeting the standards of divisions 1—4, article IV of this chapter.
- (11) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.
- (12) Group foster care (five to seven children).

(Ord. No. 82, § 5.2, eff. 6-25-1991; Ord. No. 130, 9-13-2004)

Sec. 36-153. - Conditional uses.

The following uses may be allowed by the planning commission as conditional uses within the VLDR district, subject to the applicable discretionary and nondiscretionary conditional use standards described in article V of this chapter, and the specific standards provided as follows:

- (1) One temporary apartment per dwelling unit in accordance with the standards of section 36-485.
- (2) Churches and similar places of worship, when having access to Hegel Road or State Street (state trunkline).
- (3) Public and parochial elementary, junior high and high schools when located along Hegel Road or State Street.
- (4) Group day care homes, provided that the home and property are maintained consistent with the visible character of the surrounding neighborhood, as determined by the planning commission, and an off-street dropoff/pickup area is provided.
- (5) Golf courses, par-three golf courses, country clubs, tennis and racquetball clubs and similar recreational uses (including restaurants when and an integral part thereof and is entered from within the main building), provided that all buildings and structures shall be setback at least 100 feet from any property line.
- (6) Golf driving ranges, provided that:
 - a. Operations will be confined to daylight hours;
 - b. Landscaping shall be provided sufficient to screen adjacent residences; and
 - c. The tee length shall be sufficient to accommodate expected drives within the site without use of any fence exceeding six feet in height, as determined by the planning commission.
- (7) Essential public service buildings, structures and storage yards, provided that all buildings and structures are setback at least 100 feet from all property lines, and storage areas shall be sufficiently screened with evergreen plantings no more than ten feet apart and/or berms at least four feet in height at time of planting.
- (8) Radio, television and cellular phone transmission towers, provided that the tower is the principal use of the lot, the tower is set back at least one-half the height of the tower from any adjacent nonresidential use and equal to the height of the tower from any residential use, and the planning commission approves the color, lighting and landscaping in consideration of the character of the surrounding area.
- (9) Private or commercial recreational areas at least 25 acres in area which may include picnic facilities, ball diamonds, swimming, boating and ice sport facilities, amusement and other outdoor recreational sport activities, camping sites for tents, campers and travel trailers limited to a maximum use of 15 consecutive days, and meeting the following standards:
 - a. The proprietor of the use shall be deemed to be in violation if any person shall use any tent, or park any camper or travel trailer, in violation of the standards in this section.
 - b. All camping sites for tents, campers and travel trailers shall have a central water supply system with potable water under pressure piped to within 300 feet of each campsite and with fire hydrants available within 150 feet of each campsite. Each campsite shall be connected to any available water supply system.
 - c. An enclosed toilet and sewage facility approved by the state and county health department with hot and cold running water available within at least 300 feet from every campsite within the park. The park shall be connected to any municipal sanitary sewer system within 500 feet of the park.
 - d. No vehicle, tent, travel trailer, or camper shall be allowed within the park except upon an approved camper site.
 - e. The proprietor of any travel trailer, tent, or camper park shall not permit any person not properly parked and registered upon an approved campsite within the park to use any facilities of the park.
 - f. All campsites, tents, parked recreational vehicles and buildings or structures shall be setback at least 50 feet from any property line.
 - g. Any structure or accessory use within such park shall be exclusively for the use of park users.
 - h. A maximum of one identification sign shall be allowed with a maximum size of 32 square feet. Directional signs shall be no more than six square feet and their locations approved on the site plan.

(10) Accessory uses, buildings, structures customarily incidental to any of the above permitted uses and meeting the standards of divisions 1—4, article IV of chapter.

(11) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.

(Ord. No. 82, § 5.3, eff. 6-25-1991)

Sec. 36-154. - Site development standards (as applicable).

The site development standards for the VLDR district are as follows:

- (1) Table 4.6, Table of Dimensional Standards.
- (2) General provisions for setbacks from the Mill Pond and regulated wetlands, and restrictions within the floodplain.
- (3) Article VI of this chapter, site plan review standards, for any structure other than a detached one-family dwelling.
- (4) Article VII of this chapter, parking and loading-unloading standards.
- (5) Article VIII of this chapter, sign standards.
- (6) Chapter 16 for land divisions, subdivisions, and land splits.
- (7) Article II of chapter 28, street and driveway design, for street design standards, submittal/permit requirements, driveway spacing and design standards.

(Ord. No. 82, § 5.4, eff. 6-25-1991)

Secs. 36-155—36-180. - Reserved.

DIVISION 3. - LOW DENSITY RESIDENTIAL DISTRICT (LDR)

Sec. 36-181. - Intent.

The LDR low density residential district is intended to be a transition zone between the rural fringe and the village center. This LDR district provides a low-density living environment, with densities of two to three units per acre, consistent with the objectives of the village master plan. The LDR district regulations are also intended to promote flexibility in design within the allowable maximum densities, to help preserve the village character and natural features.

(Ord. No. 82, § 6.1, eff. 6-25-1991)

Sec. 36-182. - Permitted uses.

In the LDR low density residential district, land, buildings, and other structures shall be used only for one or more of the following specified uses:

- (1) Single-family detached dwellings (condominiums shall meet the standards of section 36-490).
- (2) Home occupations in accordance with the standards of section 36-553.
- (3) Family day care homes.
- (4) Foster family homes.
- (5) Public parks and open space without lighted ball fields or courts.
- (6) Essential public services.
- (7) Accessory uses, buildings, structures customarily incidental to any of the permitted uses in this section and meeting the standards of divisions 1—4, article IV of this chapter.
- (8) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.
- (9) Group foster care (five to seven children).

(Ord. No. 82, § 6.2, eff. 6-25-1991; Ord. No. 130, 9-13-2004)

Sec. 36-183. - Conditional uses.

The following uses may be allowed by the planning commission as conditional uses within the LDR low density residential district, subject to the applicable discretionary and nondiscretionary conditional use standards described in section 36-704:

- (1) One temporary apartment per dwelling unit in accordance with the standards of section 36-485.
- (2) Bed and breakfast establishments, provided that required off-street parking is in the side or rear yard and screened from any adjacent residential districts, and the dwelling unit in which the bed and breakfast establishment is located is the principal owner of, and resides in, the premises.
- (3) Churches and similar places of worship, when having access to Hegel Road or State Street (state trunkline).

- (4) Group day care homes.
- (5) Municipal, county, state and federal administration buildings, and community center buildings.
- (6) Public and semipublic institutional buildings, structures and uses such as libraries, museums and art galleries.
- (7) Fire stations and water towers when located at least 50 feet from all property lines.
- (8) Cemeteries when occupying a site of at least 20 acres and when all buildings are at least 100 feet from all property lines.
- (9) Public parks with lighted ball fields and courts.
- (10) Country clubs, golf courses and par three golf courses, provided that all buildings are at least 100 feet from any property line.
- (11) Elementary schools.
- (12) Accessory uses, buildings, structures customarily incidental to any of the permitted uses of this division and meeting the standards of divisions 1—4, article IV of this chapter.
- (13) Similar uses as determined by the planning commission in accordance with the provisions of [section 36-671](#).

(Ord. No. 82, § 6.3, eff. 6-25-1991; Ord. No. 130, 9-13-2004)

Sec. 36-184. - Site development standards (as applicable).

Site development standards (as applicable) for the LDR district are as follows:

- (1) Table [4.6](#), Table of Dimensional Standards.
- (2) General provisions for setbacks from the Mill Pond and regulated wetlands, and restrictions within the floodplain.
- (3) Article VI of this chapter, site plan review standards, for any structure other than a detached one-family dwelling.
- (4) Article VII of this chapter, parking and loading-unloading standards.
- (5) Article VIII of this chapter, sign standards.
- (6) Article II, [chapter 28](#) of this Code, street and driveway design, for street design standards, submittal/permit requirements, driveway spacing and design standards.
- (7) [Chapter 16](#) for land divisions, subdivisions and land splits.

(Ord. No. 82, § 6.4, eff. 6-25-1991)

Secs. 36-185—36-210. - Reserved.

DIVISION 4. - VILLAGE CENTER RESIDENTIAL DISTRICT (VCR)

Sec. 36-211. - Intent.

The VCR village center residential district is intended to preserve the character of the traditional village neighborhoods generally surrounding the central business district. This VCR district generally accommodates the historic dimensional requirements of the village, producing an environment of predominantly single-family detached dwellings.

(Ord. No. 82, § 7.1, eff. 6-25-1991)

Sec. 36-212. - Permitted uses.

In the VCR district, land, buildings, and other structures shall be used only for one or more of the following specified uses:

- (1) Single-family detached dwellings (condominiums shall meet the standards of [section 36-490](#)).
- (2) Home occupations in accordance with the standards of [section 36-553](#).
- (3) Family day care homes.
- (4) Foster family homes.
- (5) Public parks and open space without lighted ball fields or courts.
- (6) Essential public services.
- (7) Accessory uses, buildings, structures customarily incidental to any of the permitted uses in this section and meeting the standards of divisions 1—4, article IV of this chapter.
- (8) Similar uses as determined by the planning commission in accordance with the provisions of [section 36-671](#).
- (9) Group foster care (five to seven children).

(Ord. No. 82, § 7.2, eff. 6-25-1991; Ord. No. 130, 9-13-2004)

Sec. 36-213. - Conditional uses.

The following uses may be allowed by the planning commission as conditional uses within the VCR district, subject to the applicable discretionary and nondiscretionary conditional use standards described in section 36-704:

- (1) One temporary apartment per dwelling unit in accordance with the standards of section 36-485.
- (2) Bed and breakfast establishments, provided that required off-street parking is in the side or rear yard and screened from any adjacent residential districts, and the dwelling unit in which the bed and breakfast establishment is located is the principal owner of, and resides in, the premises.
- (3) Churches and similar places of worship, provided that all parking is off-street and setback from the right-of-way with a landscaped buffer at least ten feet wide.
- (4) Group day care homes.
- (5) Housing for the elderly of up to five units per acre, provided that the property is adjacent to the central business district.
- (6) Elementary schools, provided that all parking is off-street and buses are stored off-site, or screened from view of adjacent residential uses if stored on-site.
- (7) Municipal, county, state and federal administration buildings, and community center buildings.
- (8) Public and semipublic institutional buildings, structures and uses such as libraries, museums and art galleries.
- (9) Fire stations and water towers when located at least 50 feet from all property lines.
- (10) Cemeteries when occupying a site of at least 20 acres and when all buildings are at least 100 feet from all property lines.
- (11) Public parks with lighted ball fields and courts, provided that lighting fixtures are of a design and height to minimize effects on adjacent residential areas.
- (12) Accessory uses, buildings, structures customarily incidental to any of the permitted uses and meeting the standards of divisions 1—4, article IV of this chapter.
- (13) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.

(Ord. No. 82, § 7.3, eff. 6-25-1991)

Sec. 36-214. - Site development standards (as applicable).

Site development standards (as applicable) for the VCR district are as follows:

- (1) Table 4.6, Table of Dimensional Standards.
- (2) General provisions for setbacks from the Mill Pond and regulated wetlands, and restrictions within the floodplain.
- (3) Article VI of this chapter, site plan review standards, for any structure other than a detached one-family dwelling.
- (4) Article VII of this chapter, parking and loading-unloading standards.
- (5) Article VIII of this chapter, sign standards.
- (6) Chapter 16 for land divisions, subdivisions, and land splits.
- (7) Article II of chapter 28, street and driveway design, for street design standards, submittal/permit requirements, driveway spacing and design standards.

(Ord. No. 82, § 7.4, eff. 6-25-1991)

Secs. 36-215—36-240. - Reserved.

DIVISION 5. - MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

Sec. 36-241. - Intent.

The MDR medium density residential district is intended to be the highest density residential district in the village and allow multiple-family dwellings, along with other residentially-related facilities which serve the residents in the MDR district. The MDR district is intended to serve as a transition zone between nonresidential districts and lower density residential districts.

(Ord. No. 82, § 8.1, eff. 6-25-1991)

Sec. 36-242. - Permitted uses.

Permitted uses in the MDR district are as follows:

- (1) Single-family detached dwellings (condominiums shall meet the standards of section 36-490).

- (2) Two-family dwellings.
- (3) Bed and breakfast establishments.
- (4) Multiple-family dwelling developments, including apartment complexes, attached single-family units and rowhouses, provided that the following standards are met:
 - a. The distance between any two buildings shall be at least 20 feet.
 - b. There shall be a maximum of 24 units per building.
 - c. Any multiple-family development adjoining any single-family residential district shall be provided with a buffer yard of at least ten feet along the property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purpose.
 - d. The development shall connect to the village sanitary sewage system.
 - e. The development shall be connected to the water system of the village. If a public water system is not available, the developer shall provide with the development a potable water system which conforms to the statutes, ordinances, and regulations of the state, the county health department, the county drain commissioner's office and the village; and shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development. The developer shall also provide a fire hydrant with 400 feet of each structure.
 - f. A minimum of 20 feet shall be provided between residential structures and any drive or parking area.
 - g. The planning commission may require sidewalks within the development and connecting with any adjacent public sidewalks.
 - h. Any carports shall be designed to block headlights from adjacent streets or residential areas.
 - i. A minimum of ten percent of the total lot area shall be developed for recreation purposes.
 - j. The site shall have primary access from a paved, public street built in accordance with article II, chapter 28 of this Code, street and driveway design.
- (5) Housing for the elderly in accordance with the standards for multiple-family units of subsection (4) of this section, with the following formula for determining maximum density in recognition of the lesser traffic impacts associated with this type of housing:

One multiple-family unit = one independent living unit (low level congregate care).

One multiple-family unit = 2.5 units of intermediate level congregate care (shared meals, linen service etc.).

One multiple-family unit = four units of convalescent nursing care.
- (6) Foster family homes.
- (7) Family day care homes.
- (8) Essential public services.
- (9) Public parks and open space.
- (10) Municipal buildings such as village offices, library, museums, community center, senior center and police/fire stations.
- (11) Accessory uses, buildings, structures customarily incidental to any of the permitted uses and meeting the standards of divisions 1—4, article IV of this chapter.
- (12) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.
- (13) Group foster care (five to seven children).

(Ord. No. 82, § 8.2, eff. 6-25-1991; Ord. No. 116, eff. 5-25-2002; Ord. No. 130, 9-13-2004)

Sec. 36-243. - Conditional uses.

Conditional uses in the MDR district are as follows:

- (1) Foster family group homes.
- (2) Group day care homes.
- (3) Commercial day care centers.
- (4) Churches, places of worship.
- (5) Elementary, junior high and senior high schools.
- (6) Home occupations meeting the standards of section 36-553.
- (7) Essential public service buildings and storage yards, provided that all outdoor storage is screened from view of adjacent residential uses.
- (8) Accessory uses, buildings, structures customarily incidental to any of the permitted uses and meeting the standards of divisions 1—4, article IV of this chapter.
- (9) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.

(Ord. No. 82, § 8.3, eff. 6-25-1991)

Sec. 36-244. - Site development standards (as applicable).

Site development standards (as applicable) in the MDR district are as follows:

- (1) Table 4.6, Table of Dimensional Standards.
- (2) General provisions for setbacks from the Mill Pond and regulated wetlands, and restrictions within the floodplain.
- (3) Article VI of this chapter, site plan review standards, for any structure other than a detached one-family dwelling.
- (4) Article VII of this chapter, parking and loading-unloading standards.
- (5) Article VIII of this chapter, sign standards.
- (6) Chapter 16 for land divisions, subdivisions, and land splits.
- (7) Article II of chapter 28, street and driveway design, for street design standards, submittal/permit requirements, driveway spacing and design standards.

(Ord. No. 82, § 8.4, eff. 6-25-1991)

Secs. 36-245—36-270. - Reserved.

DIVISION 6. - RESIDENTIAL MANUFACTURED HOUSING DISTRICT (MHP)

Footnotes:

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State Law reference— *Mobile home commission act, MCL 125.2301 et seq.*

Sec. 36-271. - Intent.

The MHP residential manufactured housing district is intended to allow for the development of manufactured housing and mobile home parks within the village, with regulations similar to those required for multiple-family developments of a similar density.

(Ord. No. 82, § 9.1, eff. 6-25-1991)

Sec. 36-272. - Permitted uses.

In the MHP district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Manufactured housing/mobile home parks subject to the provisions of this division, section 36-487, regulations applicable to single-family dwellings, and other standards of this zoning chapter.
- (2) Essential public services, including recycling stations.
- (3) Accessory uses, buildings and structures meeting the standards of sections 36-551—36-554 that are customarily incidental to any of the permitted uses.

(Ord. No. 82, § 9.2, eff. 6-25-1991)

Sec. 36-273. - Park and site development standards.

The park and site development standards are provided in Table 4.6, Dimensional Standards — Residential Districts. In addition, the requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq.), and regulations adopted pursuant thereto shall apply.

(Ord. No. 82, § 9.3, eff. 6-25-1991)

Sec. 36-274. - General requirements.

General requirements for the MHP district are as follows:

- (1) Plans and specifications for water and sewage shall have the written approval of the village, county health department and the state department of environmental quality. Such written approval shall be submitted to the building inspector.
 - a. A certificate of approval from each of these agencies must also be submitted to the building inspector after final inspection of the completed facilities.
 - b. No mobile home park shall be constructed or licensed unless it shall have an approved public sewer connection the village or approved sewer system and an underground sewer provided to each mobile home site.
 - c. A central water supply system connected to a public water supply system (if available) with water supplied to each mobile home site shall be

provided.

- d. Fire hydrants shall be provided within 300 feet of each mobile home site.
- (2) No mobile home shall be occupied for dwelling purposes unless the mobile home is placed on the pad and connected to water, sanitary sewers, electricity, and other facilities as may be necessary.
- (3) Paved parking off the roadways or streets within the "park" shall be provided at the rate of at least two parking spaces for each mobile home or dwelling unit. The streets within the park may be utilized for additional guest parking, provided that such parking will not interfere with safe vehicular and pedestrian movement and provided the street width permits same in accordance with Public Act No. 96 of 1987 (MCL 125.2301 et seq.). No-parking areas shall be posted and maintained by the park operator.
- (4) Street lighting shall be provided and paid for by the operator of the park and shall be approved as to the adequacy of illumination by the building inspector.
- (5) Street regulatory signs shall be provided by the operator as all street intersections in accordance with village specifications.
- (6) Fences on individual home sites shall be uniform in height not to exceed 30 inches and shall be constructed in such manner as to provide firefighters an access of at least five feet on all sides of each mobile home.
- (7) Mobile home parks shall be located with direct access to a major street, as defined on the village Act 51 map.
- (8) Sales or display of mobile homes within any portion of the park shall be prohibited except for units being sold by the occupant.
- (9) There shall be a maximum of one sign which shall bear only the name of the mobile home park.
 - a. Such a sign shall have a maximum area of 40 square feet, and may be lighted, provided that the source of light is not visible and not of the flashing or intermittent type.
 - b. Such a sign shall be located from the street a distance equal to the required front or side street yard.
- (10) The owner or operator of any mobile home park shall be responsible for and shall perform all street construction and street maintenance within the confines of the mobile home park as shall be determined necessary by the village; and shall be responsible for and shall perform all snow removal within the confines of the mobile home park as shall be determined necessary by the village.
- (11) No mobile home shall be occupied by more than one family.
- (12) No camping trailers, boats, or other large equipment shall be stored upon the mobile home site, but a separate storage area shall be provided for such purposes.
- (13) All gas and electrical service conduits shall be underground.
 - a. Each mobile home lot shall be provided with underground and electrical service.
 - b. When separate meters are installed, each meter shall be located on a uniform post on the lot line.
- (14) Each mobile home site shall be provided with approved waste receptacles.
 - a. The waste receptacles shall be kept in a sanitary condition at all times.
 - b. It shall be the responsibility of the mobile home park operator to ensure that garbage containers do not overflow.
 - c. Exterior property areas shall be maintained free from organic and inorganic material that might become a health hazard, accident or fire hazard.
 - d. Facilities for cleaning refuse receptacles shall be provided in a central location approved by the village.
- (15) Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park in compliance with the applicable regulations of the state fire code.
- (16) No business of any kind shall be conducted in any mobile home.
- (17) The grounds of a mobile home park shall be graded to drain properly and to satisfactorily meet the approval of the village engineer, the county drain commissioner, and the county road commission.
- (18) Skirting on each mobile home shall be required within 30 days. Such skirting shall provide adequate ventilation and be approved by the building inspector prior to installation.
- (19) There shall be no storage of any kind underneath any mobile home, and each mobile home shall be maintained in a clean and presentable condition at all times.

(Ord. No. 82, § 9.4, eff. 6-25-1991)

Sec. 36-275. - Site development standards (as applicable).

Site development standards (as applicable) in the MHP district are as follows:

- (1) Table 4.6, Table of Dimensional Standards.
- (2) General provisions for setbacks from the Mill Pond and regulated wetlands, and restrictions within the floodplain, particularly section 36-487, regulations applicable to single-family dwellings.
- (3) Article VI of this chapter, site plan review standards, for any structure other than a detached one-family dwelling.

- (4) Article VII of this chapter, parking and loading-unloading standards.
- (5) Article VIII of this chapter, sign standards.
- (6) Chapter 16 for land divisions, subdivisions, and land splits.
- (7) Article II of chapter 28, street and driveway design, for street design standards, submittal/permit requirements, driveway spacing and design standards.

(Ord. No. 82, § 9.5, eff. 6-25-1991)

Secs. 36-276—36-300. - Reserved.

DIVISION 7. - PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Footnotes:

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Editor's note— Ord. No. 137, effective March 24, 2006, in effect repealed the former division 7, §§ 36-301—36-306, and enacted a new division 7 of article III, as set out herein. The former division 7 pertained to similar subject matter and derived from Ord. No. 82, §§ 10.2—10.6, effective June 25, 1991; Ord. No. 98, effective December 22, 1995 and Ord. No. 130, effective September 13, 2004.

State Law reference— Planned unit development, MCL 125.584b et seq.

Sec. 36-301. - Intent.

The planned unit development district (PUD) is intended to allow flexibility of site design, a mixing of housing types, a mix of residential and non-residential uses, limited non-residential development where it may not otherwise occur under conventional zoning, in exchange for high quality site and building design, preservation of sensitive natural features and woodlands, and greater compatibility with the small town character of the village.

(Ord. No. 137, eff. 3-24-2006)

Sec. 36-302 - Requirements regarding tract.

Requirements regarding a tract in the PUD district are as follows:

- (1) *Minimum required land.* The minimum required land area for a planned unit development shall be five contiguous acres.
- (2) *Sanitary sewer system.* The developer shall provide within the planned unit development, a sanitary sewage system which shall be of sufficient size and design to collect all sewage from all present and proposed structures in the planned unit, shall connect with the village's system and shall be otherwise constructed and maintained in conformity with the statutes, ordinances and regulations of the state, the county health department, the county drain commissioner's office and the village.
- (3) *Storm drainage system.* The developer shall provide within the planned unit development, a storm drainage system approved by the village engineer to be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the development and any adjoining tributary area and shall be so constructed as to conform with the statutes, ordinances and regulations of the state, the county health department and the county drain commissioner's office and the village.
- (4) *Public water system.* If a public water system is not available, the developer shall provide within the planned unit development as potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
- (5) *Fire hydrants.* The developer shall provide a fire hydrant within 400 feet of each structure if a public water system is available.
- (6) *Recognizable benefits.* A PUD shall result in a recognizable and substantial benefit, both to the residents and occupants of the property and to the overall quality of life in the village. The benefits can be provided through site design elements in excess of the requirements of this ordinance, such as high quality architectural design, extensive landscaping, provide transition areas from adjacent land uses, unique site design features, unified access, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams and wetlands. The proposed development shall provide at least one of the following benefits:
 - a. *Significant natural assets.* The site contains significant natural assets such as woodlands, rolling topography with grades exceeding 15 percent, significant views, natural drainage ways, water bodies, floodplains, regulated or non-regulated wetlands or natural corridors that connect quality wildlife habitats which would be in the best interest of the village to preserve and which might be negatively impacted by conventional residential development.
 - b. *Recreation facilities.* If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide new recreation facilities to which all residents of the development and the village shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance.
 - c. *Mixed use.* A site can qualify if the development will provide a complimentary and integrated mixture of uses, residential densities and housing types. A mixed use project shall be considered a project which proposes a combination of residential housing types or a mixture of compatible

residential and commercial uses. Such mixture of uses shall be integrated into a cohesive, pedestrian scale neighborhood.

- (7) *Guarantee of Open Space*. The applicant shall guarantee to the satisfaction of the planning commission that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the village and the land uses and restrictions continue as approved in the PUD plan.

(Ord. No. 137, eff. 3-24-2006)

Sec. 36-303 - Permitted uses.

- (a) Single family detached and attached dwellings.
- (b) Two family dwellings.
- (c) Multiple family dwellings.
- (d) Housing for the elderly (with maximum density calculated as noted in Article 8).
- (e) Public or private parks and outdoor recreation areas which may include a golf course, swimming pool, tennis court, ice skating rink and other similar recreational uses without outdoor lighting.
- (f) Family day care, family foster care, commercial day care.
- (g) Churches, places of worship.
- (h) Municipal buildings.
- (i) Essential public services.
- (j) Retail food establishments under 50,000 square feet which supply: groceries, fresh produce, meats, dairy products, baked goods, confections or similar commodities for consumption off the premises. Food stuffs may be prepared on the premises as an accessory use if sold at retail prices on premise.
- (k) Restaurants, delicatessens and other establishments serving food and/or beverages on premise, which may include seasonal outdoor seating, but without drive-through or drive-in service.
- (l) Banks, savings and loan, credit unions and other financial institutions with a maximum of three drive-through lanes. A drive-through ATM machine located anywhere on the site will count towards this maximum.
- (m) Stand alone automatic teller banking machines.
- (n) Retail businesses under 10,000 square feet conducted entirely within an enclosed building such as: drug stores, liquor, dry goods, clothing, video rental, furniture, hardware, music, book stores, antique stores and gift shops.
- (o) Personal service establishments such as but not limited to: small electronics repair shops, shoe repair, tailors, hair styling salons, spas, film processing outlets, copy centers, interior decorators, postal centers and dry cleaners.
- (p) Indoor commercial recreation, movie theaters, or fitness centers.
- (q) Professional offices such as medical, dental, chiropractors, osteopaths, insurance, real estate, attorney, financial and similar or allied professions.
- (r) Art galleries, art studios, photographer studios, dance studios, and theaters for stage productions or films.
- (s) Commercial schools.
- (t) Hospitals.
- (u) A building with a mixture of the above uses including a mixture of residential and non-residential uses.
- (v) Accessory uses, buildings, structures customarily incidental to any of the above permitted uses and meeting the standards of divisions 1, article IV of this chapter.
- (w) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.

(Ord. No. 137, eff. 3-24-2006)

Sec. 36-304. - Reserved.

Sec. 36-305 - Density and design standards.

- (a) The following density and use restrictions apply based upon the PUD type that is requested:
 - (1) *Residential PUD*. A maximum of 80 percent of the total site area shall be devoted to residential use: land devoted to residential use shall be deemed to include those streets, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include useable open space which is available for use by the general public or by persons who do not live in the residences or groups of residences immediately adjacent to it unless otherwise provided herein.
 - (2) *Mixed use PUD*. PUDs to incorporate residential and non-residential land uses, a maximum of 20 percent of the total site area shall be used for non-residential development and required parking, circulation, and landscaping with the remaining portion of the site devoted to a maximum of 60 percent residential use and a required minimum of 20 percent open space.

- (3) *Commercial PUD.* PUDs with all non-residential land uses shall have a maximum of 80 percent of the total site devoted for non-residential development required parking, circulation, and landscaping with the remaining 20 percent devoted to required open space.
- (b) *Open space.* All land within a development that is not devoted to a use, roadway, or parking shall be set aside as common land for recreation or open space. A PUD shall provide a minimum of 20 percent of the gross site area as dedicated open space held in common ownership. Areas not considered open space are:
- (1) Area proposed as single family residential lots;
 - (2) Area proposed to be occupied by buildings, including the minimum required setbacks around the building;
 - (3) 75 percent of the land area devoted to detention or retention ponds;
 - (4) The area of any street right-of-way;
 - (5) Any submerged land area of a pond, lake, river, or stream; and
 - (6) Any regulated wetland.
- (c) *Regulatory flexibility.*
- (1) To encourage flexibility and creativity consistent with the intent of the PUD regulations, the planning commission may permit specific departures from the requirements of the zoning ordinance as a part of the approval process.
 - (2) Any regulatory modification shall be approved through a finding by the planning commission that the modification shall result in a higher quality of development than would be possible using conventional zoning standards and that there is a direct benefit to the village as a result of the modification.
 - (3) A table shall be provided on the site plan which specifically details all modifications. This specification should include ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which modifications are sought.
- (d) *Residential PUD Dimensional Standards.* Except as otherwise noted in table 4.6, Dimensional Standards - Residential Districts, there shall be no minimum lot size, no minimum setbacks and no minimum lot width for any unit. The density of the residential component shall be established by a parallel design plan. Such design plan shall demonstrate a project that is consistent with state, county, and village requirements and design criteria. The parallel plan shall meet all standards for lot size, lot width and setbacks are normally required by the village. This plan will establish the number of allowable dwelling units for the PUD plan.
- (e) *Commercial PUD Standards.*
- (1) *Dimensional requirements.* Projects shall comply with the dimensional setback requirement of the general business district, unless otherwise modified as part of the PUD process.
 - (2) *Building design and layout.* Buildings within a Commercial PUD shall be of the highest quality in terms of materials and design and shall be in accordance with the following guidelines:
 - a. The overall appearance will give the impression of a unified development.
 - b. The overall design will be consistent roof lines, varied building lines, distinguishing architectural features, cornice work, edge detailing, archways, high quality and varied materials.
 - c. Building facades will contain architectural features such as awnings, cornice work, edge detailing or other decorative features typical of building fronts.
 - d. At least 50 percent of the facade of buildings visible from public access will be finished in brick or other masonry material.
 - e. Buildings must use unifying elements, accents, style, color and materials.
 - f. The rear building facades of all buildings will not have the appearance of a backdoor façade.
 - g. Window area shall make up at least 10 percent of the front facades.
 - h. Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors.
 - i. Each commercial building that fronts onto state road shall have at least one major public pedestrian entrance and pathway connection to the existing village pathway system.
 - j. building entrances shall be oriented towards state road and located no further from the front lot line than the minimum front yard setback, to the extent feasible.
 - k. A maximum of 25 percent of the proposed parking spaces shall be located in the front yard.
 - (3) *Screening.* In addition to other screening requirements in the division, a commercial PUD shall provide the following screening:
 - a. Loading areas shall be located or designed on site to be minimally visible from adjacent roads and residential areas. Any loading service areas visible from a road or residential area will be screened.
 - b. Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.
 - c. Transformers, air conditioning and other mechanical equipment and utilities located on the ground or roof shall be screened.

- (4) *Landscaping and lighting.* The planning commission or village council has the authority to impose additional landscaping or lighting requirements beyond those found in [section 36-521](#) and [section 36-524](#) if determined to be necessary to meet the intent and purpose of the PUD.
- (f) *Location of structures.* The proposed location and arrangement of structures shall not be detrimental to existing or prospective development of the neighborhood. Every single family and two family dwelling unit shall have access to a public street, court, walkway or other area dedicated to public use. No structure and no group of structures (such as semidetached dwellings or a row of townhouses) shall be erected within 24 feet of any other structure or group of structures.
- (g) *Protection of open spaces.* Open spaces between structures, including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications, as specified by the planning commission.
- (h) *Open Space Setback.* The planning commission may require a minimum 50 foot wide undisturbed open space setback from the edge of any lake, pond, river, stream or wetland; provided that the planning commission may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
- (i) *Streets.* All streets within the PUD development shall be built to the standards of the Village of Goodrich Street and Driveway Design Ordinance, and dedicated to the village.
- (j) *Unified design elements.* All projects shall be designed to incorporate unifying design elements consistent with the Village of Goodrich design theme such as the light poles, benches, and trash receptacles.

(Ord. No. 137, eff. 3-24-2006)

Sec. 36-306 - Procedure.

- (a) *PUD rezoning submittal requirements.*
- (1) The applicant shall submit an application form and fee, legal description and proof of property ownership to the village for rezoning to PUD.
 - (2) The applicant shall provide 15 copies an overall PUD plan at an engineering scale with the rezoning request. The PUD rezoning plan shall include an illustration of the sites existing natural features, including wetlands, lakes, ponds, streams, woodlands, all trees with a caliper of over eight inches, topography at two foot contour intervals, and an indication of drainage patterns.
 - (3) A conceptual PUD plan illustrating the location and acreage to be devoted to specific uses, open space areas, alignment of streets and drives and general location of parking areas, the location of buildings, the proposed density of dwelling units, a list of proposed uses, and a general layout of utilities.
 - (4) As deemed necessary by the village, a written impact assessment which describes the impact of the PUD project on the natural features, school enrollment, traffic generation and expected changes to operations on adjacent public streets determined by a registered traffic engineer, changes to drainage patterns, affects of wildlife, capability of public utilities to serve the development, and the relationship to surrounding land uses. The applicant should attach correspondence from appropriate agencies in support of the findings.
- (b) *PUD rezoning procedure.*
- (1) The planning commission shall use the criteria of [Section 36-704](#) in reviewing the PUD rezoning request. Those criteria shall include the desirability of the planned unit development's design in terms of traffic safety, health, drainage, densities, land use relationships of proposed uses to each other and uses adjacent to the site and its overall relation to a community development plan if such exists.
 - (2) The planning commission shall recommend to the village council to either approve or deny the PUD rezoning request. The planning commission may also suggest changes to the PUD plan which the applicant may incorporate prior to submitting for council action.
 - (3) The village council shall approve, approve with conditions, or deny the PUD rezoning request.
- (c) *PUD site plan submittal requirements and procedure.*
- (1) Within six months of PUD zoning approval, the applicant shall submit a detailed site plan according to the procedures outlined in article xvi, Site Plan Review.
 - (2) The planning commission shall review the detailed PUD site plan according to the procedures and review standards outlined in article vi and a finding the final site plan is consistent with the overall plan originally submitted by the developer.
 - (3) Approval of any detailed PUD site plan shall lapse unless construction is started within one year.
- (d) *Changes to a PUD plan.*
- (1) Any change to the PUD plan shall be submitted to the planning commission. The change should be described both on a site plan and in writing. The planning commission may approve a minor change, however, if the planning commission determines the change as significant, the applicant shall resubmit for PUD rezoning as outlined in section (a) above.

(Ord. No. 137, eff. 3-24-2006)

Secs. 36-307—36-330. - Reserved.

DIVISION 8. - CENTRAL BUSINESS DISTRICT (CBD)

Sec. 36-331. - Intent.

The CBD central business district is intended to provide for a traditional mixture of retail, service, office, municipal, entertainment and park uses and related activities that are mutually supporting. Among the purposes of this CBD district is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian oriented unified setting, with shared parking. The CBD district makes special provision for vertical zoning, allowing the upper floors to be used as offices, storage or for residential dwellings.

(Ord. No. 82, § 11.1, eff. 6-25-1991)

Sec. 36-332. - Permitted uses.

In the CBD central business district, land, buildings, and other structures shall be used only for one or more of the following specified uses. All such uses shall deal directly with consumers; all business, servicing or processing, except for off-street parking and loading, shall be conducted on the premises within a completely enclosed building, outdoor storage of commodities shall be expressly prohibited.

- (1) Single-family detached dwelling units.
- (2) Two-family dwelling units.
- (3) Residential dwellings on upper stores, provided that each unit meets the appropriate minimum size requirements listed in table 4.6 Dimensional Standards — Residential Districts and that required parking is provided on a private parking lot within 500 feet of the structure.
- (4) Home occupations in accordance with the standards of section 36-553.
- (5) Multiple-family dwelling units, not exceeding a density of eight units per acre.
- (6) Housing for the elderly, not exceeding a density of eight units per acre, with density calculations as noted division 5 of this article, medium density residential district.
- (7) Bed and breakfast establishments.
- (8) Retail food establishments which supply groceries, fresh produce, meats, dairy products, baked goods, confections or similar commodities for consumption off the premises. Foodstuffs may be prepared on the premises as an accessory use if sold at retail prices on the premises.
- (9) Restaurants, delicatessens and other establishments serving food and/or beverages on premise, which may include seasonal outdoor seating, but without drive-through or drive-in service.
- (10) Banks, savings and loan, credit unions and other financial institutions without drive-through facilities.
- (11) Stand alone automatic teller banking machines.
- (12) Retail businesses conducted entirely within an enclosed building such as drugstores, liquor, dry goods, clothing, furniture, hardware, music, bookstores, antique stores and gift shops.
- (13) Personal service establishments such as, but not limited to, small electronics repair shops, shoe repair, tailors, hair styling salons, photographers studios, art studios, film processing outlets, copy centers, interior decorators, postal centers and dry cleaners.
- (14) Professional offices such as medical, dental, chiropractors, osteopaths, insurance, real estate, attorney, financial and similar or allied professions.
- (15) Churches, places of worship.
- (16) Public parks and municipal buildings such as a library, community center, fire station, village offices and museum.
- (17) Post offices.
- (18) Newspaper offices.
- (19) Essential public services and essential public service buildings.
- (20) Warehouse and storage on upper levels, provided that no storage shall be allowed on a floor having residential dwellings and that all storage shall be related to a permitted use within the same structure.
- (21) Accessory uses, buildings, structures customarily incidental to any of the permitted uses and meeting the standards of divisions 1—4, article IV of this chapter.
- (22) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.

(Ord. No. 82, § 11.2, eff. 6-25-1991)

Sec. 36-333. - Conditional uses.

The following uses may be allowed by the planning commission as conditional uses within the CBD central business district, subject to the specific standards of this section and the conditional use standards described in article V of this chapter:

- (1) Automobile repair and/or auto body repair, provided that all work is conducted within a completely enclosed building, any outdoor storage is completely screened from view of any public street of residential use by a screen wall at least six feet high, and that all work is conducted during

daylight hours.

- (2) Any permitted or conditional use under section 36-332 and this section that has up to two drive-through windows.
- (3) Commercial schools and dance studios, provided that off-street parking is provided or determined to be available by the planning commission.
- (4) Funeral homes.
- (5) Medical clinics.
- (6) Open front restaurant windows, when accessory to a principal permitted restaurant and designed for walk-up patrons only, provided that on-site trash collection is provided and provided that trash is recycled.
- (7) Video rental establishments.
- (8) Fitness centers, health spas and commercial indoor recreation establishments such as bowling alleys, pool halls, and racquetball courts when sufficient private off-street parking is provided.
- (9) Clubs, indoor theaters.
- (10) Commercial parking lots and parking structures.
- (11) Automobile service stations on lots with frontage on State Road (M-15) and at a major intersection. This use shall have a maximum of four pump islands. Pump islands shall be defined as one gas pumping station that accommodates one vehicle on each side of the island.
- (12) Accessory uses, buildings, structures customarily incidental to any of the permitted uses and meeting the standards of divisions 1—4, article IV of this chapter.
- (13) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.

(Ord. No. 82, § 11.3, eff. 6-25-1991; Ord. eff. 5-21-1999; Ord. No. 130, 9-13-2004)

Sec. 36-334. - Site development standards (as applicable).

Site development standards (as applicable) in the CBD district are as follows:

- (1) Table 4.6, Table of Dimensional Standards.
- (2) General provisions for setbacks from the Mill Pond and regulated wetlands, and restrictions within the floodplain.
- (3) Article VI of this chapter, site plan review standards, for any structure other than a detached one-family dwelling.
- (4) Article VII of this chapter, parking and loading-unloading standards.
- (5) Article VIII of this chapter, sign standards.
- (6) Chapter 16 for land divisions, subdivisions, and land splits.
- (7) Article II of chapter 28, street and driveway design, for street design standards, submittal/permit requirements, driveway spacing and design standards.

(Ord. No. 82, § 11.4, eff. 6-25-1991)

Sec. 36-335. - Design standards.

- (a) *Intent.* The intent of these regulations is to provide specific design guidelines for nonresidential uses in the CBD district that encourage development and redevelopment that protects and enhances the traditional small-town character, creates a character that reinforces a sense of community identity, maintains and enhances the economic vitality of the business district and prevents the creation of blight. It is further the intent of these regulations to promote the preservation and renovation of historic buildings; and ensure that new buildings are compatible with and enhance the historic character of the village. These regulations also include specific gateway design standards for sites in the CBD that have frontage on State Road (M-15), which are intended to implement the recommendations of the state road corridor master plan.
- (b) *Applicability.* All nonresidential uses requiring site plan approval in the central business district shall comply with the design standards of this section as follows:
 - (1) *New sites.* All uses that require site plan approval for construction of a new building after the effective date of this ordinance shall fully comply with the design standards of this section.
 - (2) *Expansions to existing buildings.* For buildings existing prior to the effective date of the ordinance from which this chapter is derived, building improvements or expansions are allowed, provided the improvements shall not increase noncompliance with the requirements of this section, and provided further, the planning commission, during site plan review, may require reasonable improvements to the building and site in relation to the scale and construction cost of the building improvements or expansion.
- (c) *General design standards.* The design standards of section 36-745(2) shall be complied with in addition to the regulations of this section.
- (d) *Building design.* All new buildings and major expansions to existing buildings shall comply with the following standards:
 - (1) Architectural styles, including roof style, shall be compatible and consistent with the traditional architecture found in the central business district.
 - (2) Facade openings, including doors and windows, shall be vertical in proportion.
 - (3) The glazed area of a facade above the first floor shall not exceed 35 percent of the total facade area of that floor.

- (4) Facades may be supplemented by awnings which shall be straight sheds, not cubed or curved. Awnings shall not be internally lit.
 - (5) The buildings shall be designed at a pedestrian scale with relationship to the street and sidewalk.
 - (6) Buildings shall not have an atypical design that would not allow it to be adaptively reused in the future by another use in the same category of uses (such as retail, restaurant, auto-service). The intent of this subsection is prevent the construction of a building that, if the use was discontinued, could not be readily adapted to a new use.
 - (7) Exposed neon shall not be permitted.
- (e) *Site design.* Site design in the CBD district shall be as follows:
- (1) Parking shall be limited to the side or rear yard.
 - (2) Detention/retention ponds shall not be permitted in the front yard.
 - (3) All loading and service areas shall be located in the rear yard of the lot.
 - (4) All sites shall include ornamental lighting of a style that is consistent with the street lighting in the central business district.
- (f) *Gateway sites and developoment standards.* For sites in the CBD district which have frontage on State Road (M-15), as designated in the master plan, the following additional design standards shall apply:
- (1) All front lot lines, not occupied by a building wall, shall have a street wall. Street walls shall be a minimum 2½ feet in height and constructed of brick with a limestone cap or stone. The planning commission may permit a portion of the street wall that does not abut parking to be black wrought iron fence or hedgerow. Street walls shall be compatible with those street walls on adjacent lots or across the street. Openings in the street wall may be permitted for vehicular and pedestrian access to the site.
 - (2) Public space, in the form of a landscaped plaza or other similar design feature, shall be provided in a prominent location that relates to the pedestrian system. For buildings located at the intersection of West Hegel Road and M-15, such plaza shall be located at the corner of the lot facing the intersection. Additional site amenities such as benches, waste receptacles and bike racks may be required by the planning commission.
 - (3) Buildings located at the terminus of a view along a street shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and creates a positive visual landmark.
 - (4) Only one access point per site shall be permitted to State Road (M-15) unless the planning commission determines additional access points are necessary to provide reasonable access to motorists, delivery vehicles and emergency vehicles, and that the additional access points will not compromise traffic operations and safety along the public roadway.
 - (5) Signs located at this intersection shall comply with article VIII of this chapter. However, pylon and ground signs shall be allowed up to a maximum of six feet in height with a maximum sign area of 20 square feet, provided that there shall be no directional signage provided on-site. Sites with frontage on two public streets are permitted to have one sign per street front meeting the maximum height and area requirement noted in this section.

(Ord. No. 82, § 11.5, eff. 6-25-1991; Ord. eff. 5-21-1999; Ord. No. 129, 12-15-2003; Ord. No. 130, 9-13-2004)

Secs. 36-336—36-360. - Reserved.

DIVISION 9. - GENERAL BUSINESS DISTRICT (GBD)

Sec. 36-361. - Intent.

The GBD general business district is intended to accommodate commercial establishments that are auto-oriented along the M-15. The standards of this GBD district are intended to create cohesive commercial areas that take advantage of access provided by the village's transportation system, but also provide safe and convenient traffic operations in an aesthetically pleasing environment, helping ensure safety and discouraging undesirable strip commercial development.

(Ord. No. 82, § 12.1, eff. 6-25-1991)

Sec. 36-362. - Permitted uses.

In the GBD general business district, land, buildings and other structures shall be used for one or more of the following specified uses:

- (1) Banks, savings and loans, and credit unions. This shall exclude drive-through branches and stand alone automatic teller machines if abutting a residential land use. If the business abuts only nonresidential uses, then drive-through and stand alone automatic teller machines shall be permitted by right.
- (2) Personal service establishments such as, but not limited to, small electronics repair shops, shoe repair, tailors, hair styling salons, photographers studios, film processing outlets, copy centers, interior decorators, postal centers, self-service laundry and dry cleaners without on-site processing.
- (3) Commercial schools and dance studios.
- (4) Funeral homes.
- (5) Medical clinics.

- (6) Newspaper offices, publishing, and commercial printers.
- (7) Professional offices such as medical and dental, chiropractors, osteopaths, insurance, real estate, legal, financial, and similar or allied professions.
- (8) Commercial day care.
- (9) Auto parts and tire store.
- (10) Retail food establishments, including convenience stores, the principal activity of which is within a wholly enclosed building which supply groceries, fresh produce, meats, dairy products, baked goods, confections or similar commodities for consumption off the premises. Foodstuffs may be prepared on the premises as an accessory use if sold at retail prices on a premises.
- (11) Restaurants, delicatessens and other establishments serving food and/or beverages, excluding drive-throughs and drive-ins.
- (12) Retail businesses conducted entirely within an enclosed building such as drugstores, liquor, dry goods, clothing, furniture, hardware, music, bookstores, and gift shops.
- (13) Shopping center, less or equal to 60,000 square feet.
- (14) Elementary, junior high and senior high schools.
- (15) Churches, places of worship, including athletic fields when not adjacent to single-family residential districts.
- (16) Private clubs, lodge halls, theaters, cinemas, and similar such assembly buildings when completely enclosed.
- (17) Video rental establishments.
- (18) Commercial indoor recreational establishments, fitness centers and health spas.
- (19) Public and municipal buildings and structures, parks and open space.
- (20) Hotels, motels, and bed and breakfast inns, but not including trailer camps or tent sites, provided that each living unit shall not contain less than 250 square feet of floor area.
- (21) Convenience stores without gasoline sales.
- (22) Building and lumber sales, provided that the use is primarily for the storage and sale of retail goods, and excludes manufacturing, processing, planing or milling operations, provided that outdoor storage is prohibited in the front yard and all outdoor storage and display areas are screened from adjacent residential uses by a fence, wall or landscaped berm at least six feet high.
- (23) Essential public services, essential public service buildings, and essential public service storage yards.
- (24) Accessory uses, buildings, structures customarily incidental to any of the permitted uses and meeting the standards of divisions 1—4, article IV of this chapter.
- (25) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.

(Ord. No. 82, § 12.2, eff. 6-25-1991; Ord. No. 130, 9-13-2004)

Sec. 36-363. - Conditional uses.

The following uses may be allowed by the planning commission as conditional uses within the GBD general business district, subject to the specific standards in this section and article V of this chapter, conditional uses:

- (1) Automobile service stations.
- (2) Automobile wash, automatic or self-service.
- (3) Automobile, recreational vehicle and mobile home showroom and sales, provided that no major repair or major refinishing shall be conducted on the lot.
- (4) Automobile repair stations and automobile body repair stations.
- (5) Bus passenger stations.
- (6) Restaurants with drive-through windows, drive-in service, or open front restaurant windows accessory to a principal permitted restaurant.
- (7) Convenience stores, including those with gasoline service.
- (8) Regional shopping centers greater than 60,000 square feet.
- (9) Commercial outdoor recreational establishments including golf driving ranges and miniature golf courses.
- (10) Veterinary hospitals, clinics and commercial kennels, provided that all activities are conducted within a completely enclosed building.
- (11) Ministorage or self-storage warehouses.
- (12) Outdoor sales space for exclusive sale of used automobiles, new and/or used mobile homes, boats and recreational vehicles.
- (13) Nurseries and garden centers selling landscape supplies, bricks, stone, patio furniture, etc., provided all outdoor storage is in the side or rear yards and screened from view from the public street and any adjacent residential area; except the planning commission may allow a small outdoor display area in the front yard which is immediately in front of the principal building and outside of the public right-of-way.
- (14) Accessory outdoor storage of materials, equipment and repair vehicles, provided that it shall be located in the rear yard, shall be screened and contained in accordance with landscape buffer requirements of section 36-524(3), the outdoor storage area shall be a paved surface, and that the size

of the storage area shall not exceed 25 percent of the gross floor area of the principal building.

- (15) Accessory uses, buildings, structures customarily incidental to any of the permitted uses and meeting the standards of divisions 1—4, article IV of this chapter.
- (16) Automotive fabricating and tool and die shops, provided that all activities are completely enclosed with a building, the building a parking are adequately screened from adjacent uses and access is provided to an arterial roadway.
- (17) Concrete plants, provided that all of the following are met:
- a. *Minimum setbacks.* In order to reduce the effects of airborne dust, dirt, and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be set back as follows:
 1. Twenty-five feet from a shoreline of a stream or wetland;
 2. Fifty feet from any arterial street;
 3. Ten feet from any local (side) street right-of-way line;
 4. Ten feet from adjacent nonresidential property lines;
 5. Two hundred feet from any property zoned for residential purposes.
 - b. *Access.* Concrete plans shall have direct access onto a major arterial. There shall be sufficient off-street stacking for trucks waiting to be loaded. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.
 - c. *Hours of operation.* Mixing, loading and related plant activities shall not begin prior to one hour before sunrise or continue beyond 10:00 p.m.
 - d. *Maximum size.* Concrete plants shall be of a low profile design, a maximum of 60 feet high.
 - e. *Building.* Operations for any concrete batch plants constructed after January 1993 shall be entirely enclosed within a building; elevations of the building shall be approved by the planning commission, including building color.
 - f. *Screening.* The plant and parking/loading areas shall be screened with a greenbelt where visible to motorists along public roads with at least one tree and three shrubs per 40 feet of frontage. Areas illustrated and approved on the site plan for outdoor storage of sand, gravel, drums, pallets, re-rod and building materials shall be screened from view with a six-foot high wall where adjacent to a residential district. Stockpiles exceed 15 feet in height. The planning commission may require evergreen landscaping to screened outdoor storage from adjacent uses and public streets.
 - g. *Backup alarm.* All trucks using the facility shall be fitted with an automatic backup alarm.
 - h. *Air quality.* Emissions and fugitive dust associated with the plant shall be within the levels established by al local, state and federal requirements for air quality. Necessary mitigation measures shall be described such as truck washing. All truck washing shall occur within a designated on-site paved area that is designed to capture and dispose of or recycle wash water.
 - i. *Waste disposal.* Drains shall not be connected to the village sanitary sewer system, a dry well or septic system. Drains shall be connected to a closed holding tank, unless a permit for groundwater discharge is approved by the MDEQ.
 - j. *Groundwater protection.* Activities associated with the concrete plant shall not contaminate or degrade the quality of watercourses, lakes, streams, wetlands or aquifers. The operation shall comply with all requirements of the MDEQ, U.S. Environmental Protection Agency and other appropriate agencies.
 - k. *Noise.* The type, frequency of occurrence and duration of noise generated by the plant shall not be disruptive to other uses in the vicinity.
 - l. *Excess concrete.* The proposed recovery system for excess concrete must be noted on the plan. Recycling of excess concrete is encouraged.
- (18) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.
- (19) Any permitted or conditional use under sections 36-362 and this section that has drive-through windows, only when abutting a residential use.
- (Ord. No. 82, § 12.3, eff. 6-25-1991; Ord. No. 85, § 2, eff. 3-19-1993; Ord. No. 130, 9-13-2004)

Sec. 36-364. - Site development standards (as applicable).

Site development standards (as applicable) in the GBD district are as follows:

- (1) Table 4.6, Table of Dimensional Standards.
- (2) General provisions for setbacks from the Mill Pond and regulated wetlands, and restrictions within the floodplain.
- (3) Article VI of this chapter, site plan review standards, for any structure other than a detached one-family dwelling.
- (4) Article VII of this chapter, parking and loading-unloading standards.
- (5) Article VIII of this chapter, sign standards.
- (6) Chapter 16 for land divisions, subdivisions, and land splits.
- (7) Article II of chapter 28, street and driveway design, for street design standards, submittal/permit requirements, driveway spacing and design standards.

(Ord. No. 82, § 12.4, eff. 6-25-1991)

Secs. 36-365—36-390. - Reserved.

DIVISION 10. - OFFICE-SERVICE DISTRICT (OSD)

Sec. 36-391. - Intent.

The OSD office-service district is intended to concentrate a variety of office uses of a business and professional nature, and personal and professional service activities compatible with office uses. This OSD district is intended to provide a transition between commercial districts and the adjacent residential districts.

(Ord. No. 82, § 13.1, eff. 6-25-1991)

Sec. 36-392. - Permitted uses.

In the OSD office-service district, land, buildings and other structures shall be used for one or more of the following specified uses:

- (1) Commercial day care.
- (2) Banks, savings and loans, and credit unions. This shall exclude those with drive-through branches and automatic teller machines if abutting a residential land use. If the business abuts only nonresidential uses, then drive-through and stand alone automatic teller machines shall be permitted by right.
- (3) Professional offices such as medical, dental, chiropractors, optometrists, osteopaths, insurance, real estate, legal, financial, engineering, architectural, legal, financial and similar or allied professions.
- (4) Medical clinics.
- (5) Copy centers.
- (6) Newspaper offices and publishing.
- (7) Funeral homes.
- (8) Photography studios.
- (9) Commercial schools and dance studios.
- (10) Churches, places of worship.
- (11) Public and municipal uses and buildings, including parks and open space.
- (12) Essential public services.
- (13) Accessory uses, buildings, structures customarily incidental to any of the permitted uses and meeting the standards of divisions 1—4, article IV of this chapter.
- (14) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.

(Ord. No. 82, § 13.2, eff. 6-25-1991; Ord. No. 130, 9-13-2004)

Sec. 36-393. - Conditional uses.

The following uses may be allowed by the planning commission as conditional uses within the OSD office-service district, subject to the specific standards listed in this section and the standards of article V of this chapter, conditional uses:

- (1) Personal service establishments when located within an office building and occupying no more than 25 percent of the gross floor area of the building. Such uses may include snack shops, barbershops and beauty shops, pharmacy, shoe shine and repair, postal service centers, copy centers, 24-hour banking centers/ready tellers and similar establishments compatible with office uses, as determined by the planning commission.
- (2) Fitness centers and health spas.
- (3) Veterinary hospitals, clinics and commercial kennels, provided that all activities are conducted within a completely enclosed building.
- (4) Essential public service buildings.
- (5) Hospitals, sanitariums, clinics, nursing and rest homes and charitable institutions for human care, subject to the following procedures and conditions:
 - a. The building including accessory buildings must be located not less than 50 feet from all property lines.
 - b. The height of any structure shall be related to the location of the structure so as to equal the distance to any adjacent property line; provided, however, that the height limitation shall be related to the capability of the firefighting capability of the village.
- (6) Accessory uses, buildings, structures customarily incidental to any of the permitted uses and meeting the standards of divisions 1—4, article IV of this chapter.
- (7) Similar uses as determined by the planning commission in accordance with the provisions of section 36-671.
- (8) Any permitted or conditional use under sections 36-362 and 36-363 that has drive-through windows, only when abutting a residential use.

(Ord. No. 82, § 13.3, eff. 6-25-1991; Ord. No. 130, 9-13-2004)

Sec. 36-394. - Site development standards (as applicable).

Site development standards (as applicable) for the OSD district are as follows:

- (1) Table 4.6, Table of Dimensional Standards.
- (2) General provisions for setbacks from the Mill Pond and regulated wetlands, and restrictions within the floodplain.
- (3) Article VI of this chapter, site plan review standards, for any structure other than a detached one-family dwelling.
- (4) Article VII of this chapter, parking and loading-unloading standards.
- (5) Article VIII of this chapter, sign standards.
- (6) Chapter 16 for land divisions, subdivisions and land splits.
- (7) Article II of chapter 28, street and driveway design, for street design standards, submittal/permit requirements, driveway spacing and design standards.

(Ord. No. 82, § 13.4, eff. 6-25-1991)

Secs. 36-395—36-420. - Reserved.

DIVISION 11. - INDUSTRIAL DISTRICT (IND)

Sec. 36-421. - Purpose.

The purpose of the IND industrial district is to allow for low intensity industrial uses in the relatively few locations where such uses may be suitable. This IND district is intended for research, wholesale and warehouse activities, and light industrial operations the external, physical effects of which are restricted to the IND district and in no manner affect in a detrimental way any of the small town character of the village.

(Ord. No. 82, § 14.1, eff. 6-25-1991)

Sec. 36-422. - Principal uses permitted.

In the IND industrial district, land or buildings shall be used for one or more of the following uses:

- (1) Auto body repair stations.
- (2) Building companies.
- (3) Contractors yards and commercial outdoor storage, such as leasing and storage of contractor's equipment and supplies, provided that all stockpiles of materials are covered, that no materials are stored in the front yard and that all property lines adjacent to a residential district shall be screened to a height of at least six feet.
- (4) Warehousing and wholesale establishments, and freight terminals.
- (5) The manufacture, assembly, compounding, processing, packaging or treatment from previously prepared materials, or repair of such products as, but not limited to, bakery goods and candy; hardware; pottery and figurines or other similar ceramic products; metal or rubber stamps, or other small molded rubber products; signs; light sheet metal products, including heating and ventilating equipment or siding; and furniture and fixtures.
- (6) Laboratories.
- (7) Lumber and planing mills.
- (8) Ministorage or self-storage warehouses, provided that any outdoor storage allowed is screened.
- (9) Printing and publishing.
- (10) Research and development centers.
- (11) Tool, die, gauge, and machine shops.
- (12) Truck and trailer rental.
- (13) Public and semipublic institutional buildings, structures and uses, public parks and recycling stations.
- (14) Wireless communication towers (including radio, television microwave and cellular phone towers and similar facilities) that meet the standards of section 36-496.
- (15) Accessory uses, buildings, structures customarily incidental to any of the permitted uses of this section and meeting the standards of divisions 1—4, article IV of this chapter.

(Ord. No. 82, § 14.2, eff. 6-25-1991; Ord. eff. 7-24-1998)

Sec. 36-423. - Conditional uses.

In addition to the conditional uses listed in this section, any industrial use not listed as a permitted use in the IND district shall be considered a conditional use, subject to the standards of article V of this chapter, conditional uses.

- (1) Off-premises signs and billboards, provided that they do not exceed 200 square feet in size, 20 feet in height, are spaced at least 200 feet from any other sign exceeding 34 square feet in area, and are setback at least 50 feet from the street right-of-way.
- (2) Concrete plants meeting the standards of section 36-363(17).
- (3) Adult regulated uses meeting the standards of section 36-497, regulations applicable to adult regulated uses.

(Ord. No. 82, § 14.3, eff. 6-25-1991; Ord. No. 85, § 3, eff. 3-19-1993; Ord. No. 107, eff. 3-24-2000)

Sec. 36-424. - Site development standards (as applicable).

Site development standards (as applicable) in the IND district are as follows:

- (1) Table 4.6, Table of Dimensional Standards.
- (2) General provisions for setbacks from the Mill Pond and regulated wetlands, and restrictions within the floodplain.
- (3) Article VI of this chapter, site plan review standards, for any structure other than a detached one-family dwelling.
- (4) Article VII of this chapter, parking and loading-unloading standards.
- (5) Article VIII of this chapter, sign standards.
- (6) Chapter 16 for land divisions, subdivisions, and land splits.
- (7) Article II of chapter 28, street and driveway design, for street design standards, submittal/permit requirements, driveway spacing and design standards.

(Ord. No. 82, § 14.4, eff. 6-25-1991)

Secs. 36-425—36-460. - Reserved.

ARTICLE IV. - SUPPLEMENTARY REGULATIONS

DIVISION 1. - GENERALLY

Sec. 36-461. - Application procedures generally.

The process for application and review by the village for site plan review, special land use permits, planned unit developments (PUDs), land divisions, amendments to this zoning chapter, rezonings of land, variances and plats is shown on Figure 3.1 on the following page. Submittal dates, application forms and information of fee requirements are available at the village clerk's office.

(Ord. No. 82, § 3.0, eff. 6-25-1991)

Sec. 36-462. - Withholding of approval.

The planning commission or village council may withhold granting of approval of any use, site plan, planned unit development plan or other approval required by this chapter pending approvals which may be required by state or federal agencies or departments.

(Ord. No. 82, § 3.1, eff. 6-25-1991)

Sec. 36-463. - Voting place.

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

(Ord. No. 82, § 3.2, eff. 6-25-1991)

Secs. 36-464—36-480. - Reserved.

DIVISION 2. - USE

Sec. 36-481. - Principal building, structure or use.

No lot may contain more than one principal building, structure or use, excepting groups of multiple-family dwellings or retail business buildings or other groups of buildings the zoning administrator deems to be a principal use collectively.

(Ord. No. 82, § 3.5, eff. 6-25-1991)

Sec. 36-482. - Essential public services.

- (a) The erection, construction, alteration or maintenance of essential public services as authorized under any franchise in effect within the village shall be permitted subject to regulation as provided in any law in the state or in any village ordinance; provided, however, that it is the intention of the zoning chapter to ensure conformity of all structures and uses to the requirements of this zoning chapter wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or village chapter. In absence of such conflict, the standards of the zoning chapter shall prevail.
- (b) Municipal and on-site utilities: Prior to issuance of a building permit under the terms of this chapter, the applicant shall obtain engineering approval from the village engineer. On-site septic systems shall be designed in accordance with state, county or village standards, whichever is most restrictive.

(Ord. No. 82, § 3.6, eff. 6-25-1991)

Sec. 36-483. - Mill Pond perimeter; restrictions and permitted uses.

Notwithstanding any foregoing provisions under this zoning chapter to the contrary, no land, building or structure or part thereof shall be erected, altered, or used, if any part of the land is within 25 feet of the shoreline of the Mill Pond, except for the following purposes: residential, open space (excluding groomed sections of golf courses), professional offices not dealing with potentially toxic or hazardous materials; provided, however, that such land shall not be used for commercial docks, commercial dock storage, boats storage or boat launching, except for use by residents of such lot. In addition, the planning commission may require and approve a plan for secondary containment of any potentially hazardous materials, a stormwater management plan or restriction on type of fertilizer prior to approving any use or structure within this Mill Pond area or for any site within 25 feet of the boundary of a wetland regulated by the state or federal government.

(Ord. No. 82, § 3.7, eff. 6-25-1991)

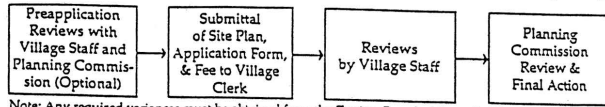
Figure 3.1

VILLAGE OF GOODRICH DEVELOPMENT APPROVAL PROCESS

ZONING ORDINANCE AMENDMENTS AND REZONINGS



SITE PLAN REVIEW (INCLUDING "SITE" CONDOMINIUM PROJECTS)



Note: Any required variances must be obtained from the Zoning Board of Appeals (Council) prior to Planning Commission approval of a site plan.

CONDITIONAL USE PERMITS



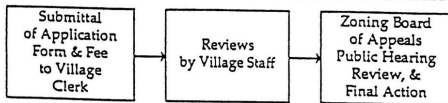
PLANNED UNIT DEVELOPMENTS (CONCEPTUAL SITE PLAN)



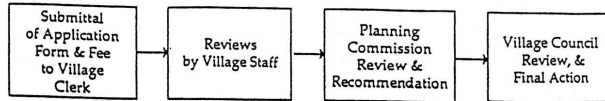
PLANNED UNIT DEVELOPMENTS (FINAL SITE PLAN)



VARIANCES, ZONING ORDINANCE INTERPRETATION



PRELIMINARY AND FINAL SUBDIVISION PLATS, LAND DIVISIONS



Refer to the Zoning Ordinance text and Application forms for detailed information regarding deadlines, meeting schedules, fee amounts, number of copies required, and minimum submittal requirements.

Sec. 36-484. - Restrictions in floodplain.

- (a) The purpose of this section is to significantly reduce hazards to persons and damage to property as a result of flood conditions in the village, and to comply with provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments, and the rules and regulations promoting this program by the Federal Emergency Management Agency (FEMA), as published.
- (b) The following uses of land are permitted in the 100-year floodplain elevation, as delineated on the official FEMA map:
 - (1) Grading and livestock grazing.
 - (2) Parks, open space, picnic areas, playgrounds, play fields, athletic fields, golf courses, golf driving ranges, bridle paths, nature trails, boating docks and wildlife preserves.
 - (3) Fishing, fishing docks, trapping and hunting in accordance with other laws and regulations.
 - (4) The following accessory structures and uses: off-street parking, streets, roads, bridges, culverts, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pumphouses, bank protection structures, signs, fences, walls, gazebos and similar outdoor equipment and appurtenances; provided, however, that the accessory structure or use shall not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain. All such equipment, buildings and structures shall be anchored to prevent flotation and lateral movement, as certified by a registered engineer.
- (c) Dredging, filling and/or dumping or backfilling with any material in any manner is prohibited unless thorough compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state and federal regulations are met.

(Ord. No. 82, § 3.8, eff. 6-25-1991)

Sec. 36-485. - Accessory apartments.

Accessory apartments in a single-family home shall be a conditional use in all single-family zoning districts, subject to planning commission review and approval according to the standards of this section. These standards are intended to provide reasonable control in light of the high percentage of owner occupied single-family homes in the village to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character and welfare of single-family neighborhoods.

- (1) Accessory apartments shall be entirely within the existing structure and shall include no more than 25 percent of the total floor area of the home.
- (2) The exterior of the home shall generally remain unchanged, so that it does not give the appearance of being divided into separate units, with the exception that an exterior entrance to the apartment may be installed. The applicant shall demonstrate the home may be easily converted back to a one-unit single-family home, if the accessory apartment use ceases.

(Ord. No. 82, § 3.9, eff. 6-25-1991; Ord. No. 130, 9-13-2004)

Sec. 36-486. - Temporary buildings and structures.

(a) *Construction trailers.* Temporary buildings and structures, including trailers, incidental to construction work on a lot may be placed on such lot, subject to the restrictions of this section.

- (1) Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot. No temporary building or structure shall be used as a dwelling unit.
- (2) A building permit for such building or structure shall be issued by the building administrator prior to installation.
- (3) Temporary buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the building administrator for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

(b) *Temporary nonresidential buildings and structures.* Temporary nonresidential buildings and structures for other purposes besides construction offices may be allowed on a site under the following conditions:

- (1) The temporary building or structure shall only be for the purpose of supporting a nonresidential use/development that has obtained site plan approval from the village where the applicant desires to begin business operations before completion of approved site plan.
- (2) Such structure shall be approved by the planning commission. This can either be concurrent with the site plan approval for the project or a separate submission after site plan approval for the desired project has been obtained.
- (3) A maximum of one temporary building or structure shall be permitted on the lot.
- (4) Temporary accessory buildings or structures shall be constructed in accordance with applicable state construction code requirements, less the requirement for a permanent foundation. In order to preserve the temporary nature, required anchoring shall not be a permanent foundation.
- (5) The maximum floor area of a temporary building or structure shall not exceed 300 square feet.
- (6) Temporary buildings or structures and associated parking and circulation shall not be located nearer than 20 feet to any lot line.
- (7) Landscape enhancements that coincide with the approved site plan may be required to be installed for the temporary building or structure by the planning commission.
- (8) Direct access to a public street and adequate parking shall be required in accordance with the requirements of this chapter. The driveway and parking area must be paved with concrete or asphalt.

(Ord. No. 82, § 3.10, eff. 6-25-1991; Ord. No. 130, 9-13-2004)

Sec. 36-487. - Regulations applicable to single-family dwellings.

Any single-family dwelling, whether constructed and erected on a lot or a manufactured home, shall be permitted only if it complies with all of the following requirements:

- (1) If the dwelling unit is a mobile home, the mobile home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in this subsection (1), and found, on inspection by the building administrator or designee, to be in excellent condition and safe and fit for residential occupancy.
- (2) The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the village; provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by village codes, then such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the building administrator.
- (3) The dwelling unit shall comply with all restrictions and requirements of this chapter, including, without limitation, the minimum lot area, minimum lot

width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located.

- (4) If the dwelling unit is a mobile home, the wheels shall be removed upon installation.
- (5) The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a mobile home, its foundation and skirting shall fully enclose the chassis, undercarriage and towing mechanism.
- (6) If the dwelling unit is a mobile home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the state mobile home commission, or any similar or successor agency having regulatory responsibility for mobile home parks.
- (7) The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of 20 feet.
- (8) Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight inches between the first floor entry of the dwelling unit and the adjacent grade. Railings shall be provided in accordance with village building code.
- (9) The pitch of the main roof of the dwelling unit shall not be less than three feet of rise for each 12 feet of horizontal run.
- (10) Storage area within a building with an area of no less than 120 square feet shall be provided. This storage area may consist of a basement, closet area, attic or attached garage in a principal building, or in a detached accessory building which is in compliance with all other applicable provisions pertaining to accessory buildings.
- (11) The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
- (12) The dwelling unit shall have no less than two exterior doors, with one being in either the rear or the side of the dwelling unit.

(Ord. No. 82, § 3.11, eff. 6-25-1991)

Sec. 36-488. - Illegal dwellings.

- (a) The use of any portion of the basement of a partially completed building, or any garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.
- (b) Recreational vehicles, camping trailers or tents may be used for living purposes when accessory to single-family or two-family dwellings. Such use shall only be permitted for a seven-day period and for no more than one such period in any 30 consecutive days. Any such recreational vehicles parked in a front yard shall only be parked in the driveway.

(Ord. No. 82, § 3.12, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995)

Sec. 36-489. - Keeping of animals.

- (a) The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters and other animals generally regarded as household pets, is permitted as an accessory use in any residential zoning district, in compliance with the regulations of the county.
- (b) The keeping of animals not normally considered household pets, including but not limited to pigs, horses, sheep, cattle, poultry, reptiles and wild or exotic animals, is prohibited in all zoning districts; except that horses, private stables, and commercial stables are permitted in the standards of the very low density residential district.

(Ord. No. 82, § 3.13, eff. 6-25-1991)

Sec. 36-490. - Condominium development standards.

The intent of this section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership within any zoning district. This article is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

- (1) *Submittal requirements.* For all condominium projects within the village, concurrently with notice required to be given to the village pursuant to section 71 of Public Act No. 59 of 1978 (MCL 559.171), a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the village clerk the information required for site plan review, a copy of the proposed master deed, and all information required by the condominium act.
- (2) *Review and approval.* All condominium plans must be approved by the planning commission using the standards for approval outlined for a site plan review.
- (3) *Contractible condominiums.* Contractible condominiums shall be prohibited unless procedures acceptable to the village are established to provide for ongoing maintenance of common areas, such as roads, drives, signs, lighting, sidewalks, trails and landscaping.
- (4) *Dimensional standards.* The maximum height, minimum unit square footage and minimum area required for condominium buildings shall be as provided for in the Table of Dimensional Standards. Setbacks and spacing for site condominiums shall be calculated as follows:
 - a. Setbacks for site condominiums shall be measured from the nearest right-of-way or private access easement line.

- b. Spacing between detached site condominium units shall be equal to the "total of two" side yard requirement of the zoning district as listed in Table 4 "Dimensional Standards — Residential Districts" except a lesser spacing may be approved by the planning commission for a zero lot line or other type development submitted according to the standards for a planned unit development.
 - c. In no case shall a condominium unit or garage be set back less than 25 feet from the nearest pavement edge of a street, drive or parking lot.
- (5) *Condominium master deed and bylaws.* The condominium master deed and bylaws shall provide financial mechanisms to maintain all common elements, such as entry signs, street signs, sidewalks, trails, streets, drives, parking areas, curbing, landscaping, lighting, mailbox centers and utilities.
- (6) *Condominium projects.* Condominium projects shall provide public streets in accordance with article II of chapter 28, street and driveway design, and shall include all necessary easements granted to the village for constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities including, but not limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

(Ord. No. 82, § 3.14, eff. 6-25-1991; Ord. No. 116, eff. 5-25-2002)

Sec. 36-491. - Private boat docks.

- (a) A maximum of one dock or boathouse shall be permitted for each residential structure, whether a single-family, two-family or multiple-family dwelling. A maximum of five boat docks or boathouses shall be permitted for any single condominium development.
- (b) Boat docks, boathouses and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented or otherwise used for compensation except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a private or public marina.

(Ord. No. 82, § 3.15, eff. 6-25-1991)

Sec. 36-492. - Swimming pools.

- (a) *Permits.* No swimming pool or appurtenances thereto shall be constructed, installed, enlarged, or altered until a permit has been obtained from the village building inspector.
- (b) *Fencing.* Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (belowground or aboveground), which contains 24 inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure approved by the building administrator surrounding the device sufficient to make such device inaccessible to small children. Such fence or enclosure, including the gates, shall not be less than four feet or greater than six feet above grade. All gates shall be self-latching with latches placed no less than four feet above grade or otherwise made inaccessible from the outside to small children.
- (c) *Location and setbacks.* Swimming pools shall be set back at least ten feet from rear or side yard and 15 feet from any street right-of-way line. Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.
- (d) *Walkways.* All public swimming pools shall have walkways not less than four feet in width extending entirely around the pool.

(Ord. No. 82, § 3.16, eff. 6-25-1991)

Sec. 36-493. - Excavations and landfills.

- (a) The excavation and removal of soils shall be permitted only under a renewable annual permit, subject to the approval of the village planning commission based on a finding that the proposed excavation operation and the conditions in which the excavation site will be left shall not be detrimental to the surrounding land uses, nor to the public health, safety, morals, and general welfare; except, however, the provisions of this subsection shall not apply to excavations for the construction of a structure for which a building permit has been issued.
- (b) Under no circumstance shall sand and gravel excavation be permitted in the village.
- (c) The filling and grading of any lot shall be permitted only under a permit for a prescribed period of time, to be determined by the commission, and upon a finding by such commission that the proposed landfill filling or grading will not encroach upon an existing floodplain and will not be detrimental to surrounding land uses, nor to the public health, safety, morals, and the general welfare.
- (d) The commission may require all documents necessary to make the foregoing finding, and impose such conditions as it deems necessary to safeguard the public health, safety, morals, and the general welfare.
- (e) The decision of the commission shall be made upon review procedure outlined for conditional uses.
- (f) The commission shall establish the amount of a bond and require a posting of such bond running to the village holding the village free of all liabilities incidental to such an excavation, or landfill, and to ensure performance in accordance with the conditions required by the commission.

(Ord. No. 82, § 3.17, eff. 6-25-1991)

Sec. 36-494. - Exceptions to regulations on excavation.

- (a) Excavation required for swimming pools is excepted from excavating provisions of this chapter provided that all necessary permits are obtained and the

pool is constructed within six months of the excavation.

- (b) Excavation and site preparation for building foundations is excepted from the excavating provisions of this chapter, provided that such work is considered incidental to building construction and all necessary permits have been obtained.

(Ord. No. 82, § 3.18, eff. 6-25-1991)

Sec. 36-495. - Reception antennas including satellite dish antennas.

Reception antennas, including satellite dish antennas and transmission or reception antennas below 300 watts of output, erected or installed in any zoning district shall comply with the following requirements:

- (1) An antenna, tower or satellite dish antenna with a diameter of one meter or less shall be located only in a side or rear yard, unless the applicant or the applicant's antennae installer demonstrates a location within the front yard is required to allow reception of reasonable quality. In such case, the antenna shall be located as far from the property lines as practical and screened with shrubs to minimize negative visual impacts.
- (2) An antenna, tower or satellite dish antenna with a diameter over one meter shall be located only in a side or rear yard.
- (3) No portion of an antenna, including a satellite dish antenna, shall be located closer than six feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
- (4) Ground-mounted satellite dish antennas with a diameter over one meter in a yard fronting on a public street shall be screened from view from such street by landscaping or a wall. The applicant shall submit a sketch plan to the planning commission for approval. The sketch plan shall indicate the location and height of the satellite dish and buildings, paved areas and other appropriate site features within 100 feet of the proposed location.
- (5) The height of an antenna shall not exceed 50 feet above mean grade or 25 feet above the peak of the roofline in any residential zoning district, or 60 feet above the mean grade if the setback at least half the height of the antennae from all property lines. In other zoning districts, the maximum height shall not exceed 100 feet above mean grade, except an essential service tower may be approved by the planning commission with a height up to 300 feet, provided that the tower is set back a distance equal to its height from all property lines, or one-half its height if the applicant provides sufficient engineering documentation.
- (6) The diameter of antennas and satellite dishes shall not exceed 12 feet.
- (7) No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna.
- (8) The zoning board of appeals may grant a variance from these standards upon determining compliance with the standards of this section would not provide reasonably good reception, that the variance requested is the minimum necessary to provide reasonably good reception, and that adjacent properties shall not be negatively impacted.
- (9) Erection or movement of an antennae or satellite dish shall require a permit from the village building inspector.

(Ord. No. 82, § 3.19, eff. 6-25-1991; Ord. eff. 8-24-1998)

Sec. 36-496. - Review, construction and maintenance of wireless communication facilities.

- (a) *Intent.* The regulations of this section are intended to conform with federal laws and administrative rules that authorize and govern facilities needed to operate wireless communication systems, but to reasonably regulate the location and design of such facilities to ensure such facilities do not significantly detract from the character, property values and aesthetic quality of the village. Given the dramatic increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the village that, where possible, all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section. In addition, in recognition of the village's concern that technological advances may render such visually obtrusive towers unnecessary in the future, there are requirements to remove unused or unnecessary facilities in a timely manner. It is the general purpose and intent of the village to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the village to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- (1) Facilitate adequate and efficient provision of sites for wireless communication facilities.
- (2) Establish predetermined districts or zones of the number, shape and in the location considered best for the establishment of wireless communication facilities, subject to applicable village standards and conditions.
- (3) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.
- (4) Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures, and buildings.
- (5) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.

- (6) Promote the public health, safety, and welfare.
- (7) Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
- (8) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- (9) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas, and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
- (10) The village council finds that the presence of numerous towers and/or pole structures, particularly if located within or abutting residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous tower and/or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety, and welfare.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Attached wireless communications facilities means wireless communication facilities affixed to existing structures, such as existing buildings, towers, water tanks, or utility poles.

Collocation means location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the village.

Wireless communication facilities means all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, personal communication transmission equipment, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this zoning chapter.

Wireless communication support structures means structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

(c) *Zoning districts and approval process for wireless communication facilities.* Wireless communication facilities may be located within the village in accord with the Table of Regulation set forth as follows:

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
Located on existing structure on a lot that will not be materially altered or changed in appearance	All non-single family residential districts	Administrative Sketch Plan approval by the Village Administrator
Located on an existing utility pole within a public right-of-way, provided the pole is not modified to materially alter the pole or impair sight lines or compromise safety	All districts	Administrative Sketch Plan approval by the Village Administrator, provided a letter of acceptance is provided by the utility company
Co-location upon an attached wireless communication facility previously approved for such co-location	All districts	Administrative Sketch Plan approval by the Village Administrator
Monopole* up to 150 feet in height located on a municipally owned site	Conditional use in all districts	Conditional Use approval and Site Plan Review required in accordance with <u>Section 36-704</u> and Article VI
Monopole* up to 80 feet in height located on a site owned by another governmentally entity, religious institution, or public school	Conditional use in all districts	Conditional Use approval and Site Plan Review required in accordance with <u>Section 36-704</u> and Article VI
Monopole*, maximum 80 feet tall, except as noted above	Conditional use in all non-residential districts	Conditional Use approval and Site Plan Review required in accordance with <u>section 36-704</u> and Article VI
Monopole*, 80—150 feet tall, except as noted above	Conditional use in non-residential districts	Conditional Use approval and Site Plan Review required in accordance with <u>section 36-704</u> and Article VI
Monopole*, over 150 feet tall	Conditional use in the General Business District, Office-Service District and Industrial District	Conditional Use approval and Site Plan Review required in accordance with <u>section 36-704</u> and Article VI

- (d) *Standards and conditions applicable to all facilities.* All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility approved, it shall be constructed and maintained with any additional conditions imposed by the planning commission in its discretion.
- (1) Facilities shall be located and designed to be harmonious with the surrounding area. The village shall approve the color of the tower and any lighting on the tower. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize attached wireless communication facilities.
 - (2) A conditional use permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible collocation is not available for the coverage area and capacity needs, in accordance with subsection (g) of this section, and that a location on municipal property is not practical.
 - (3) All new and modified wireless communication facilities shall be designed and constructed to accommodate collocation, in accordance with subsection (g) of this section.
 - (4) Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.
 - (5) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicant's licensed engineer.
 - (6) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - (7) The maximum height of the new or modified support structure and antennae shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). Any accessory building contemplated to enclose such things as switching equipment, shall be limited to the maximum height for accessory structures or buildings within the respective district.
 - (8) Minimum required setbacks for support structures are as follows:
 - a. From any residential district: one-half the height of the highest point of any wireless communication related structure on the site, provided that the village may reduce this setback based on engineering information required in subsection (e) of this section that demonstrates such setback is adequate.
 - b. From any existing or proposed rights-of-way or other publicly traveled roads or nonmotorized improved pathways: one-half the height of the structure, provided that the engineering information required in subsection (e) of this section demonstrates such setback is adequate.
 - c. From nonresidential district: required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located, provided that the engineering information required in subsection (e) of this section demonstrates that such setback is adequate.
 - (9) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as:
 - a. The location of adjacent thoroughfares and traffic and circulation within the site;
 - b. Utilities needed to service the tower and any attendant facilities;
 - c. The location of buildings and parking facilities;
 - d. Proximity to residential districts and minimizing disturbance to the natural landscape; and
 - e. The type of equipment which will need to access the site.
 - (10) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 - (11) Any nonconforming situations on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility.
 - (12) Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be visually and architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks. For collocation facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
 - (13) The design and appearance of the support structure and equipment enclosure shall minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
 - (14) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the state. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and state aeronautics commission shall be noted.
 - (15) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the longterm, continuous maintenance to a reasonably prudent standard.

- (16) The antennae and other attachments on a wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.
- (17) Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for 90 days. If, during a 90-day tentative approval period final approval is granted to authorize a wireless communication facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval.
- (e) *Application requirements.*
- (1) A site plan or sketch plan, as required by subsection (c) of this section, shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 - (2) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base and equipment enclosure.
 - (3) The application shall include a signed certification by a state licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
 - (4) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection (f) of this section. In this regard, the security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the village attorney for the community and recordable at the office of the register of deeds, to be held by the village and recorded if needed, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the community in securing removal.
 - (5) The application shall include a map that illustrates existing and known proposed wireless communication facilities within the village and township, which are relevant in terms of potential collocation or to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the village, the applicant shall be required only to update as needed. Any such information which is a trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCL 15.243(1)(g)). This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the village.
 - (6) For all new facilities, in recognition of the village's policy to promote collocation, a written agreement, transferrable to all assessors and assigns, that the operator shall make space available on the facility for collocation.
 - (7) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. Written notices of any changes in this information shall be provided to the village immediately. This application information shall also be confirmed in writing on an annual basis.
 - (8) The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in subsection (d) of this section.
 - (9) The application fee, in the amount specified by village council resolution.
- (f) *Removal.* As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
- (1) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - (2) Six months after new technology is available at reasonable cost, as determined by the legislative body of the community, which permits the operation of the communication system without the requirement of the support structure.
 - (3) The situations in which removal of a facility is required, as set forth in subsection (f)(1) of this section, may be applied and limited to portions of a facility.
 - (4) Upon the occurrence of one or more of the events requiring removal, specified in subsection (f)(1) of this section, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the building official.
 - (5) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least

30 days' written notice, the village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

(g) *Collocation.*

(1) *Statement of policy.* It is the policy of the village to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the village, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in subsection (a) of this section, each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the village that all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated in this subsection and in subsection (a) of this section. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the village. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the village.

(2) *Feasibility of collocation.* Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

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

(3) *Requirements for collocation.*

- a. A special approval land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
- c. The policy of the village is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon on and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect.
- d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent, and purpose of the village, and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the village for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the zoning board of appeals if, and to the limited extent, the applicant demonstrates entitlement to various relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the previous of personal wireless communication services.

(4) *Incentive.* Review of an application for collocation, and review of an application for a permit for use of a facility permitted under this subsection, shall be expedited by the village.

(h) *Nonconforming facilities and penalties for not permitting collocation.* If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow collocation in accordance with the intent of this section, and this action results in construction of a new tower, the village may refuse to approve a new wireless communication support structure from that party for a period of up to five years. Such a party may seek and obtain a variance from the zoning board of appeals if, and to the limited extent, the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(i) *Variances.* The zoning board of appeals may consider a variance for the standards of this section, based upon a finding that one or more of the following factors exist:

- (1) The applicant has demonstrated that a location within a district in accordance with the standards of this section can not reasonably meet the coverage or capacity needs of the applicant.

- (2) The applicant has demonstrated that a feasible collocation is not available for the coverage area and capacity needs because existing structures can not the facility, that collocation would result in unreasonable interference, or that reasonable financial terms are not available for collocation.
- (3) The height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the village.
- (4) The applicant has proposed means to mitigate any negative impacts through provision for future collocation, if found to be appropriate by the village, and special site design elements.
- (5) The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

(Ord. No. 82, § 3.20, eff. 6-25-1991; Ord. eff. 8-24-1998; Ord. No. 107, eff. 3-24-2000; Ord. No. 138, 3-12-07)

Sec. 36-497. - Regulations applicable to adult regulated uses.

- (a) *Intent and rationale.* In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable, operations characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. This section describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the area and that area adjacent thereto, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts. It is further recognized in the development of this chapter and this section that concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult book or supply store means an establishment having ten percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, videotapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" (as defined in this section), or an establishment with a segment or section devoted to the sale or display of such material.

Adult model studio means any place where models who display "specified anatomical areas" are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

Adult motion picture arcade and *minimotion picture theater* mean any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "specified sexual activities" or "specified anatomical areas."

Adult motion picture theater or *adult live stage performing theater* means an enclosed building with a capacity of 50 or more persons wherein still or motion pictures, videotapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult, nude, partially nude dancing means a business with a principal activity the live presentation of or display of nude, or partially nude, male or female impersonators, dancers, entertainers, models, waiters or waitresses, or employees and which may or may not feature the service of food or beverage. For the purpose of this chapter, the term "nude or partially nude" shall mean having any or all of the "specified anatomical areas" exposed.

Adult outdoor motion picture theater means a drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult physical culture establishment means any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult physical cultural establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

Group "A" cabaret means an establishment where material or live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "specified sexual activities" or "specified anatomical areas" for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

Specified anatomical areas means portions of the human body defined as follows:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the ;
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means the explicit display of one or more of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy; and
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Tattoo parlors means a business having as its principal activity the application or placing, by any method, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin within or any other substance resulting in the coloration of the skin by aid of needles or any other instrument designed to touch or puncture the skin.

(c) *Establishment of use without approval.* Unless and until approval is first sought and obtained under this section, it shall be unlawful to hereafter establish any adult regulated use.

(d) *Exempt uses.* The following uses are exempt from the standards of this section and are subject to the provisions set forth in the applicable zoning districts:

- (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse practitioner, a therapeutic massage practitioner, or any other similarly licensed medical professional. Therapeutic massage is defined as follows: the application of various techniques to the muscular structure and soft tissues of the human body performed by a massage practitioner; a massage practitioner must satisfy two or more of the following requirements:
 - a. The person is a member of the current professional level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF) or other recognized massage association with equivalent professional membership standards consisting of at least 500 hours of training including: theory, practice and techniques of massage (minimum 300 hours); human anatomy and physiology (minimum 100 hours); and professionalism (minimum 100 hours); instruction in this area shall include training in contraindications, benefits, ethics and legalities of massage, building and marketing a practice and other electives as appropriate.
 - b. The person is a graduate of a school of massage licensed by this state or holder of a current license from another state which requires, at a minimum, the training set forth in subsection (d)(1)a of this section.
 - c. The person has completed a massage training program at a community college, college, university or technical school located in the United States, where such program requires at a minimum, the training set forth in subsection (d)(1)a of this section.
 - d. The person has passed the National Certification Exam for Massage and Bodywork Practitioners.
- (2) Fitness center, defined as a facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors or specialists in sports medicine. As defined in this section, the term "personal fitness center" shall not include spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.
- (3) Electrolysis treatment by a licensed operator of electrolysis equipment.
- (4) Continuing instruction in martial or performing arts, or in organized athletic activities.
- (5) Hospitals, nursing homes, medical clinics, or medical offices.
- (6) Barbershops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only or offer massages in accordance with subsection (d)(1) of this section.
- (7) Adult photography studios the principal business of which does not include the taking of photographs of specified anatomical areas.

(e) *Requirements.*

- (1) The adult regulated use shall be located only in the I-1 industrial district.
- (2) The adult regulated use shall not abut any residential zoning district.
- (3) The nearest point of any adult regulated use building shall be at least 1,000 feet from the nearest property line of any of the following, except as provided in subsection (f)(2) of this section:
 - a. Public, private or parochial school;
 - b. Library;
 - c. Park, playground or other recreational facility which admits minors;
 - d. Day care center, or nursery schools;
 - e. Church, convent, monastery, synagogue, or other similar place of worship;
 - f. Hotels, motels or bed and breakfast inns;
 - g. Dance clubs catering primarily to teenagers, ice or roller skating rinks, movie theaters and other similar uses which typically cater to teenagers;
 - h. Another existing or approved adult regulated use.

- (4) The site and building of any adult regulated use shall be designed to meet the following standards:
- a. The maximum size of the building shall be 5,000 square feet of gross floor area.
 - b. The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
 - c. Adult regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center are not considered to be a freestanding building.
 - d. The building shall provide sufficient sound-adsorbing insulation so noise generated inside such premises shall not be audible anywhere on any adjacent property or public right-of-way.
 - e. Parking lots shall be setback at least ten feet from any street right-of-way or private road easement or property line.
 - f. The planning commission shall determine the type of buffer zone to be required and maintained along the side and rear lot lines, based on the site conditions, views from public streets, and distance and type of surrounding land uses.
 - g. The signs and exterior building colors shall be reviewed and approved by the planning commission. In all cases, neon shall not be visible from the exterior of the building.
 - h. The hours of operation shall be approved by the planning commission.
 - i. Access shall be from a major thoroughfare.
 - j. Any adult regulated use which allows customers to remain on the premises while viewing live, filmed or recorded entertainment, or while using or consuming the products or services supplied on the premises shall provide at least one security guard on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is in operation.
- (f) *Application and review.* Any person desiring to establish an adult regulated use shall submit an application for a conditional use, including required information and review fees.
- (1) The planning commission shall conduct a public hearing and thereafter make a recommendation to the village council based on the following criteria:
- a. All locational and design requirements of this section are met.
 - b. The site layout and its relation to streets giving access to it shall be such that vehicular and pedestrian traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be clearly hazardous, endangered, or inconvenient to the neighborhood. In applying this standard the village shall consider, among other things: convenient routes for pedestrian traffic, the relationship of the proposed use to main vehicular traffic thoroughfares and to streets and road intersections, and the general intensity of the existing and potential development of the neighborhood. The commission shall determine that the proposed use will not have a clear detrimental effect.
 - c. The proposed use will not clearly cause a nuisance, and/or harm the public health, safety and general welfare and/or an unreasonable diminution to the value of other property in the immediate area.
 - d. The application meets all standards for conditional uses contained in article V of this chapter.
- (2) The village council may waive the locational provision requiring minimum distances between adult regulated uses and those uses identified in subsection (e) of this section, except from a public, private, or parochial school or church, convent, monastery, synagogue, or other similar place of worship under either of the following circumstances:
- a. The planning commission holds a public hearing and makes the following findings:
 1. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed.
 2. The proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area.
 3. The establishment of an additional adult regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
 4. All applicable regulations of this chapter will be observed.
 5. There is no other reasonable location in the village at which the use is suited.
 - b. Presentation of a validated petition requesting such waiver, signed by 51 percent of those persons owning, residing or doing business within 1,000 feet of the proposed location. The individual circulating the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with such rules and that the individual circulating the petition personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon. The planning commission shall not consider the waiver of location requirements until the described petition, if required, shall have been filed and verified.
- (3) Prior to granting approval for any adult regulated use, the planning commission may impose any such conditions or limitations authorized by law in connection with the grant of conditional uses.
- (g) *Discontinuance.* An adult regulated use granted pursuant to the terms of this chapter may not be re-established after discontinuance for a period of 90 consecutive days without a new grant of approval by the village.

Sec. 36-498. - Ponds.

The creation of a pond that exceeds 100 square feet in area shall meet the following requirements:

- (1) The pond shall be set back from the property line and right-of-way line a minimum of 50 feet.
- (2) Written evidence shall be provided that the pond complies with all applicable county requirements.
- (3) For the protection of the general public, there shall be provided at any pond site appropriate safety measures, such as warning signs, rescue facilities, fencing, safety ramps, etc. The nature and extent of such safety measures shall be specific by the village.
- (4) A maximum of one pond is permitted per lot.
- (5) The pond shall not exceed five percent of the total lot area of the site.

(Ord. No. 130, 9-13-2004)

Secs. 36-499—36-520. - Reserved.

DIVISION 3. - SITE

Sec. 36-521. - Exterior and window lighting.

- (a) All outdoor lighting shall be shielded to reduce glare and shall be arranged to reflect light away from all adjacent residential districts. Light shall not exceed more than 0.5 footcandles at a residential property line. Light shall not exceed more than 1.0 footcandle at a nonresidential property line.
- (b) Outdoor lighting in all nonsingle-family residential lots shall be cutoff shoe box fixtures that are directed downward and confined to the ground areas of lawns or parking lots. The maximum height of light fixtures in parking lots shall be 20 feet. Light output shall be limited to 2.5 percent of fixture luminosity at a height equal to the light. This requirement may be waived for ornamental lighting which is part of an overall architectural theme, as approved by the planning commission. Bollard lights are permitted to light driveways and pedestrian areas. Floodlight type fixtures shall not be permitted except for building accent and sign lighting.
- (c) All lighting in nonresidential districts used for the external illumination of buildings shall be placed and shielded to prevent interference with the vision of motorists or nearby residents. Seasonal outdoor lighting shall be removed within 14 days of the holiday.
- (d) Illumination of signs shall be directed to prevent interference with motorists.
- (e) Neon lighting in windows shall not be permitted beyond the hours of operation within any window visible from a residential district.

(Ord. No. 82, § 3.25, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. No. 116, eff. 5-25-2002)

Sec. 36-522. - Storage and repair of vehicles.

The storage of a nonpermanent structure within the front yard shall be prohibited in all zoning districts. All vehicles parked in a front yard shall be licensed. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the regulations of this section.

- (1) Maintenance procedures on a licensed vehicle owned by the property owner may be permitted in the front yard or driveway for up to five business days in duration. Procedures which require the vehicle to be immobile or inoperable in excess of five business days shall be carried out within an enclosed building or off the premises. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
- (2) Parking of commercial vehicles over one ton within public street right-of-way is prohibited.
- (3) Parking of commercial vehicles of up to one ton, and essential service maintenance vehicles of up to 2½ tons shall be permitted in any zoning district.
- (4) Parking of one commercial vehicle of up to 2½ tons in the front yard may be permitted by the planning commission as a conditional use upon finding the vehicle is needed for business of the property owner. In making such determination, the planning commission shall consider the feasibility of parking in the side or rear yards on the particular lot, the proximity of adjacent homes, neighborhood character and the size of the proposed vehicle. The planning commission may impose requirements on parking location and an expiration date for the conditional use permit.
- (5) It shall be unlawful for the owner, tenant or lessee of any lot in any residential zoning district to permit the open storage or outdoor parking of semitractor (WB-50 or larger) trucks and/or semitrailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for approved construction on such lot.

(Ord. No. 82, § 3.26, eff. 6-25-1991)

Cross reference— Traffic and vehicles, ch. 32.

Sec. 36-523. - Dumpsters and waste receptacles.

Dumpsters, including waste receptacles and compactors, shall be designed, constructed and maintained according to the standards of this section. Dumpster location and details of construction shall be shown on site plans. A change in dumpster location or size shall require modification to the enclosure, as warranted by this section.

- (1) Dumpsters shall be located in the rear yard or nonrequired side yard, unless otherwise approved by the planning commission. A dumpster shall not as far as practical, and in no case less than 20 feet, from any residential district.
- (2) Dumpsters shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces.
- (3) The dumpster base shall be at least nine feet by six feet, constructed of six inches of reinforced concrete pavement. The base shall extend six feet beyond the dumpster pad or gate to support the front axle of a refuse vehicle.
- (4) Dumpsters shall have an enclosing lid or cover and be enclosed on three sides, with an optional gate on the fourth side. The enclosure shall be of an berm, brick or decorative concrete material with a maximum height of six feet or at least one foot higher than the dumpster. In residential districts the planning commission may approve a wooden enclosure provided the lumber is treated to prevent decay or is determined to be durable and suitable for outdoor use. Suggested timber materials include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine. A three-foot clearance area shall be provided between the dumpster and the walls.

(Ord. No. 82, § 3.27, eff. 6-25-1991)

Cross reference— Solid waste, ch. 26.

Sec. 36-524. - Landscape requirements.

All applications requiring site plan or subdivision plat approval must prepare a landscape plan in accordance with the requirements of this section. A change to the approved landscape plan shall require an amendment to the site plan or subdivision plat.

- (1) *Landscape plan specifications.* A separate detailed landscape plan shall be submitted as part of the site plan review or tentative preliminary plat review process. Planting plans may be required to be prepared by a registered landscape architect for large scale development and redevelopment projects, as determined by the planning commission. The landscape plan shall provide all necessary details to demonstrate that all requirements of this section are met.
- (2) *Greenbelts.* A ten-foot wide greenbelt shall be planted or preserved along public rights-of-way.
 - a. Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, lighting fixtures, driveways and essential services.
 - b. The greenbelt shall contain a minimum of one canopy tree per 30 linear feet, or fraction thereof, of road frontage including any openings for driveways, pathways or easements. The planning commission may approve the substitution of evergreen trees for up to 50 percent of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses.
- (3) *Buffer zones.* A buffer shall be provided between the subject site and all adjacent properties in accordance with the following table. The planning commission shall determine whether landscaping, a wall, a berm or combination of these elements are needed to attain the intended screening. However, when a wall or berm are used, a larger buffer width may be required to accommodate required plant material and the wall or berm. All walls and berms shall be designed in accordance with the standards contained. (Note: exceptions may be granted as outlined in subsection (11) of this section.)

Zoning or Proposed Use of Subject Site	Zoning or Use of Adjacent Site					
	Single-family	Multiple-family	Manufactured Housing	Office, Medical, Institutional or Municipal Use	Commercial	Industrial
Single-family detached	none	none	none	none	none	none
Multiple-family	Type B	Type B	Type B	Type B	none	none
Office	Type B	Type B	Type B	none	none	none
Central business district (not including residential uses)	Type B	Type B	Type B	none	none	none
Commercial	Type A	Type A	Type A	Type B	none	none
Industrial	Type A	Type A	Type A	Type A	Type A	none

Outdoor storage areas in any district	Type A and 6' wall	Type A and 6' wall	Type A and 6' wall	Type A and 6' wall	Type A	Type A
Parking lots in any district	6-foot wall in addition to above requirements			Type B	Type B	Type B

Type A buffer. Two canopy trees and four shrubs, or one canopy tree, one evergreen and four shrubs per 20 linear feet along the property line, rounded upward. The buffer zone shall be a minimum width of 20 feet.

Type B buffer. One canopy tree and four shrubs, or one evergreen tree and four shrubs per 20 linear feet along the property line, rounded upward. The buffer zone shall be a minimum width of ten feet.

- (4) *Parking lot landscaping.* Parking lots shall be provided in accordance with the following standards:
 - a. At least one canopy tree shall be provided per ten parking spaces.
 - b. All of the required parking lots trees shall be placed within the parking lot envelope as described by the area including the parking lot surface and extending eight feet from the edge of the parking lot.
 - c. A minimum of one-third of the trees shall be placed within the interior of the parking area.
 - d. Where parking is located abutting any public or private roadway, a continuous hedgerow shall be required to be planted between the parking lot and the right-of-way or easement with upright shrubs a minimum of three feet in height spaced 2.5 feet on center. This hedgerow may be located within the required greenbelt. In instances where site constraints warrant a modification of landscaping under subsection (11) of this section, the planning commission may approve a variation of this standard utilizing a combination of shrub and ornamental tree plantings with decorative wrought iron fencing with brick pedestals.
 - e. Parking lot islands shall be curbed and be at least 150 square feet in area; 75 square feet if irrigated. Islands within parking lots shall be a minimum of ten feet in width. The depth of the island shall be two feet shorter than adjacent parking spaces.
 - f. The design and layout of the parking lots shall provide appropriate pedestrian circulation and connections to perimeter pedestrian pathways.
 - g. Required parking lot trees can not be counted toward required greenbelt or buffer zone landscaping.
- (5) *Plant material.* All plant material shall be hardy and native to this state, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen.
- (6) *Minimum sizes and spacing.* The minimum plant sizes and spacing shall be provided in accordance with the following:

	Minimum Plant Sizes ¹	Spacing Requirements
Deciduous canopy trees	2½" - 3' caliper	25' on-center
Ornamental trees	2" - 2½" caliper 6' height	15' on-center
Evergreen trees	6' height	15' on-center
Narrow evergreen trees	4' height	12' on-center
Deciduous shrubs	2' height	4'-6' on-center
Upright evergreen shrubs	2' height	3'-4' on-center
Spreading evergreen shrubs	18"-24" spread	6' on-center

Footnote 1: For new trees which are to be planted, caliper shall be measured six inches above the average surrounding grade, and the height of trees shall be measured between the top of the planting to the average surrounding grade.

- (7) *Wall standards.* When required, walls shall meet the following standards:
 - a. Walls intended for complete screening shall be a minimum of six feet in height. Walls intended for decorative purposes or to screen parking along a roadway shall be 2½ feet in height.
 - b. Walls shall be located on the lot line or within the required setback when it is desired to have plant material on both sides of the wall.

- c. Walls shall be continuous except for openings for driveways and pedestrian connections as approved by the planning commission.
 - d. Walls shall be constructed of brick, stone, split-face block or other complementary material as approved by the planning commission. The planning commission may allow wood fence in instances where the fence will be separated from vehicular activity and unlikely to be damaged.
 - e. Walls shall be durable, weather-resistant, rustproof and easy to maintain.
- (8) *Berm standards.* Berms shall be constructed with horizontal and vertical undulations so as to represent a natural appearance with a crest area at least four feet in width. Berms shall be planted with trees, shrubs or lawn to ensure that it remains stable. The exterior face of the berm shall be constructed as a earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other similar method. The maximum slope of the berm shall not exceed one foot of vertical rise to three feet of horizontal distance.
- (9) *Suggested plant material.* Botanical species containing trees native to southeast Michigan are identified with an asterisk (*).
- a. Canopy trees: Oaks*, Hard Maples*, Hackberry*, Sycamore*/Plane Tree, Birch*, Ginko (male), Honeylocust* (thornless varieties), Sweetgum, Hophornbeam*, Linden, Ash*, Hickory* and Hornbeam*.
 - b. Evergreen trees: Fir, Hemlock, Pine* and Spruce.
 - c. Narrow evergreens: Red Cedar and Juniper.
 - d. Ornamental trees: Serviceberry*, Redbud*, Dogwood* (tree form), Hawthorn*, Flowering Crab (disease resistant varieties), Flowering Pear, Magnolia and Rose of Sharon.
 - e. Large shrubs: Northern Bayberry, Dogwood* (shrub form), Cotoneaster, Forsythia, Mock-Orange, Sumac*, Lilac, Viburnum*, Witchhazel*, Euonymus, Sargent Crab and Ninebark*.
 - f. Small shrubs: Bayberry, Quince, Cotoneaster, Euonymus*, Forsythia, Hydrangea, Holly*, Privet, Potentilla*, Currant*, Lilac, Viburnum* and Weigela.
 - g. Evergreen shrubs: Juniper, yew, Dwarf Mugo Pine, Euonymus varieties and Winter Creeper.
- (10) *Trees not permitted.* The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers and they are unusually susceptible to disease or insects. The planning commission may, however, allow trees from this list when associated with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ginkgo (female), Cottonwood, Mulberry, Black Locust, Honey Locust (with thorns).
- (11) *Waiver or modification of landscaping and screening requirements.* During site plan review, the planning commission may determine that existing plant material would provide adequate landscaping or screening or that dimensional conditions unique to the subject parcel would prevent development of required landscape components. If such a determination is made, the planning commission may waive or modify the landscape provisions of this section in consideration of, but not limited to, the following:
- a. Existing vegetation;
 - b. Topography and grade changes;
 - c. Existing wetlands;
 - d. Type of and distance to adjacent land uses;
 - e. Tree sizes proposed are larger than the minimum requirements;
 - f. Required landscaping would impose greater drainage impacts on adjacent lands than an alternative design;
 - g. Existing zero lot line development pattern in the central business district;
 - h. Shallow setbacks of existing structures;
 - i. Limited site area due to required setbacks and spacing from utility lines.
- (12) *Nonconforming sites.* Existing sites which do not meet the landscaping standards listed in this section, shall be considered a nonconforming site. Gradual compliance with these standards shall be allowed under the conditions listed in [section 36-587](#).
- (13) *Minimum standards for installation, irrigation and maintenance.*
- a. *Timing of planting.* All required plant material shall be planted prior to issuing a final certificate of occupancy. If the project is completed during a time of year when planting is impractical, a financial guarantee in the amount of the remaining improvements shall be provided in a form of payment acceptable to the village.
 - b. *Completion of improvements.* Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.
 - c. *Irrigation.* All landscaped areas shall be properly irrigated.
 - d. *Maintenance.* Landscape areas and plant materials required by this division shall be kept free from refuse and debris. Plant materials, including lawns, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within 30 days' written notice from the village or within an extended time period as specified in such notice.

(Ord. No. 82, § 3.28, eff. 6-25-1991; Ord. eff. 5-21-1999; Ord. No. 116, eff. 5-25-2002; Ord. No. 130, 9-13-2004)

DIVISION 4. - ACCESSORY BUILDINGS, STRUCTURES AND USES

Footnotes:

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Cross reference— *Buildings and building regulations, ch. 8.*

Sec. 36-551. - Generally.

Except as specifically provided for elsewhere in this chapter, the following general standards shall apply to all accessory buildings, structures and uses in all zoning districts:

- (1) Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with an occupied and used principal building, structure or use which is permitted in the particular zoning district.
- (2) An accessory building, structure or use must be in the same zoning district as the principal building, structure or use on a lot.
- (3) Where the accessory building, structure or use is structurally attached to a principal building, structure or use, it shall be subject to all the regulations of this chapter applicable to principal buildings, structures and uses.
- (4) No accessory building, structure or use shall be erected in any front yard.
- (5) No detached accessory building or structure shall be located closer than ten feet to a principal building, structure or use, nor shall located closer than three feet from any side or rear lot line or public street right-of-way. Accessory buildings and structures in nonresidential districts shall be set back a distance equal to the minimum setback distance required for principal buildings in any abutting residential district.
- (6) All accessory buildings, structures and uses combined shall cover no more than 30 percent of any rear yard.
- (7) No more than two detached accessory buildings shall be permitted on any lot.
- (8) The maximum building height of any detached accessory building that is located on a lot less than 43,560 square feet in area shall be 12 feet; and those that are located on a lot that is 43,560 square feet or greater shall be 15 feet, except for antennas as noted in this division.

(Ord. No. 82, § 3.30, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. No. 116, eff. 5-25-2002)

Sec. 36-552. - Additional standards for residential districts.

In addition to the general standards contained in [section 36-551](#), the following standards shall apply to all accessory buildings, structures and uses in all residential zoning districts:

- (1) No accessory building shall be erected in other than a rear yard.
- (2) A private garage or portion thereof may be rented or leased for not more than one motor vehicle (noncommercial type only) to a person not a resident of the dwelling on the lot.
- (3) In the LDR or VLDR district, the maximum height of the accessory structure, as established in [section 36-551\(8\)](#), may be exceeded by a maximum of five feet if the purpose of the taller structure is to match a steep roof pitch of the principal building or structure. In such case, exceeding the maximum height shall only be allowed if the architectural style, building materials, and colors of the accessory structure are compatible with the principal structure.

(Ord. No. 82, § 3.31, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. No. 130, 9-13-2004)

Sec. 36-553. - Home occupations.

A home occupation shall be permitted as an accessory use in a single-family residential dwelling, subject to the regulations of this section.

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (2) The use of the dwelling for the home occupation shall be clearly accessory, incidental and subordinate to its use for residential purposes, and not more than 25 percent of the floor area of the dwelling shall be used for the conduct of the home occupation.
- (3) There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation; provided, however, that there may be one sign, not exceeding one square foot in area, nonilluminated, and mounted flat against the wall of the dwelling, the design of which shall be approved by the planning commission.
- (4) The home occupation shall be conducted entirely within the confines of the dwelling.
- (5) All products or services for sale on the premises shall be manufactured or assembled on the premises and part of the traditional conduct of the home occupation.
- (6) Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be provided by an off-street area, located other than in a required front yard.
- (7) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes or odors detectable to the normal senses

off the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.

- (8) Notwithstanding any other provision of this chapter or this Code, a single-family residence may be used to give instruction in craft or fine art as required by section 3c of Public Act No. 207 of 1921 (MCL 125.583c).

(Ord. No. 82, § 3.32, eff. 6-25-1991)

Sec. 36-554. - Fences, walls and screens.

Unless specifically authorized in this chapter, no fence, wall or screen located within the front yard in any zoning district shall exceed 42 inches in height, and no hedge or other vegetation shall be permitted which materially impedes vision across such required yard between the heights of 42 inches and eight feet.

- (1) No chainlink fence shall be erected in any front yard within a residential district, unless enclosing a retention pond that has been approved by the planning commission.
- (2) Unless specifically authorized elsewhere in this chapter, no fence, wall or screen located within the side yard or rear yard in any zone district shall exceed a height of six feet.
- (3) The height of a fence shall be measured using the following method:
 - a. The permitted height of all fences shall be measured from the ground elevation adjacent to the fence line, as determined by the zoning administrator.
 - b. The permitted height of fences shall not be measured from an area of the ground that has been built up or constructed in a manner that would have the effect of allowing a taller fence than permitted by this chapter (e.g., the height of fences erected on a berm shall be measured from the finished grade adjacent to the berm).
- (4) No fence, wall or screen shall be erected within any public right-of-way.
- (5) No fence, wall, screen or planting material shall be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
- (6) The use of electric current or charge on any fence or part thereof is prohibited, except for low voltage fences in the RDR rural residential district intended to enclose permitted livestock.
- (7) Electronic fences buried beneath the ground are not regulated by this chapter.
- (8) All fences shall be of safe, durable construction and provided proper foundation and footings so as to minimize potential for damage, collapse, or injury. The fence shall also comply with any applicable building code requirements.

(Ord. No. 82, § 3.33, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. No. 116, eff. 5-25-2002; Ord. No. 130, 9-13-2004)

Sec. 36-555. - Outdoor furnaces.

- (a) The stove/furnace unit shall be only for the purpose of heating and/or hot water for a dwelling and/or accessory structure(s) on the same lot.
- (b) The applicant for a permit for an outdoor wood furnace shall submit a site plan showing that the installation of the unit meets the following requirements:
 - (1) The stove/furnace unit shall be a minimum of 30 feet from any other however, a structure built and used strictly for sheltering wood or other approved fuel for the unit may be located no less than eight feet from the unit.
 - (2) The stove/furnace unit shall be located a minimum of 100 feet from any property line.
 - (3) The unit shall not be located in the front yard.
 - (4) Other than woodpiles and other approved combustibles used for fuel, an area at least 30 feet in diameter around the unit shall be free of ignitable vegetation and debris.
 - (5) The chimney shall be insulated and a minimum of 10 feet high to a maximum of 35 feet. Chimney guy wires, if necessary, shall be clearly visible at all heights below nine feet. If there are any other residences not served by the outdoor furnace within 250 feet, the insulated chimney shall also extend at least two feet higher above the ground surface as the height of the roofs of all such residences. If such height exceeds manufacturer's specifications, then the outdoor furnace shall not be permitted. Chimneys shall have a spark arrestor installed on top and be constantly maintained in good repair without rust or other blighted areas.
- (c) Emissions standards.
 - (1) All outdoor wood furnaces installed after the effective date of the ordinance from which this section is derived shall comply, at minimum, with the Phase 2 emissions guidelines of the United States Environmental Protection Agency's (USEPA) Voluntary Program for Hydronic Heaters. Should the USEPA, the State of Michigan or Genesee County adopt more restrictive emissions requirements, all wood boilers installed after the effective date of the new requirements shall comply with the more restrictive requirements.
 - (2) Any outdoor wood furnace installed prior to the adoption of the ordinance from which this section is derived that does not meet this subsection shall be considered to be conforming, provided that all other requirements of this section are met.
- (d) A copy of the manufacturer's installation and operation instructions shall be submitted as part of the permit application. The applicant shall provide a

written statement from the installer that the outdoor wood boiler was installed according to all manufacturer's instructions and any applicable village, county, state or federal requirements.

- (e) Burning materials, wood storage, and waste.
- (1) Only seasoned, dry and untreated wood and clean burning wood byproducts (such as wood pellets) may be used for fuel. Other biomass fuel materials may be used (such as corn cobs) provided that the unit is designed to burn such materials while meeting the emissions requirements stated in this section. Trash, garbage, plastics, gasoline, rubber, naphtha, material treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, paper products, cardboard and material that could pose a hazard to surrounding residents shall not be used for fuel.
 - (2) No more than one cord of firewood shall be kept or stored outdoors at any time, and firewood shall only be kept or stored in a straight and orderly, neat and secure stack, which shall be raised a minimum of six inches from grade and is not stacked more than six feet high.
 - (3) Firewood shall not be kept or stored in the front yard.
 - (4) All brush, debris and refuse from processing of firewood shall be promptly removed from the premises.
- (f) The outdoor wood furnace shall be operated according to the manufacturer's instructions as well as all applicable village, county, state or federal requirements.

(Ord. No. 144, 12-13-10)

Secs. 36-556—36-580. - Reserved.

DIVISION 5. - NONCONFORMITIES

Footnotes:

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Cross reference— *Buildings and building regulations, ch. 8.*

Sec. 36-581. - Lots, uses, buildings and structures generally.

- (a) Within the districts established by this chapter, as amended, there exist lots, uses of land, buildings and structures which were lawful prior to the adoption of this chapter, or amendments thereto, but which are not in conformance with the regulations and standards of this chapter. It is the intent of this chapter to permit these nonconformities to continue, but not to encourage their prolonged existence. Since continuation of such nonconforming lots, uses of land, buildings and structures is considered to be contrary to the spirit and intent of this chapter and the goals and objectives of the village master plan, the provisions of this chapter are intended to reduce and gradually eliminate, rather than increase, such nonconformance.
- (b) When a nonconforming use of land, lot, building, structure, or combination thereof, is discontinued or abandoned for any reason for a period of more than six consecutive months, any subsequent use of the land, building, structure or combination thereof, shall comply with the requirements of this chapter. Seasonal uses of land and structures, such as boat storage, shall be excepted from this provision, provided that they are operated during each applicable season.

(Ord. No. 82, § 3.35, eff. 6-25-1991)

State Law reference— Nonconforming uses, MCL 125.583a.

Sec. 36-582. - Lots.

- (a) In any zoning district, notwithstanding other provisions of this chapter, where an existing lot of record, which does not abut any other lots of record under the same ownership, fails to meet the requirements for minimum lot area, minimum lot width, or both, of the zoning district in which such lot is located, such lot may be used for permitted uses of the particular zoning district, provided that all other requirements of the district not involving the particular nonconforming lot width and/or lot area or both, of the district are met.
- (b) In any zoning district, where two or more abutting lots of record in the same ownership do not, when considered individually, meet the requirements for minimum lot area, minimum lot width, or both, of the zoning district in which the lots are located, such lots shall be combined and considered as one lot for purposes of complying with the provisions of this chapter.

(Ord. No. 82, § 3.36, eff. 6-25-1991)

Sec. 36-583. - Uses of land.

Where, at the effective date of the ordinance from which this chapter was derived or amendment thereto, lawful use of land exists that is made no longer permissible under the provisions of this chapter as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following limitations:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

- (2) 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.
- (3) When nonconforming use of a building or structure status applies to a building or structure used in combination, removal or destruction of the building or structure shall eliminate the nonconforming status of the land.
- (4) Given the historical development pattern in the village, a number of single-family residential uses exist in structures zoned for office or commercial use. It is the intent of this section to allow such uses to continue and be considered conforming uses, provided that the standards and procedures outlined in this division apply. A nonconforming single-family dwelling and its accessory structures within commercial and office districts may be continued, replaced, repaired or remodeled if damaged by fire, vandalism, flood or other force of nature, if approved by the zoning board of appeals. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change. Replacement of such nonconforming single-family building shall commence within one year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion, or use of the building for a conforming nonresidential use for any period of time, shall result in the loss of legal, nonconforming status unless good cause for the delay or temporary change in use is accepted at a hearing before the zoning board of appeals.

(Ord. No. 82, § 3.37, eff. 6-25-1991; Ord. eff. 5-21-1999)

Sec. 36-584. - Buildings and structures.

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

- (1) No such structure may be enlarged or altered in a way which increases its nonconformity with the provisions of this chapter. A nonconforming building may be allowed to expand, provided that the expansion does not increase the size of the established footprint, or the expansion is within a yard which retains compliance with the required setback and height (e.g., a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming).
- (2) Should such structure be destroyed by any means to an extent greater than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- (4) Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.
- (5) No existing structure devoted to a use not permitted by this chapter in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, or in the case of a single-family dwelling in a commercial or office district as described above in section 36-583(4).
- (6) Any building and/or structure 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.
- (7) Any nonconforming use may be extended throughout any parts of a building which existed and were arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (8) If no structural alterations are made, any nonconforming use of a building, structure, or use thereof, may be changed to another nonconforming use, provided that the zoning 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 in 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 chapter.
- (9) Removal, destruction or alteration of more than 50 percent of a nonconforming use, building or structure shall eliminate the nonconforming rights, with the exception of nonconforming single-family dwellings in commercial and office districts as described above in section 36-583(4).

(Ord. No. 82, § 3.38, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. eff. 5-21-1999)

Sec. 36-585. - Repairs and maintenance.

- (a) 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 50 percent of the estimated value of the building, with the exception of nonconforming single-family dwellings in commercial and office districts as described in section 36-583(4). The most recent assessment of the market value of the structure for purposes of taxation shall be used to determine the estimated value. The cubic content of the buildings as it existed at the time of enactment or amendment of this chapter shall not be increased.
- (b) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

(Ord. No. 82, § 3.39, eff. 6-25-1991; Ord. eff. 5-21-1999)

Sec. 36-586. - Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided that there is no change in the nature or character of such nonconforming uses.

(Ord. No. 82, § 3.40, eff. 6-25-1991)

Sec. 36-587. - Nonconforming sites.

- (a) The intent of this section is to permit improvements and minor modifications to a conforming use and building which does not meet all of the various site improvement related regulations of this zoning chapter. The purpose is to allow gradual compliance with the site related requirements, for the entire site, for sites which predate the various zoning chapter standards for landscaping, paving and other nonsafety site related items.
- (b) Such improvements or expansions may be permitted by the planning commission during site plan review without a complete upgrade of all site elements under the following conditions:
 - (1) The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
 - (2) The applicant has addressed safety related site issues on the overall site.
 - (3) For landscaping, the applicant shall bring the site toward conformity at twice the rate of building or parking lot expansions (for example, a five percent building expansion will provide at least ten percent of the required landscaping).
 - (4) The improvements or minor expansion will not increase noncompliance with site requirements.
 - (5) A site plan shall be submitted in accordance with article VI of this chapter.

(Ord. No. 82, § 3.42, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995)

Secs. 36-588—36-610. - Reserved.

DIVISION 6. - DIMENSIONAL EXCEPTIONS

Sec. 36-611. - Averaged lot sizes.

The intent of this section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to at least average the minimum size of lot per unit as required in Table 4.6 Dimensional Standards — Residential Districts, for each single-family residential district. If this option is selected, the conditions of this section shall apply.

- (1) In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots of widths less than 65 feet in an MDR district, 75 feet in an LDR district, and 90 feet in an VLDR district.
- (2) The technique of averaging minimum lot size shall be acceptable only in those instances wherein the entire preliminary plat, which has received the approval of the city, is carried through a final plat and is then recorded in its totality. Recording of portions of a preliminary plat shall not be acceptable under this option.
- (3) All computations showing lot area and the average area resulting through this technique shall be indicated on the print of the preliminary plat.

(Ord. No. 82, § 3.45, eff. 6-25-1991)

Sec. 36-612. - Required area or space.

- (a) No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this chapter. If already less than the minimum requirements of this chapter, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this chapter. Lots or yards created after the effective date of the ordinance from which this chapter was derived shall comply with the requirements of this chapter.
- (b) Accessory buildings or structures including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other principal building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this chapter concerning required yards.

(Ord. No. 82, § 3.46, eff. 6-25-1991)

Sec. 36-613. - Front and side yard setbacks.

- (a) *Front yard.* The required front yard may be reduced to the average front yard setback of permitted buildings within 200 feet of the property with the same block face.

- (b) *Side yard.* The required side yard on lots legal prior to the effective date of the ordinance from which this chapter was derived which do not meet the minimum width required in the zoning district may be reduced by six inches for each one foot the lot width is less than the minimum required, provided that each side shall be at least five feet.

(Ord. No. 82, § 3.47, eff. 6-25-1991)

Sec. 36-614. - Lot measurements along curvilinear streets.

For lots along curvilinear streets, calculations of the minimum dimensional standards shall be according to this section (see Figure 6 in [section 36-8](#), definitions).

- (1) Minimum frontage of 66 feet shall be measured along the curved front lot line.
- (2) Minimum required front yard setback shall be defined along a curve parallel to the front lot line.
- (3) Minimum lot width shall be measured along the curve which defines the minimum front yard setback.

(Ord. No. 82, § 3.48, eff. 6-25-1991)

Sec. 36-615. - Projections into yards.

- (a) Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters and similar features may project no farther than three feet into a required front yard; no farther than five feet into a required rear yard; and no farther than two feet into a required side yard.
- (b) An unenclosed stoop, deck, balcony, terrace or window awning may project no farther than eight feet into a required front yard, and no farther than 15 feet into a required rear yard. Projection of such building appurtenances into a required side yard shall be prohibited. In no case shall a balcony, stoop, deck, terrace or awning be placed closer than five feet to any front or rear lot line, except that the planning commission may allow placement within two feet in the CBD central business zoning district.

(Ord. No. 82, § 3.49, eff. 6-25-1991)

Sec. 36-616. - Exceptions to height regulations.

Structural appurtenances shall be permitted to exceed the height limitations listed in the Table of Dimensional Standards for authorized uses in the various zoning districts as noted in this section.

- (1) Schools, hospitals churches and other institutional buildings may be erected to a height not to exceed 60 feet, provided that the front, side and rear yards shall not be less than the height of the appurtenance.
- (2) Chimneys, church spires, domes, and flagpoles may be erected to a height not to exceed 70 feet.
- (3) Decorative cupolas, parapet walls and similar architectural features may extend up to ten feet above the maximum permitted building height, provided that they are not lighted, if approved by the planning commission during site plan review.
- (4) Rooftop screening of mechanical equipment may exceed the maximum building height by up to ten feet.
- (5) The height of public water tanks shall be approved by the village planning commission, in consideration of nearby uses and zoning.

(Ord. No. 82, § 3.50, eff. 6-25-1991)

Sec. 36-617. - Mechanical equipment.

Any mechanical equipment, including water and gas meters, fans, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment shall comply with the standards of this section. The planning commission shall evaluate compliance with these standards during site plan review.

- (1) Ground-mounted mechanical equipment shall be set back at least three feet from any lot line in the CBD central business zoning district and at least 12 feet from any lot line in all other districts. Ground-mounted mechanical equipment shall be spaced at least 12 feet from any other principal structure and at least four feet from any sidewalk in multiple-family residential developments, site condominium projects and manufactured housing parks.
- (2) Ground-mounted mechanical equipment in any front or side yard shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building and the surrounding architectural character, as determined by the planning commission.
- (3) Roof-mounted equipment shall not exceed a height of ten feet above the surrounding roof surface, and shall occupy no more than 15 percent of the total roof area. The planning commission may require screening of rooftop mechanical equipment, particularly where adjacent uses are residential or the floor elevation of the building is lower than the elevation of nearby streets or residential uses.

(Ord. No. 82, § 3.51, eff. 6-25-1991)

Sec. 36-618. - Wetland protection standards.

The village intends to promote compliance with part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.) through coordination with the state department of environmental quality (MDEQ) wetland protection and permit program. The following standards exceed the MDEQ regulations by requiring a setback from MDEQ-regulated wetlands and encouraging the placement of buildings to protect nonMDEQ-regulated wetlands between two acres and five acres in size. This section in conjunction with the standards for site plan review are mechanisms to promote goals from the village comprehensive plan.

- (1) All buildings and parking lots shall be setback 25 feet from an MDEQ-determined/regulated wetland. Trails and recreational areas may be allowed in the setback.
- (2) Any disturbance of soils, removal of landmark trees or stumps, grading, alteration of water flowing into or from an MDEQ-regulated wetland, or any prohibited activity as listed in Section 30304, Public Act No. 451 of 1994 (MCL 324.30304), without a permit from the MDEQ, may result in a stop work order issued by the village and/or require restoration of the wetland in accordance with MDEQ standards.
- (3) Any site grading, preparation or storage within the wetland protection setback area shall require a special land use permit according to the standards of article VIII of this chapter; provided, however, that no such activity shall be allowed within ten feet of a regulated wetland.
- (4) Judicious effort shall be made through site plan design to preserve nonMDEQ-regulated wetlands which exceed two acres in size. Use of nonMDEQ-regulated wetlands as detention or retention ponds may be allowed, following review of such plans by the village engineer.
- (5) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this division or the MDEQ regulations.

(Ord. No. 82, § 3.52, eff. 6-25-1991)

Secs. 36-619—36-640. - Reserved.

DIVISION 7. - TRANSPORTATION

Sec. 36-641. - Design standards for streets and driveways.

- (a) Design standards for public streets and driveways are provided in article II of chapter 28, street and driveway design.
- (b) All streets shall be public streets dedicated to the village and designed according to the standards of article II of chapter 28, streets and driveway design.
- (c) The village zoning board of appeals may grant a variance from those standards if there is supporting documentation that the property possesses unusual configuration and/or topography which would render construction of streets under village standards for grades, radii, width and/or materials impractical. Any variance from the standards shall require approval of the village engineer.
- (d) The maximum length of any private drive shall not exceed the village standard for public roads. Any private road over 150 feet in length shall have a gravel cul-de-sac meeting the dimensional requirements of article II of chapter 28, street and driveway design.
- (e) Issuance of a building permit for the placement of buildings or structures on lots along a private drive shall not be considered a guarantee or warranty that adequate access exists to the lot for emergency vehicles. The village assumes no responsibility for the maintenance of, or improvements to, private drives.

(Ord. No. 82, § 3.53, eff. 6-25-1991; Ord. No. 116, eff. 5-25-2002)

Sec. 36-642. - Access easements.

- (a) Access easements shall be a minimum of 66 feet wide, provided that the planning commission may reduce this width to 40 feet if the easement is determined to have no potential to be dedicated as a public right-of-way in the future and that the easement has no potential to serve more than two dwelling units.
- (b) Access driveways located on access easements or on a flag lot, upon which the lots access to a public street consists of a narrow access easement, shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed to the village standards.
- (c) Access easements shall have radii sufficient to accommodate village fire equipment.

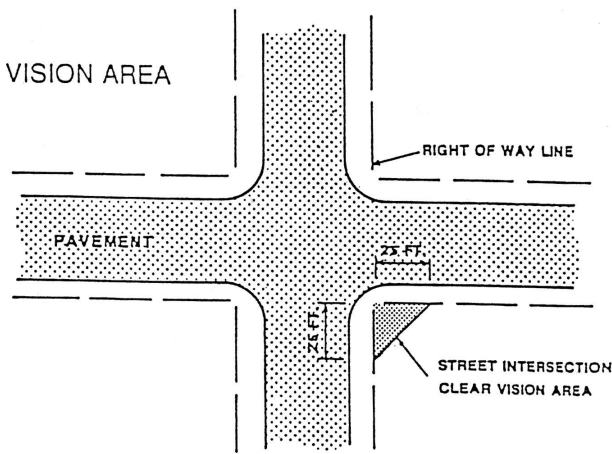
(Ord. No. 82, § 3.54, eff. 6-25-1991)

Sec. 36-643. - Clear vision zone.

There shall be a clear vision zone at all corners of intersecting roads, or road junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of 25 feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of 42 inches to eight feet above centerline elevation of abutting streets, except that not more than two trees with trunks of not more than 30 inches in diameter each, and clear of any branches for such heights may be located within such area; provided, however, that this section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic volumes or geographic conditions (see Figure 7).

(Ord. No. 82, § 3.55, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995)

FIGURE 7
CLEAR VISION AREA



CLEAR VISION AREA--STREET INTERSECTION

Sec. 36-644. - Pedestrians.

- (a) *Sidewalk requirement for nonresidential sites.* On all nonresidential sites, sidewalks meeting the standards of subsection (c) of this section shall be provided within all abutting public streets and private road easements and where appropriate, the planning commission may require a sidewalk connection to link the front entrance of a building to the sidewalk along the roadway or other applicable connections in order to improve the pedestrian orientation of uses.
- (b) *Residential sidewalk requirements.* On an application for a subdivision plat, condominium site plan or multiple-family site plan approval, sidewalks shall be required by the planning commission on one or both sides of the street or road in consideration of factors such as the density of development, age characteristics of the expected residents, expected traffic volumes along the street, proximity to other sidewalk systems and proximity to schools, parks and public institutions. The following conditions shall apply to sidewalks within residential projects:
- (1) The planning commission may eliminate the sidewalk requirement for special situations such as along short culs-de-sac, developments where the all lots or units are equal to or greater than 21,780 square feet in area, or where another type of pedestrian trail system is being provided by the developer.
 - (2) Public walkways may be required in the middle of any block over 1,350 feet in length to obtain satisfactory pedestrian circulation within the subdivision, to provide access to parks or open space, to provide links with an adjacent subdivision, or to provide access to an activity center. Where such walkways are required, an easement at least ten feet wide shall be provided. The village may require placement of a fence along the easement to ensure the location is visible and to protect the adjacent property owners.
 - (3) Required sidewalks may be installed along a residential lot's frontage following construction of the dwelling unit. Where an approved subdivision plat or site plan contains sidewalks, a certificate of occupancy shall not be issued until the required sidewalk is installed along that individual lot's frontage.
- (c) *Construction standards.* The following construction standards will apply to all pedestrian facilities:
- (1) All sidewalks shall be a minimum five feet wide concrete and constructed to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
 - (2) Bike paths shall be at least eight feet wide concrete or asphalt and constructed in accordance with the specifications of the ASHTO.
 - (3) Within a residential development, the planning commission may permit six-foot wide stone or wood chip paths, or wooden boardwalks in open space areas or areas with sensitive environmental features instead of paved sidewalks. The unpaved path shall provide direct access to all lots where the planning commission waives the requirement for paved sidewalks.
 - (4) Sidewalks and bike paths shall be installed by the developer within the dedicated street right-of-way, private road access easement or special easement where grades or other factors prevent placement within the right-of-way or access easement.
 - (5) Crosswalk pavement markings and signs may be required.

(Ord. No. 82, § 3.56, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. No. 116, eff. 5-25-2002)

Secs. 36-645—36-670. - Reserved.

DIVISION 8. - USES NOT ADDRESSED

Sec. 36-671. - Determination of similar uses.

In recognition that every potential use cannot be addressed in this chapter, each district includes the phrase "similar uses" at the end of the list of permitted and conditional uses. The planning commission shall make a determination of a "similar use" according to the following:

- (1) A finding that the proposed use is not listed as a permitted or conditional use in any zoning district.
- (2) If the use is not addressed in this chapter, the planning commission shall select the use listed in this chapter which most closely resembles (in nature and class) the proposed use using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the village. The planning commission may determine that there is no similar use and that the use should be prohibited in the village according to the standards of prohibited uses.
- (3) Once a similar use is determined, the proposed use shall comply with any conditional use standards that apply to the similar use.
- (4) The planning commission shall have the option to amend this chapter to specifically address the use in question, rather than treating the proposed use as a similar use.
- (5) The determination as to whether a proposed use is similar in nature and class to other permitted or conditional uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the planning commission to be a "similar use" shall thereafter be included in the enumeration of the uses.

(Ord. No. 82, § 3.60, eff. 6-25-1991)

Sec. 36-672. - Prohibited uses.

- (a) *Basis.* Certain uses may not be appropriate for the village, given the character, relatively small size and limited amount of vacant land. In accordance with the City and Village Zoning Act, a zoning ordinance or zoning decision can totally prohibit the establishment of a requested land use within a village if there is not an appropriate location within the village or the use is unlawful, even if there is a demonstrated need for that land use either in the village or surrounding area.
- (b) *Process for determination of prohibited use.* In making a determination that there is not an appropriate location in the village for a particular use, the planning commission shall consider the following:
 - (1) The land area required by the proposed use.
 - (2) The potential impact on surrounding properties in terms of traffic, noise, lighting, valuation and views.
 - (3) Capability of the environment and utilities to support the proposed use.
 - (4) Finding that there is an alternative land use for the property that will provide the property owner with a reasonable rate of return on investment.

(Ord. No. 82, § 3.61, eff. 6-25-1991)

Sec. 36-673. - State-licensed residential facilities.

- (a) Notwithstanding any provision of this chapter or of this Code, state-licensed residential facilities shall be permitted uses in all districts zoned for single-family dwellings to the extent required by [section 36](#) of Public Act No. 207 of 1921 (MCL 125.5836).
- (b) State-licensed residential facilities include adult foster care family homes, foster family homes and foster family group homes.

Secs. 36-674—36-700. - Reserved.

ARTICLE V. - CONDITIONAL USE STANDARDS

Footnotes:

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State Law reference— *Special land uses, MCL 125.584a.*

Sec. 36-701. - Purpose of article.

This article describes procedures and standards for approval of conditional land uses. These uses, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards in this article are designed to allow reasonable uses of land while maintaining adequate provisions for the protection of the health, safety and welfare of the community.

(Ord. No. 82, § 15.1, eff. 6-25-1991)

Sec. 36-702. - Application procedures.

Application for approval of a conditional use shall be made by submitting the following to the zoning administrator:

- (1) Twelve copies of a site plan containing all of the information required by article VI of this chapter, provided that the zoning administrator may waive any of the submittal requirements contained in article VI of this chapter deemed unnecessary or not applicable.

- (2) A legal description, either by metes and bounds or by subdivision lot and block, and a street address.
- (3) A completed application on a form provided by the village.
- (4) Payment of an application fee, which shall be nonrefundable, as established from time to time by resolution of the village council.
- (5) The conditional use permit application may be accompanied by an application for a zone change, where such a zone change is necessary to the consideration of the application, provided that all applicable provisions for a zone change application have been complied with.
- (6) In cases where a public hearing on the conditional land use is required, the application shall be submitted at least 21 days prior to the desired public hearing date.

(Ord. No. 82, § 15.2, eff. 6-25-1991)

Sec. 36-703. - Notification and hearing procedures.

The procedure for all conditional land uses is illustrated in Figure 3.1 and described as follows:

- (1) *Submittal requirements.* Upon receipt of an application for approval of a conditional land use, the village clerk shall cause notice to be given, in accordance with the City and Village Zoning Act. The notice shall be in a newspaper of general circulation within the village not less than five days nor more than 15 days prior to the public hearing; the village clerk shall by mail send a copy of the notice to each property owner within 300 feet of the subject property. The notice shall:
 - a. Describe the nature of the conditional land use request.
 - b. Describe the property which is the subject of the conditional land use request, by both legal description and street address.
 - c. State the time and date for a public hearing on the conditional land use request.
 - d. State when and where written comments will be received concerning the conditional land use request.
- (2) *Planning commission procedures.* Following notice, the planning commission shall hold a public hearing on the conditional land use request, and the planning commission shall thereafter be responsible for consideration and recommendation to the village council for action on the conditional land use request, in accordance with the standards for approval contained in this chapter. Conditional land uses shall be subject to approval by the village council.
- (3) *Administration.* The village council shall inform the building inspector of its decision and any conditions. The building inspector shall, upon receipt of notice of approval and upon application by the applicant, accompanied by a receipt duly executed by the village clerk attesting to the payment of all required fees, issue a building permit for the approved conditional use, provided that he has found satisfactory compliance with all condition precedents imposed by such approval.

(Ord. No. 82, § 15.3, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995)

Sec. 36-704. - Action; standards for approval.

- (a) The planning commission shall recommend that the village council approve, approve with conditions or deny the conditional land use request, based upon review and consideration of materials submitted with the application and comments received at the public hearing, if one is held. The commission shall recommend to approve, or approve with conditions, a conditional land use request only upon a finding that all of the following standards for approval are complied with:
 - (1) The use is designed and constructed, and will be operated and maintained, so as to the general vicinity, and such use will not change the essential character of the area in which it is proposed.
 - (2) The use is, or will be, served adequately by public services and facilities including, but not limited to: streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.
 - (3) The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odors.
 - (4) The site plan proposed for such use demonstrates compliance with the conditional use standards noted in each zoning district.
- (b) The village council shall then approve, approve with conditions or deny the conditional land use request, based upon the recommendation of the planning commission.
- (c) The planning commission shall review the site plan for the conditional land use under the provisions of article VI of this chapter. Site plan review may be conducted simultaneously with conditional land use review. The planning commission may table the site plan to await action of the village council on the conditional land use, or take action on the site plan conditioned upon final action by the village council on the conditional land use.
- (d) The village council or zoning administrator, as applicable, may impose reasonable conditions in conjunction with approval of a conditional use which are deemed necessary to:
 - (1) Ensure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed conditional land use;
 - (2) Protect the natural environment and conserve natural resources and energy;
 - (3) Ensure compatibility with adjacent uses of land; and

(4) Promote the use of land in a socially and economically desirable manner. Conditions imposed shall comply with the zoning act.

- (e) The decision of the village council or zoning administrator, as applicable, shall be incorporated in a statement of conclusions specifying the basis of the decision and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the minutes of the village council or as part of an official record.

(Ord. No. 82, § 15.4, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995)

Sec. 36-705. - Approval term and expiration.

- (a) A conditional land use approval granted pursuant to this chapter shall be valid for one year from the date of approval, unless approval is revoked or the conditional use has been initiated or construction necessary for such use had been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six consecutive months.
- (b) If, by the end of this one-year period, the conditional land use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated, it is not proceeding meaningfully toward completion, then the conditional use approval shall be deemed expired and no longer valid.
- (c) A conditional land use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.
- (d) Applications for reapproval of an expired conditional land use approval shall be considered in the same manner as the original approval in accordance with the procedures in this chapter.

(Ord. No. 82, § 15.5, eff. 6-25-1991)

Sec. 36-706. - Revocation of conditional land use approval.

The village council may revoke any conditional land use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this chapter, any conditions placed on the original approval by the village council, or any other applicable provisions of the chapter. Prior to revoking a conditional land use approval, the planning commission shall conduct a public hearing, give required notice of such hearing in accordance with the City and Village Zoning Act and make a recommendation to the village council.

(Ord. No. 82, § 15.6, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995)

Sec. 36-707. - Amendments, expansions and change in use.

- (a) *Major amendments.* Any person or agency shall notify the building inspector of any change in an existing conditional land use. Any major amendment to an existing conditional land use shall require submittal of a new application for conditional land use and follow the review procedures contained in this article. Amendments to the site plan shall bring the site into compliance with all zoning chapter requirements determined to be reasonable by the planning commission in proportion with the extent of the change at the site and in consideration with the physical constraints of the site. The building inspector shall determine whether the proposed amendment constitutes a minor or major amendment, based on the following standards:
- (1) Changes increase the building's usable floor area by more than 25 percent or 2,500 square feet, whichever is less; or
 - (2) Parking lots are expanded by more than 25 percent or 6,000 square feet of pavement area, whichever is less.
- (b) *Minor amendment.* Minor amendment to an existing conditional land use does not require submittal of a new application for a conditional land use.
- (c) *Change in use.* Change to another conditional land use shall require submittal of a new application for conditional land use and follow the review procedures contained in this article.
- (d) *Required site plan.* Any changes, whether it is deemed minor and major, shall require submittal of a site plan in accordance with article VI of this chapter.

(Ord. No. 82, § 15.7, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995)

Secs. 36-708—36-740. - Reserved.

ARTICLE VI. - SITE PLAN REVIEW

Footnotes:

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Cross reference— *Land divisions and subdivisions, ch. 16.*

State Law reference— *Site plans, MCL 125.584d.*

Sec. 36-741. - Purpose of article.

It is the intent of this article to require site plan review approval prior to issuance of a building permit for certain buildings, structures, and uses that may have an adverse impact on public health, safety and welfare in relationship to drainage, utilities, natural resources, traffic patterns, adjacent parcels, landscaping, signs and the character of future development. The standards and procedures of this article are instituted to provide an opportunity for the planning commission to review a proposed use to ensure that all such buildings, structures, and uses are in conformity with the provisions of this zoning chapter, other ordinances of the village, and state and federal statutes.

(Ord. No. 82, § 16.0, eff. 6-25-1991)

Sec. 36-742. - Uses subject to site plan review.

- (a) *Generally.* Site plan review and approval by the planning commission shall be required prior to the issuance of a permit for any construction, reconstruction, erection, and/or expansion of any building or structure in any zoning district, prior to the issuance of any conditional use permit, and prior to the initiation of any new use of land not requiring a building permit, with the exception of the following:
- (1) Construction, reconstruction, erection and/or expansion of a single-family detached dwelling on a single lot in the VLDR, LDR, VCR, CBD and OSD zoning districts.
 - (2) Accessory buildings and structures which are accessory to a single-family or two-family dwelling in any zoning district.
 - (3) Family day care and foster family homes in any zoning district.
 - (4) Construction solely on the building interior that does not increase usable floor area.
 - (5) Construction or erection of signs; retaining walls; fences; buffer walls; waste receptacles; sidewalks; antennas; lights; poles; and cooling, heating, or other mechanical equipment when located on a building or structure which conforms to the standards of this zoning chapter, or occupying a ground area of less than 100 square feet.
- (b) *Sketch plans.* The intent of the sketch plan is to allow review of minor expansions without requiring all of the information normally included in a full site plan. Sketch plan review shall include a review of the complete site for compliance with current ordinance standards. A sketch plan application shall be reviewed and approved by the village administrator. A separate review fee may be established by the village council. Nonconformities related to the site shall be brought into compliance relative to the amount of expansion being proposed following the standards of section 36-587. A sketch plan may be submitted under the following conditions:
- (1) A cumulative expansion of no more than 20 percent from the original site plan of the square footage of the building or parking, provided that any previous minor expansions be considered in making the determination.
 - (2) Uses within an existing building when the use will be similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics, and other external impacts.
 - (3) Accessory structures and uses except for those on lots that are part of residential plats. Signs shall be reviewed and approved by the building inspector.
 - (4) Minimum contents of a sketch plan include:
 - a. Drawn to an engineer's scale.
 - b. Application form and fee.
 - c. Proof of ownership.
 - d. Legal description of the property.
 - e. Property lines.
 - f. Existing and proposed buildings and parking lots with dimensions and setbacks.
 - g. Existing and proposed parking calculations.
 - h. Existing and proposed driveways.
 - i. Existing and proposed signs.
 - j. Existing and proposed landscaping illustrated on a plan and described in a plant list.
 - k. Layout of proposed changes to utilities.
 - l. Any proposed changes to grading, lighting, dumpsters, protected or landmark trees.
 - m. Architectural perspective or elevations of proposed changes to buildings.
 - n. Any other items requested by village staff or the planning commission to assist in the review.

(Ord. No. 82, § 16.1, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. No. 130, 9-13-2004)

Sec. 36-743. - Site plan review procedures.

Application for site plan review shall be made by submitting the required materials to the village clerk at least 21 days prior to the planning commission meeting at which the site plan is to be considered. The process for site plan review is illustrated in Figure 3.1, and discussed as follows:

- (1) *Applicant submittal.* Submittal of application form, payment of fee and a site plan package with the required site plan contents.
- (2) *Initial review.* The village clerk shall refer the site plan to the planning commission and village staff for their review within 14 days of the submittal.
- (3) *Review.* The planning commission and staff shall review the site plan for compliance with the standards of this chapter and other appropriate ordinances and statutes, and shall, within 45 days following the applicant's submittal:
 - a. Approve the site plan and return a copy signed by the planning commission chairperson to the applicant. The applicant may then submit the necessary plans and documents for a building permit.
 - b. Approve with conditions which the planning commission determines are reasonable and necessary to ensure conformance with applicable ordinances and statutes. These conditions shall be listed in the motion and noted on the site plan, with the planning commission chairperson's signature. The applicant shall submit of a revised site plan within 30 days that incorporates the conditions imposed by the planning commission. The zoning administrator shall have the authority to sign the final site plan as approved upon determination that the conditions have been met. If the zoning administrator determines that the conditions have not been met, the site plan shall be referred back to the planning commission.
 - c. Upon determining that the site plan does not meet the standards, spirit and intent of this zoning chapter and other appropriate ordinances and statutes, the planning commission shall deny the site plan or table action and direct the applicant to make modifications and resubmit the site plan.
- (4) *Compliance.* The zoning administrator may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the planning commission to terminate such approval following a public hearing.

(Ord. No. 82, § 16.2, eff. 6-25-1991)

Sec. 36-744. - Required site plan contents.

- (a) *Application form requirements.* Application form requirements are as follows:
 - (1) A completed application form.
 - (2) Payment of a nonrefundable application fee, in an amount established from time to time by resolution of the village council. A separate escrow deposit may be required for administrative charges to review the site plan submittal.
 - (3) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- (b) *Site plan information.* The applicant shall submit 12 copies of a site plan containing all of the information listed in this subsection (b) on a sheet size at least 24 × 36 inches with graphics at an engineer's scale. A scale of one inch equals 20 feet shall be required for sites of three acres or less.
 - (1) The applicant's name.
 - (2) The name, address and professional seal of the architect, engineer, surveyor or landscape architect responsible for preparation of the site plan.
 - (3) A complete and current legal description and size of property in acres and square feet.
 - (4) A small location sketch of sufficient size and scale to locate the property within the village.
 - (5) A north arrow.
 - (6) The date of preparation and any revisions.
 - (7) All existing lot lines and dimensions, including setback lines and existing or proposed easements.
 - (8) Zoning and current land use of applicants property and all abutting properties and of properties across any public or private street from the site.
 - (9) The location of all existing structures, street right-of-way, pavement, sidewalks, parking areas and driveways on the property and within 100 feet of the subject property (including driveways on the opposite side of any street). Notes shall be provided indicating those which will remain and those which are to be removed.
 - (10) Indication of existing drainage patterns, surface or water bodies.
 - (11) The limits of any wetland regulated by the state department of environmental quality (MDEQ), including attachment of any MDEQ-approved wetland determination or documentation that an application for MDEQ review has been submitted. If an MDEQ-regulated wetland is to be impacted, an indication of the status of application for an MDEQ wetland permit or copy of such a permit including description of any wetland mitigation required, shall be attached.
 - (12) The layout and dimensions of proposed lots, streets and drives (including grades, right-of-way and pavement width, number of lanes, intersection radii), access points (including deceleration or passing lanes, distance from adjacent driveways or street intersection), sidewalks (width, pavement type and distance from street) and recreation areas. Written verification of any access easements or agreements for shared access or driveway curb return extending beyond the property line shall be required.
 - (13) Building footprints, dimensions, setbacks, typical floor plans and a sketch of any rooftop or ground mounted equipment to scale.
 - (14) Existing and proposed locations of utility services (with sizes), including storm drainage, retention or detention ponds, manholes, fire hydrants, and any public or private easements; notes shall be provided clearly indicating which existing services will remain and which will be removed.
 - (15) The location, type and size of all deciduous trees with a caliper over eight inches at breast height and evergreen trees over six feet in height. Notes

shall be provided indicating those which will remain and those which are to be removed.

- (16) A landscape plan indicating proposed ground cover and plant locations and with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.
 - (17) Location and method of screening for all refuse storage stations/dumpsters in accordance with section 36-523.
 - (18) Parking, storage and loading/unloading areas, including the dimensions of a typical space and aisle. The total number of parking and loading/unloading spaces to be provided and the method by which the required parking was calculated shall be noted.
 - (19) Details of exterior lighting including location, height, method of shielding and style of fixtures.
 - (20) Locations of all signs including location, type, height and method of lighting.
 - (21) A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour intervals and with topography extending a minimum of 20 feet beyond the site in all directions and a general description of grades within 50, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond. A general description and location of the stormwater management system shall be shown on the grading plan. The village engineer may require detailed design information for any retention/detention ponds and stormwater outfall structures or basins. If MDEQ-regulated wetlands are to be used, status of MDEQ permit application or copy of permit with attached conditions shall be provided.
 - (22) Any additional graphics or written materials requested by the planning commission to assist the city in determining the compliance with the final site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers for an average day and peak hours of the affected roadways, and impact on significant natural features and drainage.
- (c) *Additional submittal requirements.* Additional submittal information shall be required for certain projects:
- (1) For sites exceeding five acres and/or containing more than two buildings: Elevations showing height and materials for all proposed structures, including any residential units, shall be provided for all sides in view from an existing or proposed public street. These elevations shall be considered part of the approved site plan.
 - (2) For residential developments: calculation of residential density (number of unit divided by acreage exclusive of any public right-of-way); minimum, maximum and average lot area; and a description of the number, size and bedroom type of units; if a multiphase development is proposed, identification of the areas included in each phase.
 - (3) For commercial and office uses: The gross floor area and useable floor area of each use or lease space.
 - (4) For industrial uses: The floor area devoted to industrial uses and the area intended for accessory office use.
 - (5) For sites within the limits of any area within the 100-year floodplain, as determined by the Federal Insurance Administration flood insurance rate map: The location of any structure located within the floodplain, the elevation in relation to mean sea level of the floor, including the basement, of all structures shall be shown, and documentation of development permission from appropriate local, state, and federal agencies, including a floodplain permit, approval, or letter of no authority from the state department of environmental quality under authority of part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.).

(Ord. No. 82, § 16.3, eff. 6-25-1991)

Sec. 36-745. - Standards for approval.

Based upon the following standards, the planning commission may recommend denial, approval, or approval with conditions of the site plan:

- (1) *Generally.* All elements of the site plan shall be designed in consideration of topography, the character of adjacent buildings and uses, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this zoning chapter.
- (2) *Design.* Buildings and all elements of the site plan shall utilize quality design to ensure that buildings, improvements and site design reflect the historic character of the village, particularly sites within the central business district (CBD) or the entryway to the CBD district along State Road.
 - a. New buildings, additions and renovations, shall be designed to preserve or complement the design character of the village, provide visual harmony between old and new buildings, and create a positive image for the business district.
 - b. Buildings shall front towards and have their primary pedestrian entrance facing onto the public street. Blank walls may not face a public street and buildings must have windows and architectural features commonly associated with the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials, on walls that face the public street.
 - c. Buildings shall be located to create a defined streetscape and provide proper relationship to adjacent structures through building mass, proportion, scale, roofline shapes and rhythm of windows and doors.
 - d. The exterior building materials and treatment shall be of "finished quality," consistent with the quality of exterior treatment on buildings historically built within the village CBD district. For any side of a principal building visible from a public street, at least 90 percent of the facade shall be constructed of, or covered with, one or more of the following materials:
 1. Brick;
 2. Cut stone;

3. Vinyl siding;
 4. Wood siding;
 5. Nonreflective glass; or
 6. Other materials similar to the above as determined by the planning commission.
- e. Buildings shall possess architectural variety, but the architecture shall be consistent with the historic character of the village CBD district. The type and color of materials shall not be contrary to the historic character of the village. Buildings shall provide architectural features, details and ornaments such as archways, colonnades, cornices or peaked rooflines. Building entrances shall utilize windows, canopies and awnings.
- f. Signs, landscaping, walls, street lighting and other site elements shall be coordinated and compatible with the building design and continue the established theme of the historic village CBD district.
- (3) *Preservation of significant natural features.* Judicious effort shall be used to preserve the integrity of the land, the quality of the Mill Pond, existing topography, desirable drainage patterns, wetlands, mature trees, wildlife habitat, and the 100-year floodplain.
 - (4) *Views.* Views from adjacent properties and streets to the Mill Pond and other significant natural features shall be preserved to the greatest extent practical. Placement and height of buildings and structures shall make reasonable provision for preserving existing views of the significant visual resources in the village.
 - (5) *Building relationships.* Buildings and structures shall be placed so as to maintain an uncrowded appearance which preserves significant views and protects environmentally sensitive areas.
 - (6) *Streets, driveways and circulation.* Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Access to the site shall be designed to minimize conflicts between vehicles and pedestrians, and with traffic using adjacent streets and driveways. All streets and driveways shall be developed in accordance with article II of chapter 28, street and driveway standards.
 - (7) *Emergency vehicle access.* Adequate access for emergency vehicles to the site and all buildings or groups of buildings shall be provided. Based upon a recommendation by the Atlas Township fire chief, the planning commission may require installation of a water source for firefighting, such as dry hydrants or water storage tanks.
 - (8) *Parking and loading spaces.* The number and dimensions of off-street parking and loading/unloading spaces shall be sufficient to meet the minimum required by this zoning chapter.
 - (9) *Barrier free access.* The site shall be designed to provide barrier free parking and pedestrian circulation, in compliance with state statues and standards.
 - (10) *Landscaping.* The landscape shall be preserved in its natural state, insofar as practical, by minimizing alterations to the topography and existing mature vegetation. Landscaping shall be provided in accordance with the provisions of the zoning district and designed to help create the impression of a nature landscape. Ground cover shall be primarily living material. The applicant should make special effort to utilize plant materials native to this state.
 - (11) *Stormwater management and soil erosion control.* Special attention shall be given to proper site surface drainage to minimize adverse affects on adjacent properties, the Mill Pond and wetlands. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns, the Mill Pond and wetlands, prevents erosion and the formation of dust. Temporary on-site storage to reduce peak stormwater runoff may be required. Stormwater runoff on paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water. Design shall minimize erosion of soil or other material.
 - (12) *Storage of potentially hazardous materials or waste.* Special attention shall be given to location and design of outdoor material storage facilities for potentially harmful materials to minimize adverse affects on adjacent properties, the Mill Pond, wetlands, and drinking water. Uses utilizing, storing or handling hazardous material such as gasoline, oil or cleaning agents shall provide secondary containment facilities and provide documentation of compliance with state and federal regulations.
 - (13) *Utilities.* The development shall connect to public sewer facilities or provide for such facilities separately. All new utility distribution lines shall be placed underground.
 - (14) *Dumpsters.* Waste receptacles and dumpsters shall be located to minimize negative impacts and in accordance with the standards of section 36-523.
 - (15) *Exterior lighting.* Exterior lighting shall be arranged so that illumination is directed away from adjacent properties and streets.
 - (16) *Signs.* The standards of this chapter are met.

(Ord. No. 82, § 16.4, eff. 6-25-1991; Ord. eff. 10-1-1998)

Sec. 36-746. - Validity of approved final site plan.

- (a) Approval of the final site plan is valid for a period of one year. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, and if a written request for extension of the approval has not been submitted by the applicant, the approval of the final site plan shall be deemed null and void.
- (b) Upon written application, filed prior to the termination of the one year review period, the planning commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on written evidence from the applicant that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction of

the project is likely to proceed within the extension period.

(Ord. No. 82, § 16.5, eff. 6-25-1991)

Sec. 36-747. - Deviations from approved final site plan.

Minor changes to the approved final site plan may be approved by the zoning administrator without requiring a resubmittal to the planning commission, provided that:

- (1) The applicant or property owner notifies the zoning administrator of any proposed amendment to such approved site plan prior to making such change on the site.
- (2) The determination by the zoning administrator that the proposed revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the plan as agreed upon by the planning commission. For purposes of interpretation, the following shall be considered minor changes:
 - a. The size of structures may be reduced, or increased by up to five percent, provided that the overall density of units does not increase.
 - b. Movement of a building by no more than ten feet.
 - c. Plantings approved in the final site plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.
 - d. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - e. Changes of building materials to another of higher quality, as determined by the zoning administrator.
 - f. Changes in floor plans which do not alter the character of the use.
 - g. Slight modification of sign placement or reduction of size.
 - h. Changes required or requested by the village, county, state or federal agency for safety reasons.
 - i. Situations similar to the provisions of this subsection (2).

(Ord. No. 82, § 16.6, eff. 6-25-1991)

Sec. 36-748. - Appeals of final site plan.

- (a) Any person aggrieved by the decision of the planning commission in granting or denial of final site plan approval shall have the right to appeal the decision to the zoning board of appeals. The appeal shall be filed with the village clerk within five business days of the decision of the planning commission. The appeal shall state the aggrieved parties' grounds for appeal.
- (b) The filing of an appeal of a decision of the planning commission concerning a site plan shall act to stay any building permit issued for improvements on the property which is the subject of the appeal.
- (c) On hearing such appeal, the zoning board of appeals shall review the record before the planning commission and shall determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence, but shall be bound by the record before the planning commission. The zoning board of appeals shall approve the site plan if the requirements of this zoning chapter, other applicable village ordinances and applicable state and federal statutes are met, and prepare written findings on its decision on the appeal.
- (d) An appeal of a zoning board of appeals decision concerning a site plan shall be to the county circuit court.

(Ord. No. 82, § 16.7, eff. 6-25-1991)

Secs. 36-749—36-780. - Reserved.

ARTICLE VII. - PARKING AND LOADING/UNLOADING STANDARDS

Footnotes:

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Cross reference— *Stopping, standing and parking, § 32-31 et seq.*

Sec. 36-781. - Purpose of article.

The purpose of this article is to reduce or prevent traffic congestion and a shortage of parking facilities in the village at the time of erection, enlargement or change in use, of any principal building or structure. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts.

(Ord. No. 82, § 17.0, eff. 6-25-1991)

Sec. 36-782. - General requirements.

- (a) All off-street parking and loading facilities required by this article shall be maintained free of accumulated snow, debris or other materials which prevent full and occupancy of such facilities in accordance with the intent of this article, except for temporary periods of no more than five days in the event of heavy rain or snowfall.
- (b) For single-family detached units on individual lots, off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.
- (c) For other uses, off-street parking areas, other than for single-family detached homes on individual lots, residential uses shall be approved as part of the site plan. Minor changes to the parking layout, as determined by the zoning administrator, shall require submittal of a parking plan which indicates property lines, existing and proposed ground elevations at two-foot contour intervals, the number of spaces, calculations for meeting the minimum space requirements of this article, dimensions of aisles, driveways and typical parking stalls, location of curbs and curb blocks, location and size of signs, existing and proposed landscaping, existing and proposed lighting and drainage facilities.
- (d) Parking spaces shall be provided either on the same lot or within lots under the same ownership within 300 feet of the building it is intended to serve, measured from the nearest public building entrance to the nearest parking space of the off-street parking lot. Parking spaces in lots owned by the village or may be included in determining the required number of spaces, provided that the spaces are within 500 feet and the planning commission determines that spaces are available. Within the central business district, on-street parking spaces along the lot's frontage may also be counted towards meeting the minimum required number of spaces.
- (e) Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise in this article.
- (f) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced by up to ten percent if a signed agreement is provided by the property owners, and the planning commission determines that the peak usage will occur at different periods of the day.
- (g) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided elsewhere, or the parking requirements of the site change.
- (h) The use of required parking areas for the material storage, refuse storage stations/dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited. The use of semitrailers for storage purposes on the premises for five or more consecutive days is prohibited.
- (i) Where the property owner can demonstrate that the required amount of parking is excessive, the planning commission may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees to construct the additional parking at the direction of the planning commission based on observed usage within six months of being informed of such request in writing by the zoning administrator. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
- (j) Carports and garages or multiple-family dwellings shall be calculated as parking spaces on a one to one basis. Carports and garages in multiple-family dwelling developments shall have a maximum height of 14 feet, measured from the grade to the peak of the structure.

(Ord. No. 82, § 17.3, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995)

Sec. 36-783. - Parking units of measurement; floor area.

- (a) Where floor area is the unit for determining the required number of off-street parking and loading spaces, such unit shall mean the gross floor area (GFA), unless otherwise noted.
- (b) Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be 85 percent of the gross floor area.
- (c) In calculating bench seating for places of assembly, each 24 inches of benches, pews or other such seating, shall be counted as one seat.
- (d) Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
- (e) When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as one additional space.

(Ord. No. 82, § 17.4, eff. 6-25-1991)

Sec. 36-784. - Parking space numerical requirements.

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule. For uses not specifically listed in this section, the required parking shall be in accordance with that of a similar use as determined by the zoning administrator, or determined by the planning commission based on documentation regarding the specific parking needs of the use.

<i>Residential</i>	
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Single-family and two-family dwellings	2.0 spaces per dwelling unit
Multiple-family dwellings	1.5 spaces per each efficiency or one bedroom dwelling unit 2.0 spaces per each unit with two or more bedrooms
Manufactured homes in a mobile home park	2.0 spaces per each manufactured/mobile home unit or site
<i>Housing for the Elderly</i>	
Senior independent units	1.5 spaces per unit
Senior "interim care" and "intermediate care" units retirement villages, etc.	1.0 space per each room or two beds, whichever is less, plus 1.0 space per each employee expected during the peak shift
Convalescent/nursing home units	1.0 space per each three beds or two rooms, whichever is less
<i>Institutional</i>	
Churches, places of worship	1.0 spaces per each three seats or six feet of pews
Municipal office buildings	4.0 spaces per 1,000 sq. ft. gross floor area
Child care centers	2.0 spaces plus 1.0 additional space for each eight children of licensed authorized capacity
Group day care and foster care group homes	1.0 space per four clients plus 1.0 space per each employee
Primary schools (elementary and junior high schools)	1.0 space per each instructor, plus 1.0 space per each employee and administrator, plus spaces required for any assembly hall, auditorium, and/or outdoor arena.
Secondary (high) schools, commercial schools, colleges	1.0 per each instructor, plus 1.0 per each employee and administrator, plus 5.0 spaces per each classroom, plus parking required for any assembly hall, auditorium, or outdoor arena.
Auditoriums, assembly halls and outdoor arenas	1.0 space per each three seats or six feet of bleachers
Public recreation centers	5.0 spaces per 1,000 square feet of gross floor area
Dance and union halls, fraternal orders, civic clubs and similar uses	1.0 space per every two persons of capacity authorized by the village building code
<i>Office</i>	
Medical/dental clinic/office	7.0 spaces per 1,000 sq. ft. gross floor area

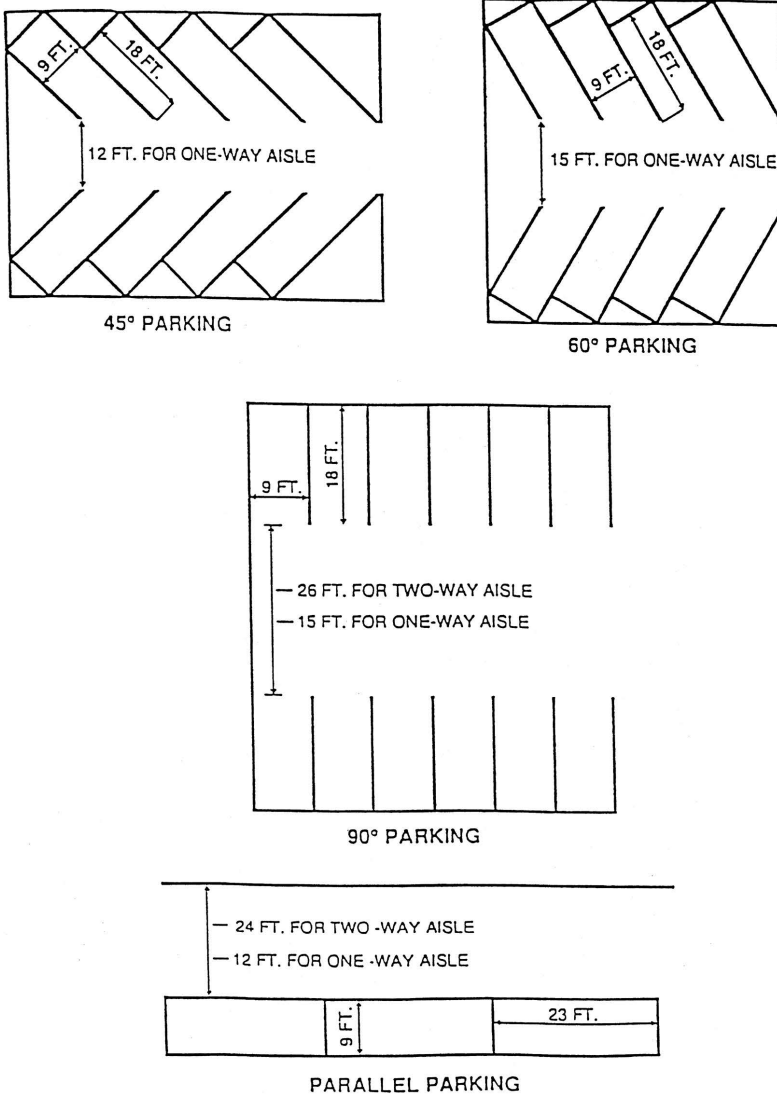
Medical clinic: outpatient care areas, emergency care/24 med stations, etc.	2.0 spaces per exam or outpatient procedure/operating room, 1.0 space per laboratory or recovery room, plus 1.0 space for each two rooms for employee parking
General office building	1.0 space per 300 sq. ft. gross floor area.
Branch bank, credit union or savings and loans window.	1.0 space per 200 sq. ft. gross floor area, plus 2.0 spaces per each 24-hour teller, plus 4.0 stacking spaces per each drive-through
<i>Commercial/Retail/Service</i>	
Appliance store	1.0 spaces per 250 sq. ft. gross leasable floor area.
Auto service station and without goods	2.0 spaces per each service bay, plus 1.0 space per employee, auto care centers plus 1.0 space per each tow truck, plus 1.0 space for each 500 convenience square feet devoted to sales of automotive goods.
Automobile sales spaces per each auto service bay	1.0 space per 200 sq. ft. gross leasable floor area, plus 3.0
Automobile wash	2.0 spaces, plus 1.0 space per each employee on peak shift, plus 15 stacking spaces per bay for a semiautomatic or fully automatic carwash, 2.0 stacking spaces per bay for a self-serve car wash.
Barbershop/beauty salon	2.5 spaces per each barber or beautician's chair/station
Conference rooms, exhibit halls and similar uses	1.0 space per every two persons of capacity authorized by the Uniform Building Code, or 1.0 spaces per 100 sq. ft. gross floor area, whichever is greater
Convenience store, with or without gasoline service	1.0 spaces per 250 sq. ft. gross leasable floor area, plus spaces required for an auto service station activities or gasoline sales.
Dry cleaners	2.0 spaces per 1,000 sq. ft. gross leasable floor area
Funeral homes	1.0 space per 50 sq. ft. of service parlors, chapels and reception area, plus 1.0 space per each funeral vehicle stored on-premises.
Furniture/carpet store	1.5 spaces per 1,000 sq. ft. gross leasable floor area.
General retail business/supermarket	1.0 spaces per 200 sq. ft. gross leasable floor area.
Laundromat	1.0 space per each two washing machines
Ministorage, self-storage warehouse	Minimum of 6.0 spaces
Motel/hotel with lounge, restaurant and conference or banquet rooms	1.0 space per guestroom plus 1.0 space per 100 sq. ft. of lounge, restaurant, conference or banquet rooms or exhibit space.

Motel with restaurant/lounge	1.0 space per guestroom, plus 12.0 spaces per 1,000 sq. ft. of restaurant/lounge space
Motel without restaurant/lounge; bed-and breakfast inn	1.0 spaces per guest room, plus 2.0 spaces
Recreational vehicle, boat, mobile home and similar sales	1.0 space per 800 sq. ft. gross leasable floor area, plus 2.0 spaces per each vehicle sales service bay
Restaurant - sit-down type with liquor license	16.0 spaces per 1,000 sq. ft. gross leasable floor area, or 0.6 spaces per seat, whichever is greater
Restaurant - family type (without liquor license)	12.0 spaces per 1,000 sq. ft. gross leasable floor area or 0.5 spaces per seat, whichever is greater.
Restaurant - fast food with drive-through window	15.0 spaces per 1,000 sq. ft. gross leasable floor area or 0.6 spaces per seat, whichever is greater, plus 5.0 designated drive-through shortterm waiting spaces, plus 10.0 stacking spaces for drive-through service which do not conflict with use of required spaces, plus at least 2.0 longer spaces designated for recreational vehicles and semitrucks.
Restaurant - fast food or drive-in without drive-through	17.0 spaces per 1,000 sq. ft. gross leasable floor area or 0.7 spaces per seat, whichever is greater.
Restaurant - takeout with less than six tables and/or booths	6.0 spaces plus 1.0 space for each employee on peak shift
Shopping center	1.0 spaces per 250 sq. ft. gross leasable floor area, plus spaces required for supermarket, if included.
Video rental establishments	1.0 space per 100 sq. ft. gross leasable floor area, with a minimum of 8.0 spaces provided.
Wholesale establishments	1 space per each 500 sq. ft. of gross floor area.
<i>Recreation/Entertainment</i>	
Batting cages	3.0 spaces per cage
Bowling centers	5.0 spaces per lane plus 25 percent of therequired parking for any lounge.
Commercial outdoor rec. centers	1.0 spaces per 200 sq. ft. gross floor area
Golf course driving range	2.0 spaces per each 3 tees
Golf course, miniature	1.0 space per each course hole
Golf course, par three	3.0 spaces per each course hole
Golf course/country club	6.0 spaces per each course hole

Golf course banquet hall/lounge	0.5 spaces per seat, less spaces required for golf course
Health fitness centers without swimming pool	5.0 spaces per 1,000 sq. ft. gross leasable floor area
Ice/roller skating rink	6.0 spaces per 1,000 sq. ft. GFA
Swimming pool building code	1.0 space per each three persons of capacity authorized by the village code
Theater, cinema	1.0 space per each four seats, plus 4.0 spaces per screen or stage
Racquetball/tennis centers	1.0 space per 1,000 sq. ft. gross floor area or 6.0 spaces per court, whichever is greater.
Video arcade	1.0 space per 50 sq. ft. gross leasable floor area, with a minimum of 6.0 spaces required.
<i>Industrial</i>	
Light industrial, manufacturing, testing labs, research and development centers	1.5 spaces per 1,000 sq. ft. gross floor area, or 1.2 spaces per employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle
Warehousing	1.0 space per each 1,500 sq. ft. gross floor area, or 1.0 space per each employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle (separate standard provided for ministorage)

(Ord. No. 82, § 17.5, eff. 6-25-1991)

FIGURE 17.1 OFF-STREET PARKING DESIGN STANDARDS



Sec. 36-785. - Barrier free parking requirements.

- (a) Within each parking lot, signed and marked barrier free spaces measuring 12 feet in width shall be provided at a convenient location, in accordance with the table contained in this section.
- (b) Barrier free parking space requirements shall be in accordance with the state department of labor, construction code commission, barrier free design division:

Total Spaces	# Required	Total Spaces	# Required
1 - 25	1	151 - 200	6
26 - 50	2	201 - 300	8
51 - 75	3	301 - 400	12
76 - 100	4	over 400	12 plus 2 for every 250 or fraction thereof over 400
101 - 150	5		

- (c) Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four feet shall be provided for wheelchair access.

(Ord. No. 82, § 17.6, eff. 6-25-1991)

Sec. 36-786. - Off-street parking space design standards and setback requirements.

Where required, off-street parking facilities shall be designed, constructed and maintained according to the following standards and regulations:

- (1) Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. All driveways and parking lots, with the exception of those serving detached single-family homes, shall be hard-surfaced with concrete or asphalt, shall have concrete curbing and shall be graded or drained so as to prevent stormwater runoff. No surface water from a parking area shall be permitted to drain onto adjoining property unless a watershed easement has been obtained. Discharge of drainage into a public right-of-way or municipal storm sewer shall require written approval of the village.
- (2) All spaces shall be provided adequate access by means of clearly defined driveways and maneuvering lanes. Maneuvering aisles and parking stalls shall meet the standards of Figure 17.1. Parking spaces shall be clearly identified and marked with durable striping.
- (3) All illumination of parking lots or display areas shall be designed, installed and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be 20 feet.
- (4) Curbing shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas.
- (5) Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
- (6) Required stacking spaces shall be a minimum nine feet wide and 25 feet in length.
- (7) Parking lots and related maneuvering aisles shall meet the minimum setbacks as shown in the schedule or regulations.
- (8) All spaces shall be designed and marked with dimensions described as follows:
 - a. Seventy-six to 90 degrees = 9.5×18 ft. with 26-foot wide aisles, 18-foot for single-loaded one-way aisles;
 - b. Thirty to 75 degrees = 9.5×21 ft. with 24-foot wide aisles, 15-foot wide aisles for one-way;
 - c. Parallel pkg. = 9 ft. \times 25 feet with a three-foot area striped for "no parking" between each two spaces, aisles shall be 22 feet wide for two-way traffic, 15 feet wide for one-way traffic.
- (9) Required width of parking spaces may be reduced by six inches per space if the parking lot is marked with double (or loop) stripes at three to four inches wide and spaced 18 to 24 inches apart and/or a service drive or frontage road serving two or more properties is installed.

(Ord. No. 82, § 17.7, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. No. 116, eff. 5-25-2002; Ord. No. 130, 9-13-2004)

Sec. 36-787. - Parking lot construction and maintenance.

- (a) Plans and specifications for parking areas shall be submitted to the building inspector prior to the issuance of a building permit. These plans shall include:
 - (1) Existing and proposed grades;
 - (2) Indication that stormwater runoff shall be accommodated on-site through approved drainage facilities, including catchbasins, runoff calculations, pipe sizes and connections to existing drainage structures.
 - (3) Indication of surface and base materials to be used during construction.
- (b) Required parking lots shall be installed and completed within six months of receipt of a building permit and before issuance of an occupancy permit. The zoning administrator may grant a single extension for an additional six months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.
- (c) The visibility of pavement markings delineating parking spaces and directional control shall be maintained.

(Ord. No. 82, § 17.8, eff. 6-25-1991)

Sec. 36-788. - Off-street loading and unloading areas.

On-premises space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.

- (1) The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.
- (2) Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.
- (3) Loading/unloading areas and docks shall not be provided in the front yard or on any building side facing and directly visible to a public street.
- (4) Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping.
- (5) Required loading areas shall not be included in calculations for off-street parking space requirements.
- (6) The size of all required loading/unloading spaces shall be at least ten feet by 50 feet or 500 square feet in area, with a clearance of at least 14 feet in height.
- (7) Loading dock approaches shall be constructed of an asphalt or Portland cement binder with a base sufficient to accommodate expected vehicle weight.
- (8) The minimum number of loading spaces shall be provided in accordance with the following table:

Institutional, Commercial and Office Uses

Up to 5,000 sq. ft. GFA	= 1.0 space
5,001 - 60,000 sq. ft. GFA	= 1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	= 3.0 spaces, plus 1.0 space per each additional 50,000 sq. ft. GFA

Industrial Uses

Up to 1,400 sq. ft. GFA	= 0
1,401 - 20,000 sq. ft. GFA	= 1.0 space
20,001 - 100,000 sq. ft. GFA	= 1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	= 5.0 spaces

(Ord. No. 82, § 17.9, eff. 6-25-1991)

Sec. 36-789. - Restrictions on the use of parking lots.

Parking or outdoor storage of commercial vehicles greater than one ton, semitrucks and trailers, mobile homes, tractors, earthmoving equipment, and similar vehicles shall be prohibited from residential districts unless associated with approved construction on the site.

(Ord. No. 82, § 17.10, eff. 6-25-1991)

Secs. 36-790—36-820. - Reserved.

ARTICLE VIII. - SIGNS

Footnotes:

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State Law reference— Highway advertising act, MCL 252.301 et seq.

Sec. 36-821. - Purpose of article.

- (a) The purpose of this article is to regulate signs and outdoor advertising within the village to protect public safety, health and welfare; recognize the different visual environments within the zoning districts; minimize abundance and size of signs to reduce motorist distraction and loss of visibility; promote public convenience; preserve property values; support and complement strategies of the village master plan and this chapter; and enhance the aesthetic appearance and quality of life within the village.
- (b) The regulations and standards of this article are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, aesthetics, protection of property values, and are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the city so as to:
- (1) Protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
 - (2) Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities; alternative channels of advertising communication and media are available for advertising which do not create visual blight and compromise traffic safety.
 - (3) Recognize that the proliferation of signs is unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
 - (4) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
 - (5) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
 - (6) Prevent placement of signs which will conceal or obscure signs of adjacent uses.
 - (7) Prevent off-premises signs from conflicting with land uses.
 - (8) Preserve the small town atmosphere of the village by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
 - (9) Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

(Ord. No. 82, § 18.1, eff. 6-25-1991)

Sec. 36-822. - Definitions.

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

Banner means a fabric, plastic or other sign made of nonrigid material without enclosing structural framework.

Billboard. See *Off-premises sign*.

Business center means a grouping of two or more business establishments on one or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one use for the purposes of determining the maximum number of pylon or ground signs. A vehicle dealership shall be considered a business center regardless of the number or type of models one makes available; however, used auto/truck sales shall be considered a separate use in determining the maximum number of pylon signs, provided that the used sales section of the lot includes at least 25 percent of the available sales area.

Canopy means a nonrigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo.

Changeable message sign means a permanent reader board attached to a pylon sign or the exterior of a wall where copy is changed mechanically, electronically or manually, including time/temperature, signs.

Construction sign means a sign identifying the names of project owners, contractors, developers, architects, designers, engineers, landscape architects, and financiers of a project being constructed or improved; and not including any advertising of any product or announcement of availability of leasing space.

Directional sign means a sign which assists motorists in determining or confirming a correct route, specifically enter, exit and parking signs. Business identification or logo on such a sign is considered and calculated as part of the allowable square footage for a pylon or ground sign.

Off-premises sign means a sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, e.g., billboards.

On-premises sign means a sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.

Political sign means a temporary sign used in connection with local, state or national elections or referendums or expressing a political opinion.

Portable sign means a sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas-filled balloons, pennants, streamers, ribbons, pinwheels, nongovernmental flags, searchlights and signs mounted on a portable structure. Prohibited portable signs shall not include signs which are expressly permitted in this article.

Projecting means a sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than 12 inches beyond such building or wall.

Pylon sign means a sign, pole or ground, supported on the ground by a pole, braces or monument, and not attached to any building or other structure.

Real estate sign means an on-premises temporary sign advertising the property or structures availability for sale or lease.

Regulatory sign means a sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.

Sandwich board sign means a hand carried sign with two halves that are hinged at the top and can be opened to stand on the sidewalk or in the front yard of a business.

Sign means any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the general public.

Wall sign means a sign placed flat, adjacent to the building, extending from the building as a canopy sign or projecting sign, or placed on a separate canopy such as over gasoline pumps.

(Ord. No. 82, § 18.2, eff. 6-25-1991; Ord. eff. 4-24-1998; Ord. No. 116, eff. 5-25-2002)

Cross reference— Definitions generally, § 1-2.

Sec. 36-823. - Exempt signs.

The following signs are specifically exempt from the provisions of this article, provided that such signs are outside of the public street right-of-way and are located to ensure adequate sight distance:

- (1) Nameplate: address, owner or occupant nameplate and other signs of up to two square feet in area attached to a mailbox, light fixture or an exterior wall.
- (2) Integral signs: names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material.
- (3) Home occupation identification sign: provided that it is a legal home occupation in a residential district, that there is only one sign per parcel, attached to an exterior building wall and does not exceed one square foot in area.
- (4) Permanent signs of a religious institution, school, museum, library, community recreation facility or other nonprofit organization/institutional bulletin boards that are permanent signs which do not exceed 25 square feet in area, are a maximum of six feet in height, and meet the illumination standards of this chapter.
- (5) Construction signs: provided that there shall be only one such sign per development project; with a maximum height of six feet; not exceeding 16 square feet in area and that such signs shall be erected during the construction period only and shall be removed within 14 days of the date an occupancy permit is issued.
- (6) Garage sale and estate sale signs: announcing the sale of household goods; provided, however, that there is only one sign per premises; that they are on-premises only, entirely on private property; that they do not exceed six square feet in area; and that they are erected no more than ten business days before and are removed within one business day after the announced sale.
- (7) Historical marker: plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding 12 square feet in area.
- (8) Signs not exceeding a total of two square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.
- (9) Signs on vending machines, gas pumps, and ice containers indicating the contents, provided that the sign on each device does not exceed two square feet in area.
- (10) Signs atop gasoline service station pumps announcing on-premises sales, provided that such signs not exceed two square feet in area and signs on

gas station pump islands or their structural supports identifying "self-serve" and "full-serve" operations.

- (11) Noncommercial signs: signs containing noncommercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that such signs do not exceed two square feet in area.
- (12) Flags or insignia of any nation, state, the village, community organization, educational institution, noncommercial enterprise, college or university.
- (13) Identification of residential community: one permanent sign per vehicular entrance identifying residential developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, mobile home parks and similar uses, provided that the sign has a maximum height of six feet and does not exceed 24 square feet in area. The sign may be higher than six feet where it is integrally designed as part of an ornamental wall consisting of brick, stone, wrought iron or wood.
- (14) Political signs: provided that the property contains an occupied structure, signs are not placed within the public street right-of-way, and signs are spaced at least ten feet apart.
- (15) Real estate signs: provided that there shall be only one real estate sign per parcel for each public street frontage, that the maximum height of any such sign shall be six feet, and such signs shall not exceed six square feet in area within the residential districts, 12 feet in area for all other districts. Such sign shall be removed within five days of occupancy by purchaser or lessee.
- (16) Regulatory, directional and street signs erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual.
- (17) Window signs within the building, provided that such signs do not occupy more than 50 percent of the window area and the clear window portion is located to allow security monitoring from the street.
- (18) Warning signs, such as no trespassing, warning of electrical currents or animals, provided such signs do not exceed two square feet in area.

(Ord. No. 82, § 18.3, eff. 6-25-1991; Ord. eff. 4-24-1998)

Sec. 36-824. - Prohibited signs.

The following signs shall be prohibited in any zoning district:

- (1) Signs which obstruct free access or egress from any building.
- (2) Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals.
- (3) Signs which obstruct or impair the vision of motorists or nonmotorized travelers at any intersection, driveway, within a parking lot or loading area.
- (4) Signs having moving members or parts, or using high intensity or flashing lights, spinners or animated devices.
- (5) Nonregulatory signs placed in any public right-of-way, attached to a utility pole or affixed to a tree.
- (6) Portable signs, as defined, unless otherwise provided for in this chapter.

(Ord. No. 82, § 18.4, eff. 6-25-1991)

Sec. 36-825. - General standards for permitted signs.

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this section; provided, however, that no such sign shall be erected or altered until approved by the zoning administrator and until a permit has been issued.

- (1) *Setbacks.* All signs, unless otherwise provided for, shall be located outside any public street right-of-way line. Side yard setbacks for signs shall be the same as that required for the main structure or building. Signs may be placed in the required side yard setback where the village manager determines such placement will not interfere with views to adjacent signs, will not diminish adequate motorist sight distance, and that it is the most appropriate location on the site due to topography, parking lots, driveways, landscaping and other physical features.
- (2) *Sign location.* Sign location shall ensure adequate sight distance.
- (3) *Illumination.* Illumination of signs shall be provided through either internal illumination of the sign or external illumination that is directed or shaded downward. In either case, no direct ray from such illumination shall interfere with the vision of persons on the adjacent streets or of adjacent property owners. The use of colored lights which might be confused with traffic signals will not be permitted. Underground wiring shall be required for all illuminated signs not attached to a building.
- (4) *Wall and canopy signs.* The width of a wall or canopy sign shall not exceed 90 percent of the width of the building facade upon which it is located.
- (5) *Hanging signs in the CBD district.* Signs may be permitted on the face or underside of a canopy in the central business district, subject to the approval of the village building inspector who shall ensure that the location, size and type of such sign is consistent with other similar signs in the downtown. Hanging signs must provide a seven-foot clearance from the bottom of the sign to the sidewalk, and cannot exceed a maximum of six square feet in area.
- (6) *Projecting or canopy signs.* Projecting or canopy signs in the CBD district shall be set back at least two feet from any street curbline, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground. Projecting or canopy signs in all other districts shall have a minimum ground clearance of ten feet, shall be set back at least six feet from any adjacent public right-of-way, and shall not project over an alley or private access lane. No projecting sign shall extend for more than four feet from the building to which it is attached.
- (7) *Directional signs.* No more than one directional sign shall be permitted per approved driveway, with a maximum sign area of four square feet per

sign, and a maximum height of four.

- (8) *Extensions.* No wall, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot.
- (9) *Permitted temporary signs (sandwich board) in the CBD district.* Temporary sandwich board signs may be placed within the CBD district at the public entrance to businesses, on either private property or the public sidewalk, subject to the following requirements. Sandwich board signs are permitted within the CBD district because this area is a more pedestrian-oriented environment, traffic speeds are slower and the smaller lots in the CBD district limit the use of pole signs.
 - a. There shall be only one sign at each customer entrance, regardless of the number of tenants on the premises.
 - b. Each sign shall be placed outside only during the hours when the business is open to the general public and shall be stored indoors at all other times.
 - c. Each sign shall be placed next to the building wall or adjacent to the curb in a manner which provides six feet of free passage for pedestrians and is safe for and does not interfere with normal pedestrian or automobile traffic.
 - d. Each sign shall not exceed an area of 12 square feet, an overall height of 42 inches and an overall width of 30 inches.
 - e. All sign frames shall be constructed of a weatherproof material and shall be kept in good repair.
- (10) *Permitted temporary signs (sandwich board) in the general business district (GBD).* Sandwich board signs may be placed within the GBD district at the public entrance to businesses, subject to the following requirements:
 - a. There shall be only one sign per business.
 - b. The applicant must demonstrate that a pylon sign or ground sign cannot be installed for the business. If the business is part of a shopping center, and a ground sign or pylon sign is provided for the shopping center a sandwich board is not permitted.
 - c. Each sign shall be placed outside only during the hours when the business is open to the general public and shall be stored indoors at all other times.
 - d. Each sign shall be placed next to the building or within ten feet of the road right-of-way and must provide six feet of free passage for pedestrians and is safe for and does not interfere with normal pedestrian or automobile traffic.
 - e. Each sign shall not exceed an area of six square feet, an overall height of 36 inches and an overall width of 24 inches.
 - f. All sign frames shall be constructed of a weatherproof material and shall be kept in good repair.
- (11) *Special event temporary signs (sandwich board) in the general business district (GBD).* Sandwich board signs for the purpose of advertising a special event hosted by the business may be placed within the GBD district at the public entrance to businesses, subject to the following requirements:
 - a. The business owner must obtain a special event sign permit from the zoning administrator.
 - b. There shall be only one special event sign per business.
 - c. A special event sign may be permitted for up to a total of 36 days within the calendar year.
 - d. The sign shall be placed outside only during the hours when the business is open to the general public and shall be stored indoors at all other times.
 - e. Each sign shall be placed next to the building or within ten feet of the road right-of-way and must provide six feet of free passage for pedestrians and is safe for and does not interfere with normal pedestrian or automobile traffic.
 - f. Each sign shall not exceed an area of six square feet, an overall height of 36 inches and an overall width of 24 inches.
 - g. All sign frames shall be constructed of a weatherproof material and shall be kept in good repair.
- (12) *Measurement of allowable pylon sign area.* The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle. Back-to-back sign faces shall be counted as one sign face for the purposes of measurement. For a pylon sign that is mounted on a solid masonry or wood monument, the area of the monument base and any wood or masonry frame shall not be included in the sign area.
- (13) *Measurement of allowable sign area for wall signs.* Wall sign square footage shall be determined by measuring a box which includes the portion of the canopy which contains a message, symbol and/or logo. When a sign consists solely of lettering or other unifying elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a box.

(Ord. No. 82, § 18.5, eff. 6-25-1991; Ord. No. 98, eff. 12-22-1995; Ord. eff. 4-24-1998; Ord. No. 116, 5-25-2002; Ord. No. 129, 12-15-2003)

Sec. 36-826. - Specific sign standards.

Standards for signs are provided in the following Table 18.6:

Table 18.6. Sign Regulations ^{1,2}

	VLDR, LDR, VCR, MDR Residential	Central Business District	Office-Service District	General Business District	Industrial District
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Nameplate and address	2 sq. ft. max. area
Integral signs: names of buildings, dates of erection, monumental citations, commemorative tables	When carved into stone, concrete or similar material
Home occupation identification sign	2 sq. ft. max. area
Religious institution, school, museum, library, community recreation facility or other nonprofit organization signs	25 sq. ft. max. area, 6 ft. max. height
Construction signs	16 sq. ft. max. area, 6 ft. max. height, removed 14 days max. from certificate of occupancy
Garage sale and estate sale signs	6 sq. ft. max. area, 10 business days before and removed within 1 business day after sale
Historical marker	12 sq. ft. max. area
Credit cards acceptance or business affiliation sign	2 sq. ft. max. area
Signs on vending machines, gas pumps, and ice containers indicating the contents	2 sq. ft. max. area 1 sign per machine
Signs atop gasoline service station pumps	2 sq. ft. max. area 1 sign per pump
Signs containing noncommercial messages designating public telephones, restrooms, restrictions on smoking and building entrances	2 sq. ft. max. area 1 sign per item

Flags or insignia of any nation, state, the village, community organization, educational institution, noncommercial enterprise, college or university	Permitted				
Identification of residential community	24 sq. ft. max. area, 6 ft. max. height, unless located on an ornamental wall at entrance				
Political signs	32 sq. ft. total cumulative area per lot, spaced at least 10 ft. apart				
Temporary real estate signs	6 sq. ft. max. area 6 ft. max. height	12 sq. ft. max. area 6 ft. max. height			
Window signs	Not permitted	Up to 50 percent window area			
Warning signs	2 sq. ft. max. area				
Projecting sign ³	Not permitted	12 sq. ft. max 1 per business	32 sq. ft. max 1 per business	34 sq. ft. max 1 per business	24 sq. ft. max
Wall sign	Not permitted	10 percent of first floor facade area, 1 per business	10 percent of facade area 1 per business	10 percent of facade area 100 sq. ft. max. area 1 per business	5 percent of facade area 1 per building
Canopy sign	Not permitted	5 percent of facade area 1 per business	5 percent of facade area 1 per business	5 percent of facade area 1 per business	5 percent of facade area 1 per business
Hanging sign	Not permitted	6 sq. ft. max area 7 ft. min. clearance	Not permitted	Not permitted	Not permitted
Directional sign	Not permitted	4 sq. ft. max. area 4 ft. max. height 1 per driveway	4 sq. ft. max. area 4 ft. max. height 1 per driveway	4 sq. ft. max. area 4 ft. max. height 1 per driveway	4 sq. ft. max. area 4 ft. max. height 1 per driveway
Sandwich board sign	Not permitted	12 sq. ft. area 30 inch max. width 42-inch max. height 6 ft. ped. clearing 1 per publ. entrance	Not permitted	Permitted upon demonstration that a pylon or ground sign cannot be provided 6 sq. ft. area 24-inch max. width 36-inch max. height 6 ft. ped. Clearing 1 per public entrance	Not permitted
Special event temporary sign	Not permitted	Not permitted	Not permitted	Permitted upon obtaining a permit from the zoning administrator 6 sq. ft. area 24-inch max width 36-inch max. height 6 ft. ped. clearing	Not permitted
Pylon or ground sign ³	Not permitted	Typical Sites: 12 sq. ft. max.; 4 ft. max. height 1 per lot Gateway Sites: 20 sq. ft. max.; 6 ft. max. height; 1 per street front	40 sq. ft. max 15 ft. max. height 1 per lot	40 sq. ft. max 15 ft. max. height 1 per lot ^{4,5} 40 sq. ft. max 6 ft. max. height	

Footnotes:

1. Table provides summary of allowable signs. Refer to article VIII of this chapter for comprehensive list of regulations.
2. One of each sign is permitted per lot or parcel of property, unless otherwise noted.
3. Only one pylon, ground or projecting sign is permitted.

4. The maximum area of a pylon sign may be increased to 50 square feet in area for a multitenant business center, provided that the site has at least 90 feet of frontage provided: the sign base materials are brick or other durable material, the base of the sign is landscaped.
5. A second pylon sign is allowed for a business center on a lot with at least 200 feet of frontage, with a maximum cumulative sign area of 100 square feet for both signs.

(Ord. No. 82, § 18.6, eff. 6-25-1991; Ord. eff. 4-24-1998; Ord. No. 116, eff. 5-25-2002; Ord. No. 129, 12-15-2003)

Sec. 36-827. - Nonconforming signs.

- (a) Nonconforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this article, but were lawfully established prior to its adoption. The intent of this article is to encourage eventual elimination of nonconforming signs in a timely manner. This objective is considered as much a subject of public health, safety and welfare as the prohibition of new signs in violation of this article. Therefore, the purpose of administering this article is to remove illegal nonconforming signs while avoiding any unreasonable invasion of established private property rights.
- (b) A nonconforming sign may be continued and shall be maintained in good condition as described elsewhere in this section, except that a nonconforming sign shall not be structurally altered or repaired so as to prolong its life or so as to change its shape, size, type or design unless such change shall make the sign conforming; nor shall a nonconforming sign shall be replaced by another nonconforming sign.

(Ord. No. 82, § 18.7, eff. 6-25-1991)

Sec. 36-828. - Sign permits.

Sign permits shall be obtained from the village prior to the erection or replacement of any regulated sign. Applications for sign permits shall be submitted to the village administrator for review. Sign permit applications that meet the requirements of this article shall be forwarded to the building official for a permit and inspection of the sign following installation. The fee for a sign permit shall be established, and periodically changed, by resolution of the village council.

(Ord. No. 82, § 18.8, eff. 6-25-1991; Ord. eff. 4-24-1998)