

VILLAGE OF FIFE LAKE

Grand Traverse County, Michigan

ZONING ORDINANCE

VILLAGE ORDINANCE #9

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WORD-PROCESSED ZONING ORDINANCES

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VILLAGE OF FIFE LAKE ZONING ORDINANCE
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VILLAGE OF FIFE LAKE ZONING ORDINANCE

ARTICLE 1

ORDINANCE NO. 9

THE VILLAGE OF FIFE LAKE ORDAINS:

Section 1.1 - Preamble. An Ordinance to establish zoning districts and regulations in the Village of Fife Lake located in Grand Traverse County, Michigan in accordance with the provisions of Act 207 of the Public Acts of 1921, as amended; to define certain terms used herein; to establish a Board of Zoning Appeals and define its duties and powers; to provide for the administration and enforcement of this Ordinance; to provide for amendments; and to provide penalties for the violation of the terms hereof.

Section 1.2 - Short Title. This Ordinance shall be known as "The Fife Lake Village Zoning Ordinance" and will be referred to herein as "this Ordinance".

Section 1.3 - Purpose. The purposes of this Ordinance are to protect the public health, safety and general welfare of the inhabitants of the Village; to provide for adequate light, air and convenience of access to secure safety from fire and other dangers; to avoid undue concentration of population by regulating minimum open spaces and by regulating and limiting types and locations of buildings and regulating the location of trades, industries and buildings designated for specific uses; to provide for the orderly development of the Village; to encourage the uses of lands and resources of the Village in accordance with their character and adaptability; to provide for safety in traffic, adequacy of parking and reduce hazards to life and property; to facilitate the development of adequate systems of fire protection, education, recreation, water, supplies and sanitary facilities; and to conserve life, property, natural resources and the use of public funds for public services and improvements to conform with the most advantageous use of lands, resources and properties.

Section 1.4 - Scope. This Ordinance shall affect and regulate the uses and occupancy of all land and every structure in the Village. Where this Ordinance imposes greater restriction than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deeds or other provisions this Ordinance shall control.

Section 1.5 - Interpretation. In their interpretation and application, any enforcement officer or agency, any court and any Zoning Board of Appeals members shall hold the provisions of this Ordinance to be a minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of the Village of Fife Lake.

Section 1.6 - Zoning Affect All Structures and Land and the Use thereof. No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, reconstructed, extended, or altered except in conformity with the regulations and provisions of this Ordinance.

Section 1.7 - Repeal, Savings and Permits in Process.

A. Repeal of Prior Zoning Ordinance. See Article 17, Section 17.1.

B. Savings. The repeal of said Ordinances shall not release any penalty or liability incurred under said Ordinances, and such Ordinances shall be treated as still remaining in force for

the purposes of instituting or sustaining any proper action for the enforcement of such penalty of liability.

- C. Any structure for which a building permit has been issued and construction of the whole, or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications on which said building permit was granted, provided the construction permitted by such permit shall have been prosecuted and completed within one year from the date of issue of such building permit.

ARTICLE 2 DEFINITIONS

Section 2.1 - Purpose. For the purpose of this Ordinance, certain rules of construction apply to the text:

1. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
2. The word “person” includes a corporation or firm as well as an individual.
3. The word “building” includes the word “structure.”
4. The word “lot” includes the words “parcel,” “plot,” or “tract.”
5. The term “Shall” is always mandatory and not discretionary; the word “may” is permissive.
6. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
7. Any word or term not interpreted or defined by this Article shall be used with a meaning or common or standard utilization.

Unless otherwise specified herein, the words and terms used in This Ordinance shall have the following meanings:

Section 2.2 - A

Accessory Buildings: A supplemental building or structure on the same lot or part of the main building, occupied by or devoted exclusively to an accessory use and meeting the set-back requirements of the district in which it is located.

Accessory Use: A use naturally incidental to, subordinate to and devoted exclusively to the main use of the land or building.

Adult Arcade - means any place to which the public is permitted or invited wherein coin-operated or electronically, electrically or mechanically controlled still or motion picture machine, projectors, or other image-producing devices

are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specific Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store - means a commercial establishment that, as one of its principal business purposes, offers for sale or rental any form of consideration any one or more of the following:

- A. books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depicts or describes Specified Sexual Activities or Specified Anatomical Area: or
- B. instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of the sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

Alley: A street affording secondary access to abutting property.

Apartments: The term "apartments" shall mean the dwelling units in a multiple dwelling in which a contract by a rightful possessor of real property conveys the right to use and occupy the property in exchange for consideration, usually rent.

Section 2.3 - B

Basement: That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability.

Bed and Breakfast: A private residence which offers sleeping accommodations and breakfast to transient tenants.

Breeze way: Any covered passageway with open sides between two buildings.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for the purpose of a building, whether or not mounted on wheels.

Section 2.4 - C

Church: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Commercial: A retail trade and professional, personal, technical, warehousing and mechanical services on a special

area planned or zoned for commercial purposes.

Condominiums: A form of ownership where the "homeowner" shares ownership in property, whose maintenance is a group responsibility, and where the individual enjoys the use of the space within the dwelling, under the Condominium Act, Michigan P.A. 59 of 1978, as amended.

Convalescent or Nursing Homes: A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

Cut off Angle: An angle measured upward from nadir

Cut off Plane: A horizontal plane about a light source above which light from the light source does not penetrate.

Section 2.5 - D

Day Care:

- A. Day Care: An establishment where children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, for more than 4 weeks during a calendar year.
- B. Day Care, Family: Any private facility approved by the State in which day care services are regularly provided to no less than three and not more than six minor children for no less than 15 hours per week.
- C. Day Care, Group: A private home in which 7 but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption, including a home that gives care to an unrelated child for more than 4 weeks during a calendar year.
- D. Day Care, Commercial: A facility, other than a private residence, providing supervisory care for 1 or more preschool or school age children for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term includes any facility referred to as a child care center, day nursery, nursery school, drop-in center, or parent cooperative pre-school. A commercial day care center does not include a Sunday school, vacation bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.

Domestic Pets: Animals normally kept in family dwellings as pets.

Drive-In Establishments: Any establishment which offers goods and services over the counter or in motor vehicles.

Drive-In Restaurant: A drive-in restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked at the premises.

Dwelling: A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure above or below ground, designed primarily for shelter, support or enclosure of persons.

Dwelling, Multiple Family: A dwelling occupied by three (3) or more families and so designed and arranged as to provide independent living, cooking, and sanitation accommodations for each family unit.

Dwelling, Single Family: A building containing not more than one dwelling unit, designed for residential use.

Dwelling, Two Family: A building designed for or occupied exclusively by two families living independently of each other.

Section 2.6 - E

Educational Facility: Any buildings, facilities, grounds or portions thereof, routinely used for education or instruction in any branch of knowledge.

Essential Service: The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company including gas, electrical, steam, communication, safety, water supply systems, or necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills, wireless communication antennas or wind energy conversion system.

Existing Building: A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

Existing Use: A legal use of premises or building or structures actually in operation, openly, visibly and notoriously, prior to the effective date of this Ordinance or any amendment thereto.

Section 2.7 - F

Family: One or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from person occupying a boarding house, lodging house or motel.

Fence, Wall: A masonry, metal or wood structure used as an enclosure, boundary marker or as a means of retention for either water or earth.

Fence, Decorative: A structure, composed of wood, metal or other durable parts and used in a manner which is designed to add to the aesthetics or attractiveness of the lot upon which it is placed, rather than as an enclosure or barrier. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, bridges or sidewalks, shall not be considered as decorative fences under this definition.

Fence, Temporary: A fence of temporary nature, such as a snow fence, a fence erected around construction works.

Finished Siding: An exterior finished siding made of weather resistant and durable material designed to withstand the elements.

Flashing Signs: Any illuminated sign on which the artificial light is not maintained stationary and constant in

intensity and color when such sign is in use.

Floor Area: The term "floor area" as applied in section 13.10 is that area used, or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, but excluding floor areas which are used or intended for use exclusively for storage, utilities or sanitary facilities.

- A. Measurement of the floor area shall be the sum of the horizontal area of the floor of the building, measured from the interior face of the interior wall.

Floor Area: The Sum of the horizontal areas of the several floors of the building measured from the interior face of the exterior walls or from the centerline of the walls separating two dwelling units. The floor area of a building shall include the basement (see definition) floor area when more than one-half ($\frac{1}{2}$) of the basement height is above the established curb level of the finished lot grade or if used for business or dwelling purposes and of interior finished construction similar to first or main floor. Areas of unfinished attics, breeze ways, porches or attached garages are not included.

Foster Care Homes: A state licensed child or adult care facility which is organized for the purpose of receiving children or adults for care, maintenance and supervision in a building supervised by the home for that purpose, and operated throughout the year. Foster Care Homes do not include nursing or convalescent care homes.

Section 2.8 - G

Garage, Private: A building accessory to a residence or a portion of a dwelling used primarily for the storage of passenger vehicles owned by the occupant of the premises.

General Retail: Establishments providing services, entertainment, goods, or merchandise to the general public.

Glare: Light directly visible to a viewer's eye, either directly from a light source, reflected or refracted.

Government Building: A building provided by or for the purpose of a government of municipality to care for a specified need or function essential to its existence or which would serve or benefit the public at large.

Grade: The average elevation of the land around a building.

Greenhouse: A building or enclosure constructed chiefly of glass, plastic or other translucent materials used for the cultivation or protection of tender plants.

Ground Floor: That floor or level of a structure or building whose vertical distance is closest to grade of all floors or levels of the building or structure and is not a basement.

Ground or Pole Sign: A sign permanently supported by one or more uprights, poles, braces or some other structure placed in the ground surface and not attached to any building.

Section 2.9 - H

High Water Mark (or Ordinary High Water Mark): The line between upland and bottom land that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and vegetation . See Figure 2.2.

Highway: Any public thoroughfare in the Village of Fife Lake, including county, federal and state roads and highways.

Home Occupations: Any occupation clearly incidental to residential use such as dressmaking, real estate sales, bookkeeping and accounting services. Such occupation may be engaged in only by a resident entirely within his dwelling, and not in any accessory building, or with the use of non-resident employees. Such use shall not occupy more than twenty-five (25%) percent of the floor area, exclusive of attic or basement, and shall show no external evidence of such use or change in the appearance of the building or premises from residential use.

Home Occupation Sign: A non-illuminated sign announcing a home occupation, bed and breakfast or professional service.

Section 2.10 - I

Illuminated Sign: A sign that is purposefully artificially lit.

Illumination: Light directed at a working surface or into a space to be illuminated.

Institutional or Public Use: Churches, hospitals, commentaries, municipal buildings, parks, civic centers, libraries, or other public or quasi-public use, but not including semi-public or private homes or facilities such as adult foster care facilities, nursing homes, convalescent homes, homes for the aged, sanitary landfills, schools or facilities for the treatment of mental or emotional illness.

Section 2.11 - K

Kennel: Any lot or premises used for the sale, boarding or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of a total of six (6) or more dogs, cats, or other household pets over the age of six (6) months.

Section 2.12 - L

Land Division: Shall mean the partitioning or splitting of a parcel or tract of land by the proprietor thereof or his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres of the equivalent and that satisfies the requirements of Section 108 of the land Division Act, Act 288 of the Public Acts of 1967, as amended.

Land Use Permit: A document signed by the Zoning Administrator, as required in the Zoning Ordinance, as a condition prior to the commencement of a use, or the erection, or change of use, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building.

Laundry and Dry Cleaning Establishments: A commercial establishment providing cleaning, dry cleaning and laundry services on-site for businesses and residents.

Light Shield: An opaque box or other device which eliminates or greatly diminishes glare.

Light Source: A light bulb or other source within a luminary.

Lot: The parcel of land on which one principal building and its accessories are located or intended to be located together with any open spaces required by this Ordinance. Two or more parcels, lots of legal record, or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for purpose of this Ordinance.

Lot, Corner: A lot abutting upon two or more roads at their intersection or upon two parts of the same road forming an interior angle of less than 135 degrees. See Figure 2.3.

Lot Coverage: The part or percent of a lot occupied by buildings and accessory buildings.

Lot, Nonconforming: A lot of record that does not meet the dimensional and area requirements of this Ordinance.

Luminary: An outdoor lighting fixture.

Section 2.13 - M

Manufactured Housing: A structure, transportable in one (1) or more sections which is built on an chassis and designed to be used with or without a permanent foundation, to be used as a dwelling, or any other use when connected to the required utilities and included the plumbing, heating, air conditioning, and electrical systems in the structure but does not include recreational vehicles or travel trailers or motor homes.

Manufactured Housing Community Homesite (or homesite): The designated parcel of land within a manufactured housing community upon which one single-family manufactured home and accessory buildings, if any, are placed.

Manufactured Housing Community: A parcel of land consisting of not less than five (5) acres designed and intended as a permanent residential community consisting of manufactured home designed, sited, constructed, operated and maintained in accord with the requirements of this Zoning Ordinance, Act 96 of the Public Acts of 1987, as amended and the rules and regulations of the Michigan Manufactured Housing Commission.

Master Deed: The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approval bylaws for the condominium project and the condominium subdivision plan for the project. The master deed shall include all the information required by the condominium Act, Public Act 59 of 1978.

Medical Marijuana Dispensaries- Medical Marijuana Dispensary. Any establishment or storefront, retail or wholesale, that sells or transfers medical marijuana as defined by the Medical Marijuana.

Mobile Home: See Manufactured Housing.

Mobile Home Park: See manufactured Housing Community.

Motel/Hotel: A commercial establishment offering lodging to transient guests. It may include restaurant, store or support services, all of which are available to the general public.

Section 2.14 - N

Nadir: The vertical position directly under a light source.

Nonconforming Sign: A sign lawfully existing on the effective date or the Zoning Ordinance, which does not

conform to one or more of the regulations set forth in this Ordinance.

Nonconforming Use: A use which lawfully occupied a structure or site prior to effective date of this Ordinance or any amendment thereto and which does not conform with the use regulations of the district in which it is located.

Nonconforming Structure: Any structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the dimensional requirements of this Ordinance.

Nude Model Studio - means any place where a person displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any other form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity - means knowingly or intentionally displaying in a public place, or for payment or promise of pay by any person including, but not limited to, payment or promise of payment of an admission fee, any individuals genitals or anus with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- A. A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- B. Material as defined in section 2 of Act No 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
- C. Sexually explicit visual material as defined in section 3 of Act No 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nursing Home: Pursuance to Act 368 of the Public Acts of 1978 as amended, a Nursing or convalescent home shall mean a nursing care facility, including a country medical care facility, but excludes a hospital or a facility which provided organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Section 2.15 - O

Office: A structure or portion of a structure which is primarily used for the execution of professional, executive, management or administrative services. These have relatively few on-premise customers and are relatively low traffic generator. Typical uses include legal, medical, dental, bookkeeping, architectural, engineering and psychiatrists offices.

Section 2.16 - P

Parking Area - Public: A parking area available to the public, with or without compensation, or used to accommodate clients, customers, or employees.

Parking Space: A land area of not less than eight ft.(8') by twenty-three ft. (23') feet, exclusive of driveways and aisles. The term "parking" includes the surface area required for parking space as specified in Article 12 of this Ordinance.

Person - means an individual, sole proprietorship, partnership, corporation, limited liability company, or

association.

Porch, Enclosed: (includes patio) A covered entrance to a building or structure which is totally enclosed and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Point Light Source: A lighting source, direct, reflected or refracted, which produces glare.

Porch, Open: (includes patio and deck) A covered entrance to a building or structure which is enclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof with the principal building or structure to which it is attached.

Private Driveway: A portion of a lot or site condominium unit or a permanent private easement used for vehicular ingress and egress to not more than two (2) lots or site condominium units.

Private Drive: A permanent way or easement that is not maintained by public authorities and that provides the principle means of access to not less than three (3), but not more than nine (9) existing or proposed lots or site condominium units.

Private Street, Highway, or Road: A permanent way or easement that is not maintained by public authorities and that provides the principle means of access to ten (10) or more existing or proposed lots or site condominium units.

Public Areas: Parks, playgrounds, trails, paths, and other recreational area and open spaces; scenic and historic sites; school and other buildings and structures; and other places where the public is directly invited to visit or permitted to congregate.

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

Public Place - means any real property or appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility or complex, including a court, mall, park or other area, feature or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreational, health or transportation facility or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges advantages or accommodations are extended, offered, sold or otherwise made available to the public.

Portable Sign: A freestanding sign not permanently anchored or secured to either a building or the ground.

Projecting Sign: A sign which is affixed to any building or structure other than a marquee and which projects so that the message is not parallel to the wall to which it is attached.

Section 2.17 - Q

Q. Reserved

Section 2.18 - R

Recreational Vehicle: Any vehicle which is licensed annually by the State of Michigan which is primarily designed

and used as temporary living quarters for the recreational, camping or travel purposes including a vehicle having its own motor power (commonly known as a motor home) or a vehicle or structure mounted on another (commonly known as a truck camper) or drawn by another vehicle (commonly known as a travel trailer).

Restaurant: Is a building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises.

Right-of-Way: A dedicated easement intended to provide passage of persons or vehicles or utilities.

Roadside Stand: A temporary or seasonal booth or stand for the display and sale of agricultural and related products typically grown or produced on site; such structure shall not have space for customers within the stand or booth itself.

Section 2.19 - S

Sexually Oriented Businesses Establishments, which include but are not limited to:

A. *Adult Arcade:* Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion pictures machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

B. *Adult Bookstores or Adult Video Store:* A commercial establishment that, as one of its principal business purposes, offers for any form of consideration any one or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
3. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five (35) percent or more of yearly sales volume or occupies more than thirty-five (35) percent or more of the floor area or visible inventory within the establishment.

C. *Adult Cabaret:* A nightclub, bar, restaurant or similar commercial establishment that regularly features persons who appear in a state of semi-nudity or nudity; Live

performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities; Films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities of Specified Anatomical Areas; or Persons who engage in lewd, lascivious or erotic dancing or performance that are intended for the sexual interests of titillation of an audience or customers.

D. *Adult Motel*: A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public road right-of-way that advertises the availability of any of the above.
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

E. *Adult Motion Picture Theater*: A commercial establishment which for any form of consideration, regularly and primarily show films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified sexual Activities or Specified Anatomical Areas.

F. *Adult Theater*: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Sexual Activities or Specified Anatomical Areas.

G. *Escort*: a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform striptease for another person.

H. *Escort Agency*: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.

I. *Nude Model Studio*: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculpted, photo-graphed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an education institution funded, chartered, or recognized by the State of Michigan.

J. *Sexual Encounter Centers*: A commercial establishment that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

Sign: Any device or structure designed to inform or attract the attention of persons not on the premises on which the sign is located.

Sign Area: The area within a single continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising copy (the wording, drawings, display, or message on the sign surface in either permanent or removable form), together with any frame, other materials, or color forming an integral part of the copy or similar device used to differentiate the same from the background, against which it is placed, excluding necessary poles, pole covers, supports, braces, or uprights of the sign unless they bear advertising copy.

Sign, Off Premise: a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Site Plan and Site Development Plan: A print from an ink or pencil drawing on paper, Mylar, or digital, drawn to scale, which shows the intended and/or existing location and dimensions of improvements or structures upon a parcel of property including buildings, driveways, parking areas, parking spaces, landscaped areas, sidewalks, signs, drainage facilities or similar physical improvements.

Special Land Use: A use of land which by its nature and the potential impacts it may have on surrounding properties and the community as a whole, requires special consideration and individual review to avoid incompatibility with the character of the surrounding area, public services, facilities an adjacent uses of land.

Specified Anatomical Areas - are defined as:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernable turgid state even if completely and opaquely covered.

Specified Sexual Activities - Include any of the following:

- A._The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
- B._Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of or in connection with any of the activities set forth in a. through c., above.

Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner, any construction, including dwellings, garages, buildings, mobile homes, signs, sign boards, towers, poles, antennas, stand pipes or other like objects, but not including fences.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development or lease.

Section 2.20 - T

Telecommunication Towers and Facilities or Tower: All structure and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devises and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication service towers (PCS) and cellular telephone towers. Not included in this definition are: citizen band radio facilities, short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federal licensed amateur (HAM) radio facilities and governmental facilities which are subject to state or federal law or regulations which pre-empt municipal regulatory authority.

Section 2.21 - U

Use: Any purpose for which a structure or a parcel may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on land.

Section 2.22 - V

Vehicle Repair Shop: A garage, building or area used for the repair, repainting or refurbishing of motor vehicles, boats, trailers, farm equipment or similar mobile equipment, but not including minor part replacement and motor tuning services customary for a service station.

Vehicle Sales Area: An area or building used for the display, sale or rental of new or used motor vehicles, boats, trailers, farm equipment, or other similar mobile equipment in operable condition where no repair work is done.

Section 2.23 W

Wall Sign: A sign attached directly to or painted upon a building wall which does not project more than 12 inches. The sign shall not exceed above the height of the building, wall or structure.

Wireless Telecommunication Antenna: the devise through which wireless telecommunication signals, as authorized by the Federal Communications Commission, are transmitted or received. Not included are AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.

Wireless Telecommunication Equipment: Including Wireless Telecommunication Antennae, Wireless Telecommunication Equipment Shelters, Wireless Telecommunication Facilities, Wireless Telecommunication Towers and Wireless telecommunication facilities and wireless telecommunication antennas mounted on alternative tower structures subject to Article 10, Section 10.29 page 49.

Wireless Telecommunication Equipment Shelter: The structure in which the electronic receiving and transmitting equipment for a wireless telecommunications is housed.

Wireless Telecommunication Facility: A facility consisting of all structures and equipment involved in transmitting and/or receiving telecommunication signals from mobile communication sources and transmitting those signals to a central switching computer which connects the mobile communication sources and transmitting those signals to a central switching computer which connects to the mobile unit to the land-based telephone system. These facilities include but are not limited to private and commercial mobile radio service facilities, personal communication towers (PCS), and cellular telephone towers. Not included in this definition are AM/FM radio towers, television towers, satellite dishes, and federally licensed amateur radio facilities.

Wireless Telecommunication Tower: A structure intended to support equipment used to transmit and/or receive telecommunication signals including but not limited to monopoles, freestanding lattice structures and guyed lattice structures.

Section 2.24 - Y

Yard Front: A yard extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street and main building or any projection thereof. The front of any lot shall be determined by the street address designated to that lot. Any corner lot has two front yards for purpose of set back requirement.

Yard, Rear: A lot extending across the rear of the lot between the side lines and being the required minimum horizontal distance between the rear lot line of the rear of the main building or any projections thereof.

Yard, Side: A yard between the main building and the side lot line, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

Section 2.25 - Z

Zoning Administrator: An appointed official designated to administer the zoning ordinance and issue Land Use Permits.

Zoning Fees: A dollar amount used to off-set the cost of investigating, reviewing and administrating zoning applications, appeals, and re-zoning requests from individuals and property owners, and other types of decisions which result in extra costs to the village.

Zoning Lot: Two or more contiguous lot under single ownership and used or designated by its owner for treatment as one lot for the purposes of determining compliance with the requirements of this Ordinance. Once so designated or used, a zoning lot shall not be used or developed except in conformance with the requirements of this Ordinance.

ARTICLE 3
NONCONFORMING USES AND STRUCTURES

Section 3.1 - Purpose and Intent: It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is further the intent of this Ordinance that nonconforming lots, structures or uses shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same districts, except as provided as in this **Section 3**. Nothing in this Ordinance shall be deemed to require a change of plans, construction or designed use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which construction has been diligently conducted. Actual construction shall include the placing and attaching of construction materials in a permanent position.

Section 3.2 - Nonconforming Lots: A principal building and customary accessory buildings may be erected on a nonconforming lot provided that all zoning requirements are met. If the variation of a setback or other zoning restriction is required in order to erect a structure on a nonconforming lot, then such structure shall only be permitted if a variance is granted by the Zoning Board of Appeals.

Section 3.3 - Nonconforming Uses:

A. **Nonconforming Uses in General.** Except as provided in **Section 3.3, B**, for nonconforming single-family residential uses, a nonconforming use may be continued provided it remains otherwise lawful.

1. A nonconforming use shall not be enlarged or moved, in whole or in part, to any portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of a building, which was designed for such use, and which existed at the time the use became nonconforming.
2. A structure occupied by a nonconforming use shall not be structurally altered in any manner or moved except in connection with a change to a use permitted in the district in which it is located.

B. **Nonconforming Residential Uses.** A nonconforming residential use may be expanded or enlarged as follows:

1. The principle building may be enlarged by a maximum of twenty (20) percent of the total square footage, which existed when the use became nonconforming, provided that all applicable yard and other zoning restrictions are met.
2. An accessory building may be constructed in accordance with the applicable provisions of the Ordinance.

C. **Abandonment of Nonconforming Use.** If a property owner has an intent to abandon the nonconforming use of any parcel of land or structure and in fact, abandons the nonconforming use of a period of twelve (12) consecutive months, or more, then any subsequent use of the property shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a

nonconforming use, the Zoning Administrator shall consider such factors as the following:

1. Whether the property, buildings and grounds have fallen into disrepair.
2. Whether signs or other indications of the existence of the nonconforming use have been removed.
3. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
4. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use.

D. **Substitution of Uses.** A nonconforming use may be changed to another nonconforming use upon approval of the Planning Commission subject to the following conditions:

1. No structural alterations are required to accommodate the new nonconforming use and that the proposed use is equally or more appropriate in the district than the existing use. In approving such a request, the Planning Commission may require appropriate conditions in accordance with the purposes and intent of this Ordinance.
2. Once a nonconforming use is changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
3. When a nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which the use is located and the nonconforming use may not thereafter be resumed.

Section 3.4 - Repair of Nonconforming Structures: Nothing in this Ordinance shall bar or prevent the owner from making such repairs, improvements or modernizations to a lawful nonconforming building or structure to correct deterioration, obsolescence, depreciation and wear in the interest of public safety or the continued advantageous use of such building or structure. Provided however, that such repair does not exceed an aggregate cost of fifty percent (50%) of the State Equalized Value of the building or structure by the assessing officer, nor constitutes an alteration, enlargement or extension of said structure, unless the subject building or structure is changed by such repair to conforming standards.

Section 3.5 - Completion of Nonconforming Buildings and Structures: To avoid undue hardship, nothing in this Ordinance shall be construed to require a change in the plan, construction or designated use of any building or structure on which actual construction has been lawfully begun, prior to the effective date of this Ordinance or any amendment thereto, and is completed within one (1) year of said date. Actual construction shall be construed as permanent fixation of construction material in place.

Section 3.6 - Reconstruction and Restoration of Nonconforming Buildings: Any lawful nonconforming building damaged by fire, explosion, an act of God, or any other natural causes may be restored, rebuilt, or repaired, provided that such restoration does not exceed fifty percent (50%) of the building's assessed value as determined by the assessing officer, exclusive of foundations; provided

further, that said use be the same (or more nearly conforming with) the provisions of the district in which it is located.

Section 3.7 - General Conditions. The following general conditions apply to all nonconforming lots, nonconforming structures, and nonconforming uses.

- A. **Change of Tenancy or Ownership.** The tenancy or ownership of a nonconforming may be transferred or changed. However, in the case of a nonconforming use, there shall be no change in the nature of character of such nonconformity, except as permitted by this Ordinance.
- B. **Maintenance and Repairs.** Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on any nonconforming structure or structure containing a nonconforming use.

A nonconforming structure or structure that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the Zoning Administrator or County Building Official, may be restored to a safe condition. Where enlargement or structural alterations are necessary to allow compliance with health and safety laws, the cost of such work shall not exceed fifty percent (50%) of the replacement cost of the existing structure as determined by the Township Assessor.

- C. **Termination by Destruction.** In the event that a nonconforming structure or structure containing a nonconforming use is destroyed by any means to extent of more than fifty percent (50%) of the replacement cost of existing structure, as determined by the Township Assessor, the structure shall not be restored or reconstructed except in conformity with the requirement of the Ordinance.

Section 3.8 - Discontinuation of Non -Conforming Use. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

- A. Utilities, such as water, gas and electricity to the property, have been disconnected;
- B. The property, buildings, and grounds have fallen into disrepair;
- C. Signs or other indications of the existence of the nonconforming use have been removed;
- D. Removal of equipment or fixtures which are necessary for the operation of the

nonconforming use;

- E. Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

ARTICLE 4 DISTRICTS

Section 4.1 - Districts: For the purpose of this Ordinance, the Village of Fife Lake is hereby divided into the following districts:

- Residential R-1
- Resort Residential R-2
- Village Commercial District C-1
- Highway Commercial District C-2

Section 4.2 - Maps: The boundaries of the district in **Section 4.1** above are hereby established as shown on the map entitled, "Fife Lake Village Zoning Map" which accompanies and is made a part of this Ordinance. Said map shall at all times be available for examination and shall be kept with the records of the Village Clerk. Except where referenced on said map to a street line, highway line or other designated line by dimensions drawn on said map, the district boundary lines shall follow lot lines, section lines, subsection lines, or the center line of highways, streets or alleys as they existed at the time of adoption of this Ordinance.

Questions or disputes concerning the exact location of district boundary lines shall be determined by the Board of Appeals according to the rules and regulations which may be adopted by it. Since the Village and Township have mutually agreed to locate all industry in the Industrial District in Fife Lake Township, no land is being designated for industrial use in the Village.

ARTICLE 5 RESIDENTIAL DISTRICT (R-1)

Section 5.1 - Purpose: This district is designed to encourage medium density residential development associated with logical growth of the area, together with such related facilities and uses as would serve the inhabitants of the area and would be compatible and appropriate with residential uses.

Section 5.2 - Uses Permitted by Right:

- A. Single family dwellings
 - B. Two family dwellings
 - C. Churches
 - D. Publicly owned parks
 - E. Day Care with six (6) or less children
 - F. Home Occupation *
- *Annual Land Use Permit Required

Section 5.3 - Uses Permitted upon Approval of a Special Land Use Permit: The Zoning Administrator, after review and recommendation by the Planning Commission, and subject to final approval by the Village Council, may authorize special uses in this District which are found to be appropriate and compatible with the character of the area, and which shall be subject to special requirements as the Planning Commission and Village Council may consider as necessary to protect adjacent property and further, that any request for special use permit shall be subject to the requirements for review and approval, as outlined in Article 15 of this Ordinance.

- A. Bed and Breakfast
- B. Convalescent or Nursing Home
- C. Day Care with 6 or more children
- D. Foster Care Homes
- E. Senior Citizens Building

Section 5.4 - Accessory Uses: Accessory uses and structures in this district shall be subject to the requirements of Article 10 of this Ordinance.

Section 5.5 - Dimensional Requirements: Lots, building and yard area requirements in this district shall be subject to the regulations of Article 9 of this Ordinance.

- A. Minimum Lot Areas:
Every single family dwelling hereafter erected shall be located on a lot containing not less than fifteen thousand (15,000) square feet area.
- B. Minimum Lot Width:
Every lot upon which a one family dwelling is hereafter erected shall not be less than one hundred (100) feet in frontage width.
- C. Yard Limitations:
 - 1. Front Yards: Every building hereafter erected shall have a front yard not less than twenty (20) feet in depth.
 - 2. Side Yards: Every one family dwelling hereafter erected shall provide side yards not less than ten (10) feet.
 - 3. Rear Yards: Every building hereafter shall provide a rear yard not less than ten (10) feet in depth.
- 4. Building Height:
Maximum height shall be thirty (30) feet.
- E. Minimum Floor Area:
Every dwelling hereafter erected shall provide not less than nine hundred (900) square feet of floor area per dwelling unit.
- F. Minimum Dwelling Width:
Twenty Four (24) Feet.
- G. When sewer is available, lot size can be reduced by 50%.
(All lots of record are buildable, provided they meet set backs).

ARTICLE 6
RESORT RESIDENTIAL DISTRICT (R-2)

Section 6.1 Purpose: The purpose in establishing a resort residential district is to provide an area where tourist and recreational uses encouraged in addition to conventional residential uses.

Section 6.2 - Uses Permitted by Right: All uses permitted by right in R-1.

Section 6.3 - Uses Permitted upon Approval of Special Land Use Permit: The Zoning Administrator, after review and recommendation by the Planning Commission and subject to final approval by the Village Council, may authorize special uses in this District which are found to be appropriate and compatible with the character of the area, and which shall be subject to special requirements as the Planning Commission and Village Council may consider as necessary to protect adjacent property and further, that any request for special use permit shall be subject to the requirements for review and approval, as outlined in Article 15 of this Ordinance.

- A. Multiple family dwellings, not more than four (4) per building
- H. Hotels and motels
- C. The following "Recreational Enterprises":

- 1. Miniature Golf
- 3. Basketball Courts
- 5. Skate Board Park
- 2. Tennis Courts
- 4. Softball
- 6. Playground

“Note: Recreational enterprises will be considered under the provisions of Article 15, Special Land Use and Site Plan Review Procedures and will be based on, but not limited to, the evaluation of the appropriateness, location, scale and relationship to other recreational and tourist uses as well as the residential character of this district.”

- E. Cable Television Towers and Accessory Facilities. (Article 6.3) Added by Amendment No. 1, Effective April 2, 1984)
- D. Bed and Breakfast

Section 6.4 - Accessory Uses: Accessory uses, buildings and structures in this district shall be subject to requirements of Section 10 of this Ordinance.

Section 6.5 - Lot, Building and Yard Requirements: Lots, building and yard area requirements in this district shall be subject to the regulations of Article 9 of this Ordinance.

See Chart

- A. Minimum Lot Areas: Not Less than ten thousand (10,000) square feet.

- F. Minimum Lot Width:
Every lot upon which a dwelling is hereafter erected shall not be less than one hundred (100) feet width.

- C. Yard Limitations:

1. Front Yards: Every building hereafter erected shall have a front yard not less than twenty (20) feet in depth measured from right-of-way.

2. Side Yards: Every single family dwelling hereafter erected shall provide side yards not less than ten (10) feet.
 3. Rear Yards: Every building hereafter shall provide a rear yard not less than ten (10) feet in depth.
- D. Building Height:
Maximum height shall be thirty (30) feet.
- E. Minimum Floor Area:
Every dwelling hereafter erected shall provide not less than nine hundred (900) square feet of floor area per dwelling unit.
- F. Minimum Dwelling Width:
Twenty Four (24) Feet.
- G. When sewer is available, lot size can be reduced by 50%.
(All lots of record are buildable, provided they meet set backs).

ARTICLE 7 VILLAGE COMMERCIAL DISTRICT (C-1)

Section 7.1 - Purpose: The purpose of establishing a commercial district is to provide areas primarily dedicated to a wide variety of commercial business, professional and other services commonly associated with commercial and business districts. Uses are limited to those not characterized by heavy truck movements, or the nuisance of smoke, dust, fumes, gas, heat, glare, noise and/or vibration.

Section 7.2 - Permitted Uses: The use of all lands and premises, and the erection and use of all buildings and structures in this district shall hereafter be limited to the following; provided, however, such uses shall be subject to the requirements of Site Plan Review as set forth in Article 15 of this Ordinance.

- A. Accountants
- B. Banks, Credit Unions
- C. Barber and Beauty Shops
- D. Dentist
- E. Doctor
- F. Insurance
- G. Lawyer
- H. Publicly owned and operated buildings, public assembly buildings, such as auditoriums, churches, clubs and lodges, libraries and museums
- I. Publicly owned and/or operated parks

- J. Real Estate
- K. Restaurants
- L. Retail Food Establishments
- M. Retail Stores
- N. A dwelling in conjunction with an attached active business.
 1. Is located above or below the ground floor of a building, which ground floor is being put to use permitted in Article 7, Section 7.2.
 2. Has two off street parking spaces provided for each dwelling unit.
 3. As to each building, such dwelling unit or dwelling units occupy a total of no more than fifty (50) percent or less of floor area of such a building.

Section 7.3 - Uses Permitted Upon Approval of Special Land Use Permit: The Zoning Administrator, after review and recommendation by the Planning Commission and subject to final approval by the Village Council, may authorize special uses in this District which are found to be appropriate and compatible with the character of the area, and which shall be subject to special requirements as the Planning Commission and Village Council may consider as necessary to protect adjacent property and further, that any request for special use permit shall be subject to the requirements for review and approval, as outlined in Article 15 of this Ordinance.

- A. Bed and Breakfasts
- B. Billiard halls, video game arcades, bowling alleys, indoor archery, indoor skating rinks and similar recreational uses, provided that all uses shall be conducted within a completely enclosed building.
- C. Car Washes
- D. Copy Center
- E. Funeral homes and mortuaries
- F. Hotels & Motels
- G. Laundromats, laundries and clothes cleaning establishments, provided said laundries do not use explosive or flammable fluids
- H. Pet shops, provided that animals and birds are kept entirely within the building at all times
- I. Veterinary hospitals and clinics
- J. Public Utility Buildings
- K. Recreational vehicles on a seasonal basis, once annually not to exceed 90 days and in conjunction with an active business
(Travel Trailers and Motor Homes not less than 20 ft not greater than 40 ft)

- L. Sales, Service and repair of motor vehicles, trailers and boats
- M. Taverns and Bars

Section 7.4 - Accessory Uses: Accessory uses, buildings, and structures in this district shall be subject to the requirements of Section 10 of this Ordinance.

Section 7.5 - Lot, Building, and Yard Area Requirements: Lot, building and yard area requirements for this District shall be subject to the regulations of Article 9 of this Ordinance.

- A. Minimum Lot Areas: Not Less than five thousand (5,000) square feet.
- B. Minimum Lot Width: Fifty (50) feet.
- C. Yard Limitations:
 - 1. Front Yards: Zero (0)
 - 2. Side Yards: Zero (0)
 - 3. Rear Yards: Ten (10) feet in depth.
- D. Building Height: Maximum height shall be thirty (30) feet.
- E. Minimum Floor Area: Not less than nine hundred (900) square feet of floor area.
- F. Minimum Width: Twenty Four (24) Feet.

ARTICLE 8 HIGHWAY COMMERCIAL (C-2)

Section 8.1 - Purpose: This District is intended for Commercial use less compatible with residential use. Further to encourage those commercial activities of a nature that are compatible with the traveling public of a more regional character. Compatible with the lot size of the district.

Section 8.2 - Permitted Uses: The use of all lands and premises, and the erection and use of all buildings and structures in this district shall hereafter be limited to the following:

- A. Car Washes
- B. Drive-In facilities of: Restaurants, Banks and other similar facilities
- C. Farm feed store, Co-Op
- D. Gasoline Service Stations

- E. Open air retail sales of plant materials not grown on the site, sales of lawn furniture, playground equipment and garden supplies
- F. Restaurants
- G. Retail sales of products warehoused on the premises
- H. Sales and Service of Recreational Vehicles: Boats, ATV's. Bicycles, Snowmobiles and similar facilities
- I. Churches

Section 8.3 - Uses Permitted upon Approval of Special Land Use Permit: The following special land uses may be permitted after review and approval of the Village Zoning Administrator and the Village Council ;as provided in the requirements for Special Land Use Review and Approval Procedures, as outlined in Article 15 of this Ordinance.

- A. Bus Passenger Stations
- B. Communication Towers
- C. Mini Storage facilities
- D. Recreational vehicles on a seasonal basis, once annually not to exceed 90 days and in conjunction with an active business
(Travel Trailer and Motor Homes not less than 20 ft not greater than 40 ft)
- E. Retail sales of building materials, including lumber, provided that any outside storage of such materials shall meet the requirements of Section 8.6 of this Ordinance
- F. Sexually Oriented Businesses
- G. Small equipment rental, sales and service
- H. Storage facilities for building materials, sand, gravel, stone, lumber and contractors equipment

Section 8.4 - Accessory Uses: Accessory uses, buildings and structures in this district shall be subject to the requirements of Section 10 of this Ordinance.

Section 8.5 - Lot, Building and Yard Requirements: Lots, building and yard area requirements for this district shall be subject to the requirements of Article 9 of this Ordinance. In addition the following requirements shall be met:

- A. Setback distance from U.S. 131 shall comply with the County, State and Federal regulations, but shall not be less than fifty (50) feet from the property line bordering the road right-of-way in cases not covered by the County, State or Federal regulations. This area shall be kept clear of items displayed for sale, lease or rent.
- B. Setback distance from County roads for buildings and/or structures shall comply with

County, State and Federal regulations, but shall not be less than fifty (50) feet from the property line bordering the road right-of-way in cases not covered by County, State or Federal regulations. This area shall be kept clear of items displayed for sale, lease or rent. The twenty-five (25) feet of setback adjacent to the building or structure may be used for display of wares, providing that such use does not constitute a traffic hazard in any way.

Section 8.6 - Outside Storage: Yards for outside storage and/or sale of material allowed in the Highway Commercial District shall be permitted in rear yards and shall be screened from view. Screening shall be with a solid fence not less than six (6) feet and not more than eight (8) feet high. The fence shall be maintained in an attractive manner and shall not be in any way used as a sign or signboard. Maintenance of the fence shall be the responsibility of the landowner.

The Village Zoning Administrator may approve a screening in place of a fence that consists of a ten (10) foot wide solid strip of evergreens, planted such that they are at least six (6) feet in height and that they will obstruct the view of the outside storage. Maintenance of the evergreen shall be the responsibility of the landowner.

Where a fence or evergreen screen would interfere with highway safety, a berm only may be allowed upon approval of the Village Zoning Administrator.

All outside storage within fifty (50) feet of any residential district shall be screened with a minimum of eight (8) foot high fence, evergreen or berm, so same is not visible to adjoining structures.

Section 8.7 - Loading or Unloading Docks: No loading or unloading docks or provisions for loading freight or materials shall be permitted on that side of a Commercial Structure abutting a street.

ARTICLE 9

LOT, BUILDING and AREA REQUIREMENTS

Section 9.1 - Height, Bulk, Density, and Area Limitations for all Districts:

The following table shall limit height, bulk, density, and area by zoning district, viz:

Zoning District Unit Sq. Ft.	Minimum Lot Size	Minimum Width Feet	Maximum Lot Width In Dwelling (Feet)	Minimum Yard Setback Height of Per Lot (in Feet From):			Normal High Water Mark
				Front	Side	Rear	
R-1 Residential * 900 ft.	15,000 sq. ft. 24	100	30	20	10	10	60
R-2 Residential * 900 ft.	10,000 sq. ft. 24	100	30	20	10	10	60

Village Commercial	5,000 sq. ft.	50	30	0	0	10	60
900 ft.	24						
Hwy. Commercial	20,000 sq. ft.	100	35	50	25	25	

* When sewer is available, lot size can be reduced by 50%
 (All lots of record are buildable, provided they meet set backs).

ARTICLE 10 GENERAL REQUIREMENTS FOR ALL DISTRICTS

Section 10.1 - Lot Size, Setbacks, Minimum & Maximum Building Requirements: Requirements for all Districts shall be in accord with the standards set forth in Article 9 of this Ordinance.

Section 10.2 - Accessory Buildings, Structures & Uses: Nothing contained herein shall be deemed to prevent the erection or maintenance of accessory buildings, structures and uses, provided however, said buildings, structures and uses are not at variance with the requirements of a particular zoning district and that a land use permit is first obtained from the Zoning Administrator in accord with Section 13.5 of this Ordinance. Satellite dish antennae, amateur radio antennae, wind energy conversion systems and other such towers and antennae for the purpose of this Ordinance, shall be considered accessory structures and shall be allowed a maximum height of 55 feet above the ground.

Section 10.3 - Domestic Pets: Domestic pets, including cats, dogs and other small animals kept as the same, shall be allowed in all residential zoning districts, providing that all pets are maintained and controlled so as not to constitute a public nuisance, including proper housing and fencing, and provided further, that the keeping of such animals does not generate any noise, odor, pollution or other environmental impact which will have an adverse impact upon adjacent properties.

Section 10.4 - Water Edge Modification: No water edge modification, such as retaining walls, weirs, pilings or fill shall be undertaken without first obtaining a land use permit from the Zoning Administrator, which shall be issued only after approval by appropriate local, state and federal agencies.

Section 10.5 - Outdoor Storage: No land in any zoning district shall be used in whole or in part for the storage of unused or discarded equipment or material, or for the storage of un-licensed cars, salvage, waste or junk, unless inside of properly authorized buildings within said district. Outdoor storage of commercial and industrial goods, supplies, parts and equipment, where permitted in a zoning district shall be allowed upon approval by the Zoning Administrator, if said storage is in accordance with the requirements of the district in which it is located.

Section 10.6 - Conflicting Regulations: In the interpretation, application and enforcement of the provisions of this Ordinance, whenever any provision or limitation imposed or required by this Ordinance is more stringent than any other law or ordinance, then the provision of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of

such other law or Ordinance shall govern.

Section 10.7 - Recreational Vehicles and Travel Trailers: Recreational vehicles, as defined in this Ordinance, shall not be used for dwelling purposes or human occupancy within the Village Limits, except as provided herein. Such recreational units may be used as a temporary dwelling for a period not in excess of 15 days in any one calendar year when the same are located upon non-commercial property having running water and sewage facilities and occupancy is on a non-rental basis. A land use permit is required.

(It is the intent and purpose of this section of the Ordinance to provide, on a very limited basis, the use of recreational units for limited sleeping and occupancy purposes when relatives or friends are visiting the owner or occupant of land within the Village limits.)

BED & BREAKFAST ESTABLISHMENTS

Section 10.8 - Bed and Breakfast Establishments: General Provisions: It is the intent of this section to establish reasonable standards for Bed and Breakfast Establishments to assure that:

- A. The Property is suitable for transient lodging facilities.
- B. The use is compatible with other uses in the surrounding district.
- C. The impact of the establishment is not greater than that of a private residence with house guests.

Specific Standards:

- A. The minimum lot size shall be as that established for the residential district where the establishment is proposed.
- D. Parking provisions and requirements are one (1) space for each rental sleeping room plus one (1) per owner.
- C. One (1) non-illuminated sign as permitted for home occupations.
- D. The residence shall be the principal dwelling unit on the property and shall be owner occupied at all times.
- E. The rooms for sleeping shall be a part of the primary residential use and not specifically constructed for rental.
- F. The length of stay for each guest shall not exceed fourteen (14) days within any thirty (30) day period.
- G. The rental sleeping room shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
- H. Each owner/operator of a Bed and Breakfast Establishment shall keep a guest

registry which shall be available for inspection by police, fire and health department officials at all times.

- I. Proof of evaluation and approval of water and sewer services to the establishment by the Health Department shall be supplied by the owner/occupant at the time of application for a special use permit.
- J. All fire and safety codes shall be adhered to according to state code. At a minimum have a fire extinguisher in proper working order on every floor. Certification of fire inspection shall be filed with the Zoning Administrator prior to the rental of any sleeping rooms and subject to an annual fire prevention inspection.
- K. Rental of snowmobiles, ATV's, or similar vehicles, boats, and other marine equipment in conjunction with the operation of the Bed and Breakfast Establishment, is prohibited in R-1.
- L. The Village shall not grant a special use permit for a Bed and Breakfast use if the essential residential character of the lot or structure will be changed substantially in terms or use, external character, traffic generation, parking, solid waste generation and hours of operation.

NIGHT SKY

Section 10.9 Purpose:

Night Sky regulations are intended to protect the character of the night sky from light pollution originating from light fixtures. Night Sky regulations have recently evolved in response to the loss of "starry night", brought about by urbanization and reliance on night time lighting. Unpolluted night skies are important for those pursuing astrology, for energy conservation, safe air travel, and to preserve community character.

- A. To maintain safe nighttime driver performance on public roadways by minimizing both brightly lighted surfaces and lighting glare.
- B. To preserve the restful quality of nighttime, by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow".
- C. To reduce light pollution from lighting luminaries and light trespass onto adjacent properties.

Section 10.10 - Requirements:

- A. Areas and types of lighting not covered by the Ordinance:
 - 1. Residential decorative lighting (i.e. porch lights, low level lawn lights and special seasonal lights such as Christmas decorations.)
 - 2. Public street lighting and sign lighting.
 - 3. Neon lighting.

4. Items specifically included in the Ordinance but not limited to:
 1. Residential yard lights whether building mounted or pole mounted
 2. Commercial and industrial parking lot lighting and site lighting
 3. Privately owned roadway lighting
 4. Building facade lighting
- C. Lighting shall be designed and constructed in such a manner as to:
 1. Insure that direct or directly reflected light, unless part of a street lighting or access road lighting, is confined to the development site
 2. Lamps and luminaries shall be hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way. The glare free area shall extend to a height of eight (8) feet above the highest ground and the tallest object on the neighboring property and a public road right-of-way.
- D. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. That is, the light rays may not be emitted by the luminary at angles above the above described horizontal plane, as may be certified by photometric test. The intensity of light at any angle above a cut off of seventy-five (75) degrees shall be less than ten (10) percent of the peak candela for the luminary.
- E. With the exception of automobile and similar outdoor sales areas where a high level of color rendition is essential to the activity being conducted, all light sources shall be high pressure sodium.
- F. Outdoor recreation areas and amusement area lighting will be allowed to use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling or glare guards to meet the requirements of this section.

FENCES, WALL, & HEDGES

Section 10.11 - Fences, Walls, and Hedges: Fences, walls and hedges are permitted not exceeding 4 ft in height in front yards or waterfront yards or within street side yards abutting required front yards of adjacent lots: and not exceeding 6 ft in height elsewhere: providing that fences of a see-through construction not exceeding 4 ft in height are permitted in waterfront yards, after land use permit is obtained.

- A. In any residential district, no wall or fence shall be erected or altered so that said

wall or fence shall be over 4 ft in height, except that a wall or fence behind the front yard setback line shall be permitted up to 6 ft in height. Fences in the front yard setback line of any residential district shall be equally distributed throughout the entire length of the fence.

G. In any commercial or highway commercial district, no wall or fence shall be erected or altered so that said wall or fence shall be over 6 ft in height, except that a wall or fence behind the front yard setback line shall be permitted up to 8 ft in height. No fence, or any height, shall be placed within 20 ft of any corner of a property that is located at the intersection.

C. Decoration fences shall not exceed 4 ft in height. Decorative fences shall be constructed by way of illustration, in a style similar to split rail or wrought iron fences. Decorative fences, although not these particular styles, must be designed so that they are neither solid nor opaque screens.

D. Enclosures of permitted recreational uses may have a fence a maximum of twelve (12) ft in height if the fence is within the building setback requirements.

E. Temporary fences for construction, as snow fences and for destroyed, abandoned or condemned properties are allowed. These fences can be of light protection construction such as roll-up, woven-wire, or wood lath wire bound construction, 4-6 ft high on metal posts driven into the ground. In downtown area and for projects involving major excavation or long term construction in congested areas, temporary fences may be required. These fences shall be removed when the need for the temporary use terminates.

Section 10.12 - Fence Types Permitted:

- A. Cyclone fence
- B. Hedges
- C. Masonry walls
- D. Ornamental iron
- E. Vinyl
- F. Wood
- G. Woven wire

Section 10.13 - Fences Types Prohibited:

Fences constructed of wood pallets, tires, barb wire, single strand of wire, and/or electric fence are prohibited.

Section 10.14 - Gates and Doors:

All gates and door openings through an enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed.

Section 10.15 - Design and Requirements:

- A. All solid fences must be of substantial construction, structurally sound, able to withstand wind and weather.

B. All fences shall be constructed with the finished side exposed, the support posts placed on the inside, and in a manner which serve to enhance the aesthetic appearance of the neighborhood or surrounding area, except in cases where the Zoning Administrator deems it impractical.

C. Fences, walls, and decorative fences shall not be located outside or beyond the property or lot lines of the lot upon which said improvement shall be placed.

Section 10.16 - Enforcement:

SIGN ORDINANCE

Section 10.17 - Intent: The purpose of regulating signs is to preserve the natural landscape and community character and promote pedestrian and traffic safety by reducing sign distraction, obstructions and other hazards. It is to protect property values and neighborhood character, to create a more attractive business climate and promote pleasing community environment aesthetics. To ensure such protection the following standards are established;

Section 10.18 - Signs with a Permit: Required: Following signs are permitted in the Commercial and Highway Commercial zones and may be erected and maintained, as provided for herein, after having obtained all necessary permits.

- A. On premises signs that identify a business or other commercial enterprises. The signs in this district must be attached to the building.
Number Limitation: Two (2) per business located upon the property.
Size Limitation: Fifty (50) sq ft. Should more than two businesses be located upon the property, the maximum square footage of all signs shall not exceed one hundred (100) sq ft.
Time Limitation: None
A second sign requires review and permit by Zoning Administrator.
1. Corner lots and businesses facing two streets are allowed one (1) sign per street.
- B. Planned Shopping Centers: Grouped business developments shall have signs designed as an integral part of the grouped business development. Major sign shall be placed on building or business. Other signs along the roadway and the like shall be directional and identify the center only and not the individual occupants.
- C. Gasoline Stations and Service Stations: May have on principal sign of fifty sq ft and two other signs, advertising the price of gasoline and other accessory products sold on the premises, not to exceed fifteen (15) sq ft per each accessory sign. Directional permitted over service bays, provided they consist only of the words “washing”, “lubrication”, “repairs”, or similar words. Not more than one (1) sign per bay shall be permitted.

Section 10.19 - Signs without Permits: The following signs are permitted on private property in any zone and may be erected and maintained, as provided for herein, without a permit being required.

- A. Residential Identification Signs: On premises signs primarily intended to identify the name, address and/or home occupation of the occupants of the residence.
Number Limitation: One (1)
Size Limitation: Three (3) sq ft
Time Limitation: Permanent
- B. Realtor or Builders Signs: On premises signs for sale or lease or under construction.
Number Limitation: One (1) for waterfront property a second sign shall be allowed to be placed to be visible from the water.
Size Limitation: Five (5) sq ft
Time Limitation: May continue until the premises are sold, leased or completed and occupied by new residents.
- C. Realtor or Builder Lead-In Signs: All signs placed on or off premises that lead or direct a potential buyer or supplier to a remotely located residence or construction site. Signs shall not be placed in road right-of-way.
Number limitation: One (1) per plat where construction is occurring or where an individual residence is being sold or leased.
Size Limitation: Six (6) sq ft
Time Limitation: May continue until two weeks after the premises are sold, leased or completed and occupied by new residents.
- D. New Subdivision (Lots for Sale) Signs: On premises sign advertising lots for sale in a new plat or other development.
Number Limitation: One (1) per access road from the major public road.
Size Limitation: Fifteen (15) sq ft
Time Limitation: May remain until ninety (90) percent of the lots are sold.
- E. Garage Sale, Yard Sales or Private Sale Signs: Signs identifying such sales are permitted on the property upon which the sale is taking place. No more than three such sale events can occur within a one year period.
Number Limitation: Two (2) per property.
Size Limitation: Six (6) sq ft
Time Limitation: Signs may be erected forty-eight (48) hours prior to the sale, and be removed within twenty-four (24) hours of the end of the sale.
- F. Political Signs: All such signs may be displayed during any political campaigns.
Number Limitation: No limit as to the number per property.
Size Limitation: Twelve (12) sq ft
Time Limitation: Signs must be removed within seven days of the election at which the issue has been decided or the candidate has been eliminated from the race.
- G. Bulletin Boards: For public, charitable or religious when the same are located on the premises.
Number Limitation: One (1) per premises.
Size Limitation: Twelve (12) sq ft
Time Limitation: Permanent

- H. Official Signs: All signs (on or off premises) erected by any government unit or political subdivision.
Number Limitation: None
Size Limitation: None
Time Limitation: Permanent
- I. Informational Signs: Signs for parking, store hours and other similar uses.
Number Limitation: Two (2) per premises.
Size Limitation: Four (4) sq ft
Time Limitation: Permanent
- J. Portable Signs: signs shall be allowed in the C-1 and C-2 districts. Portable signs must be located on the business property. Portable signs must be taken in during hours of non-operation of the business. The sign is to provide current information to consumers/visitors (such as restaurants “Daily Specials” or Menus).
Number Limitation: Two (2) per premises.
Size Limitation: Six (6) sq ft
Time Limitation: During business hours only.
- K. Church Signs: An Announcement or bulletin board sign.
Number Limitation: One (1) per premises.
Size Limitation: Twenty-Five (25) sq ft, maximum height of six (6) feet and a minimum setback of ten (10) feet from the road right-of-way.
Time Limitation: Permanent
- L. Any illuminated sign in this section will require a permit, except lights connected with observing holidays.

Section 10.20 - Non-Conforming Signs:

- A. Non-conforming signs that were lawful on the effective date of this ordinance may continue.
- B. No non-conforming sign may be enlarged or altered in such a manner as to aggravate the non-conforming condition, nor may illumination be added to any non-conforming sign.
- C. A non-conforming sign may not be moved or replaced except to bring the sign into compliance with this Ordinance.
- D. The message of a non-conforming sign may not be changed for any reason, including a change in ownership, unless the sign is brought into complete compliance with the Ordinance or the sign is one designed for having its events or related messages changed from time to time.
- E. Lawful non-conforming may be repaired, maintained, repainted or serviced.

Section 10.21 - Sign Illumination and Signs Containing Lights:

- A. A sign may be illuminated provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare, upward light or reflection on to any portion of an adjacent street or highway property, any adjacent property or on-coming vehicle.
- B. All electrical signs shall be erected and maintained according to all applicable codes.
- C. Any illuminated sign shall be placed or positioned so as not to affect adversely any neighboring property by shining into the neighboring property.
- D. No sign within 150 feet of a residential zone may be illuminated between the hours of midnight and 6 a.m.
- E. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into public right-of-way or residential premises.
- F. Except as herein provided, illuminated signs are not permissible in the residential zoning districts.
- G. Illuminated tubing or string or lights that outline property lines, sale areas, doors, windows or similar areas are prohibited.
- H. No sign may contain or be illuminated by flashing or intermittent light or lights of changing degrees or intensity, except signs indicating the time, date or weather conditions.
- I. Sections “G” and “H” of this section do not apply to temporary lights erected in the connection with the observing of holidays.

Section 10.22 - Signs Prohibited:

- A. No sign shall remain if obsolete or otherwise no longer pertinent.
- J. No sign shall remain if not maintained in good repair.
- C. Signs featuring flashing, strobe or other varied lighting effects are prohibited.
- D. No sign shall contain moving parts.
- E. No sign, either advertising or otherwise, shall be permitted to be placed or painted upon trees, excluding “No Hunting”, “No Trespassing”, “Private Property”, “Beware of Dog”.
- F. No portable signs except in C-1 and C-2 Districts.
- G. No sign shall be on top or cantilevered or otherwise suspended above the roof of any building.
- H. No pediment or accessory signs shall be secured to any other sign.

Section 10.23 - General Regulations Relating to Signs:

- A. All signs shall be no higher than necessary to provide visibility by the public but in no case shall the top of the sign exceed twenty (20) feet in height.
- I. All portable signs shall conform to the requirements of this Ordinance.
- C. No sign shall impede traffic or obstruct any view of the same from any sidewalk, driveway or roadway.
- D. All references to square footage include the frame and borders in addition to the sign face.
- E. No sign shall be erected or maintained on the property of another without written permission of the property owner.
- F. A sign must be constructed in such a fashion that it will withstand all the wind and vibration forces which can normally be expected to occur in the vicinity.
- G. Three types of signs are permitted, the Ground or Pole sign, the Projecting sign or the Wall sign. See Art. III for requirements.
- H. Any business no longer occupying premises must remove sign within thirty (30) days.

Section. 10.24 - Penalties: Any person violating any of the provisions of Ordinance shall be punishable as provided in Article 13.

SEXUALLY ORIENTED BUSINESS

Section 10.25 - Purpose and Intent:

In order to provide a degree of assurance that the negative, secondary effects of such business activities (as found in studies and reports presented the Village Planning Commission) will not contribute to the downgrading or detriment of surrounding areas and will not negatively impact the health, safety and general welfare of village residents, the Village Council for the Village of Fife Lake hereby amends the zoning ordinance to allow such uses, as a "special use" subject to certain terms and conditions. It is not the intent of this zoning ordinance amendment to offend the guarantees of the FIRST AMENDMENT of the United States Constitution or the Constitution of the State of Michigan or to deny adults access to sexually oriented businesses together with their related products or to deny sexually oriented businesses access to their intended market. Rather, it is the intent of the zoning ordinance amendment to limit the negative, secondary effects of such business operations and to protect the general health, safety and welfare of village residents. The recognition of sexually oriented businesses as a legitimate business activity is not to be construed as approval of any business activity that is otherwise prohibited by village ordinance, state or federal law.

Section 10.26 - Requirements: Sexually oriented business, as defined in this Ordinance, shall be permitted in this zoning district as a "special use" subject to the following criteria, which are in addition to the general criteria governing all special uses within the Village of Fife Lake:

- A. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000)

feet of any principal or accessory structure of another sexually oriented business.

- I. No sexually oriented business shall be established on a parcel within three hundred (300) feet of any residence, park, school, child care organization or place of worship or a parcel zoned R - 1 or R - 2. The distance between a proposed sexually oriented business and any residence, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, child care organization, place of worship or sexually oriented business.
- C. Any sign or signs proposed for the sexually oriented business must comply with the provisions of Article 10 of this ordinance and shall not otherwise include photographs, silhouettes, drawings or pictorial representations of any type, or include animated or flashing illumination
- D. Entrances to the sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "Persons under the age of eighteen (18) are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises."
- E. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- F. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business and until one hour after the business closes.
- G. Any booth, room or cubicle available in any sexually oriented business used by patrons for the viewing of any entertainment characterized by the showing of Specific Anatomical Areas or Specific Sexual Activities:
 1. Is handicap accessible to the extent required by the American Disabilities Act;
 2. Is unobstructed by any door, lock or other exit or entrance control device;
 3. Has at least one side totally open to the public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 4. Is illuminated by a light bulb of wattage of no less than 25 watts;
 5. Has no holes or opening in any side or rear walls.

Section 10.27 - Severability: The various parts, sections and clauses of this Article are hereby declared to be severable. If any part, clause, sentence, paragraph or section is adjusted unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be effected thereby.

COMMUNICATION TOWER ORDINANCE

Section 10.28 - Purpose: In order that Communication Towers not cause visual pollution or create a safety hazard or reduce property values on adjacent properties, reasonable regulations for the location, use of existing structures (e.g. water towers, school and church steeples, tall buildings), design of structures and towers is appropriate. Communication tower services are specifically determined to NOT be essential services nor to be public utilities as such terms are used in this Ordinance.

It is the intent of these regulations to allow antennae to be located on monopolies as short as possible so as to maintain property values on surrounding properties, not impair scenic view, and provide reasonable service of Fife Lake Village residents.

Section 10.29 - Communication Tower and related facilities: Construction of Communication Towers and equipment shelter buildings are allowed in Fife Lake Village subject to the following provisions:

- A. Communication Towers and Equipment shelter buildings shall not be placed in any road right-of-way in any easement for road purposes.
- B. Such tower and facilities may be located in the Highway commercial (C-2) Zone.
- C. Such towers and facilities shall be placed on parcels (whether the land is owned or leased by the tower owner) that have an area no less than the minimum parcel size for that district and that any tower must be a distance from any property line equal to height of the tower.
- D. Communication towers of forty (40) feet or less, including antennas, shall not require the approval of the Village Council.
- E. The Village Council shall notify all property owners within 300 feet of the property considered for placement of a tower. The notice shall be sent by first class mail not less than seven (7) days prior to the public hearing and shall include the time, date and location wherein the plan can be reviewed and the date that the Village Council will hold a Public Hearing on the proposal.

Section 10.30 The Village Council shall determine that the following conditions have been or will be met as part of the special use permit in order to approve an application.

- A. The tower or Antenna is painted or screened so as to blend into the background.
- B. The service building is aesthetically and architecturally compatible with it's environment.
- C. At no time will metal exteriors be allowed for service buildings.
- D. All connecting wires from towers to accessory buildings shall be underground.
- E. All electrical and other service wires to the facility shall be underground.
- F. The service building shall be no larger than necessary to house the equipment and

meet all setback requirements.

Section 10.31 - Additional Site Development Requirements: Communication towers over forty (40) feet in height shall be subject to the provisions of Article 15 in addition to the following standards:

- A. All tower, structure locations and design approvals for towers in excess of forty (40) feet shall require a Special Use Permit subject to the provisions of Article 15 of this Ordinance.
- B. Standards for approval shall include the following:
 - 1. In order to maximize the efficiency of communication services, while minimizing the impact of such facilities on the Village, co-location, or the provision of more than one antenna on a single tower may be allowed and/or required by the Village Council.
 - 2. The applicant may be required to provide information regarding the feasibility of co-location at proposed sites. Factors to be considered in determining feasibility of co-sharing include available space on existing towers, the tower owners ability to lease space, the towers structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, the comparative cost of co-location and new construction and any FCC limitations on tower sharing.
 - 3. The applicant shall be required to send a certified mail announcement to all tower users in the area, stating their siting need and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not deny space on a tower to other potential tower users unless mechanical, structural or regulatory factors prevent them from sharing.
- C. The applicant may be required to provide a letter of intent to lease excess space on a facility and commit itself to:
 - 1. Respond to any requests for information from another potential use applicant;
 - 2. Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable;
 - 3. Charge no more for shared use of the lease than the average charge made of similar uses on the three most geographically close communication tower where shared use exists.
- D. Tower height may be no more than required according to engineering requirements for a specific site or the technical capabilities of the antenna being mounted. The applicant shall provide funds to the Village sufficient to acquire an independent technical and engineering evaluation of the need for any tower in excess of 40 feet. Where the independent evaluation shows that service can be provided by a 40 foot or lower tower, no tower in excess of forty (40) feet shall be allowed.

- E. The tower and its accessory buildings shall be fenced with less than a six (6) foot safety fence with a locked gate.
- F. The entire facility must be aesthetically and architecturally compatible with it's environment.
 - 1. In no case will metal exteriors be allowed for accessory buildings.
 - 2. All connecting wires from towers to accessory buildings shall be underground.
 - 3. All electrical and other service wires to the facility shall be underground.
 - 4. The tower itself must be of monopole design. There shall be no guyed or lattice towers.
 - 5. The Village Council may require screening of the service building and the fencing.
 - 6. Lighting shall be limited to that absolutely necessary and required by the appropriate agency.
 - 7. All lighting shall be shielded and directed downward; light source shall be located and designed so as to prevent light from being directed from outside the boundaries of the property, unless otherwise mandated by the FAA.
 - 8. Light poles and fixtures shall be located as low as practical; a greater number of low area lights are favored over high lights. Incandescent lights are favored over sodium or mercury-type street lights. Strobe lights shall not be allowed, unless mandated by the FAA.

Section 10.32 The maximum time which an unused tower of over forty (40) feet may stand is twelve (12) months. The applicant or owner is responsible for the removal of an unused tower. Failure to do so shall be sufficient for the Village to remove the structure according to the provisions of the Dangerous Building Ordinance. If there are two or more users of a single tower, this provision shall not become effective until users cease using the tower. The Council may require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternate tower structure or other supporting structure (s) as conditions of a special use permit given pursuant to this section.

SINGLE FAMILY DWELLING

Section 10.33 - Dwelling, Single Family: A building containing not more than one dwelling unit, designed for residential use, complying with the following standards:

- 1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- 2. It complies in all respects to minimum height, bulk, density, area, square footage and width requirements as set forth in Article 9 of this Ordinance. Where a

dwelling is required by law to comply with any Federal or State Standards or regulations for construction and where such standard or regulations for construction differ from those imposed by the above noted building code, then and in that event, such Federal or State Standards or regulations shall apply.

3. It is firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect, and shall have a wall of the same such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above. The mobile home shall be fully skirted with finished exterior siding of solid, durable conventional building materials or masonry material, or pre-manufactured mobile home skirting, excluding pressed wood. Such skirting shall be installed within forty-five (45) days of placement of the dwelling and shall fully enclose the undercarriage.
4. In the event the dwelling is a mobile home as defined herein, such mobile home shall be installed with the wheels removed. Additionally no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet area, or in a separate structure of standard construction similar to, or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 sq. ft., whichever shall be less.
7. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality, material and workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
8. The dwelling complies with all pertinent building and fire codes. In the case of mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile" Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwelling shall meet or exceed all applicable roof snow load and strength requirements.
9. The forgoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required in this Ordinance.
10. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

Section 10.34 Public and Private Streets: Public and private streets shall conform to the construction and design standards for streets, roads and intersections adopted by the Grand Traverse County Road Commission.

A. Street Names:

All road or street names shall be approved by Grand Traverse County and the Village Council.

B. Access:

All parcels or lots created by a land division, platted subdivision and site condominium must front on a public or private road which meets the requirements of this Ordinance. A land use permit or zoning permit for a structure or building shall not be issued until the Zoning Administrator determines that said parcel or lot has the required frontage on an approved public or private street.

1. Public Streets – Public streets are developed and maintained by the Village or by a private party and turned over to the Village for maintenance according to a policy adopted by the Village Council. These streets shall meet the standards of the Grand Traversed County Road Commission for public streets and roads.
2. Private Streets – Private access shall be categorized as follows:
 - a. Access serving or intended to serve one or two parcels or lots are considered private driveways. Exempt from private street requirements.
 - b. Access serving or intended to serve 3 to 9 parcels or lots are considered private drives.
 - c. Access serving or intended to serve 10 or more parcels or lots are considered private streets.

Private Drives and Streets shall meet the design and construction requirements of the Grand Traverse County Road Commission “Procedures and Regulations for Developing Public and Private Roads”, and in addition, shall be reviewed for adequate access by emergency services agencies and Village Street Administrator.

All private roads and streets shall be constructed within a permanent right of way easement recorded with the Grand Traverse County Register of Deeds.

C. Private Street Maintenance Agreements:

Maintenance of private drives and streets shall be the responsibility of the property owner(s) served by the private drive or street. Prior to the issuance of a land use permit for parcels, lots or condominium building envelopes abutting a private drive or street, said property owner(s) shall enter into an legally binding Private Street Maintenance Agreement. The agreement shall include, but is not limited to the following:

- 1) Majority vote rules regarding street maintenance and improvement decisions.
- 2) The owner of each parcel is responsible for payment of the share of costs apportioned and assessed to his or her parcel.

- 3) The owners have standing and the right to commence legal or equitable action against a delinquent parcel owner or parcel owners to foreclose a lien or otherwise collect the sums owed.
- 4) The agreement shall be recorded with the Grand Traverse County Register of Deeds and shall run with the land and bind and benefit the parcels, and the owners thereof, in perpetuity.
- 5) The owner or owners of the land served by the street shall provide for the requirement to grade, drain, and otherwise maintain the private street including the street name sign, and emergency services access, in accordance with public agency requirements.
- 6) A statement that the owners have not asked the Village Council, or the Grand Traverse County Road Commission to accept the street as a public street. As such, the street will be private, and the Village Council or the County Road Commission will have no obligation to maintain the street in any manner.
- 7) A statement that the Village may intervene to repair or maintain the street if the owners fail to do so, and then assess the owners for the cost of doing so. This statement should state further, that if the Village exercises discretion to intervene, that there is nevertheless, no further obligation to maintain or repair the street on the part of the village.
- 8) A statement that the owners will hold the Village harmless for liability and indemnify the Village from liability associated with any repair or maintenance or approval of the private street by the Village.
- 9) The easement and street maintenance agreement may be revised and approved by the Village attorney, at the discretion of the Village Council, for compliance with village policies and regulations. Following approval of the Village attorney, when required, the total agreement shall be recorded with the Grand Traverse County Register of Deeds before issuance of any land use permits for parcels abutting the private street.
- 10) The agreement shall be recorded as part of the Master Deed of a condominium project and as a general deed restriction to be recorded against the subdivision parcels and metes and bounds parcels created by a land division.

Section 10.35 - Medical Marijuana Dispensaries: Medical Marijuana Dispensaries, defined as follows, are prohibited in the Village of Fife Lake.

- 1.) Medical Marijuana Dispensary. Any establishment or storefront, retail or wholesale, that sells or transfers medical marijuana as defined by the Medical Marijuana.

ARTICLE 11 ESSENTIAL PUBLIC SERVICES

Section 11.1. Upon prior approval by the Village Council, the erection, construction, alteration, or maintenance by the Village and all other public agencies, public utilities, public boards, departments, and commissions, of any facilities, equipment and accessories reasonably necessary for the transmission or distribution of adequate service for, and

<u>Pattern</u>	<u>Lane Width</u>	<u>Space Width</u>	<u>Space Length</u>
0	12 feet	8 feet	23 feet
<u>Parallel Parking</u>			
30-53	12 feet	8 ft/6 in.	20 feet
54-74	15 feet	8 ft/6 in.	.
20 feet			
75-90	20 feet	9 feet	20 feet

- D. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot laying in an area zoned for other than single and / or two family residential use shall not be across land zoned for single and/or two family residential use unless said ingress and egress is across an already established street or alley.
- E. Each entrance and exit to and from any off street parking lot shall be at least twenty-five (25) feet from adjacent property located in any single and/or two family residential district.
- F. Parking areas are to be used only for the temporary parking of motor vehicles, and are not to be used for the storage or accumulation of any materials, campers, recreational vehicles, boats, motor vehicles, automobiles, etc., even those used or sold at the premises in question.
- G. Except for residential lots, all parking areas, including parking spaces and maneuvering lanes, shall be surfaced with a minimal two inch (2") gravel surface classified by the Grand Traverse County Road Commission as 23A dense grade aggregate, that shall provide a durable, relatively smooth surface, and shall be graded and drained to dispose of all property collected surface water so that it does not pollute adjoining waters or property. Prior to occupancy of commercial building or utilization of public parking lot, an inspection of the parking lot shall be made by the Zoning Administrator and the County Construction Code Office.
- H. Any lighting shall be so installed as to be confined within and directed into the parking area only.

Section 12.3 - Off Street and Unloading Requirements: On the same premises with every building structure or part thereof involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated public streets.

Section 12.4 - Off Street Parking : Off-street parking spaces may be located within a rear yard or side yard. Off-street parking shall not be permitted within a required front yard except as provided in this Ordinance. Required off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

**ARTICLE 13
ADMINISTRATION AND ENFORCEMENT**

Section 13.1 - Administration: A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Village Council to enforce the provisions of this Ordinance. The Zoning Administrator shall not be a member of the Village Council, the Planning Commission or the Board of Appeals. He/She shall perform such duties as the Village Council may prescribe in addition to any duties prescribed in this Ordinance.

Section 13.2 - Eligibility: To be eligible for appointment, the Zoning Administrator shall be generally informed on good building construction, on good fire prevention and the proper installation of safety, health and sanitary facilities. He/She shall be in good health and physically capable of fulfilling those duties prescribed. In the case where the Zoning Administrator is personally interested in the construction of any building subject to the provisions of this Ordinance, the Village Council shall designate some other person to examine the plans, to inspect such building and to issue the necessary permits, approvals and certificates.

Section 13.3 - Duties: It shall be the duty of the Zoning Administrator to receive applications for land use permits and issue or deny the same, to inspect buildings and structures; to determine compliance with the land use permits issued in compliance with this Ordinance; and to be in charge of the enforcement of this Ordinance. The Village Council may in its discretion instruct the Zoning Administrator to make effort to obtain compliance with this Ordinance. The Village Council may instruct the Zoning Administrator in writing to initiate legal action.

Section 13.4 - Compensation: Compensation for the Zoning Administrator shall be established by the Village Council.

Section 13.5 - Land Use Permits: Any individual, corporation, association, officer, department, board or bureau of the State, County or Village planning to erect or move a structure, or alter any existing structure to the extent of more than one hundred (100) square feet of floor area or to establish a new use for any premises in any land use district, shall file an application in writing with the Zoning Administrator for a land use permit. Said Zoning Administrator shall issue a "Land Use Permit" if such planned building or structure is in compliance with the provisions of this Ordinance.

1. A land use permit issued under the requirements of this Ordinance shall be diligently pursued to completion. If the work proposed by the permit application has not been completed within one (1) year of approval of the application, such permit is declared void.
2. An extension or renewal of the permit may be granted by the Zoning Administrator after a review of the permit and the circumstances for the lack of due diligence. The renewal fee may be waived by the Zoning Administrator if unique circumstances have led to the delay in completing the work.
3. A violation of any condition or requirement contained in a land use permit shall automatically void the permit. Further, any improper or incorrect information contained in the application for a land use permit that is subsequently issued according to the requirements of this Ordinance shall automatically void the permit until the correct information is supplied, provided that the applicant continues to meet all requirements for a permit.

4. It is unlawful to change the use of land, or change the type of use, or type of occupancy of any building, or extend any use on a lot or parcel until the Zoning Administrator has issued a land use permit certifying that the proposed use does in all respects, conform to the provisions of this Ordinance. This applies to all new business in existing buildings in all districts within the Village limits.

Section 13.6 - Application and Additional Permits Required: The land use permit application shall be on a form prescribed by the Zoning Administrator and approved by the Village Council. The applicant shall furnish permits or approvals from the Grand Traverse/Leelanau/Benzie District Health Department, the Grand Traverse County Road Commission, and the Michigan Department of Natural Resources and the U.S. Soil Conservation Service before the Zoning Administrator may issue a permit. Each land use permit shall be issued in triplicate and the copies shall be distributed as follows: one to the applicant which he/she is to retain until construction is completed; one to the Village; and one to be retained by the Zoning Administrator as a part of the permanent records of the Village.

Section 13.7 - Denial of Permit: The Zoning Administrator shall promptly inform the applicant of the denial of a land use permit if such planned building or structure or land use does not comply with the provisions of this Ordinance. Reasons for said denial shall be clearly stated in the notice of denial sent to the applicant.

Section 13.8 - Evidence of Ownership: All applications for land use permits under the provisions of this Ordinance shall be accompanied with evidence of ownership of all property affected by the coverage of the permit.

Section 13.9 - Property Boundaries: The Zoning Administrator shall require property boundaries to be located and marked by a registered land surveyor. In the case of properties located along a shoreline, if there is any question of location of the "ordinary high water mark", the Zoning Administrator shall also require this level to be set and marked by a registered land surveyor.

Section 13.10 - Voiding of Permit: Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first building inspection. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice by certified mail to the applicant at the address indicated on the permit application.

Section 13.11 - Inspection: The development or usage proposed by a land use permit shall be subject to two (2) inspections, the first prior to the issuance of a building permit, and the second when the building is completed. It shall be the duty of the permit holder to notify the Zoning Administrator regarding the time that construction will be ready for inspection. Failure of the permit holder to make proper requests for inspection shall automatically cancel the permit, requiring the issuance of a new permit before occupancy may be permitted.

Section 13.12 - Fees: The fees for land use permits shall be established by the Village Council. Fees for inspection and the issuance of other permits and certificates required under this Ordinance shall be collected by the Zoning Administrator in advance of issuance. The amount of such fees shall be shown in the schedule of fees established by the Village Council and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

Section 13.13 - Violations:

A. Any violation of any provision of this Ordinance or any permit, site plan approval, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Board of Appeals, Planning Commission, Village Council, or their designated representative issued pursuant to this Ordinance, shall be a municipal civil infraction. A “violation” includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance and any omission or failure to act where the act is required by this Ordinance.

B. The sanction for any violation of this Ordinance which is a municipal civil infraction shall be a civil fine provided in Section 13.13 (A) (B) (C) and (D) of this Ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act 236 of the Public Acts of 1962, as amended, and other applicable laws.

C. The Zoning Administrator and the police officer of the Village, are the Village officials authorized to issue municipal civil infraction citation and municipal civil infraction violation notices for violation of this Ordinance.

D. The Village Council may institute those remedies provided by statute, Court Rule, and the case law of the State, law or equity, to prevent, enjoin, abate or remove any unlawful erection, construction, maintenance, or use. Damages, costs, and reasonable attorney fees, as the law provides, shall be paid cumulative and in addition to all other remedies provided at law or equity.

E. Severability. The various parts, sections, and clauses of this Article are hereby declared to be severable. If any part, clause or sentence, paragraph or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

F. Removal of Hazards.

1. When the Zoning Administrator finds a clear and present hazard that threatens the health and safety of persons and/or property, he/she shall immediately contact the owner of such hazard in person or by phone, advising the owner of such hazard and shall determine with the owner what and when such remediation shall take place. This shall be confirmed by certified letter.

2. If the owner fails to remedy the hazard as agreed, the Village Council may do so and charge all cost to the owner. Failure to pay such charges by the next tax due date shall require the Village to add these charges to the violators tax bill.

Section 13.14 - Nuisance Per Se: Abatement: Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of local ordinances or regulation made under the authority of this Ordinance are hereby declared to be a nuisance per se. The

court shall order such nuisance abated and the owner and/or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.

Section 13.15 - Enforcement: Upon any notice of violation of this Ordinance, the Village Council shall instruct the Zoning Administrator to carry out the legal steps necessary to adherence to this Ordinance, or violators thereto.

ARTICLE 14 ZONING BOARD OF APPEALS

Section 14.1 - Creation. There is hereby created and established a Zoning Board of Appeals, in accordance with Act 207 of the public Acts of 1921, as amended.

Section 14.2 - Membership and Term of Office. The Zoning Board of Appeals shall consist of not less than five members appointed by the Village Council. The first member of such Board shall be a member of the Village Planning Commission. The remaining members of the Board shall be selected from the electors of the Village. The members selected shall be representative of the population distribution and of the various interest present in the Village. One member may be a member of the Village Council, but he or she may not serve as chairman of the Board of Appeals. An employee or contractor of the Village Council may not serve as a member of the Zoning Board of Appeals. Not less than three (3) members shall constitute a quorum of the Zoning Board of Appeals.

- A. **Compensation.** The total amount allowed the Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Village Council.
- B. **Removal.** Members of the Board of Appeals shall be removable by the Village Council for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.
- C. **Term of Office.** The term of each member shall be for three (3) years, except that of the members first appointed, two (2) serve for two (2) years, and the remaining members for three (3) years. A successor shall be appointed not more than one (1) month after the term of the proceeding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. **Alternate Members.** The Village Council may appoint not more than 2 alternate members to the zoning Board of Appeals. Alternates shall not be a member of the Village Council or Planning Commission. Alternates may be called as needed to serve on a rotating basis:
 - 1. If a regular member is absent from, or unable to attend meetings for a period of more than 30 consecutive days.
 - 2. For the purpose of reaching a decision in a case in which a regular member has abstained for reasons of conflict of interest.

3. If a regular member is absent from, or unable to attend two (2) or more consecutive meetings.
4. The alternate member shall serve in the case until a final decision has been made. Alternate members shall have the same voting rights as a regular member of the Zoning Board of Appeals.

Section 14.3 - Meetings and Powers. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman at such other times as the Board in its rules of procedure may specify. The acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Village Clerk and shall be a public record. The Board shall not conduct business unless a majority of the members of the Board are present.

Section 14.4 - Duties, Rules, Hearings and Decision on Appeals, Right to and Grounds for Appeal. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning map and may fix rules and regulations to govern its procedures. It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of any applicant any matter upon which they are required to pass under this Ordinance. Such appeal may be taken by any person aggrieved, or by any officer, department, board or bureau of the Village, County or State. The grounds of every determination shall be stated for the record and a record of such decision shall be provided to the applicant.

Section 14.5 - Time to Appeal, Notice of Appeal and Transmittal of Record. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by the filing with the Zoning Administrator a notice of appeal specifying the grounds thereof, together with a fee established by the Village Council, which shall be paid to the Village Clerk at the time the notice of appeal is filed. The Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken. The Zoning Board of Appeals may request any report, documentation, fields, or other material upon which to base its decision.

Section 14.6 - Stay of Proceedings Pending Appeal. An administrative appeal to the Zoning Board of Appeals and an appeal of a decision of the Zoning Board of Appeals to the circuit court stay all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certified to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

Section 14.7 - Hearings and Notices, Right to be Heard, Disposition of Appeals, Decision is Final. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and file due notice thereof to the parties and decide the same within a reasonable time.

Upon hearing, any party may appear in person or by agent or by attorney. The Board of Appeals may reverse or affirm wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises. The decision of the Board of Appeals shall be final and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court.

Section 14.8 - Prohibited Appeals. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this Ordinance. The Zoning Board of Appeals shall have power to act on those matters where, by Statute or by the terms of this Ordinance, provision is made for an administrative review, interpretation or variance. The Zoning Board of Appeals shall not have authority to hear appeals related to any decision or conditions attached to any decision pertaining to a site plan, special land use or planned unit development.

Section 14.9 - Dimensional Variances. The Zoning Board of Appeals shall have the power to authorize dimensional variances from site development requirements such as lot area and lot width, building heights and bulk regulations, yard width and depth requirements, off-street parking and loading requirements, sign landscape requirements, and other similar requirements of this Ordinance.

- A. **Approval Criteria.** To obtain a dimensional variance, the applicant must demonstrate that a practical difficulty exists by showing that all of the following conditions exist:
1. That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, or the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.
 2. That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.
 3. That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome. The fact that a property owner may incur additional cost in complying with this Ordinance shall not, in and of itself, be construed to make compliance unnecessarily burdensome.
 4. That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether the requested variance would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 5. That the variance will not cause adverse impacts on surrounding property, or the use and enjoyment of property in the neighborhood.
- B. **Conditions.** In accordance with Section 14.9 of this Ordinance, the Zoning Board of Appeals may impose conditions upon a dimensional variance approval.
- C. **Effect of Approval.** An approved dimensional variance shall expire at the end of

twelve (12) months, unless a building permit authorizing the construction has been obtained and construction has started and proceeds to completion in accordance with the terms of the building permit.

Section 14.10 - Use Variances. The Zoning Board of Appeals shall have the power to grant use variances to the zoning district use restrictions to the extent provided by the Village Zoning Act and applicable Michigan case law. A petition for a use variance may be reviewed by the Village Attorney to determine whether, in the opinion of the Village Attorney, statute or case law allows the petition.

- A. **Approval Criteria.** To obtain a use variance, the applicant must demonstrate that an unnecessary hardship exists by showing that all of the following conditions exist:
1. That the property as a whole cannot be reasonably used for any of the uses permitted by right or special land use approval in the zoning district in which the property is located. The fact that a property owner may incur additional costs in complying with this Ordinance shall not, in and of itself, be construed to make compliance unnecessarily burdensome.
 2. That the variance is needed due to unique circumstances peculiar to the property and not general to neighborhood conditions.
 3. That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.
 4. That the variance will not cause adverse impacts on surrounding property, or the use and enjoyment of property in the neighborhood.
- B. **Conditions.** The Zoning Board of Appeals may impose conditions upon a use variance approval.
- C. **Effect of Approval.** The use variance shall expire at the end of 12 months, unless a building permit authorizing the construction has been obtained and construction has started and proceeds to completion in accordance with the terms of the building permit, or the use is actually established if no building permit is required.

Section 14.11 - Appeal Procedure.

- A. **Notice of Appeal.** The following procedures shall be observed in filing of a notice of appeal:
1. Ordinance interpretation and variance requests may be made by any aggrieved persons or by any official of the Village on a form provided for that purpose.
 2. The appeal of a ruling of the Planning Commission or Zoning Administrator in the enforcement of this Ordinance shall be taken within 21 days of the date of the decision on a form provided for that purpose.
 3. Upon receipt of a notice of appeal, the official or Board from whom the

appeal is taken shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the appealed action was taken.

- B. **Hearing.** Upon receipt of a request for ordinance interpretation, variance or notice of appeal, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing.
- C. **Notice of Hearing.** The appellant, adjacent property owners and the general public shall be notified of the Zoning Board of Appeals hearings according to the following procedures:
1. The public shall be notified of all public hearings by the publication of at least one notice of the hearing in a newspaper of general circulation in the Village. Written notice shall also be provided to the applicant by personal delivery or mail.
 2. In the case of a dimensional or use variance request, notice of the hearing shall be sent by mail or personal delivery to all owners to which real property is assessed within 300 feet of the boundary of the property in questions, and to the occupants of all structures within 300 feet. Notifications need only be given to one occupant of a structure, except if the structure contains more than one dwelling unit or partial area owned or leased by different individuals, partnerships, or organizations, one occupant of each unit or partial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct partial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 3. The notice shall be given not less than 5 and not more than 15 days before the application will be considered. The notice shall include a description of the type of appeals requested, a description of the property which is the subject of the appeal, the time and place of the hearing, and the time and location for written comments to be received.

Section 14.12 - Zoning Board of Appeals, Final Decisions and Rehearing. Except as provided in this section, a decision of the Zoning Board of Appeals shall be final.

ARTICLE 15 SITE PLAN STANDARDS

Section 15.1 - Purpose and Intent. It is the purpose of this Article to require site plan approval for buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Article to achieve, through site plan review, safe and convenient traffic movement, harmonious relationships of buildings, structures and use, and the conservation of natural features and resources.

Section 15.2 - Use Requiring Site Plan Approval. The following buildings, structures and

uses require site plan approval by the Planning Commission:

- A. All special land uses and Planned Unit Developments in all zoning districts.
- B. All uses in the Village Commercial District and in the Highway Commercial District, all uses except accessory buildings with a floor area less than that of the principal structure.
- C. In the R-1 Residential, R-2 Resort/Residential, all uses except for single-family dwellings and accessory buildings with a floor area less than that of the principal structure.
- D. All platted subdivisions or condominium subdivisions or any proposed expansion thereof.

Section 15.3 - Site Plan Requirements. Each site plan submitted shall include the following information, unless specifically waived by the Planning Commission, in whole or in part, as unnecessary for effective consideration of the project proposed:

- A. The plan preparation and revision dates, north arrow, and graphical and numeric scale. The scale shall be not less than one inch (1") = twenty (20) feet for property under three (3) acres and at least one inch (1") = one hundred (100) feet for those three (3) acres or more.
- B. A survey of the property showing all lot and/or property line dimensions and bearings, easements of record, required setbacks and a written legal description. Provided, however, that upon a finding by the Zoning Administrator that a survey shall be unnecessary for the effective review of a site plan by the Planning Commission, the requirement for a survey may be waived by the Zoning Administrator with the approval of the Planning Commission.
- C. The location and heights of all existing and proposed structures on, and within one hundred (100) feet of, the subject property's boundary. The location of natural features on and within one (100) feet of property boundary including, but not limited to, woodlot, streams, lakes, ponds, floodplain, county drains, and the existing topography at two (2) foot intervals. The site plan shall include a notation of which, if any, of the existing structures are to be retained and which, if any, are to be removed.
- D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, acceleration and deceleration lanes, parking areas, (the dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose.
- E. The location and pavement width and right-of-way width of all existing and abutting roads, street, alleys or easements and all proposed public and private roads and their proposed street names.
- F. The name, telephone number and address of the individual or firm responsible for the preparation of the site plan. Prior to the issuance of a land use permit for any

use requiring site plan approval, the final site plan approval by the Planning Commission shall bear the seal of the responsible licensed professional engineer, land surveyor or architect.

- G. The name, address and telephone number of the property owner and applicant.
- H. A locational sketch showing the general area within a one half (1/2) mile radius of the boundaries of the development area including the respective zoning abutting the subject property.
- I. The location, height and types of fences, walls and landscaping. Typical straight cross-sections including slope, height and width of any berm and type of ground cover and the height, location and type of all proposed plantings.
- J. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
- K. The location and size of all surface water drainage facilities.
- L. The site plan shall include existing and proposed contours shown at two (2) foot intervals. Provided, however, that upon a finding by the Zoning Administrator that an illustration of existing and proposed contour on the site at two (2) foot intervals shall be unnecessary for the effective review of a site plan by the Planning Commission, this requirement may be waived by the Zoning Administrator with the approval of the Planning Commission.
- M. Building elevations including floor plans and site data chart which compares the existing and proposed improvements to the lot area, setback, and building height requirements of the zoning district and the off-street parking calculations.
- N. A written statement describing the characteristics of the proposed development. For residential developments, the project statement shall describe the number of dwelling units, bedroom mix, parking arrangements and the type of amount of recreational open space. For nonresidential developments, the project statements shall describe the intended use(s), hours of operation, the gross and useable floor areas, and the number of employees per shift. All project statements shall describe how the project will conform with all federal, state and local licenses and permits requirements.

Section 15.4 - Site Plan Review Procedures. The proposed site plan be submitted in eight (8) copies to the Zoning Administrator who shall keep one copy of the proposed site plan and deliver one set each to the members of the Planning Commission. Two additional copies may be used for review by any engineering or planning consultants retained by the Village. Upon the receipt of a complete site plan, the Zoning Administrator and any special consultants retained by the Village shall complete their review and report on the site plan and the site plan along with all such reports shall be submitted to the Planning Commission for consideration. The Planning Commission shall consider the site plan along with the review comments of the Zoning Administrator and any special consultants or specialists serving the Village. The Planning Commission shall review the site plan in accord with the provisions of **Section 15.5** of this Article. Upon completing its review, the Planning Commission shall adopt a resolution to approve, deny or approve with conditions the proposed site plan. If the site plan is disapproved, the reasons for the disapproval shall be

provided in writing to the applicant. Upon approval of a site plan, at least two copies of the site plan as finally approved shall be signed and dated by both the Chairman of the Planning Commission and the applicant. One copy of the signed site plan shall be filed in the Village records and the other returned to the applicant. Appeals of the decision by the Planning Commission with regard to a site plan shall be made to the Circuit Court within twenty-one (21) days after such decision.

Section 15.5 - Site Plan Review Standards.

- A. In reviewing a site plan, the Planning Commission shall determine whether the site plan is consistent with this Ordinance and in accordance with the following requirements:
 - 1. That the site plan and the land uses proposed are in conformance with the Village Master Plan.
 - 2. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient.
 - 3. That the site plan is harmonious with, and not injurious or objectionable to, existing and projected uses in the immediate area.
 - 4. That the site plan shows the use will be adequately served by necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads and parking.
 - 5. That the site plan provides adequate measures to protect the health, safety, and general welfare of the persons and property on the site and in the neighboring community.
- B. The Zoning Administrator shall not issue a Land Use Permit for an approved site plan until the applicant has submitted three copies of all permits which may be required by the county, township, federal or the state for the construction of the use and has complied with any and all conditions of approval.
- C. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires a site plan approval, until the site plan has been approved by the Planning Commission and a Land Use Permit has been issued by the Zoning Administrator.

Section 15.6 - Site Plan Amendments. Amendments to site plans shall be governed by this section.

- A. **Minor Site Plan Amendments.** Minor site plan amendments may be approved by the Zoning Administrator and shall be limited to the following site plan changes:
 - 1. Moving walls within the confines of the approved building footprint because of a natural impediment such as soil conditions or subsurface geology.

2. Moving the ingress and egress drive a distance up to one hundred (100) feet, if required by the Grand Traverse County Road Commission or Michigan Department of Transportation.
3. Substituting a landscape material provided a nurseryman or landscape architect certifies that the substituted species is of similar nature and quality.
4. Changing the location and/or design of exterior light fixtures provided that there will be no change in the intensity of site lighting and the location conforms to the requirements of this Ordinance.
5. Changing the dimensions or location of approved signage provided that the sign conforms to the requirements of this Ordinance.
6. Altering the location of an accessory structure that is less than one hundred (100) square feet in area provided that the location does not encroach on any approved parking, loading, or landscape areas and otherwise conforms to the requirements of this Ordinance.
7. Changing the height and/or material of fencing provided that the height conforms to the requirements of the Ordinance and that any substituted material is similar in character and quality.

B. **Major Site Plan Amendments.** With the exception of minor site plan amendments as provided in this section, site plan amendments shall be processed pursuant to **Section 15.5**. A Site Plan amendment shall be approved if the Planning Commission finds that the change will not adversely affect the initial reasons for granting approval.

Section 15.7 - Performance Guarantees. To ensure compliance with the Zoning Ordinance requirements and any condition imposed thereunder, the Planning Commission or Zoning Administrator may require the deposit of a performance guarantee in accordance with Section 15.7. The deposit shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 15.8 - Performance Guarantees. To ensure compliance with the Zoning Ordinance requirements and any conditions imposed thereunder, the Planning Commission or Zoning Administrator may require the deposit of a performance guarantee.

- A. **Form of Guarantee.** A performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in the amount of the estimated cost of the approved site improvements. The Village shall have the right to determine the form of the performance guarantee.
- B. **Deposit.** The performance guarantee shall be deposited with the Village prior to the issuance of a Land Use Permit. Upon receipt of the performance guarantee, the Village shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest bearing account.
- C. **Rebate.** In the event the performance guarantee is a cash deposit or certified

check, the Village shall rebate fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed and the remaining fifty (50) percent when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant, pending completion of the exterior improvements, the performance guarantee may be applied by the applicant to assure compliance with the standards of the Zoning Ordinance and the specifications of the Site Plan.

- D. **Return.** Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Village shall return to the applicant the performance guarantee deposited and any accrued interest.
- E. **Completion of Improvements.** In the event the applicant fails to make the improvements for which the performance guarantee was required within the time period established by the Village, the Village shall have the right to use the performance guarantee and any accrued interest to complete the improvements. If the performance guarantee is not sufficient to allow the Village to complete the improvements for which it was posted, the applicant shall be required to pay the Village the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Village use all or a portion of the performance guarantee to complete the required improvements, any amounts remaining after the improvements are made shall be applied first to cover the Village's administrative cost related to the completion of the improvements, with the balance being refunded to the applicant.
- F. **Performance Guarantees Required by Other Agencies.** If the applicant has been required to post a performance guarantee with another governmental agency other than the Village to ensure the completion of an improvement associated with the approved Site Plan, the applicant shall not be required to deposit with the Village a performance guarantee for that specific improvement, providing the Village shall have access to such guarantee as if deposited in the custody of the Village.

SPECIAL USE PERMITS AND SITE PLAN REVIEW

Section 15.9 - Purpose and Intent. It is the purpose of this Ordinance to provide a set of procedures and standards for special uses of land or structures that will insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and maintain sound provisions for the protection of the health, safety, convenience and general welfare of the inhabitants of Fife Lake Village.

Section 15.10 - Review and Approval. The special land use and activities eligible in a respective zoning district may be permitted only after review and recommendation of the Village Planning Commission, followed by approval of the Village Council. Such special uses shall also be subject to Site Plan Review and approval as outlined in **Article 15**, and each subsection thereof, of this Ordinance. These procedures and Standards for Decisions are as outlined and authorized by Section 4 of Act 207 of the Public Acts of Michigan, as amended, being the City and Village Zoning Act.

Section 15.11 - Permit procedure. Request for a special land use permit shall be made by

filing with the Village Zoning Administrator the following:

- A. A permit fee as determined by resolution of the Village Council.
- B. A copy of the completed application form which shall, at a minimum, contain the following information:
 - 1. Name and address of applicant.
 - 2. Legal description, property parcel number and street address of the subject parcel.
 - 3. Area of subject parcel of land stated in acres or, if less than one acre, in square feet.
 - 4. Present Zoning Classification of subject parcel.
 - 5. Present and proposed land use.
 - 6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck circulation patterns and local traffic volumes.
 - 7. Any other information the applicant feels will explain the intent or character of the proposed use, and any other expected impacts upon the community infrastructure or facilities.
- C. When the Zoning Administrator has determined that the application is complete, he/she shall transmit the application to the Planning Commission, which shall schedule a public hearing on the application.

Section 15.12 - Criteria for Review. In reviewing the special land use application and site plan, and in approving, disapproving, or modifying the same, the Planning Commission and Village Council shall be governed by the Following Standards:

- 1. That there is proper relationship between the existing street and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian/vehicular traffic, and that the proposed streets and access plan conforms to any street or access plan adopted by the Village or County Road Commission.
- 2. That the buildings, structures and entryway thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.
- 3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm water.

4. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
5. That all provisions of this Ordinance are complied with, unless an appropriate variance therefrom has been granted by the Village Board of Appeals.
6. That all buildings and structures are accessible to emergency service vehicles.
7. That a plan for erosion control and storm water discharge has been approved by appropriate public officials.
8. That the plan as approved is consistent with the intent and purpose of zoning to promote the public health, safety and general welfare; as outlined in Article 1, Section 1.3 of this ordinance.

Standard for Decisions. In evaluating a proposed special land use permit, the Village Planning Commission shall consider the following factors upon which to base their approval or denial.

1. The similarity and compatibility of the proposed special land use with permitted uses in the respective zoning district.
2. Whether or not the proposed use would create a traffic hazard to a greater degree than the permitted uses in that district.
3. Whether or not the proposed use would create obnoxious or harmful odors.
4. Location in relation to roads and adjacent residential areas.
5. Buffering lights and noise from adjacent residential uses where appropriate.
6. Preservation of elements of the natural environment such as trees, natural land form, shore areas and drainage patterns.
7. Safety factors, such as access for fire and police personnel and equipment.
8. Relationship to shore and stream preservation principles where appropriate.

Section 15.13 - Decision of Village Council. After adequate review and study of any application for a special use, and after proper notice to all persons as required by Act 207 of 1921, as amended, the Village Planning Commission shall transmit the application, together with its recommendation, to the Village Council for approval. The Council has the right to impose such conditions as they deem necessary as authorized by Section 4-C of Act 207 of 1921, as amended, being the City and Village Zoning Act.

ARTICLE 16

MHC MANUFACTURED HOUSING COMMUNITY DISTRICT

Section 16.1 - Purpose: The Manufactured Housing Community District is intended to provide for the location and regulation of manufactured housing communities. It is intended

that manufactured housing communities be provided with necessary community services in a setting that provides a high quality of life for residents and residential development standards consistent with all other residential districts in Fife Lake Village. This district shall be located in areas where it will be compatible with adjacent land uses. It is further the intent of this district to prohibit multiple-family, office, business, commercial or industrial use of the land, and to prohibit any other uses which would substantially interfere with development, or continued use, of the land for manufactured housing communities in the district.

Determining the appropriate location for a manufactured housing community is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses. A manufactured housing community contains specific site conditions unlike other types of residential development. Sites with an abundance of natural features such as forested areas, wetlands, and steep slopes and sites without the road and utility infrastructure to support a high density living environment are not found to be suitable for the development of a manufactured housing community. In light of these parameters, the absence of a detailed resource inventory in the Village, coupled with the limited availability of public sewer and water facilities, the Village has selected to allow this zoning district to “float”, placing the responsibility for the site analysis on the applicant for the placement of the district. The Village and residents shall rely on the Village Master Plan to determine future use and to judge and evaluate rezoning requests.

Section 16.2 - Rezoning Application: Applications to amend this Zoning Ordinance to establish a Manufactured Housing Community District shall be evaluated in accordance with the following standards:

- a) Consistency with the Fife Lake Village Master Plan be location within the Residential future land use designation.
- b) Available of public water and wastewater service or properly permitted private water and wastewater services.
- c) Absence of significant areas of mature hardwood forests, significant areas of regulated wetlands and/or significant areas of slopes in excess of 10% on the proposed site.
- d) Location on and improved access to State Street.

Section 16.3 - Michigan Manufactured Housing Commission Rules: The regulations established by state law, Michigan Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission Rules, and this Article shall govern all manufactured housing communities in the Village. If any portion of the regulations in this Article exceed the state law or the Rules of the Michigan Manufactured Housing Commission, the higher standards are intend to insure that manufactured housing communities meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of Village residents. It is not the intent of this Article to exclude from Fife Lake Village manufactured homes of persons who engage in any aspect pertaining to the business of manufactured housing.

Section 16.4 - Permitted Uses:

Accessory Buildings of less area than the principal structure.

Dwellings - Single-family

Dwellings - Two-family

Home Occupations

Manufactured Housing Communities

Section 16.5 - District Regulations: For Developments Other Than a Manufactured Housing Community:

Minimum Net Lot Area:	10,000 sq. ft.
Minimum Lot Width:	100 ft.
Maximum Building Height:	30 ft. or 2 ½ Stories (whichever is less)
Minimum Building Setbacks:	Front: 20 ft. Side: 10 ft. Rear: 10 ft.
Minimum Dwelling Area:	900 sq. Ft.

Section 16.6 - Special Uses:

Dwelling, Multi-family

Section 16.7 - Manufactured Housing Community Dimensional and Development Standards: A proposed Manufactured Housing Community shall adhere to the following requirements and the requirements of Act 96 of the Public Acts of 1987, as amended and the rules and regulations of the State of Michigan Manufactured Housing Commission.

- a) **Application Procedures:** Pursuant to Section 11 of Act 96 of the Public Acts of 1987, as amended, and the rules promulgated thereunder, and application for the extension, alteration, or construction of a manufactured home development shall be accompanied by a preliminary plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. Said application, fees and preliminary plan shall meet the following requirements:
- 1) An application form shall be completed and fees paid in accordance with the fee schedule (as amended from time to time by resolution of the Village Council) and 10 copies of the preliminary plan shall be submitted to the Zoning administrator for distribution to the Planning Commission.
 - 2) The preliminary plan need not include detailed construction plans, but shall include the following materials:
 - a) The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.

- b) Notation of all federal, state and local permits required.
 - c) The location of the project including the permanent parcel number(s) of the property upon which the project is proposed to be located.
 - d) The layout of the project including an illustration of the internal roadway system proposed and typical home site layout.
 - e) The general design of the proposed project including the proposed location and design of signs, trash receptacles, light fixtures and any accessory structures, open lands and recreation areas and accessory uses.
 - f) The typical location, spacing, type and size of proposed plant materials.
 - g) A general description of the proposed project including the number of home sites proposed, the anticipated phasing of project development and indication of the number of home sites to be rented and the number to be sold, if any.
- g) **Review Process:** The Planning Commission shall review the submitted preliminary plan and communicate its recommendation for approval, approval with conditions or modifications, or denial of the preliminary plan to the Village Council. The Planning Commission shall approve and recommend to the Village Council a preliminary plan upon a finding that the proposed use will not, upon the facts known at the time of the submission of the preliminary site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public. Not more than sixty (60) days following the receipt by the Village of an application for preliminary plan approval, the Village Council shall approve, approve with conditions or modifications, or deny an application and preliminary plan pursuant to the Mobile Home Commission Act, the rules promulgated thereunder and this Ordinance.

Upon approval of the preliminary plan, the Village Clerk shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the Village files, one (1) copy shall be forwarded to the Zoning Administrator for issuance of a Zoning Permit, and one (1) copy shall be returned to the applicant. Construction shall commence within five (5) years after the date of issuance of a construction permit by the Michigan Department of Consumer and Industry Services unless an extension has been granted by said Department. Upon issuance of a plan approval and permit to construct by the Manufactured Housing Division of the Department of Commerce and Industry Services, the applicant shall provide the Zoning Administrator with a complete copy of the approved construction plans as defined in Rules 906 through 912 of the Manufactured Housing Code, and any subsequent amendments thereto approved by said Manufactured Housing Division.

- c) **Noncompliance.** Any substantial noncompliance with the approved preliminary plan shall be reported to the Office of Local Government and Consumer Services of the Department of Consumer and Industry Services for remedy along with all pertaining evidence.

- d) **Site Development Requirements.** The following requirements for site development, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be complied with. If any of the requirements of this subsection are less than those in the State Act, the State requirements shall prevail. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the Michigan Department of Consumer and Industry Services. An inspection of construction may be performed at any appropriate time, pursuant to Section 17(2) of 1987 PA 96, as amended (the Mobile Home Commission Act)
- 1) Site Size. A minimum site size shall be five (5) acres.
 - 2) Site Location. The proposed site location shall be governed by the requirements of Section 11 of the Mobile Home Commission Act and Rule 920(1)(b) of the Manufactured Housing Commission Rules.
 - 3) Side Yard Dimensions. All buildings and manufactured houses within the manufactured housing community site shall be no closer than twenty (20) feet from any public street right-of-way line, and not closer than ten (10) feet from any setback of the manufactured housing community site.
 - 4) Space Requirements. The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. The 5,500 square foot average per site may be reduced by 20 percent provided that all individual sites shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, an equal amount of land shall be dedicated as open space. This open space shall in addition to that required under R125.1946, Rule 946 and Rule 125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
 - 5) Yard Requirements. The required distances between manufactured home units and other structures and the required distances from property boundary lines shall meet the requirements of Rule 125.1941 and Rule 125.1944, and Rules 941 and 944 of the Michigan Administrative Code.
 - 6) Development Roads. Internal roads within a manufactured home development shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street in compliance with Rule 125.1920(1)(f).
 - 7) Paving. All internal roads and parking facilities shall be provided with a paved surface in compliance with the standard of the AASHTO Specifications referenced in Rule 922 of the Michigan Manufactured Housing Commission Rule. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area shall be considered part of the sidewalk system.

- 8) Sidewalks. Sidewalks, which meet the standards established in Rule 928 of the Michigan Manufactured Housing Commission Rules, and AASHTO Standards shall be installed along one (1) side of all internal collector roads within the park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, and central recreation/park areas. Sidewalks shall also be required along that portion of a site fronting along public thoroughfares.
- 9) Utilities. The installation of utilities within a manufactured housing community shall be in accordance with the following requirements:
 - a) All electrical, telephone, and utility service shall be underground and specifically designed in conformance with the standard established in Rule 932(a), 934(a), 935(a), and 940 of the Manufactured Housing Commission.
 - b) All gas distribution lines shall be located underground. Each manufactured housing lot so served shall have the service line located underground to a connection point and the manufactured housing unit shall be supported so it cannot be abraded by the pad surface. The use of independent bottled gas service for individual manufactured housing units is prohibited. Other than LPG or natural gas, all heating systems shall be designed and installed in accordance with Rules 935 and 940 of the Michigan Housing Commission.
 - c) Minimum housing standard of the home or installation of the home plumbing, heating, and electrical systems shall be those either set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National Standards Institute) for manufactured housing units predating HUD.
 - d) All manufactured housing sites and all other buildings within the development shall be connected to the water system of the governmental jurisdiction, if it is available to the development, or to another state approved system. The development water system shall conform to parts 2-4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Housing Community Standards.
 - e) All manufactured housing sites and all other buildings within the development shall be connected to the sanitary sewage system of the governmental jurisdiction if it is available to the development, or to other state approved systems. The development sanitary sewage system shall conform to MDEQ Manufactured Housing Community Standards.
 - f) All storm sewers shall be constructed in accordance with parts 2-4 of the MDEQ Manufactured Housing Community Standards by the developer.

- 10) Skirting. Skirting shall be installed around all manufactured housing units. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the specifications established by the Michigan Manufactured Housing Commission Rules.

Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

- 11) Installation. Each manufactured housing site shall conform with the Manufactured Housing Commission requirements of Rule 602 for installation of manufactured housing units.

- 12) Screening, Buffering and Landscaping. Manufactured housing communities shall provide the following screening, buffering and landscaping:

- a) If a manufactured home development abuts an existing residential or nonresidential development, the development shall provide screening along the boundary line abutting the adjacent development, if not in conflict with existing or proposed utilities.
- b) The landscaping shall consist of evergreen trees or shrubs, which are spaced so they provide a continuous screen at maturity.
- c) Landscape material shall consist of evergreen trees a minimum of four (4) feet in height at installation and evergreen shrubs a minimum of three (3) feet in height at maturity.
- d) Alternative screening techniques (earth berms, fences, etc.) May be approved by the Planning Commission based upon a landscape plan for the site if they conceal the manufactured home development as effectively as the required landscaping described above.
- e) Home site: Landscaping within the Manufactured Housing Community shall consist of not less than one (1) deciduous or evergreen tree for every two (2) home sites.

- 13) Public Health and Safety.

- a) Fire hydrants shall be installed in all manufactured housing developments and shall be in compliance with the requirements and provisions of the current local fire code, including the

requirement that there be no more than five hundred (500) feet between hydrants as measured along adjacent roadways within the manufactured housing community. Such provision may be waived if required by the Michigan Department of Environmental Quality pursuant to Rule 1105(2) of the MDEQ Administrative Rules. If the central water system cannot support five hydrants, “dry” fire hydrants shall be installed.

- b) For the protection of the public safety, an orderly street name system and numbering system that is not the same or similar to any other street name or numbers in Grand Traverse County shall be proposed by the manufactured housing development owner and a plan of this system of street names and address shall be approved by the Grand Traverse County under the Street Name and Numbering Ordinance. Manufactured housing space numbers shall be located uniformly on each space, manufactured housing unit or identification marker, throughout the manufactured housing park and street names shall be adequately marked.
 - c) Outdoor cooking shelters, barbecue pits, fireplaces, and wood burning stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities approved and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.
 - d) Every home shall be equipped at all times with fire extinguishing equipment in good working order, or a type, size, and number and so located within the home as to be in compliance with the applicable regulations of Rule 702a of the Manufactured Housing Commission.
 - e) Emergency access points shall be in compliance with Paragraph D, 2 of this section.
 - f) Each manufactured housing unit shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit.
 - g) No open fire shall be permitted at any place which may endanger life of property.
 - h) No fire shall be left unattended at any time.
- 14) Building Height. No building or structure shall exceed thirty (30) feet in height.
- 15) Lighting. Street lighting shall be provided and paid for by the owner of the community and shall be approved by the Manufactured Housing Commission as to the adequacy of illumination. No spot or flood lights shall be used for lighting or advertising purposes. No other lighting for

identification or advertising purposes shall have a visible source of illumination. No lighting shall shine on adjacent properties. Lighting shall, if possible, be designed to point downward. All other lighting shall be in accordance with the State of Michigan, Act 96 of 1987 as amended.

- 16) Storage Areas. All storage structures within a manufactured home development shall meet the requirements of Rules 941 and 944 of the Manufactured Housing Commission.
- 17) Open Space. A manufactured home community that contains fifty (50) or more home sites shall have not less than two (2) percent of the gross acreage of the total site dedicated to designated open space, but not less than 25,000 square feet.
- 18) Telephone, Television, or Other Communication Technologies. Central television antenna systems, cable television, telephone, or other similar communication services shall have their distribution systems installed underground in compliance with local and state regulations.
- 19) Solid Waste and Resource Recovery. The garbage and rubbish storage and disposal procedures in manufactured housing communities shall comply with Michigan Department of Environmental Quality Rules R325.3351-R325.3354.
- 20) Severe Weather Warning and Storm-fallout Shelter. A manufactured housing developer shall comply with Manufactured Housing Commission Rule 706.
- 21) Signs. Any and all signs provided within the manufactured home community shall be in accordance with Act 96 of 1987, as amended including Rules 1006 and 1009.
- 22) School Bus Stops. School bus stops, if provided, shall be located within the manufactured housing community in an area that is acceptable to the school district.
- 23) Mailbox Clusters. The United States Postal Service may require that manufactured home communities be served by clusters of mailboxes serving several home sites rather than individual mailboxes. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing community internal road and a public road.
- 24) Miscellaneous Provisions.
 - a) Occupancy: A manufactured housing community development shall be ready for occupancy when it has complied with Rule 214k and 214n of the Manufactured Housing Commission.
 - b) Removal of Towing Mechanism: Towing mechanisms shall be removed from the manufactured housing dwelling at the time of dwelling installations and stored so as not to be visible from the

exterior of the manufactured housing community.

- c) The grounds of a manufactured housing community shall be graded to drain properly.
 - d) New or used manufactured homes in manufactured home developments, which are to remain on-site, may be sold by resident, development owner, licensed retailer or broker, provided the manufactured housing development management permits the sale.
 - e) All requirements of Act 96 of the Public Act of 1987, as amended, shall apply.
 - f) The owner or operator of any manufactured housing community shall be responsible for all street construction and street maintenance within the confines of the manufactured housing community.
- 25) Fences on individual home sites, if provided, shall be so constructed as to provide firefighters and emergency response equipment reasonable access to manufactured housing units and site built structures.

Section 16.8 - General Requirements and Provisions. All uses of land in this District, except Manufactured Housing Communities, shall be subject to the general requirements and provisions contained in Article 10 of this Ordinance.

ARTICLE 17 SEPARABILITY

Section 17.1 - Validity: If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not effect, impair, or invalidate the remainder thereof, but shall be confined in this Ordinance to the clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgement shall have been rendered.

ARTICLE 18 REPEAL

Section 18.1 - Repeal: The Fife Lake Village Zoning Ordinance No. 8 is hereby repealed.

ARTICLE 19 EFFECTIVE DATE

Section 19.1 - Effective Date: This Ordinance shall take immediate effect upon passage by the Village Council.

Date of Public Hearing: _____ July 16, 2004 _____

Date of Adoption by Village Council : August 2, 2004

Date of Publication: August 7, 2004

Date Ordinance shall take effect: September 2, 2004

Revised: June 12, 2006

Revised: February 3, 2009

Revised: xxxxx xx, 2014