

CODIFIED ORDINANCES OF CASEVILLE  
PART TWELVE - PLANNING AND ZONING CODE

TITLE TWO - Planning  
Chap. 1220. Planning Commission.  
Chap. 1222. Wetlands.  
Chap. 1224. Division of Land.  
Chap. 1225. Natural Resources and Environmental  
Protection Act.

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CHAPTER 1220  
Planning Commission

EDITOR'S NOTE: Resolution 97-67, passed July 14, 1997, designated the Planning Commission as the City's official body to review all property splits within the City, based on the Revised Land Use Act of 1997, and provided that fees would be fixed at a later date when the degree of work involved in the review process is determined.

1220.01 Fees.

CROSS REFERENCES

Authority to maintain - see CHTR. Sec. 3.18  
Municipal planning commissions - see M.C.L.A. Secs. 125.31 et seq.  
County planning commission - see M.C.L.A. Secs. 125.101 et seq.  
Division of land - see P. & Z. Ch. 1224  
Review of planned unit developments - see P. & Z. 1276.05

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**1220.01 FEES.**

(a) Fees for the following shall be set by the City Council. Fees must be paid prior to any meeting being set and any approval or denial made.

Re-zoning,  
Variance  
Special Use  
Site Plan Review requiring a special meeting  
Site Plan Review for business/industrial properties (New Use)  
Site Plan Review for business/industrial properties (Same Use)

(b) Additional costs exceeding the set fees will be charged to the applicant/owner. (Res. 98-84. Passed 7-13-98; Res. 2002-104. Passed 9-9-02; Ord. 2009-10. Passed 5-11-09; Ord. 2015-02. Passed 4-13-15.)

CHAPTER 1222  
Wetlands

1222.01	Short title.	1222.13	Review of use permit application; appeals.
1222.02	Purpose.	1222.14	Review standards.
1222.03	Definitions.	1222.15	Display of permits.
1222.04	Application of chapter.	1222.16	Acquisition of property without compensation.
1222.05	Official Wetlands Map.	1222.17	Interpretation and application.
1222.06	Notice to Department of Natural Resources.	1222.18	Violations as nuisances; equitable remedies.
1222.07	Inspections.	1222.19	Restoration of property; liability to Village.
1222.08	Use permits required.	1222.99	Penalty.
1222.09	Permitted activities.		
1222.10	Site plan and plat approval.		
1222.11	Nonconforming activities.		
1222.12	Use permit applications.		

CROSS REFERENCES

- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. 125.583a
- Goemaere-Anderson Wetland Protection Act - see M.C.L.A. 281.708
- Malicious destruction of trees - see M.C.L.A. 750.382; GEN. OFF. 666.01(17)
- Waterfront lots - see P. & Z. 1286.11

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**1222.01 SHORT TITLE.**

This chapter shall be known and may be cited as the "Village of Caseville's Wetlands Ordinance."  
(Ord. 90-4. Passed 9-10-90.)

**1222.02 PURPOSE.**

The wetlands of the Village are indispensable but sensitive natural resources subject to flooding, erosion, soil bearing capacity limitations, and other hazards. In their natural state, wetlands serve multiple functions for flood control, storm water storage and release, pollution control, erosion control, wildlife habitat, aesthetics, open space, and recreation. The continued destruction and loss of wetlands constitutes a distinct and immediate danger to the public health, safety, and general welfare.

Throughout the State, considerable acreage of these important natural resources has been lost or impaired by draining, dredging, filling, excavating, building, polluting, and other acts inconsistent with the natural uses of such areas. Remaining wetlands are in jeopardy of being despoiled or impaired.

Pursuant to the Michigan Constitution of 1963, Article IV, Section 52, the conservation and development of natural resources of the State is a matter of paramount public concern in the interest of the health, safety, and general welfare of the people. It is, therefore, the policy of the Village of Caseville, to:

- (a) Protect wetlands while taking into account varying economic, ecological, hydrologic, recreational, and aesthetic values;
  - (b) Provide for the protection, preservation, replacement, proper maintenance, and use of wetlands located in the Village of Caseville in order to minimize disturbance to them and to prevent damage from erosion, siltation, and flooding;
  - (c) Provide for the issuance of use permits and approved activities;
  - (d) Establish standards and procedures for the review of proposed activities in wetlands;
  - (e) Establish penalties for the violation of this chapter.
- (Ord. 90-4. Passed 9-10-90.)

**1222.03 DEFINITIONS.**

The following terms, phrases, words and their derivatives shall have the meaning, given herein, unless the context otherwise requires:

- (a) "Activity" means any use, operation, or action, including, but not limited to, filling, dredging, constructing, or excavating material and/or structures.
- (b) "Aquatic vegetation" means plants and plant life forms which naturally occur in, at, near, or predominantly near water.
- (c) "Bottomland" means all land areas of a lake, stream, or watercourse which lie below the ordinary high water mark and which may or may not be covered by water.
- (d) "Channel" means the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water under normal or average flow conditions.

- (e) "Drainageway" means any drain, pipe, stream, creek, or swale which serves to transport water runoff to the primary watercourse system.
- (f) "Fill material" means any soil, sand, gravel, clay, peat, debris, refuse, waste of any kind, or any other material which displaces soil or water or reduces water retention potential.
- (g) "Floodplain" means any area with a waterway, drainageway, drain, river, stream, lake, pond, or retention basin, or any body of surface water having well-defined banks, whether continually or intermittently flowing with an elevation below the determined 100-year floodplain.
- (h) "Official Map" means the official Wetlands Map of the Village of Caseville, as amended or updated from time to time, a copy of which shall be on file with the Village Clerk.
- (i) "Ordinary high water" means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake which has a level established by law, the ordinary high water mark means the high establishing level. When water returns to its natural level as a result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.
- (j) "Owner" means any person who has dominion over, control of, title to and/or any other proprietary interest in wetland areas, or title to an obstruction, natural or otherwise, to wetland properties.
- (k) "Person" means any individual, firm, partnership, association, corporation, company, organization, or legal entity of any kind, including governmental agencies, conducting operations within the Village of Caseville.
- (l) "Runoff" means surface discharge of precipitation to a watercourse or low area.
- (m) "Seasonal" means any intermittent or temporary activity which occurs annually and is subject to interruption from changes in weather, water level, or time of year, and may involve annual removal and replacement of a device or structure.
- (n) "Structure" means any assembly of materials above or below the surface of the land or water, including, but not limited to, houses, buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, towers, and utility transmission devices.
- (o) "Temporary" means a time period as specified in the use permit, or if unspecified, means an uninterrupted time period less than one year in duration.

- (p) "Upland" means the land area adjoining a lake, stream, watercourse, or wetland above the ordinary high water mark, and the uses of which are essentially nonaquatic.
- (q) "Wetlands" means lands characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances do support, wetland vegetation or aquatic life and are commonly referred to as bogs, swamps, marshes and wet meadows.  
(Ord. 90-4. Passed 9-10-90.)

#### **1222.04 APPLICATION OF CHAPTER.**

Those wetlands subject to the regulatory terms of this chapter include:

- (a) All wetlands contiguous to designated watercourses, including, but not limited to, a twenty-five foot buffer zone on each side of the Pigeon River and a ten-foot buffer zone on each side of other streams and drains illustrated on the official Wetlands Map.
- (b) All other wetlands determined by the Village of Caseville to be essential for preventing pollution, impairment or destruction of natural resource systems and the environment, and which are so designated on the official Wetlands Map.
- (c) All retention and detention facilities constructed for the purpose of collecting and/or directing runoff water onto any wetland identified on the official Wetlands Map.  
(Ord. 90-4. Passed 9-10-90.)

#### **1222.05 OFFICIAL WETLANDS MAP.**

(a) The designated wetlands are hereby established as shown on the official Wetlands Map, as provided in Appendix I following this chapter, which, with all notations, references, and the information shown thereon, is as much a part of this chapter as if fully described herein. If, because of problems with scale or detail, there is any ambiguity as to whether a particular area is a part of a wetland, that determination shall be made by the body or official reviewing the use or activity for that area. The map shall include the location of designated lakes, streams, drains, and vegetative wetlands. The map is based on the most accurate information available from State and County agencies.

(b) The Village Council may revise the official Wetlands Map at any time that new and substantial data for wetlands are available. If the official Wetlands Map is amended, and an individual property or several properties are affected, notice of the proposed amendment and the hearing thereon shall be given to all owners of such property or properties at least fifteen days before the hearing.  
(Ord. 90-4. Passed 9-10-90.)

**1222.06 NOTICE TO DEPARTMENT OF NATURAL RESOURCES.**

The Village of Caseville shall notify the Department of Natural Resources of the State of Michigan of the adoption of this chapter. The Village shall enter into an agreement with the Department of Natural Resources providing for the exchange of information and for the coordination of the granting of permits, as required by Section 8 of the Goemaere-Anderson Wetland Protection Act, Act 203 of the Public Acts of Michigan of 1979 (M.C.L.A. 281.708; M.S.A. 18.595(58), as amended).

(Ord. 90-4. Passed 9-10-90.)

**1222.07 INSPECTIONS.**

The Village of Caseville, its officials, agents, and employees may make reasonable entry upon any lands or water within the Village for the purpose of enforcing this chapter or conducting any investigation, survey, or study contemplated by this chapter.

(Ord. 90-4. Passed 9-10-90.)

**1222.08 USE PERMITS REQUIRED.**

Except for those activities expressly permitted by Section 1222.09, it shall be unlawful for any person to conduct any activity within a wetlands area without first having obtained a use permit upon proper application, including, but not limited to, the following:

- (a) Depositing or permitting the depositing of any material, including, but not limited to, hazardous chemicals, non-biodegradable aquatic pesticides and herbicides, and harmful fertilizers into, within, or upon any watercourse or wetland area.
- (b) Dredging, removing, or permitting the dredging or removal of material or minerals from a watercourse or wetland area.
- (c) Erecting or building any structure, including, but not limited to, buildings, roadways, bridges of any type, tennis courts, paving, utility or private poles, or towers within or upon any wetland area.
- (d) Constructing, operating or maintaining any land use or development in a wetland area.
- (e) Enlarging, diminishing, or altering any lake, stream, or other naturally occurring watercourse.
- (f) Creating, enlarging or diminishing any natural or artificially constructed canal, channel, ditch, lagoon, pond, lake, or other waterway for navigation or any other purpose, whether or not connected to an existing lake, stream or watercourse.

- (g) Constructing, placing, enlarging, extending, or removing any temporary, seasonal, or permanent operation or structure upon bottomland or wetlands, except seasonal docks, rafts, diving platforms, and other water recreational devices customarily owned and used by individual households.
- (h) Constructing, extending, enlarging, or connecting any conduit, pipe, culvert or open or closed drainage facility carrying storm water runoff from any site, or any other land use permitting discharge of silt, sediment, organic or inorganic material, chemicals, fertilizers, flammable liquids, or other polluting substances, except in accordance with requirements of County, State, and Federal agencies, and the Village of Caseville.
- (i) Constructing, enlarging, extending, or connecting any private or public sewage or waste treatment plant discharge to any lake, pond, stream, watercourse, or wetland, except in accordance with requirements of County, State, and Federal agencies, and the Village of Caseville.  
(Ord. 90-4. Passed 9-10-90.)

#### **1222.09 PERMITTED ACTIVITIES.**

Notwithstanding the prohibitions of Section 1222.08, the following activities are permitted within wetland areas without a use permit, unless otherwise prohibited by statute or ordinance:

- (a) Fishing, trapping, and hunting.
- (b) Conservation of soil, vegetation, water, fish, wildlife, and other natural resources.
- (c) Swimming and boating.
- (d) The operation and maintenance of existing dams and other water control devices, if in compliance with all applicable statutes and ordinances.
- (e) Actions taken in terms of emergency, including the repair or restoration of public roads, electrical lines, natural gas lines, or storm drainage systems, when immediate action is necessary to protect public health or safety or to prevent damage to property. A person taking such emergency action shall, within fourteen days thereof, provide a report to the Village of Caseville Planning Commission describing the action taken and the nature of the emergency necessitating the action. The matter shall be reviewed by the Planning Commission, which shall make a determination as to whether the resulting activity was reasonably necessitated by the emergency situation. To the extent the resulting damage exceeds that reasonably necessitated by the emergency situation, the person shall be subject to penalty.



- (f) Gardening and harvesting of crops and forestry and nursery practices where otherwise legally permitted.
- (g) Installation on lakes, for noncommercial use, of any type of dock, boat hoist, ramp, raft, or other recreational structure which is placed in a lake and removed at the end of the boating season.
- (h) Activities by a governmental entity relating to the construction, maintenance or repair of a public highway, street, roadway, sewer system, drainage system, or watermain facility.  
(Ord. 90-4. Passed 9-10-90.)

#### **1222.10 SITE PLAN AND PLAT APPROVAL.**

Where a final subdivision plat or a final site development plan containing work, as defined in this chapter, has been reviewed and approved by the Council in conformance with the requirements of this chapter, such approval, together with any additional terms and conditions attached hereto, shall be considered to have completed the requirements for a permit under this chapter, which shall then be issued by the Village of Caseville.

(Ord. 90-4. Passed 9-10-90.)

#### **1222.11 NONCONFORMING ACTIVITIES.**

An activity that was lawful before May 1, 1990, but which is not in conformity with the provisions of this chapter, may be continued subject to the following:

- (a) No such activity shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity with this chapter.
- (b) On a building or structure devoted in whole or in part to a nonconforming use or activity, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty percent of the assessed value of the building or structure.
- (c) If a nonconforming activity is discontinued for twelve consecutive months, any resumption of the activity shall conform to this chapter.
- (d) If any nonconforming use or activity is destroyed, it shall not be resumed except in conformity with the provisions of this chapter.
- (e) Activities that are or become nuisances shall not be entitled to continue as nonconforming activities.

(Ord. 90-4. Passed 9-10-90.)

**1222.12 USE PERMIT APPLICATION.**

A use permit application shall be submitted to the Village Clerk and shall be accompanied by the following materials:

- (a) A letter of application which includes the following information:
  - (1) The name, address and telephone number of the applicant and of the applicant's agent;
  - (2) The name, address and telephone number of the owner of the property;
  - (3) The project location, including, as applicable, the street, road, or highway, section number, name of subdivision, and name of any wetlands or watercourses which will or may be impacted;
  - (4) A detailed description and statement of the purpose of the proposed activity;
  - (5) The location and number of trees to be removed of three-inch caliper or greater (the caliper of a tree is its diameter at four and one-half feet above the ground);
  - (6) Whenever the removal of material, placement of fill material or grading is proposed; and
  - (7) The amount and type of material to be removed or deposited.
- (b) An application fee in an amount as set by resolution of the Village Council.
- (c) Where the applicant is not the owner of the property, a written authorization from the owner permitting the proposed activity.
- (d) A site plan, including topographical survey, sealed by a registered engineer or registered surveyor, which includes the following information:
  - (1) The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, if any;
  - (2) Specification of the extent of all areas to be disturbed, the depths at which removal or deposition activities are proposed, and the angle of repose of all slopes of deposition material, and/or the sides of channels or excavations resulting from removal operations;
  - (3) Existing general soil conditions throughout the parcel;
  - (4) The location and dimensions of all set-backs, easements, and existing and proposed public and private utilities; and
  - (5) Statements as to grade changes proposed and proposed drainage pattern changes for the lot or parcel and how such changes will affect these regulations. Existing contour data for the entire property with a vertical contour interval of no more than two feet, and vertical contour data at an interval of no more than one foot

for all areas to be disturbed by proposed operations, extending for a distance of at least twenty-five feet beyond the limits of such areas, shall also be included. Indicated elevations shall be based on United States Geological Survey datum.  
(Ord. 90-4. Passed 9-10-90.)

#### **1222.13 REVIEW OF USE PERMIT APPLICATION; APPEALS.**

(a) The Village Clerk shall review the submitted application to insure that all required information has been provided. At the request of the applicant or the Village, an administrative review meeting may be held to review the proposed activity in light of the purpose and review standards of this chapter. The Village or its consulting engineers shall, after review of the proposed activity, submit a report and recommendations as to the propriety of the proposed use, under the review standards of Section 1222.14, to the Village Building Inspector/Zoning Administrator.

(b) Upon receipt of the consulting engineer's report and recommendations, the Building Inspector/Zoning Administrator shall review the proposed use for compliance with this chapter and with other local codes and ordinances and make a recommendation to the Village Council to approve or deny the application and state reasons why. If the Building Inspector/Zoning Administrator cannot determine if the applicant's property is, in fact, wetland, he or she shall make formal application to MDNR for a wetlands determination prior to making recommendation to the Village Council.

(c) Prior to determination by the Village Council on a use permit application, notice of the application and the date, time, and location of a Council meeting at which the application will be considered shall be published in a paper of general circulation within the Village. A copy of the notice shall be mailed to those persons to whom real property adjacent to the proposed activity is assessed. The notice shall include a date prior to which written comments regarding the application may be submitted to the Village for consideration.

(d) After receipt and consideration of public comments, the Village Council shall approve or deny the use permit application.

(e) Whenever a use permit application is denied, the reasons for denial shall be transmitted, in writing to the applicant.

(f) Whenever a use permit application is granted, the Department of Building and Safety or the Planning Commission shall:

- (1) Impose such conditions on the manner and extent of the proposed activity or use as are necessary to ensure that the intent of this chapter is carried out and that the activity or use will be conducted in such a manner as will cause the least possible damage, encroachment, or interference with natural resources and natural processes within the wetland area;
- (2) Fix a reasonable time within which any wetland operation must be completed;
- (3) Require the filing with the Village Clerk of a cash bond or irrevocable letter of credit, in such form and amount as determined necessary by the Village to ensure compliance with the approved use permit; and
- (4) When the use permit is granted by the Village, send written notice of the granting of the permit to all persons who have submitted written comments on the application to the Village.

(g) A permit approved by the Village shall not be issued until ten calendar days following the date of the approval. Any interested person who is aggrieved by the granting or denying of a use permit may request an appeal of the decision to the Village Council. A request for appeal must be filed within ten calendar days following the grant or denial. If an appeal is requested during such ten-day period, the issuance of any permit shall be suspended pending the outcome of the appeal. The Village Council, upon review, may reverse, affirm or modify the determination and/or permit issued.

(Ord. 90-4. Passed 9-10-90.)

#### **1222.14 REVIEW STANDARDS.**

The following standards shall govern the grant or denial of use permit applications:

- (a) The proposed activity shall not threaten public health or safety by increasing flooding, erosion, siltation, pollution, or storm-water runoff volumes.
- (b) The proposed activity shall not interfere with the natural functions of wetlands and watercourses, including the flow of waters and nutrients between wetlands and adjacent watercourses.
- (c) The proposed activity shall not unnecessarily alter the natural grade or soils of any wetland or watercourse, or alter the flow of surface or subsurface water to or from the wetland at any season of the year.

- (d) The proposed activity shall not result in the destruction of critical wildlife and waterfowl habitat, including habitat important for migratory waterfowl.
- (e) The proposed activity shall not interfere with public rights to the enjoyment and use of public waters.
- (f) The proposed activity shall not interfere with the scenic, aesthetic, recreational, and educational benefits of wetlands and watercourses.
- (g) There shall be no less harmful, feasible, and prudent alternatives to the proposed activities.
- (h) The proposed activity must be consistent with the promotion of the public health, safety, and welfare in light of the paramount concern for the protection of its natural resources from pollution, impairment, or destruction.
- (i) The proposed activity shall be in compliance with all other applicable statutes and ordinances.
- (j) Proposed recreational activities shall not increase user density beyond the ability of the resource to provide for a safe and healthy environment. (Ord. 90-4. Passed 9-10-90.)

#### **1222.15 DISPLAY OF PERMITS.**

The permit grantee shall prominently display on the site the permit issued. Such display shall be continuous while work authorized under the permit is being done and for at least ten days after the completion thereof. Failure to allow entry for inspection by Village representatives pursuant to the conditions attached to the permit shall constitute a violation of this chapter. (Ord. 90-4. Passed 9-10-90.)

#### **1222.16 ACQUISITION OF PROPERTY WITHOUT COMPENSATION.**

(a) This chapter shall not be construed to abrogate rights or authority otherwise protected by law.

(b) For the purposes of determining if there has been a taking of property without just compensation under Michigan law, an owner of property who has sought and has been denied a permit or has been made subject to modifications or conditions in the permit under this chapter, may file an action in a court of competent jurisdiction.

(c) If the court determines that an action of the Village pursuant to this chapter differs from MDNR Rules and Regulations and constitutes a taking of the property of a person, then the court shall order the Village, at the Village's option, to do one or more of the following:

- (1) Compensate the property owner for the full amount of the lost value;
- (2) Purchase the property in the public interest as determined before its value was affected by this chapter;
- (3) Modify its action with respect to the property so as to minimize the detrimental effect to the property's value; and
- (4) Modify its action with respect to the property so that the action will not constitute a taking of the property.

(Ord. 90-4. Passed 9-10-90.)

#### **1222.17 INTERPRETATION AND APPLICATION.**

In the interpretation and application of this chapter, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to activities within wetland areas, provided, however, that where this chapter imposes a greater restriction than is required by existing ordinances or by rules, regulations, or permits, the provisions of this chapter shall control.

(Ord. 90-4. Passed 9-10-90.)

#### **1222.18 VIOLATIONS AS NUISANCES; EQUITABLE REMEDIES.**

Any use or activity in violation of the terms of this chapter is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction. The Village Council, in addition to other remedies, including those provided in Section 1222.19, may institute any appropriate action or proceeding to prevent, abate, or restrain the violation. All costs, fees, and expenses in connection with such action shall be assessed as damages against the violation.

(Ord. 90-4. Passed 9-10-90.)

**1222.19 RESTORATION OF PROPERTY; LIABILITY TO VILLAGE.**

(a) In the event of a violation, the Village of Caseville shall have the power to order complete restoration of the wetland area involved by the person or agent responsible for the violation. If such responsible person or agent does not complete such restoration within the time specified in the order (not to exceed eighteen months), the Village shall have the authority to restore the affected wetlands to the prior condition wherever possible and the person or agent responsible for the original violation shall be held liable to the Village for the cost of restoration.

(b) Any person violating the provisions of this chapter shall become liable to the Village for any expense or damage incurred by the Village by reason of such violation.

(Ord. 90-4. Passed 9-10-90.)

**1222.99 PENALTY.**

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be fined a maximum of one thousand dollars (1,000), or imprisoned for a period not to exceed ninety days, or both, in the discretion of the court, together with the costs of such prosecution, for each offense. Each day upon which such violation occurs or continues shall constitute a separate offense.

(Ord. 90-4. Passed 9-10-90.)

CHAPTER 1224  
Division of Land

EDITOR'S NOTE: Resolution 2000-114, passed October 9, 2000, authorized an agreement with Huron County for the provision of specific services to the Village for compliance with the Subdivision Control Act of 1967, as amended, and the Land Division Act of 1997.

1224.01	Short title.	1224.07	Standards for approval.
1224.02	Purpose.	1224.08	Noncompliance with approval requirements.
1224.03	Definitions.	1224.09	Application to zoning and building codes.
1224.04	Prior approval required; exceptions.	1224.99	Penalty.
1224.05	Application for approval.		
1224.06	Application review; appeals.		

CROSS REFERENCES

- Planning Commission - see P. & Z. Ch. 1220
- Zoning Code - see P. & Z. Chs. 1260 et seq.
- Filling of land - see P. & Z. 1286.21
- Nonconforming uses of land - see P. & Z. 1288.02

**1224.01 SHORT TITLE.**

This chapter shall be known and may be cited as the Caseville Village Land Division Ordinance.  
(Ord. 99-2. Passed 2-8-99.)

**1224.02 PURPOSE.**

The purpose of this chapter is to carry out the provisions of the State Land Division Act, Act 288 of the Public Acts of 1967, as amended, formerly known as the Subdivision Act, to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Village by establishing reasonable standards for prior review and approval of land divisions within the Village.  
(Ord. 99-2. Passed 2-8-99.)



**1224.03 DEFINITIONS.**

As used in this chapter:

- (a) "Administrator" means the Village Planning Commission.
- (b) "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them, that holds an ownership interest in land, whether recorded or not.
- (c) "Divide" or "division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of a sale or lease of more than one year, or of building development that results in one or more parcels of less than forty acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of the State Land Division Act. "Divide" and "division" do not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, and no resulting parcel shall be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable local/zoning ordinances.
- (d) "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than forty acres or the equivalent.
- (e) "Forty acres or the equivalent" means either forty acres, a quarter-quarter section containing not less than thirty acres, or a government lot containing not less than thirty acres.
- (f) "Governing body" means the Caseville Village Council.
- (g) "Parcel" means a contiguous area of land which can be described as stated in Section 102(g) of the Act.
- (h) "Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- (i) "Road authority" means the governmental authority having jurisdiction over a public road or public street.
- (j) "Resulting parcel(s)" means one or more parcels which result from a land division.
- (k) "Tract" means two or more parcels that share a common property line and are under the same ownership.  
(Ord. 99-2. Passed 2-8-99.)

**1224.04 PRIOR APPROVAL REQUIRED; EXCEPTIONS.**

Land in the Village shall not be divided without the prior review and approval of the Zoning Administrator and Planning Commission, or other official designated by the governing body, in accordance with this chapter and the State Land Division Act, provided that the following shall be exempt from this requirement:

- (a) A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- (b) A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.
- (c) An exempt split as defined in this chapter, or other partitioning or splitting that results in parcels of twenty acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act.

Any other partitioning or splitting of land which requires the approval of the Village in order to qualify as a land division under the Act shall satisfy the requirements of Sections 1224.05 and 1224.07, and other applicable provisions of this chapter.

(Ord. 99-2. Passed 2-8-99; Ord. 2004-03. Passed 7-12-04.)

**1224.05 APPLICATION FOR APPROVAL.**

An applicant shall file all of the following with the Zoning Administrator and Planning Commission for review and approval of a proposed land division before making any divisions either by deed, land contract, lease for more than one year, or for building development:

- (a) A completed application form on such form as may be approved by the Planning Commission or the Village Council.
- (b) Proof of ownership of the land proposed to be divided.
- (c) A tentative parcel map drawn to scale, including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- (d) Proof that all standards of the State Land Division Act and this chapter have been met.
- (e) If a transfer or division rights are proposed in the land transfer, detailed information about the terms and availability of the proposed division rights or transfer.
- (f) A fee to cover the costs of review of the application and administration of this chapter and the State Land Division Act, which fee shall be established under separate action by the Village Council and may be revised from time to time as determined by the Village Council and as recommended by the Village Planning Commission.

(Ord. 99-2. Passed 2-8-99; Ord. 2004-03. Passed 7-12-04.)

**1224.06 APPLICATION REVIEW; APPEALS.**

(a) The Village Planning Commission shall approve or disapprove the land division applied for within forty-five days after the receipt of a completed application conforming to the requirements of this chapter and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.

(b) Any person or entity aggrieved by a decision of the Planning Commission may, within thirty days of said decision, appeal the decision to the Village Council or such other body or person designated by the Village Council which shall consider and resolve such appeal by a majority vote of Council or by the appellate designee at its next regular meeting or session affording sufficient time for a twenty-day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

(c) The Assessor or his or her designee shall maintain an official record of all approved and accomplished land divisions or transfers.

(d) Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

(e) The Village and its officers and employees shall not be liable for approving a land division if the building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.  
(Ord. 99-2. Passed 2-8-99.)

**1224.07 STANDARDS FOR APPROVAL.**

A proposed land division reviewed by the Village Planning Commission shall be approved if the following criteria are met:

- (a) Each parcel created by the proposed division(s) shall be in compliance with applicable standards contained in the Zoning Ordinance of the Village of Caseville (width, area, accessibility).
- (b) Each resulting parcel shall have a means of vehicular access to an existing street or road from an existing or proposed driveway or access easement. Such means of access shall comply with all applicable location standards of the governmental authority having jurisdiction over the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the following requirement(s):

- (1) If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable Village ordinances.
  - (2) If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. Such easement shall provide a lawful means of access over and across such parcel(s), in compliance with applicable Village ordinances.
  - (3) If a new public street or road is proposed as a means of access, the applicant shall provide proof that the road authority having jurisdiction has approved the proposed layout and construction design of the street or road and of utility easements and drainage facilities associated therewith.
- (c) The proposed division, together with any previous divisions(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than that permitted under Section 108 of the Act.
  - (d) Each resulting parcel that is a development site (as defined in the Act) shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
  - (e) Each resulting parcel which is ten acres or less in area shall have a depth which is not more than four times the width of the parcel. If the width of the parcel is irregular, the average width of the parcel shall be calculated and used for purposes of this provision. This depth to width ratio shall not apply to the remainder of the parent parcel or parent tract retained by the applicant. All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the Village Zoning Ordinance for the zoning district(s) in which the resulting parcels are located.  
(Ord. 99-2. Passed 2-8-99.)

#### **1224.08 NONCOMPLIANCE WITH APPROVAL REQUIREMENTS.**

Any division of land in violation of any provision of this chapter shall not be recognized as a land division on the Village tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Village shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this chapter. An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damage sustained by the purchaser, recoverable in an action at law.

(Ord. 99-2. Passed 2-8-99.)

**1224.09 APPLICATION TO ZONING AND BUILDING CODES.**

This chapter shall not be construed to repeal any provision in any applicable zoning ordinances, building codes or other ordinances of the Village, which shall remain in full force and effect notwithstanding any land division approval hereunder. (Ord. 99-2. Passed 2-8-99.)

**1224.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 1225  
Natural Resources and Environmental Protection Act

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| 1225.01 Act adopted by reference. | 1225.03 Preservation of causes of |
| 1225.02 Severability.             | action, suits, proceedings,       |
|                                   | rights, liabilities and           |
|                                   | remedies.                         |

CROSS REFERENCE  
Natural Resources and Environmental Protection Act  
(Act 451 of 1994, Part 91), see M.C.L.A. Sections  
324.901 and 324.9123a

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**1225.01 ACT ADOPTED BY REFERENCE.**

(a) The Natural Resources and Environmental Protection Act, Act 451 of 1994 part 91, M.C.L.A. 324.9101 and M.C.L.A. 324.9123a et seq., and as amended, (the "Act") is hereby adopted by reference and made a part of this chapter as if fully set forth herein.

(b) The adopted Act, three copies of which are on file in the office of the Clerk of the City of Caseville are available for public review. The issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of the Act on file in the office of the City are hereby referred to, adopted, and a part hereof, as if fully set out in this chapter.  
(Ord. 2018-3. Passed 6-11-18.)

**1225.02 SEVERABILITY.**

If any section, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The City hereby declares that it would have passed the ordinance enacting this chapter, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.  
(Ord. 2018-3. Passed 6-11-18.)

**1225.03 PRESERVATION OF CAUSES OF ACTION, SUITS,  
PROCEEDINGS, RIGHTS, LIABILITIES AND REMEDIES.**

Nothing in this chapter or in the Act hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

(Ord. 2018-3. Passed 6-11-18.)

## TITLE SIX - Zoning Code

- Chap. 1260. General Provisions and Definitions.
- Chap. 1262. Administration, Enforcement and Penalty.
- Chap. 1264. Zoning Board of Appeals.
- Chap. 1266. Districts Generally and Zoning Map.
- Chap. 1268. R-1 Single-Family Residence District.
- Chap. 1270. R-M Multiple-Family Residence District.
- Chap. 1272. C-O Commercial/Office District. (Repealed)
- Chap. 1273. BUS General Business District.
- Chap. 1274. IND General Industrial District.
- Chap. 1276. Planned Unit Developments.
- Chap. 1278. Special Approval Use Permits.
- Chap. 1280. Off-Street Parking and Loading.
- Chap. 1282. Fences and Hedges.
- Chap. 1283. Swimming Pools.
- Chap. 1284. Signs.
- Chap. 1286. Provisions Relating to All Districts.
- Chap. 1287. Tattoo Parlors and Body Piercing Establishments.
- Chap. 1288. Nonconforming Lots, Uses and Structures.
- Chap. 1290. Condominiums.

## CHAPTER 1260

## General Provisions and Definitions

- |   |                                   |
|---|-----------------------------------|
| 1260.01 Preamble; purposes.             | 1260.06 Amendments.               |
| 1260.02 Short title.                    | 1260.07 Severability.             |
| 1260.03 Interpretation and application. | 1260.08 Effective date.           |
| 1260.04 Conformance required.           | 1260.09 Construction of language; |
| 1260.05 Conflicts of law.               | definitions.                      |

## CROSS REFERENCES

- Authority to maintain - see CHTR. Sec. 3.18
- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a



**1260.01 PREAMBLE; PURPOSES.**

In accordance with the authority and intent of Act 207 of the Public Acts of 1921, as amended, the City desires to provide for the orderly development of the City, which development is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce or residents. The City further desires to ensure the provision of adequate sites for industry, commerce and residences; to provide for the free movement of vehicles upon the proper streets and highways of the City; to protect industry, commerce and residences against incongruous and incompatible uses of land; and to promote the proper use of land and natural resources for the economic well-being of the City as a whole. In addition, the City wishes to ensure the provision of adequate space for the parking of vehicles of customers using residential, office, commercial, retail and industrial areas, and that all uses of land and buildings within the City be so related as to provide for economy in government and mutual support. The result of such purposes shall promote and protect the public health, safety, comfort, convenience and general welfare of the residents, shoppers and workers in the City.

(Ord. Unno. Passed 12-14-87.)

**1260.02 SHORT TITLE.**

This Title Six of Part Twelve of these Codified Ordinances shall be known and may be cited as the Zoning Code of the City of Caseville or just the Zoning Code.

(Ord. Unno. Passed 12-14-87.)

**1260.03 INTERPRETATION AND APPLICATION.**

In the interpretation and application of the provisions of this Zoning Code, such provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Zoning Code to interfere with, abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this Zoning Code, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Zoning Code; nor is it intended by this Zoning Code to interfere with, abrogate or annul any easement, covenant or other agreement between parties. However, where this Zoning Code imposes a greater restriction upon the use of buildings or land or upon the height of buildings or requires larger open spaces or larger lot areas than those imposed or required by such ordinance or agreement, the provisions of this Zoning Code shall control.

(Ord. Unno. Passed 12-14-87.)

**1260.04 CONFORMANCE REQUIRED.**

No building or structure or part thereof shall be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land or part thereof, except in conformity with this Zoning Code.

(Ord. Unno. Passed 12-14-87.)

**1260.05 CONFLICTS OF LAW.**

(a) Whenever the provisions of this Zoning Code impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by any other law or ordinance, the provisions of this Zoning Code shall govern.

(b) All businesses and operations in the City shall comply with all Federal, state and local laws.

(Ord. Unno. Passed 12-14-87; Ord. 2010-05. Passed 8-9-10.)

**1260.06 AMENDMENTS.**

(a) Procedure. Council may from time to time amend, supplement or repeal the regulations and provisions of this Zoning Code, in the manner prescribed by Act 207 of the Public Acts of Michigan of 1921, as amended, and in accordance with the following procedural outline:

- (1) A proposed amendment, supplement or repeal may be originated by Council or the Planning Commission or by petition. All proposals not originating with the Commission shall be referred to the Commission for a report thereon before any action is taken on the proposal by Council.
- (2) The Planning Commission shall study the proposed amendment, supplement or repeal. If it decides the proposal has merit, the Commission shall hold a public hearing thereon in accordance with the procedures set forth in Act 207 of the Public Acts of Michigan of 1921, as amended, and shall make a report of its findings and recommendation to Council.

If the Commission decides that a proposed amendment, supplement or repeal does not have merit, it shall so report to Council without holding a public hearing.

- (3) When Council receives an adverse report on a proposed amendment or change that has not received a public hearing by the Planning Commission, Council may concur with the recommendation and stop further action, or, if it does not agree with the recommendation, Council shall refer the proposed amendment or change back to the Planning Commission, with a request that the Planning Commission hold a public hearing on the proposed amendment, supplement or repeal and make a final report to Council.

When Council receives a recommendation from the Planning Commission on a proposal that has been given a public hearing by the Planning Commission, Council may hold a public hearing thereon. If such a hearing is held, notice thereof shall be given in the manner prescribed by Act 207 of the Public Acts of 1921, as amended. Council may adopt such amendment, supplement or repeal without further reference to the Commission unless the recommendation from the Commission is to be amended, in which case, the same shall be referred again to the Commission for reconsideration.

(b) Protests. Whenever a written protest against a proposed amendment, supplement or change is presented, duly signed by the owners of twenty percent or more of the frontage proposed to be altered, of twenty percent or more of the frontage immediately in the rear thereof or of twenty percent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by the favorable vote of three-fourths of Council.

(c) Fee. Each request or application for amendment to this Zoning Code shall be accompanied by a fee, as determined by Council, which may be adjusted from time to time.

(Ord. Unno. Passed 12-14-87.)

#### **1260.07 SEVERABILITY.**

Articles, sections, subsections, clauses, provisions and portions of this Zoning Code are deemed to be severable, and should any section, subsection, clause, provision or portion of this Zoning Code be declared by a court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this Zoning Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. Unno. Passed 12-14-87.)

#### **1260.08 EFFECTIVE DATE.**

This Zoning Code is hereby declared to have been adopted by Council at a meeting thereof duly called and held on December 14, 1987. Publication was made as prescribed by law and this Zoning Code shall be effective on January 31, 1988.

(Ord. Unno. Passed 12-14-87.)

**1260.09 CONSTRUCTION OF LANGUAGE; DEFINITIONS.****(a) Construction of Language. As used in this Zoning Code:**

- (1) The particular shall control the general.
- (2) In the case of a difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- (3) "Shall" is always mandatory and not discretionary; "may" is permissive and discretionary.
- (4) Words used in the present tense shall include the future, words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- (5) "Building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) "Person" includes an individual, corporation, partnership and incorporated association or similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
  - A. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - B. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
- (9) Terms not herein defined shall have the meaning customarily assigned to them.

**(b) Definitions. As used in this Zoning Code:**

- (1) Accessory building. "Accessory building" means a subordinate building, the use of which is incidental to that of the main building, and which is located on the same parcel of property as the main building.
- (2) Accessory use. "Accessory use" means a use of land or a portion of a building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building.  
(Ord. Unno. Passed 12-14-87.)
- (2A) Adult entertainment business. "Adult entertainment business" means a business whose principal service or activity is one, or a combination of more than one, of the following types of businesses: Adult bookstore, adult motion picture theater, adult mini-motion picture/video establishment or adult personal service business.

- (2B) Adult foster care home (State licensed). "Adult foster care home" means a State licensed residential care facility in a private home which provides supervision or care, or both, to six or fewer persons. This use shall be considered a residential use of property and a permitted use in all residential districts.
- (2C) Adult foster care large group home (State licensed). "Adult foster care large group home" means a facility with approved capacity to receive at least thirteen but not more than twenty adults to be provided supervision, personal care and protection in addition to room and board, for twenty-four hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
- (2D) Adult foster care small group home (State licensed). "Adult foster care small group home" means a facility located in a private home with an approved capacity to receive twelve or fewer adults who are provided supervision, personal care and protection in addition to room and board, for twenty-four hours a day, five or more days a week, and for two or more consecutive weeks, for compensation. (Ord. Unno. Passed 11-9-94.)
- (3) Alterations. "Alterations" means any change, addition or modification in the construction or type of occupancy, any change in the structural members of a building, such as the walls, partitions, columns, beams or girders, any change in the location of a building or any change which may be referred to herein as altered or reconstructed.
- (4) Apartment. "Apartment" means a room or suite of rooms in a multifamily dwelling used as a dwelling for one family which does its cooking therein.
- (5) Apartment house. "Apartment house" means a residential structure containing three or more attached apartments.
- (6) Architectural features. "Architectural features" means features of a building, including cornices, eaves, gutters, belt courses, sills, lintels, chimneys and decorative ornaments.
- (7) Automobile repair. "Automobile repair" means general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame or fender straightening and repair, painting, vehicle rustproofing and any related activity.

- (8) Automobile service station. "Automobile service station" means a building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats. It may include the customary space and facilities for the installation of such commodities on or in such vehicles and space for facilities for temporary storage, minor repair or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing (where the primary use of the premises is such) or high-speed washing thereof or sales of used cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.
- (9) Automobile wash establishment. "Automobile wash establishment" means a building or portion thereof, the primary purpose of which is that of washing motor vehicles.
- (10) Basement. "Basement" means that portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. (See the illustration entitled "Basement and Story Definition" following the text of this chapter.)
- (11) Bed and breakfast. See "Tourist home."
- (12) Bedroom. "Bedroom" means a room in a dwelling unit for or intended to be used for sleeping purposes by human beings. (Ord. Unno. Passed 12-14-87.)
- (13) Billboard. "Billboard" means an off-premise outdoor advertising sign not to exceed 200 square feet in area. (Ord. Unno. Passed 7-10-89.)

- (14) Block. "Block" means a tract of land bounded on all sides by streets, a railroad right of way, a waterway, unsubdivided acreage or any other barrier to the continuity of development.
- (15) Boarding house. "Boarding house" means a dwelling where lodging or meals and lodging are provided for compensation to three or more persons by pre-arrangement for definite periods of not less than one week. A boarding house is to be distinguished from a hotel, motel, rooming house, tourist home, convalescent or nursing home or a State-licensed or State-approved residential facility.  
(Ord. 2001-02. Passed 2-12-01.)
- (16) Buildable area. "Buildable area" means the space of a lot remaining after the minimum open space requirements of this Zoning Code have been complied with.
- (17) Building. "Building" means an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This includes both temporary and permanent structures, tents, sheds, garages, stables, greenhouses or other accessory structures.
- (18) Building setback line. "Building setback line" means the line which pertains to and defines those minimum building setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Zoning Code.
- (19) Building inspector. "Building Inspector" means the Building Inspector of the Village or his or her authorized representative.
- (20) Building, main or principal. "Main or principal building" means a building in which is conducted the principal use of the lot upon which it is situated.
- (21) Building permit. "Building permit" means the written authority issued by the Building Inspector permitting the construction, removal, repair, moving, alteration or use of a building in conformity with this Zoning Code.
- (22) Clinic. "Clinic" means a building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment, with services available from a professional, such as a physician, dentist or the like.
- (23) Commercial use. "Commercial use" means the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services or the maintenance of offices, or recreation or amusement enterprises or garage

and basement sales conducted on residential premises for more than six calendar days during a given one year period.

- (24) Commission. "Commission" or "Planning Commission" means the Village Planning Commission.
- (25) A. Condominium, residential. "Residential condominium" means individual ownership of a dwelling unit in a multifamily development.
- B. Condominium, site. "Site condominium" means individual ownership of a buildable area on which a residential unit will be built.  
(Ord. 2001-02. Passed 2-12-01.)
- (26) Convalescent or nursing home. "Convalescent or nursing home" means a home for the care of children, the aged or the infirm, or a place of rest for those suffering bodily disorders, wherein three or more persons are cared for. Such home shall also conform to and qualify for licensing under applicable State laws.
- (27) Density. "Density" means the number of dwelling units developed on an acre of land, excluding publically dedicated streets, parks and utility easements, if the easement is not useable for recreation purposes.
- (28) District. "District" means a portion of the Village within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this Zoning Code.
- (29) Drive-in establishment. "Drive-in establishment" means a business establishment, such as a restaurant, cleaner, bank or theater, so developed that its principal retail or service character is dependent on providing a driveway approach of parking spaces for motor vehicles so as to serve patrons remaining in the motor vehicle.
- (30) Dwelling, multiple. "Multiple dwelling" means a building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses and apartment hotels, but not including mobile home parks.
- (31) Dwelling, row, terrace or townhouse. "Row, terrace or townhouse dwelling" means a row of three or more attached dwelling units, not more than two and one-half stories in height, in which each dwelling has its own front and rear entrance.
- (32) Dwelling, single-family. "Single-family dwelling" means a building containing not more than one dwelling unit designed for residential use and complying with the following standards:
- A. The minimum square footage requirements of this Zoning Code for the zone in which it is located are met.



- B. It has a minimum width across any front, side or rear elevation of twenty feet and complies in all respects with the Village Building Code, including the minimum height requirements for habitable rooms. If a dwelling is required by law to comply with Federal or State standards or regulations for construction and such standards or regulations for construction are different from those imposed by the Village Building Code, then such Federal or State standards or regulations shall apply.
- C. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footing, wood foundations or approved structural systems that shall be of sufficient design to accommodate all loads.  
(Ord. 2004-02. Passed 1-12-04.)
- D. If a dwelling is a mobile home it shall be installed with the wheels removed and no such dwelling shall have any exposed towing mechanism, under carriage or chassis.
- E. The dwelling is connected to the public sewer and water supply or to such private facilities as may be approved by the local Health Department.
- F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
- G. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwelling shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling and shall contain permanently attached steps connected to such exterior door areas or to porches connected to such door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Zoning Inspector upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Board of Zoning Appeals within a period of fifteen days from the receipt of notice of the Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as upon the character, design and appearance of one or more residential dwellings, located outside of mobile home parks, within 2,000 feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than twenty percent of the lots situated within such area. Where such area is not so developed, determination of compatibility shall be based upon the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique contour or relief from the common or standard design of homes.

- H. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- I. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to such 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), as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- J. The foregoing standards shall not apply to a mobile home located in a mobile home park, except to the extent required by State or Federal law or otherwise specifically required by Village regulations pertaining to mobile home parks.
- K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Village Building Code.

- (33) Dwelling, Two-family. "Two-family dwelling" means a dwelling occupied by two families, each provided with separate facilities for living accommodations, and is also known as a duplex dwelling.
- (34) Dwelling unit. "Dwelling unit" means a house or building or portion thereof having cooking facilities, and occupied wholly as the home residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed to be a dwelling unit for the purpose of this Zoning Code and shall comply with the provisions thereof relative to dwellings.
- (35) Efficiency unit. "Efficiency unit" means a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing a total of not less than 360 square feet of floor area.
- (36) Erected. "Erected" means built, constructed, reconstructed, moved upon, or any physical operation on the premises which is required for the building. Excavation, fill, drainage and the like shall be considered a part of erection.
- (37) Essential services. "Essential services" means the erection, construction, alteration or maintenance and operation by public utilities or Municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles and other similar equipment and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate service by such public utilities or Municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.
- (38) Family. "Family" means:
- A. One or more persons related by bonds of marriage, blood or legal adoption occupying a dwelling unit as a single nonprofit housekeeping unit, plus not more than two additional persons, such as roomers or boarders; or
  - B. A collective body of persons living together in one house, under one head, whose relationship is of a permanent and distinct domestic character based upon birth, marriage or other domestic bond and cooking as a single housekeeping unit. The term does not include a federation, group, coterie or organization, nor does it include

a group of individuals whose association is temporary in character or nature. A body of persons meeting this definition is also distinguished from a group occupying a hotel, club, boarding house, fraternity house, sorority house or foster care facility.

(Ord. 2001-02. Passed 2-12-01.)

- (39) Floor area, gross. "Gross floor area" means the sum of the gross horizontal areas of the several floors of a principal building, plus accessory buildings, measured from the exterior faces of the exterior walls. Any space devoted to off-street parking or loading, basements, breezeways, unfinished attics, porches (enclosed or unenclosed) and garages shall not be included. (See the illustration entitled "Floor Area Terminology" following the text of this chapter.)
- (40) Floor area, useable. "Useable floor area" means that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half-story, the useable floor area shall be considered to be only that portion having a clear height above it of five feet or more. (See the illustration entitled "Floor Area Terminology" following the text of this chapter.)
- (41) Foster care facility. See "Licensed residential facility."
- (42) Garage, community. "Community garage" means a space, structure or series of structures for storage of motor vehicles, having no public shop or service operated in connection therewith, for the use of two or more owners or occupants in the vicinity.
- (43) Garage, private. "Private garage" means a space or structure suitable for the storage of motor vehicles, having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or his or her family or domestic employees and with a capacity of not more than three vehicles.
- (44) Garage, public. "Public garage" means a space or structure, other than a private garage, for the storage, care, repair or refinishing of motor vehicles. However, a structure or room used solely for the display and sale of vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance or refinishing service or storage of vehicles other than those displayed, shall not be considered a public garage for the purpose of this Zoning Code.  
(Ord. Unno. Passed 12-14-87.)

- (45) Grade (Building). "Building grade" means the ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.  
(Ord. Unno. Passed 11-9-94.)
- (46) Greenbelt. "Greenbelt" means a strip of land which is planted with trees or shrubs acceptable in species and caliper to the Planning Commission.  
(Ord. Unno. Passed 12-14-87.)
- (46A) Group day care home. "Group day care home" means a private home in which seven but not more than twelve minor children are received for care and supervision for periods of less than twenty-four hours a day unattended by a parent or legal guardian, with the exception of children related to an adult member of the family. This definition includes a home that gives care to an unrelated child for more than four weeks in a calendar year. A state registered family day care home shall be considered a residential use of property and a permitted use in all residential districts.  
(Ord. Unno. Passed 11-9-94.)
- (47) Height, building. "Building height" means the vertical distance measured from the grade of the building to the highest point of the roof for flat roofs, mansard roofs, gable, hip and gambrel roofs. Where a building is located upon a terrace the height may be measured from the average ground level of the terrace at the building wall. (See the illustration entitled "Building Height Requirements" following the text of this chapter.)  
(Ord. 2003-07. Passed 3-10-03.)
- (48) Home occupation. "Home occupation" means any use customarily conducted entirely within the dwelling or an accessory building and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof and does not endanger the health, safety and welfare of any other person residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby.

No article or service shall be sold or offered for sale on the premises, except such as is produced by such occupation. Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage or signs not customarily in residential areas. No home occupation may generate other than normal residential traffic either in amount or type. One nonilluminated nameplate, not more than two square feet in area, may be attached to the building, which nameplate shall contain only the name and occupation of the resident of the premises. Day care centers, tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, millinery shops, barber shops and beauty shops, medical offices and clinics and auto repair shops, among others, shall not be deemed home occupations.

- (49) Hospital. "Hospital" means a building, structure or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment, which building, structure or institution operates under license by the State Health Department.
- (50) Hotel. "Hotel" means a building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten sleeping rooms.
- (51) Junk. "Junk" means any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.
- (52) Junk yard. "Junk yard" means automobile wrecking yard, salvage area or any area of more than 200 square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but not including uses established entirely within enclosed buildings.
- (53) Kennel. "Kennel" means any lot or premise on which three or more dogs and/or other domesticated animals, at least six months old, are kept permanently or boarded temporarily.

- (54) Licensed or approved residential facility. "Licensed or approved residential facility" means a building or portion thereof, used for residential purposes, that is required to be licensed or approved by the State or a political subdivision of the State and which provides residential services for persons under supervision or care for persons in need of such supervision or care. The term does not include adult foster care facilities licensed by a State agency for care and treatment of persons released from or assigned to adult correctional institutions.
- (55) Lot. "Lot" means a piece or parcel of land occupied or intended to be occupied by a building and accessory buildings or by any other use or activity permitted thereon, including the open spaces and yards required under this Zoning Code, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision.

The owner of any number of contiguous lots may have as many of such continuous lots considered as a single lot for the purpose of this Zoning Code as he or she so elects. In such case, the outside perimeter of such group of lots shall constitute the front, rear and side lot lines thereof. Such parcel is often referred to as a "zoning lot."

- (56) Lot area. "Lot area" means the total horizontal area within the lot lines of a lot. For lots fronting or lying adjacent to private streets, "lot area" shall mean that area within lot lines separating the lot from the private street, and not the centerline of such street.
- (57) Lot, corner. "Corner lot" means a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. If a corner lot has a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.
- (58) Lot coverage. "Lot coverage" means that part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.
- (59) Lot depth. "Lot depth" means the mean horizontal distance from the center of the front street line to the center of the rear lot line.
- (60) Lot, double frontage. "Double frontage lot" means a lot, other than a corner lot, having frontage on two streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front. A double frontage lot is also known as a through lot.
- (61) Lot, interior. "Interior lot" means a lot, other than a corner lot, with only one lot line fronting on a street.
- (62) Lot lines. "Lot lines" means the boundary lines of a lot. (See the illustration entitled "Lot Terms" following the text of this chapter.) Specifically:
- A. "Front lot line" means, in the case of an interior lot abutting on one public or private street, that line separating the lot from the street. In the case of a corner or double frontage lot, the front lot line shall be that line separating the lot from the street which is designated as the front street in the plat and/or in the request for a building permit.
- B. "Rear lot line" means that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining the depth of the rear yard. If none



of these definitions is applicable, the Planning Commission shall designate the rear lot line.

- C. "Side lot line" means any lot line not a front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (63) Lot of record. "Lot of record" means a lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (64) Lot, width. "Lot width" means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.
- (65) Major thoroughfare. "Major thoroughfare" means a main traffic artery designated on the Planning Commission's Master Plan as a major thoroughfare or a collector street.
- (66) Mobile home. "Mobile home" means a structure, exceeding eight feet in width and thirty-two body feet in length, transportable in one or more sections, built on a chassis and designed to be used as a single-family dwelling, with or without permanent foundation, when connected to required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. Mobile home does not include a recreational vehicle or travel trailer.
- (67) Mobile home park. "Mobile home park" means a parcel or tract of land, under the control of a person, upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether or not a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary travel trailer park.
- (68) Mobile home site. "Mobile home site" means a plot of ground within a mobile home park designed for the accommodation of one mobile home.
- (69) Motel. "Motel" means a series of attached, semi-detached or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen cooking facilities are to be provided without the approval of the Planning Commission, with the exception of units for the use of the manager and/or caretaker.

- (70) Nonconforming use or building. "Nonconforming use or building" is defined as follows:
- A. Nonconforming use means a use which lawfully occupied a building or land at the effective date of this Zoning Code or amendments thereto that does not conform to the use regulations of the zoning district in which it is located.
  - B. Nonconforming building means a building or portion thereof lawfully existing at the effective date of this Zoning Code or amendments thereto which does not conform to the provisions (e.g. setbacks, height, lot coverage, parking) of this Zoning Code in the zoning district in which it is located.
- (71) Nursery, plant materials. "Plant materials nursery" means a space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale, including products used for gardening or landscaping. "Nursery" does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
- (72) Off-street parking lot. "Off-street parking lot" means a facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two automobiles.
- (73) Open air business use. "Open air business use" means:
- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment;
  - B. Retail sale of fruit and vegetables;
  - C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement parks and/or similar recreational uses;
  - D. Bicycle, utility truck or trailer, motor vehicle, boat or home equipment sales, rental or repair services;
  - E. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements and similar products; and
  - F. Retail sales of crafts and hobby goods and merchandise (new and used). This would include indoor and outdoor flea markets.
- (Ord. 2001-02. Passed 2-12-01.)
- (74) Open space. "Open space" means any area, open to the sky, on a lot not covered by a principal or accessory building.
- (75) Open storage. "Open storage" means the outdoor storage of building materials, sand, gravel, stone, lumber, equipment, commodities and other supplies normally used in a commercial business.
- (Ord. 2001-02. Passed 2-12-01.)
- (76) Parking space. "Parking space" means an area for the parking of an automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

- (77) Porch, enclosed. "Enclosed porch" means a covered entrance to a building or structure, which entrance is totally enclosed, projects out from the main wall of such building or structure and has a separate roof or roof integral with the principal building or structure to which it is attached.
- (78) Porch, open. "Open porch" means a covered entrance to a building or structure which projects out from the main wall of such building and which is unenclosed except for columns supporting the roof.
- (79) Public utility. "Public utility" means any person, firm, corporation or Municipal department or board duly authorized to furnish, and furnishing to the public, under Municipal or State regulation, transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal services. (Ord. Unno. Passed 12-14-87.)
- (79A) Recovery halfway house. "Recovery halfway house" means a facility licensed by the Michigan Department of Public Health to provide substance abuse treatment and support services, in addition to room and board, to recovering alcohol and drug abusers.
- (79B) Recreational unit. "Recreational unit" means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. "Tent" means a collapsible shelter of canvas or other fabric, stretched and sustained by poles and used for camping outdoors. Recreational units include travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mount campers. A recreational unit shall not be considered a dwelling unit.
- (79C) Rehabilitation halfway house. "Rehabilitation halfway house" means a facility licensed by the Michigan Department of Corrections or the Federal Bureau of Prisons which provides supervision and rehabilitation support services, in addition to room and board, to criminal offenders. (Ord. Unno. Passed 11-9-94.)
- (80) Restaurant, carry-out. "Carry-out restaurant" means an establishment where food is prepared and served to a customer solely for consumption off the premises.
- (81) Restaurant, drive-in. "Drive-in restaurant" means an establishment where food is prepared and is so developed that its principal retail character is dependent on providing a driveway approach and parking spaces for motor vehicles so as to serve patrons while they are in the motor vehicles.
- (82) Restaurant, sit-down. "Sit-down restaurant" means an establishment where food is prepared and served for consumption within the principal building. A sit-down restaurant may have a drive-up window when use of the window is clearly secondary to the main operation of the sit-down restaurant.
- (83) Setback. "Setback" means the minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches, and the front street or right-of-way line.

- (83A) Shoreline setback. "Shoreline setback" means the building setback on the lakeside of a waterfront property in relation to an adjoining property structure. (See the illustration entitled "Shoreline Setback" following the text of this chapter.)  
(Ord. 2005-04. Passed 4-11-05.)
- (84) Sign, identification. "Identification sign" means a sign limited to carrying any or all of the following: the name, address, major enterprise and principal product or service offered.
- (85) Sign, outdoor advertising. "Outdoor advertising sign" means any card, cloth, paper, metal, glass, wood, plaster or stone sign or a sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. "Placed," as used in the definition of "outdoor advertising sign" and "outdoor advertising structure," includes constructing, posting, painting, printing, tacking, nailing, gluing, sticking and carving and fastening, affixing or making visible in any other manner whatsoever. "Outdoor advertising sign" does not mean:
- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations;
  - B. Flags and insignia of any government, except when displayed in connection with commercial promotion;
  - C. Legal notices and identification, informational or directional signs erected or required by governmental bodies;
  - D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; or
  - E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (86) Signs, number and surface area. For the purpose of determining "number of signs," a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. The "surface area of a sign" means and shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- (87) Story. "Story" means the portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next about it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. (See illustration entitled "Basic Structural Terms" following the text of this chapter.)  
In addition:
- A. A mezzanine means a full story when it covers more than fifty percent of the area of the story underneath such mezzanine, or if

the vertical distance from the floor next below it to the floor next above it is twenty-four feet or more.

- B. A basement or cellar shall be counted as a story if over fifty percent of its height is above the level from which the height of the building is measured or if it is used for business purposes or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
- (88) Story, half. "Half story" means the part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half the floor area of such full story. (See illustration entitled "Basic Structural Terms" following the text of this chapter.)
- (89) Street. "Street" means a public thoroughfare which affords traffic circulation and the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road and other thoroughfare, except an alley.
- (90) Structural alteration. "Structural alteration" means any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders, or any change in width or number of exits.
- (91) Structure. "Structure" means anything constructed or erected which required permanent location on the ground or attachment to something having such a location.
- (92) Structure, outdoor advertising. "Outdoor advertising structure" means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary.
- (93) Swimming pool. "Swimming pool" means any structure or container intended for swimming or bathing, located either above or below grade and designed to hold water to a depth of greater than twenty-four inches.
- (94) Temporary building and use. "Temporary building and use" means a structure or use permitted by the Zoning Board of Appeals to exist during periods of construction of the main use or special events for not to exceed one year. The Board may renew a permit for one additional year if progress is being made on the construction of the main building.
- (95) Tent. "Tent" means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground. For purposes of this Zoning Code, "tent" does not include those types of tents used solely for children's recreational purposes.
- (96) Tourist home. "Tourist home" means an owner occupied building in which there are eight or fewer sleeping rooms occupied as a more or less temporary abiding place for individuals who are lodged without meals other than breakfast in rooms occupied singly for hire. "Tourist home" may also be known as a "bed and breakfast home."  
(Ord. 2001-02. Passed 2-12-01.)

- (97) Travel trailer. "Travel trailer" means a portable vehicular unit primarily designed for travel and/or recreational use, which unit may also contain facilities for overnight lodging. "Travel trailer" also includes folding campers, motor homes and truck-mounted campers, but not mobile homes.
- (98) Use. "Use" means the purpose for which land, premises or a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.
- (99) Variance. "Variance" means a modification of the literal provisions of this Zoning Code which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.
- (100) Yacht club. "Yacht club" means an organization of persons, having for its chief purpose the enjoyment of its members of lawful participation in nautical events, a majority of whose members are the owners and operators of boats and have access to nearby navigable waters for the use of the yacht club. Such yacht club shall at all times be organized on a nonprofit basis.
- (101) Yard. "Yard" means an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves, provided that an eight-foot height clearance is provided above the adjacent ground level. (Ord. Unno. Passed 12-14-87.)
- (102) Yard, front. "Front yard" means a yard extending the full width of the lot or parcel, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. A waterfront lot shall be considered as having two front yards: the street front yard and the waterfront yard. (See illustration entitled "Yard Requirements" following the text of this chapter.) For parking purposes in R-1 Districts, the front yard shall be considered to be the minimum setback of the District. Parking is permitted behind the minimum setback. (Ord. Unno. Passed 7-10-89.)
- (103) Yard, rear. "Rear yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

- (104) Yard, side. "Side yard" means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.
- (105) Zoning Administrator. "Zoning Administrator" means the individual designated by the Village to administer this Zoning Code.
- (106) Zoning Board of Appeals. "Zoning Board of Appeals" means the Zoning Board of Appeals for the Village. "Board of Appeals" or "Board" shall have the same meaning. (Ord. Unno. Passed 12-14-87.)

ILLUSTRATION NO. 1  
BASEMENT AND STORY DEFINITION

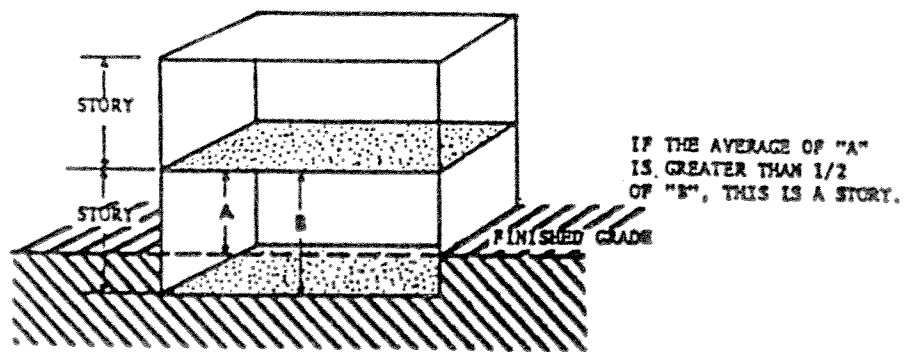
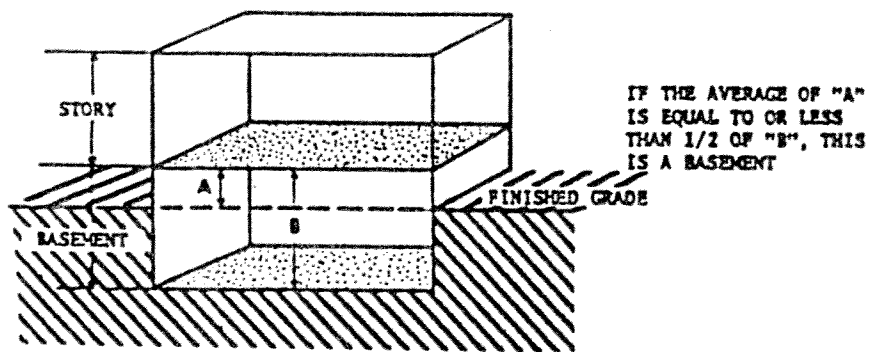




ILLUSTRATION NO. 2  
FLOOR AREA TERMINOLOGY

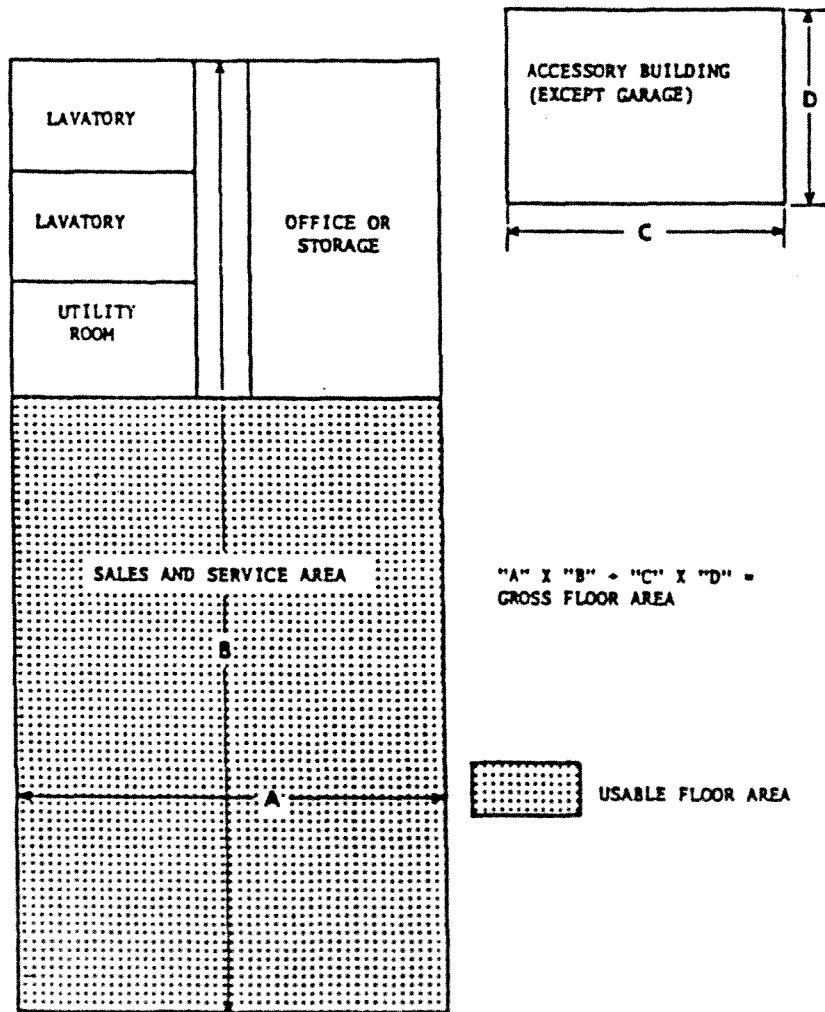
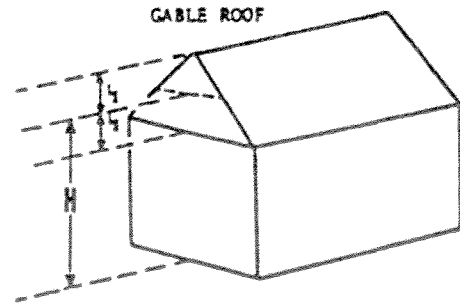
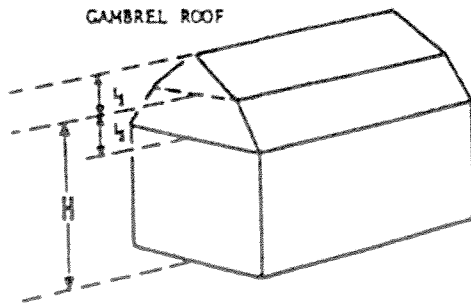
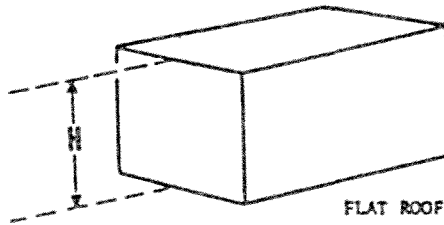
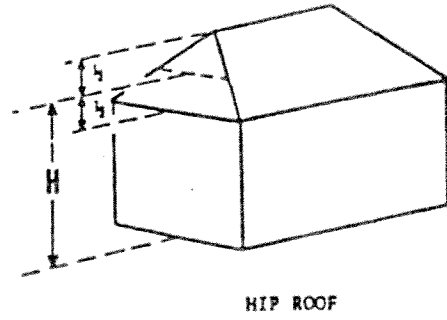
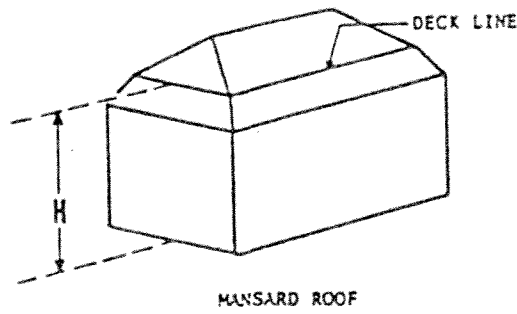


ILLUSTRATION NO. 3  
BUILDING HEIGHT REQUIREMENTS



H - HEIGHT OF BUILDING

ILLUSTRATION NO. 4

LOT TERMS

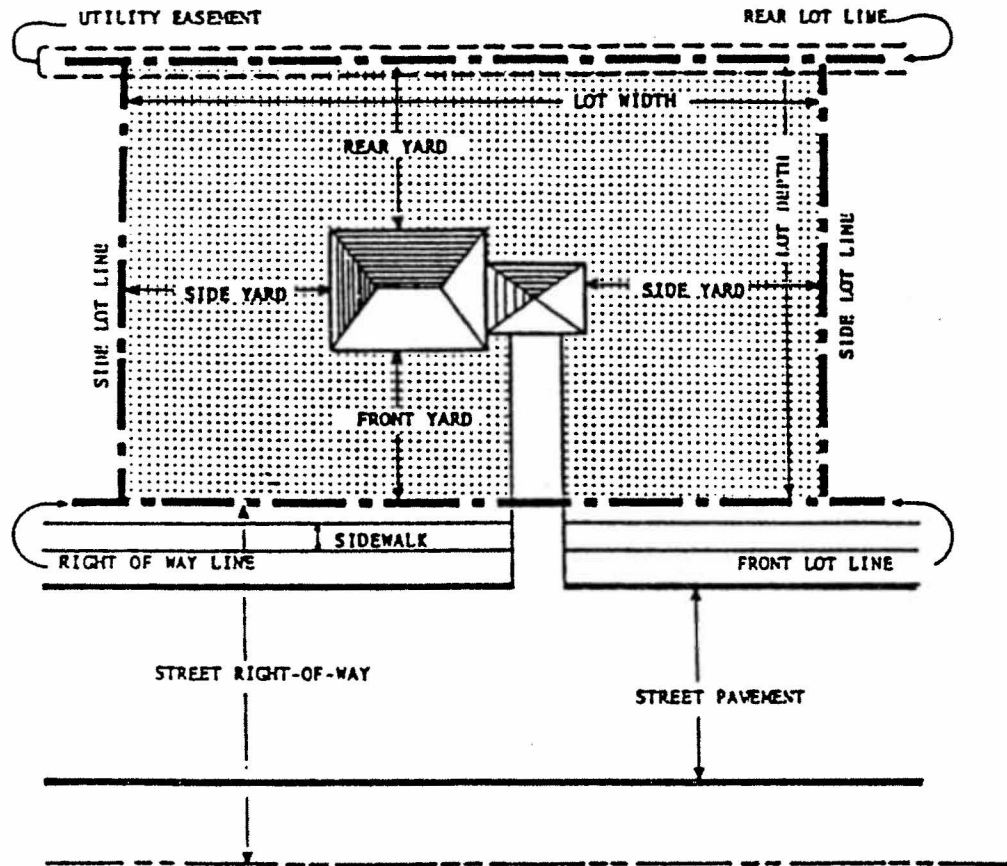
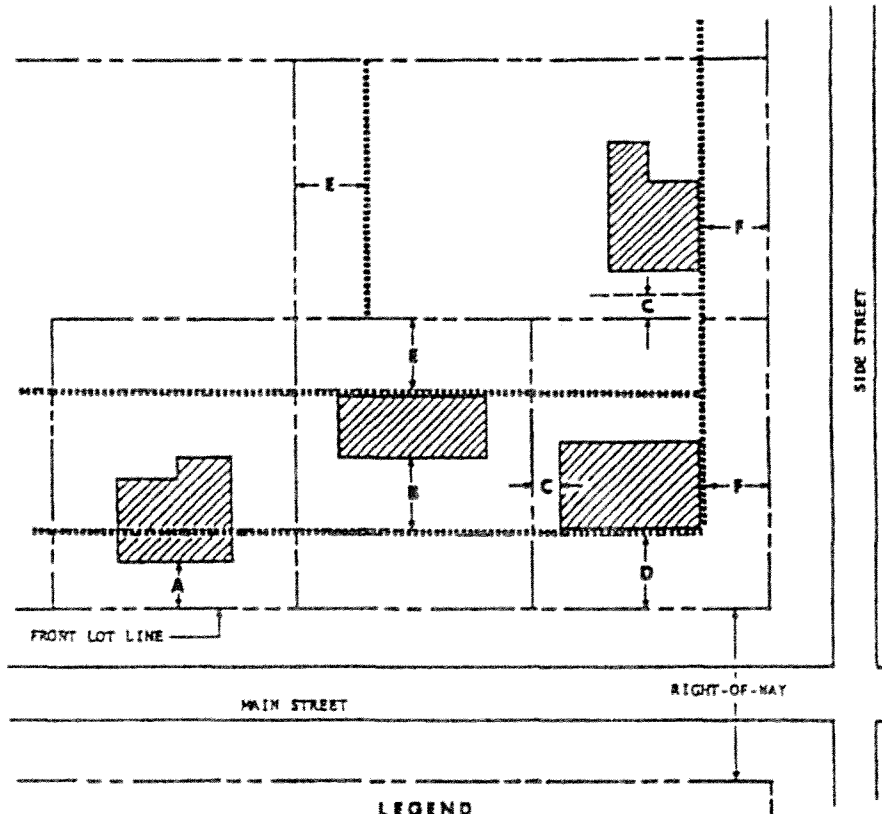


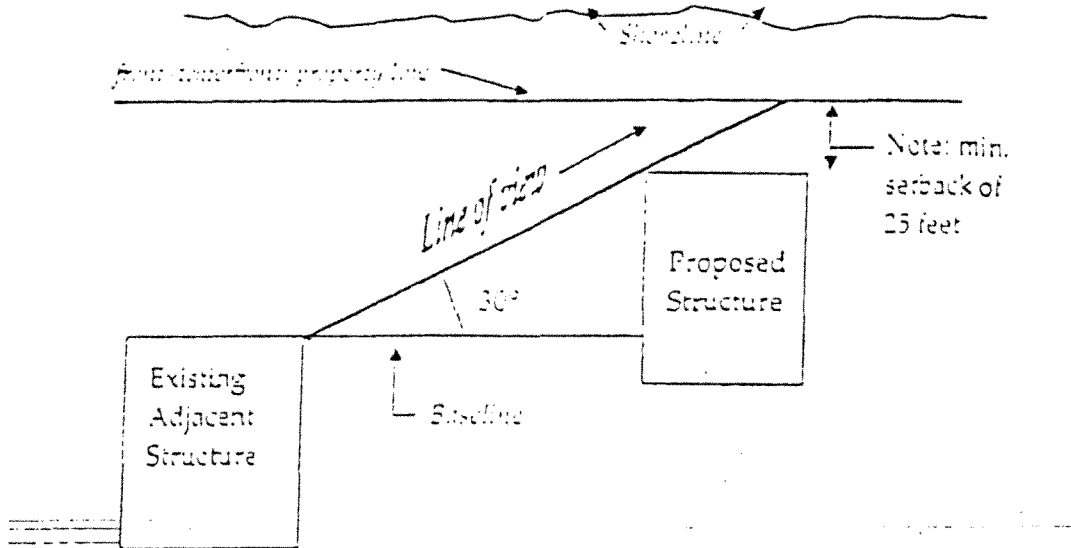
ILLUSTRATION NO. 5  
YARD REQUIREMENTS



LEGEND

- |   |  |
|---|--|
| A ——— DEFICIENT FRONT YARD                                | D ——— MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE   |
| B ——— FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED | E ——— MINIMUM REAR YARD REQUIRED                               |
| C ——— MINIMUM SIDE YARD REQUIRED                          | F ——— MINIMUM YARD REQUIRED ON SIDE STREET WHEREON HOMES FRONT |

ILLUSTRATION NO. 6  
SHORELINE SETBACK



CHAPTER 1262  
Administration, Enforcement and Penalty

1262.01 Enforcement by Zoning Administrator.	1262.05 Correction order by Zoning Administrator.
1262.02 Duties of Zoning Administrator.	1262.06 Appearance tickets.
1262.03 Permits.	1262.99 Penalty; violations as nuisance.
1262.04 Certificates of occupancy.	

CROSS REFERENCES

Board of Appeals - see M.C.L.A. Sec. 125.585; P. & Z. Ch. 1264

City zoning ordinances; public hearing, notice; report of Planning Commission; amendment; vote required - see M.C.L.A. Sec. 125.584

Conflicting laws; governing law - see M.C.L.A. Sec. 125.586

Violations; nuisance per se; abatement - see M.C.L.A. Sec. 125.587

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**1262.01 ENFORCEMENT BY ZONING ADMINISTRATOR.**

This Zoning Code shall be enforced by the Zoning Administrator or any other employee, inspector or official whom the Zoning Administrator may delegate to enforce this Zoning Code. (Ord. Unno. Passed 12-14-87.)

**1262.02 DUTIES OF ZONING ADMINISTRATOR.**

(a) The Zoning Administrator may grant zoning compliance and/or site permits and make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Zoning Code. The Zoning Administrator shall not approve any plan or issue a zoning compliance permit, or authorize the issuance of a building permit, for any excavation or construction, until such plan has been found to be in conformity with this Zoning Code. To this end, the Zoning Administrator shall require that every application for a zoning compliance permit for excavation, construction, moving or alteration or change in type of use or of occupancy, be accompanied by a written statement and plans or plats drawn to scale and showing in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with this Zoning Code:

- (1) The actual shape, location and dimensions of the lot or parcel;
- (2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot or parcel;

- (3) The existing and intended use of the lot and of all such structures upon the lot or parcel, including, in residential areas, the number of dwelling units the building is intended to accommodate;
- (4) The signature of the fee holder of the premises concerned or his or her agent; and
- (5) Such other information concerning the parcel or adjoining parcels as may be essential for determining whether or not the provisions of this Zoning Code are being observed.

(b) If the proposed excavation, construction, moving, alteration or use of land as set forth in the application is in conformity with this Zoning Code, the Zoning Administrator shall issue a zoning compliance permit. If an application for such permit is not approved, the Zoning Administrator shall state, in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this Zoning Code, and a permit issued contrary to the terms of this Zoning Code shall be void ab initio.

(c) The Zoning Administrator shall not, under any circumstances, grant exceptions to the actual meaning of any cause, order or regulation contained in this Zoning Code to any person making application to excavate, construct, remove, alter or use either buildings, structures or land in the Village.

(d) The Zoning Administrator shall not refuse to issue a zoning permit when the conditions imposed by this Zoning Code are complied with by the applicant, despite violations of contracts, covenants or private agreements to which the Village is not a party.

(e) The Zoning Administrator shall record all nonconforming uses existing on the effective date of this Zoning Code. (Ord. Unno. Passed 11-9-94.)

### **1262.03 PERMITS.**

(a) Permit Required. No person shall commence excavation for or construction of any building or structure, structural changes or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Zoning Compliance Permit from the Zoning Administrator and a building permit from the Building Inspector. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with this chapter showing that the construction proposed is in compliance with this Zoning Code, the Building Code and other applicable ordinances.

No plumbing, electrical, drainage or other permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to this Zoning Code.

“Alteration” or “repair” of an existing building or structure means any change in a structural member, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress or any other changes affecting or regulated by the Building Code, the State Housing Law or this Zoning Code, except for minor repairs or changes not involving any of the aforesaid provisions.

(b) **Permit for New Use of Land.** A zoning compliance permit shall also be obtained for the new use of land, whether the land is presently vacant or a change in land use is proposed.

(c) **Permits for New Use of Buildings or Structures.** A zoning compliance permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

(d) All new businesses in the Village shall be required to submit a Site Plan Review to the Zoning Administrator for review and approval. Same-Use Business Reviews shall be conducted by the Zoning Administrator; businesses with a different use will require review and approval from the Planning Commission following completion of the Zoning Administrator's initial site review procedure.

(e) The fees for all permits shall be established by Council resolution and amended at such times as deemed necessary by Council to defray the cost of administration.

(Ord. Unno. Passed 12-14-87; Ord. 2009-11. Passed 5-11-09.)

#### **1262.04 CERTIFICATES OF OCCUPANCY.**

(a) **Issuance.** No person shall use or permit the use of any land, building or structure for which a building permit is required, or use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until a certificate of occupancy has been issued. Said certificate shall document that the use and structure are in compliance with this Zoning Code and all applicable construction codes. (Ord. Unno. Passed 11-9-94.)

(b) **Validity.** The certificate of occupancy, as required in the Building Code for occupancy or use of new construction of, or renovations to, existing buildings and structures shall also constitute a certificate of occupancy for purposes of this Zoning Code.

(c) **Records.** A record of all certificates of occupancy shall be kept in the office of the Building Inspector, and copies of such certificates shall be furnished upon request to a person having a proprietary or tenancy interest in the property involved.



(d) Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but, rather, may be included in the certificate for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

(e) Parts of Buildings. The Building Inspector shall, upon request, issue a certificate of occupancy for a part of a building or structure prior to the completion of the entire building or structure if the Building Inspector determines that the occupancy or use of the completed part does not materially interfere with, or is not interfered with or endangered by the completion of the remainder of the building or structure and that the remainder of the building or structure can reasonably be completed within one year from the issuance of the certificate, if the person to whom the building permit has been issued certifies that the remainder of the building or structure shall be completed within one year.

If, after the issuance of such certificate for a portion of a building or structure, the Building Inspector determines that the conditions for issuance of such permit no longer subsist or that the building or structure cannot or will not be completed within the time specified above, the Building Inspector shall revoke such certificate. The person to whom such revoked permit has been issued shall, forthwith upon receipt of notice of such revocation, terminate and abandon or cause the termination or abandonment of such occupancy or use.

(f) Application. Any person applying for a building permit shall, at the same time, apply to the Building Inspector in writing for a certificate of occupancy. Such person shall notify the Building Inspector upon completion of the building or structure of such completion. The Building Inspector shall, within five business days after actual receipt of such notification, inspect such building or structure, and, if he or she determines that the building or structure or part thereof, or the proposed use of the premises, is in conformity with this Zoning Code and other applicable ordinances and laws, the Building Inspector shall forthwith issue a certificate of occupancy therefor. If the Building Inspector determines that a violation exists, he or she shall not issue a certificate and shall forthwith notify the applicant of such refusal and the cause therefor.

(Ord. Unno. Passed 12-14-87.)

(g) Fee. The fee for a certificate of occupancy shall be twenty-five dollars (\$25.00).

**1262.05 CORRECTION ORDER BY ZONING ADMINISTRATOR.**

If a violation of this Zoning Code occurs, the Zoning Administrator shall, after inspection, order in writing the correction of such conditions as are found to constitute a violation. If within thirty days, or such longer time as the Zoning Administrator may authorize in writing, any such conditions have not been corrected, the Zoning Administrator shall institute appropriate action. (Ord. Unno. Passed 12-14-87.)

**1262.06 APPEARANCE TICKETS.**

As used in this section "appearance ticket" means a written notice, signed by the Zoning Administrator, directing a designated person to appear in District Court at a specific time in connection with causing or permitting a violation of this Zoning Code. The Zoning Administrator is authorized to issue and serve an appearance ticket. The ticket shall be served by first class or certified mail to the last known address of the person named, or by personal service provided the Zoning Administrator signs a proof of service. After issuing and serving an appearance ticket, the original ticket shall be filed with the District Court. After the Zoning Administrator files the original ticket and at or before the time the appearance ticket is returnable, the Zoning Administrator shall file a complaint with the District Court charging the person named in the appearance ticket with causing or permitting a violation of this Zoning Code. If, after service of an appearance ticket, the defendant appears, an examining magistrate may accept a plea of guilty or not guilty upon the appearance ticket. However, if the defendant pleads not guilty, no further proceedings may be had until a sworn complaint is filed with the magistrate. If, after service of an appearance ticket and the filing of a complaint, the defendant does not appear at the time the appearance ticket is returnable, the Court may issue a summons or a warrant of arrest based upon the filed complaint. (Ord. Unno. Passed 12-14-87.)

**1262.99 PENALTY; VIOLATIONS AS NUISANCE.**

Land, dwellings, buildings or structures, including tents, motor homes, mobile homes and trailer coaches, used, erected, altered, razed or converted in violation of any provision of this Zoning Code, are hereby declared to be a nuisance. The owner and/or agent in charge of any such land, dwelling, building or structure, including tents and trailer coaches, and the lessee or tenant of any part of a building or land where any such violation has been committed or exists, or the architect, builder, contractor or any other person who takes part in or assists in any such violation or who maintains any building or land where any such violation exists, shall be guilty of maintaining a nuisance, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisoned not more than ninety days, or both, for each offense.

The imposition of any sentence shall not exempt the offender from compliance with this Zoning Code. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.  
(Ord. Unno. Passed 12-14-87.)

CHAPTER 1264  
Zoning Board of Appeals

1264.01	Appointment.	1264.05	Interpretation.
1264.02	Composition; terms; rules and regulations.	1264.06	Imposition of conditions.
1264.03	Appeals.	1264.07	Standards for variances.
1264.04	Public notice and time of hearings.		

CROSS REFERENCES

Board of Appeals - see M.C.L.A. Sec. 125.585  
 Meetings of the Board; freedom of information - see M.C.L.A.  
 Sec. 125.585a  
 Review by Circuit Courts; appeals to Supreme Court; procedure -  
 see M.C.L.A. Sec. 125.590  
 Actions for review; proper and necessary parties; notice; failure  
 to appear - see M.C.L.A. Sec. 125.591

**1264.01 APPOINTMENT.**

Council shall appoint a Zoning Board of Appeals, hereinafter referred to as the Board, which Board shall have the powers and duties prescribed by law and by this Zoning Code. (Ord. Unno. Passed 12-14-87.)

**1264.02 COMPOSITION; TERMS; RULES AND REGULATIONS.**

(a) The Zoning Board of Appeals shall consist of five regular members and two alternate members, each to be appointed for a term of three years, provided that the members of the Board in existence at the time of passage of this chapter shall continue to serve as members of the Board as established by this chapter, and provided further that their terms of office shall be the same as their terms of office at the time of passage of this chapter.

(b) A quorum for the Zoning Board of Appeals shall consist of three members. Regular and alternate members shall be notified of all scheduled meetings and be provided with pertinent appeal information prior to scheduled meetings. In the event that a quorum of regular members is not present at the call of the meeting, alternates shall be called upon to serve.  
 (Ord. Unno. Passed 11-9-94.)

**1264.03 APPEALS.**

The Zoning Board of Appeals shall hear and decide appeals from any order, requirement, decision or determination made by an administrative official charged with the enforcement of this Zoning Code. The Board shall also hear and decide all matters referred to it or upon which it is required to pass under any ordinance of the Village adopted pursuant to Act 207 of the Public Acts of 1921, as amended. The concurring vote of two-thirds of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under any such ordinance or to effect any variation in such ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Village. Such appeal shall be taken within such time as shall be prescribed by the Board, by general rule, by the filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal has been filed with him or her, that by reason of fact stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(Ord. Unno. Passed 12-14-87.)

**1264.04 PUBLIC NOTICE AND TIME OF HEARINGS.**

The Zoning Board of Appeals shall fix a reasonable time for the hearing of an appeal, shall give due notice thereof to the parties, including all owners of record of property within three hundred feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll, and shall decide the same within thirty days. Upon the hearing, any party may appear in person, by agent or by attorney. The Board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination as in its opinion ought to be made regarding the premises and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Zoning

Code, the Board shall have power in passing upon appeals to vary or modify any of its rules, regulations or provisions relating to the construction, structural changes in equipment or alteration of buildings or structures, including yard, lot area, lot width, lot coverage, open space and height regulations, or the use of land, buildings or structures, so that substantial justice is done.

(Ord. Unno. Passed 12-14-87.)

#### 1264.05 INTERPRETATION.

The Zoning Board of Appeals shall interpret the words, terms, rules, regulations, provisions and restrictions of this Zoning Code, where there is doubt as to the meaning thereof, and shall determine the location of boundaries of districts where uncertainty exists after the rules herein for determining such boundaries have been applied. Where this Zoning Code provides that uses similar to those specifically permitted may be permitted in certain districts and that objectionable uses are prohibited, the Board shall determine whether or not questionable uses are similar or are objectionable, as the case may be, in specific instances.

(Ord. Unno. Passed 12-14-87.)

#### 1264.06 IMPOSITION OF CONDITIONS.

The Zoning Board of Appeals may impose, in connection with an action on any appeal or variance or the approval of any permit, conditions which may include time limits within which a permit acted upon shall be valid or a use shall be conducted, and which may establish the following similar requirements for bringing the proposed use into conformity with the character of the district and adjoining properties, for protecting the public health, safety, convenience and welfare or for preventing traffic congestion:

- (a) Specific yard, area, open space and height regulations that shall supersede such regulations herein as would otherwise apply;
- (b) Provisions for off-street parking space, and spaces or easements for protective planting screens, necessary facilities and service supplemental to the principal or accessory use of the premises;
- (c) Limitation of use and specification of the manner of maintaining and conducting such use;
- (d) Structural requirements; and
- (e) Dedication to the Village of areas required for any public purposes.

The Board may permit erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of a larger area than the district requirements herein established, and may permit the location in any use district of a public utility building, structure or use if the Board finds such use, height, area, building or structure reasonably necessary for the public welfare or public convenience and service.

The Board may require a written agreement, bond or other assurance of faithful performance of any such conditions, the violation of which shall invalidate the permit and shall be subject to the penalties prescribed herein for a violation of this Zoning Code. (Ord. Unno. Passed 12-14-87.)

#### 1264.07 STANDARDS FOR VARIANCES.

The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as use, lot area and width, building height, bulk, yard and depth and off-street parking and loading space, as established in this Zoning Code, provided that the following conditions can be met:

- (a) To obtain a variance the applicant must show that an unnecessary hardship or a practical difficulty unique to the property exists. This requires demonstrating that all four of the following circumstances exist:
  - (1) That strict compliance with the strict letter of the provisions of this Zoning Code (use, setbacks, frontage, height, bulk or density) would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restriction unnecessarily burdensome;
  - (2) That the plight of the property owner is due to unique circumstances peculiar to the property (i.e. odd shape or a natural feature like a stream or wetland) and is not due to general neighborhood conditions;
  - (3) That the proposed use would not alter the essential character of the area; and
  - (4) That the problem was not self-created.
- (b) The Board may specify, in writing, such conditions regarding the character, location and other features that will, in its judgment, secure the intent and purposes of this section. The breach of any such condition shall automatically invalidate the permit granted.
- (c) Each variance granted under the provisions of this section shall become null and void, unless:
  - (1) The construction authorized by such variance or permit has been commenced within twelve months after the granting of the variance; and
  - (2) The occupancy of land, premises or buildings authorized by the variance has taken place within two years after the granting of the variance.
- (d) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year from the date of the last denial except on grounds of newly discovered evidence or proof of changed conditions found, upon inspection by the Board, to be valid. (Ord. Unno. Passed 11-9-94.)

**CHAPTER 1266**  
**Districts Generally and Zoning Map**

1266.01	Establishment of districts.	1266.02	Incorporation of Zoning Map; district boundary lines.
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**CROSS REFERENCES**

- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a
- Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

**1266.01 ESTABLISHMENT OF DISTRICTS.**

For the purpose of this Zoning Code, the Village is hereby divided into the following districts:

- (a) R-1        Single-Family Residence District;
  - (b) R-M        Multiple-Family Residence District;
  - (c) C-O        Commercial/Office District;
  - (d) BUS        General Business District;
  - (e) IND        General Industrial District.
- (Ord. Unno. Passed 12-14-87; Ord. Unno. Passed 11-9-94.)

**1266.02 INCORPORATION OF ZONING MAP; DISTRICT BOUNDARY LINES.**

(a) The boundaries of the districts set forth in Section 1266.01 are shown on a map attached to the original Zoning Ordinance, passed December 14, 1987, which Map is designated as the "Zoning Map of the Village of Caseville." Such Map, which is on file in the office of the Village Clerk, and all notations, references and other information shown thereon are hereby made a part of this Zoning Code and shall have the same force and effect as if such Map, and all such notations, references and other information shown thereon, were fully set forth or described herein.



(b) Except where reference is made on such Map to a street or other designated line by the dimensions shown on the Map, the boundary lines follow lot lines or the centerlines of the streets or alleys or extensions of such lines and the limits of the Village, as they existed at the time of the adoption of this Zoning Code.

(c) Where a district boundary line, as established in this section or as shown on the Zoning Map, divides a parcel which was in a single ownership and of record at the time of enactment of this Zoning Code, the use authorized thereon and the other district requirements applying to the least restricted portion of such parcel, under this Zoning Code, may be considered as extending to the entire parcel with Planning Commission approval. The use so extended shall be deemed to be conforming.

(d) Questions concerning the exact location of the district boundary lines shall be determined by the Zoning Board of Appeals after recommendation from the Planning Commission according to the rules and regulations which may be adopted by it.

(Ord. Unno. Passed 12-14-87.)

CHAPTER 1268  
R-1 Single-Family Residence District

1268.01	Statement of purpose.	1268.04	Area, height, bulk and placement requirements.
1268.02	Principal permitted uses.		
1268.03	Permitted uses after special approval.		

CROSS REFERENCES

- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a
- Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

**1268.01 STATEMENT OF PURPOSE.**

The R-1 Single-Family Residence District is established as a district in which the principal use of land is for single-family dwellings. Two-family dwelling will be permitted under certain standards with approval from the Planning Commission. For Single-Family Residential Districts, in promoting the general purpose of this Zoning Code, the specific intent of this chapter is:

- (a) To encourage the construction of, and the continued use of the land for, single-family dwellings and two-family dwellings meeting specific standards;
- (b) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with the development or continuation of single-family dwelling in the Districts;
- (c) To encourage the discontinuance of existing uses that would not be permitted as new uses under this Zoning Code; and
- (d) To discourage any land use which would generate traffic on minor or local streets other than normal traffic generated by the residents on those streets. (Ord. Unno. Passed 12-14-87.)

**1268.02 PRINCIPAL PERMITTED USES.**

In the R-1 District, no uses shall be permitted, except the following, unless they are otherwise provided in this Zoning Code:

- (a) Single-family detached dwellings, subject to the provisions of Section 1260.09(b)(32) and other provisions of this Zoning Code;
- (b) Accessory buildings and uses customarily incidental to the permitted uses, subject to the provisions of Section 1286.14;
- (c) Temporary buildings incidental to construction of the permitted structures, for a period not to exceed one year;
- (d) Home occupations, subject to the provisions of Section 1260.09(b)(48);
- (e) Planned Unit Developments, as provided in Chapter 1276;
- (f) State licensed residential facilities providing resident services for up to six persons under twenty-four hour supervision or care, or both. This use shall not apply to adult foster care facilities licensed by a State agency for care and treatment of persons released from or assigned to adult correctional institutions.
- (g) State licensed or approved family day care facilities where one to six children are cared for in a private home on less than a twenty-four hour basis. All employees of the facility must reside on the premises. At least 400 square feet of outdoor play area must be provided on the premises. Off-street parking for three vehicles must be provided for on the premises.
- (h) Essential services, as defined in Section 1260.09(b)(37); and
- (i) Signs, as provided in Section 1260.09(b)(87) and Chapter 1284.  
(Ord. Unno. Passed 11-9-94.)

**1268.03 PERMITTED USES AFTER SPECIAL APPROVAL.**

The following uses shall be permitted in the R-1 District, subject to the conditions hereinafter imposed and subject, further, to the approval of the Planning Commission. Site plan review, in accordance with Section 1286.43, is required. Such permitted uses are as follows:

- (a) Boarding, lodging and tourist homes, i.e. bed and breakfast homes, provided that service is limited to three non-house keeping sleeping rooms for six or less persons. Two off-street parking spaces shall be provided for the principal family and one additional off-street parking space shall be provided for each sleeping room.
- (b) Two-family dwellings, provided that each unit has a minimum of 720 square feet of habitable floor space;

- (c) Personal service shops, such as beauty and barber shops, tanning salons, etc., which are located in a private home and are limited to one chair or booth and provided that additional off-street parking space is located on the premises;
- (d) Public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations and gas regulator stations, but not including storage yards, when operating requirements necessitate locations within the district to serve the immediate vicinity and such use is not injurious to the surrounding neighborhood;
- (e) Publicly owned and operated parks, playfields, museums, libraries and other recreational facilities, provided that no building shall be located less than forty feet from another lot in any Residence District;
- (f) Public, parochial or private elementary, intermediate and/or high schools offering courses in general education and not operated for profit, provided that no building shall be located less than forty feet from another lot in any Residence District;
- (g) State licensed group day care facilities where seven to twelve children are cared for in a private home on less than a twenty-four hour basis, subject to the following provisions:
  - (1) At least one member of the staff must reside on the premises.
  - (2) There must be at least 600 square feet of fenced (minimum four feet high) outdoor play area provided on the premises. A group day care home shall not require exterior modifications to the dwelling, nor shall the front yard be the location of play equipment, except on a corner lot.
  - (3) Off-street parking for four vehicles shall be provided on the property.
  - (4) The proposed group day care facility shall not be located closer than 1,500 feet to any of the following facilities as measured along a street, road or other public thoroughfare, excluding an alley: another licensed group day care home; another licensed adult foster care group home; a facility offering substance abuse treatment and rehabilitation services to seven or more people which is licensed by the State; or a community correction center, resident home, halfway house or other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections.
  - (5) One non-illuminated sign, two square feet or less in size, is permitted on the wall of the principal structure located on the property. Said sign shall be similar to that for a home occupation and shall be limited to the name of the day care operator and an address.

- (6) Hours of operation shall not exceed sixteen hours in a twenty-four period, and activity shall not be permitted between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
- (h) State licensed adult foster care small group homes with a capacity to receive twelve or fewer adults who are provided supervision, personal care and protection, in addition to room and board, for twenty-four hours a day, five or more days a week, and for two or more consecutive weeks, for compensation, subject to the following provisions:
- (1) A State licensed adult foster care small group home shall not be located within 1,500 feet of another similar State licensed facility.
  - (2) One on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may be used for this purpose.
  - (3) The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
- (i) Cemeteries, when occupying a site of ten acres or more and having direct access to a major thoroughfare;
- (j) Governmental uses, when found to be necessary for the public health, safety, convenience or welfare; and
- (k) Churches and other facilities normally incidental thereto, provided that ingress and egress from such site is onto a major thoroughfare. No buildings shall be located less than twenty feet from another lot in any Residence District. (Ord. Unno. Passed 11-9-94.)

**1268.04 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.**

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Section 1286.44. (Ord. Unno. Passed 12-14-87.)

**CHAPTER 1270**  
**R-M Multiple-Family Residence District**

1270.01	Statement of purpose.	1270.04	Site plan review.
1270.02	Principal permitted uses.	1270.05	Area, height, bulk and placement requirements.
1270.03	Permitted uses after special approval.		

**CROSS REFERENCES**

- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

**1270.01 STATEMENT OF PURPOSE.**

The R-M Multiple-Family Residence District is designed primarily for apartments, dwelling groups and duplexes. It is designed to promote a harmonious mixture of medium density residential types and related educational, cultural and religious land uses in a basically residential environment. (Ord. Unno. Passed 12-14-87.)

**1270.02 PRINCIPAL PERMITTED USES.**

In the R-M District, no uses shall be permitted, except the following, unless they are otherwise provided in this Zoning Code:

- (a) All principal permitted uses and permitted uses after special approval, as regulated in the R-1 District, provided that all lot area, width and setback requirements of the R-1 District shall apply;
- (b) Multiple family dwellings, including apartments, townhouses and dwelling groups used for rentals and/or condominiums;

- (c) State licensed adult foster care large group homes, subject to the following provisions:
- (1) The home is not located within 1,500 feet of another similar State licensed facility.
  - (2) One on-site parking space shall be provided for each employee in addition to the parking required for the dwelling or other accessory uses.
  - (3) A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
  - (4) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
  - (5) A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas. (Such buffer shall not block sight areas near streets or intersections.)
  - (6) All exterior lighting of entryways, parking spaces or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion-activated.
- (d) State licensed group day care homes, subject to the following provisions:
- (1) The home shall not be located closer than 1,500 feet to any of the following facilities, as measured along a street, road or other public thoroughfare, excluding an alley: another licensed group day care home; an adult foster care large group home licensed by the State of Michigan; a facility offering substance abuse treatment and rehabilitation services to seven or more people which is licensed by the State of Michigan; or a community correction center, resident home halfway house or other similar facility, which houses an inmate population under the jurisdiction of the Department of Corrections.
  - (2) All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight inches high.
  - (3) The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling, nor should the front yard be the location of playground equipment, except on a corner lot.

- (4) Signage shall be limited to one non-illuminated nameplate, not to exceed two square feet in size, attached flush to a wall of the principal structure located on the property, and made of material that is compatible with the structure. The sign text shall be limited to the name of the day care operator and an address.
  - (5) Hours of operation shall not exceed sixteen hours in a twenty-four hour period, and activity shall not be permitted between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
- (e) Recovery halfway or rehabilitation halfway houses, subject to the following provisions:
- (1) Such facility shall not be located within 1,500 feet of another similar State-licensed facility.
  - (2) One on-site parking space shall be provided for each employee in addition to the parking required for the dwelling. The driveway may be used for this purpose.
  - (3) The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood.
  - (4) A recovery or rehabilitation halfway house shall be located in an area reasonably accessible to public transportation, employment and vocational activities as well as other community resources and agencies which may be utilized by the facility's residents and have ready access to these services and agencies.
- (Ord. Unno. Passed 11-9-94.)

#### **1270.03 PERMITTED USES AFTER SPECIAL APPROVAL.**

The following uses shall be permitted in the R-M District, subject to the conditions hereinafter imposed and subject, further, to the approval of the Planning Commission. Site plan review, in accordance with Section 1286.43, is required. Such permitted uses are as follows:

- (a) Municipal, State or Federal administrative or service buildings, provided that such buildings shall be located not less than fifty feet from any other lot or parcel in an R-M District;
- (b) Private schools and educational institutions;
- (c) General hospitals, subject to the following provisions:
  - (1) All such facilities shall be developed only on sites consisting of a least ten acres in area.
  - (2) All access to the site shall be from major streets or highways.
  - (3) The minimum distance of any main or accessory building from front, rear and side property lines shall be 100 feet for all two-story buildings.



- (d) Convalescent and/or nursing homes, not to exceed a height of two and one-half stories, when the following conditions are met:
  - (1) The proposed site shall have at least one property line abutting a major street. All ingress and egress to the off-street parking area, for guests, employees and staff, as well as for any other use of the facilities, shall be directly onto such major thoroughfare.
  - (2) No building shall be closer than twenty-five feet from any property line.
- (e) Accessory buildings and uses customarily incidental to the above uses. (Ord. Unno. Passed 11-9-94.)

#### 1270.04 SITE PLAN REVIEW.

For all uses permitted in an R-M District, except one-family dwellings, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the Planning Commission, in accordance with Section 1286.43. In addition to the criteria set forth in Section 1286.42, the Commission shall not recommend approval of any multifamily dwelling site plan which does not meet the following criteria:

- (a) All site plans shall show two means of ingress and egress to the project to permit adequate circulation for safety equipment, except that for projects under ten acres, one entranceway may be sufficient.
- (b) In all multiple projects of over 100 dwelling units, parking shall not be allowed along the main circulation drive.
- (c) All townhouse units must include an individual outdoor paved patio area of not less than 100 square feet in area.
- (d) There shall be not more than seven townhouses in any one attached row.
- (e) An apartment house shall not exceed 200 feet in length.
- (f) Townhouse units with attached garages may not include the space in front of the garage door as part of the parking requirement. Townhouse units with attached garages may reduce their parking requirement to one and one-half spaces per dwelling unit.

- (g) Apartment houses with underground parking or garages, excluding carports, may reduce their parking requirements to one and one-half spaces per dwelling unit.  
(Ord. Unno. Passed 12-14-87.)

**1270.05 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.**

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Section 1286.44.

- (a) There shall be compliance with Act 419 of the Public Acts of 1976, as amended, and General Rules related thereto as adopted by the State Mobile Home Commission. (See Act 419 for setbacks, etc.).
- (b) A mobile home park shall have a minimum site size of ten acres.
- (c) A mobile home park shall be designed so that gross density shall not exceed seven mobile homes per acre.
- (d) Walkways shall be provided from each mobile home site to all service buildings, and must be constructed of either asphalt or concrete. Paved sidewalks shall also be installed on both sides of all internal roads, unless the Planning Commission deems that a sidewalk on only one side of the road is necessary, or that none is needed along a particular road. Walkways and sidewalks, where required, shall not be less than three feet in width.

(Ord. Unno. Passed 12-14-87.)

**CHAPTER 1273**  
**BUS General Business District**

1273.01 Statement of purpose.	1273.05 Off-street parking and loading/unloading.
1273.02 Principal permitted uses and structures.	1273.06 Additional regulations.
1273.03 Permitted uses after special approval.	1273.07 Site plan review.
1273.04 Area, height, bulk and placement requirements.	1273.08 Restrooms and parking.
	1273.09 Aesthetics of exteriors of Business District structures.

**CROSS REFERENCES**

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

**1273.01 STATEMENT OF PURPOSE.**

The BUS General Business District, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas as well as to provide sites for more diversified business types. Further, it is designed to accommodate uses such as residential uses, offices, banks and personal services, which can serve as transitional areas between single-family residential and commercial uses, and to provide a transition between major thoroughfares and residential districts in areas platted in small lots. Certain automobile-related uses, waterfront uses and uses requiring larger parcels and/or featuring regional commercial uses, are permitted after review by the Planning Commission.

(Ord. Unno. Passed 11-9-94.)

**1273.02 PRINCIPAL PERMITTED USES AND STRUCTURES.**

In a BUS General Business District, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Zoning Code and subject to the limitations contained below:

- (a) All principal permitted uses and uses authorized after special approval in the R-M Multiple Family Residential District, subject to the conditions of that district, including single-family dwellings;

- (b) Office buildings, including medical and dental clinics (but not veterinary clinics having outdoor kennels), financial establishments, funeral homes and Municipal buildings and uses (but not including outdoor storage yards);
- (c) Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, pharmacy products, dry goods, clothing, notions, hardware, office supplies, convenience foods and other similar uses, excluding outdoor storage yards;
- (d) Eating and drinking establishments having a seating capacity of 150 or less patrons;
- (e) Personal service establishments which perform services on the premises, such as, but not limited to, repair shops for watches, radios, televisions, shoes, etc.; tailor shops, self-service laundries and dry-cleaners; beauty parlors, barber shops and tanning salons; physical culture centers; and photographic studios;
- (f) Business service establishments performing services on the premises such as office machine repair, printing or blue-printing;
- (g) Dry cleaning establishments or pick-up stations dealing directly with the consumer;
- (h) Off-street parking lots, subject to the provisions of Chapter 1280;
- (i) Other uses which are similar to the above and subject to the following provisions:
  - (1) All business establishments shall be retail or service in nature, dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.
  - (2) Storage of excessive commodities shall be within buildings.
  - (3) Off-street parking and loading/unloading space shall be provided as required in Chapter 1280 of this Zoning Code;
- (j) Signs, as provided in Chapter 1284 of this Zoning Code;
- (k) Accessory buildings and uses customarily incidental to the above principal permitted uses, subject to the provisions of this Zoning Code; and
- (l) Uses similar to the above, subject to the provisions of this Zoning Code.  
(Ord. Unno. Passed 11-9-94; Ord. 2001-02. Passed 2-12-01.)

### **1273.03 PERMITTED USES AFTER SPECIAL APPROVAL.**

In the BUS General Business District, the following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject, further, to approval by the Planning Commission pursuant to the provisions of Chapter 1278 of this Zoning Code.

- (a) Gasoline service stations for the sale of gasoline, oil and minor accessories, and including automotive repair activity where repair activity is conducted within a completely enclosed building, but not including the storage of disabled motor vehicles and parts therefrom, and subject to the following additional conditions:

- (1) The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five feet from a street intersection, measured from the street right-of-way or from adjacent residential districts.
  - (2) The minimum lot area shall be 15,000 square feet and such area shall be so arranged that ample space is available for motor vehicles which are required to wait for service. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and which have no facilities for repair or servicing of automobiles, including lubricating facilities, may be permitted on parcels of 10,000 square feet or larger, subject to all other provisions herein required.
  - (3) A six-foot high screening fence shall be constructed and maintained along those property lines which abut a residential use.
- (b) Restaurants or other establishments serving food or beverages with a seating capacity greater than 150 persons, except those businesses having the character of a drive-in (where food is served to persons in a vehicle);
  - (c) Private clubs, fraternal organizations and lodge halls;
  - (d) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings;
  - (e) Business schools and colleges or private schools operated for profit;
  - (f) Outdoor display lots and showrooms for the exclusive sale of new or used automobiles, recreational units or farm implements or for rental trailers and/or automobiles, subject to the following provisions:
    - (1) The lot or area shall be provided with a durable surface and shall be graded and drained so as to dispose of all surface water accumulated within the area.
    - (2) Access to the sales lot shall be at least sixty feet from the intersection of any two streets.
    - (3) No major repair or major refinishing activity shall be done on the lot and no disabled motor vehicles or parts therefrom shall be stored on the property unless stored in a completely enclosed building or screened from public view.
    - (4) All lighting shall be shielded from adjacent residential areas.
    - (5) A six-foot high screening fence shall be constructed and maintained along those property lines which abut a residential use.
  - (g) Motels or other transient guest lodging facilities, other than bed and breakfast establishments, provided that access to the site does not conflict with the adjacent business or adversely affect traffic flow on a major street, and provided that each unit shall contain not less than 200 square feet of floor area;
  - (h) Businesses that have a drive-in or open front character, provided the following conditions can be met:
    - (1) The setback for buildings or canopies shall be a minimum of forty feet from the right-of-way of any State trunkline or County primary road.
    - (2) Access drives to the property shall be located at least sixty feet from the intersection of any two streets.

- (3) All lighting shall be shielded from adjacent residential uses.
- (4) A six-foot high screening fence shall be constructed and maintained when the site abuts a residential area.
- (i) Veterinary hospitals or clinics and/or commercial kennels, with outdoor animal runs;
- (j) Plant nurseries which have outdoor storage or display of plants, plant materials, garden supplies, lawn furniture or playground equipment, subject to the following:
  - (1) The storage and/or display of any materials and/or products shall meet all setback requirements of the principal building.
  - (2) All loading and parking areas shall be provided on the site and shall have a six-foot high screening fence along those side or rear property lines abutting residential uses.
  - (3) The storage of any soil, fertilizer or other loose, unpacked materials shall be contained so as to prevent any effects on adjacent properties.
- (k) Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks or similar forms of indoor commercial recreation when located at least fifty feet from any front, rear or side property line when said use or building is adjacent to a residentially zoned property;
- (l) Outdoor commercial recreational facilities such as tennis courts, archery courts, shuffleboard courts, horseshoe courts, miniature golf facilities, golf driving ranges, baseball batting cages, basketball courts, children's amusement parks, waterslides or similar commercial leisure-time activities, provided that no such area or equipment site is located in the front yard setback area or closer than fifty feet from any property line that abuts a residentially zoned district, and provided further that such activity areas are provided with a security fence around their perimeter. Such perimeters that abut a residential zoning district shall be provided with a six-foot high obscuring wall or fence along the common property line.
- (m) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations or substations and gas regulator stations with service yards, but without storage yards and water and sewage pumping facilities;
- (n) Adult entertainment businesses as defined in Section 1260.09(b)(2A) of this Zoning Code when the business site is located at least 1,000 feet from another adult entertainment business or from a residence, governmental building, library, civic building or church;
- (o) Arcades and amusement centers where mechanical, electronic or other devices, excluding music devices, which may be operated or played by placing or depositing coins or slugs therein, or by renting the same, or by paying therefor either in advance of or after use, involving in their use either skill, games, chance, amusement or pleasure, including, but not limited to, tape machines, card machines, pinball machines, bowling games, shuffleboard, marble game machines, horse racing machines, basketball (baseball, football,

- hockey, etc.), electronic video games, or any similar devices, where five or more such devices are located at one establishment or center;
- (p) Wholesale stores, storage facilities, warehouse buildings and distribution plants; and
  - (q) Waterfront uses customarily incidental to recreational boating facilities, including sales, service and mooring/storage uses and facilities.
- (Ord. Unno. Passed 11-9-94; Ord. 2001-02. Passed 2-12-01.)

#### **1273.04 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.**

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Section 1286.44.  
(Ord. Unno. Passed 11-9-94.)

#### **1273.05 OFF-STREET PARKING AND LOADING/UNLOADING.**

Off-street parking and loading/unloading requirements shall be as provided in Chapter 1280.  
(Ord. Unno. Passed 11-9-94.)

#### **1273.06 ADDITIONAL REGULATIONS.**

The storage of all material, objects, equipment and machinery, other than for heating or cooling, and of inoperable or unlicensed motor vehicles, shall be wholly within a completely enclosed building or screened from public view.  
(Ord. Unno. Passed 11-9-94.)

#### **1273.07 SITE PLAN REVIEW.**

(a) Site Plan Review is required pursuant to Section 1286.43 for all new construction and changed uses in the Business District, except for single-family residential dwellings on platted lots or lots of record.

(b) All proposed construction of change in use in the business district is required to submit a Zoning Compliance Permit application to the Zoning Administrator prior to construction and/or use change as mandated in 1262.03. The Zoning Administrator will determine the necessity for a Site Plan Review with the Planning Commission review or a review solely completed by the Zoning Administrator.  
(Ord. Unno. Passed 11-9-94; Ord. 2009-12. Passed 5-11-09.)

#### **1273.08 RESTROOMS AND PARKING.**

All transient, seasonal and permanent businesses shall provide restrooms and parking that is adequate to handle the traffic their business creates, thus relieving the burden applied to neighboring businesses.  
(Ord. 2006-04. Passed 5-8-06.)

**1273.09 AESTHETICS OF EXTERIORS OF BUSINESS DISTRICT  
STRUCTURES.**

(a) Exterior of buildings shall be aesthetically pleasing and have materials compatible with nearby structures.

(b) At least fifty percent of exterior wall finishes of the front of the building that fronts the main roadway shall be comprised of at least two of the following:

- (1) Brick;
- (2) Natural or artificial stone;
- (3) Glass;
- (4) Stucco; or
- (5) Other comparable or superior material as approved by the Planning Commission.

(c) Buildings on corner lots shall have the exterior materials approved by the Planning Commission.

(d) The approval of the exterior building materials and aesthetic will be made by the Planning Commission in the site plan review process as outlined in Section 1286.43.

(Ord. 2008-07. Passed 7-14-08.)



CHAPTER 1274  
IND General Industrial District

1274.01	Statement of purpose.	1274.04	Permitted uses after special approval.
1274.02	Principal permitted uses and structures.	1274.05	Site plan review.
1274.03	Compliance with other governmental regulations.	1274.06	Area, height, bulk and placement requirements.

CROSS REFERENCES

- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

**1274.01 STATEMENT OF PURPOSE.**

The IND General Industrial District is designed to accommodate wholesale activities, warehousing and general industrial facilities as uses by right, and the more intense, heavy industrial facilities as uses authorized by special approval. The general goals of this use district include, among others, the following specific purposes:

- (a) To provide sufficient space, in appropriate locations, to meet the needs of the Village's expected future economy for all types of manufacturing and related uses;
- (b) To protect abutting residential districts by separating them from manufacturing activities;
- (c) To promote manufacturing development which is free from danger of fire, explosion, toxic and noxious matter, radiation and other objectionable influences, and from offensive noise, vibration, smoke, odor and other objectionable influences; and
- (d) To promote the most desirable use of land in accordance with a well considered plan, to protect the character and established pattern of adjacent development, to conserve, in each area, the value of land and buildings and other structures, and to protect the Village's tax revenue. (Ord. Unno. Passed 11-9-94.)

**1274.02 PRINCIPAL PERMITTED USES AND STRUCTURES.**

In an IND General Industrial District, no building or land shall be used and no buildings shall be erected or altered, except for one or more of the following specified uses, unless otherwise provided in this Zoning Code:

- (a) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
- (b) Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting any residential or commercial district and on any front yard abutting a public thoroughfare, except as otherwise provided in this Zoning Code. In the IND General Industrial District, the extent of such a wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than six feet in height and may, depending upon land use, be required to be eight feet in height, and shall be subject, further, to the requirements of Section 1286.08. A chain-link fence, with intense evergreen shrub plantings, shall be considered an obscuring wall.
  - (1) Warehousing and wholesale establishments and trucking facilities.
  - (2) The manufacture, compounding, processing, packaging or treatment of such products as, but not limited to, baked goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, as well as tool and die, gauge and machine shops.
  - (3) The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, textiles, tobacco, wax, wire, wood and yarns.
  - (4) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
  - (5) The manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.
  - (6) The manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
  - (7) Laboratories.

- (8) The manufacture and repair of electric or neon signs and light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
  - (9) Central dry cleaning plants or laundries, provided that such plants shall not deal directly with the consumer at retail.
  - (10) All public utilities, including buildings, necessary structures, storage yards and other related uses.
  - (11) Warehouses, storage and transfer buildings and yards and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and sub-stations and gas regulator stations. Water supply and sewage disposal plants.
  - (12) Freight terminals.
- (c) Storage facilities for building materials, lumber and contractor's equipment and supplies, provided that such is enclosed within a building or within an obscuring wall or fence on those sides abutting a residential or business district and on any yard abutting a public thoroughfare. See subsection (b) hereof.
  - (d) Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other Municipal buildings and uses, including outdoor storage.
  - (e) Motor vehicle engine and body repair shops, bumper shops, undercoating shops and similar vehicle repair facilities with the repair activity conducted within a completely enclosed building. No storage of disabled motor vehicles or parts thereof is permitted unless it is within a completely enclosed building or screened from public view per subsection (b) hereof.
  - (f) Agricultural related enterprises.
  - (g) Free-standing nonaccessory advertising signs, subject to the provisions of Chapter 1284.
  - (h) Other uses of a similar character.
  - (i) Accessory buildings and uses customarily incidental to any of the above permitted uses. (Ord. Unno. Passed 11-9-94.)

#### 1274.03 COMPLIANCE WITH OTHER GOVERNMENTAL REGULATIONS.

Any use permitted in the Industrial District must also comply with all applicable Federal, State, County and Village health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter.

(Ord. Unno. Passed 12-14-87.)

**1274.04 PERMITTED USES AFTER SPECIAL APPROVAL.**

The following uses may be permitted in an IND General Industrial District, subject to the conditions hereinafter imposed and subject, further, to the approval of the Planning Commission pursuant to Chapter 1278:

- (a) Lumber and planing mills within completely enclosed buildings and when located at least 1,000 feet from any side or rear property line which borders on a residential or commercial use;
- (b) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances;
- (c) Heating and/or electrical power generating plants and all accessory uses;
- (d) Any of the following uses, provided that they are located not less than 1,000 feet distant from a residential or commercial parcel, district or use, and not less than 300 feet from any other parcel, district or use:
  - (1) Open storage yards of sand, stone, coal, gravel or lumber, asphalt plants and concrete-transit mix.
  - (2) Junk yards, provided that such are entirely enclosed within a building or within an eight-foot high obscuring wall.
  - (3) Facilities which provide incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
  - (4) Facilities with blast furnaces, steel furnaces or blooming or rolling mills.
  - (5) Facilities where corrosive acid or alkali, cement, lime, gypsum or plaster of Paris is manufactured.
  - (6) Petroleum storage or refining facilities.
  - (7) Facilities where smelting of copper, iron or zinc ore, or similar products, occurs.
- (e) Any other heavy industrial use which shall be determined by the Planning Commission to be of the same general character as the above uses. The Planning Commission may impose any required setback and/or performance standards so as to insure public health, safety and general welfare.
- (f) Accessory buildings and uses customarily incidental to any of the above uses. (Ord. Unno. Passed 11-9-94.)

**1274.05 SITE PLAN REVIEW.**

For all uses permitted in an Industrial District, a site plan shall be submitted, and no building permit shall be issued until the site plan has been approved by the Planning Commission in accordance with Section 1286.43.

(Ord. Unno. Passed 12-14-87.)

**1274.06 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.**

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Section 1286.44, Schedule of Regulations.

(Ord. Unno. Passed 12-14-87.)

CHAPTER 1276  
Planned Unit Developments

1276.01	Intent.	1276.07	Final plan; review and approval.
1276.02	Definitions.		
1276.03	Development standards and modifications.	1276.08	Approval period.
		1276.09	Performance guarantee.
1276.04	Application procedures.	1276.10	Amendments to plans.
1276.05	Preliminary plan; Planning Commission review and approval.	1276.11	Subdivision requirements.
1276.06	Preliminary plan; Council review and approval.		

CROSS REFERENCES

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

**1276.01 INTENT.**

The intent of this chapter is to provide an optional method for residential land development which allows for flexibility in the application of the standards governing the types of residential structures permitted and their placement on the property. A Planned Unit Development will provide for the development of residential land as an integral unit which incorporates within a single plan the location and arrangement of all buildings, drives, parking areas, utilities, landscaping and any other improvements or changes within the site. Deviation from the specific site development standards of this Zoning Code may be allowed, so long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. A Planned Unit Development shall be designed to achieve compatibility with the surrounding area, and shall also be designed to encourage innovation and variety in the design, layout and type of residential development; to achieve economy and efficiency in the use of land, natural resources and energy; to provide for efficiency and economy in

providing public services and utilities and to encourage the development of more useful open space.

(Ord. Unno. Passed 12-14-87.)

### 1276.02 DEFINITIONS.

As used in this chapter:

- (a) "Planned Unit Development" means a residential development, planned and developed as a unit, under unified control, developed according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements, facilities and services which will be for the common use of the occupants of the Planned Unit Development.
- (b) "Common open space" means lands within the Planned Unit Development, under the common ownership of all residents in the Planned Unit Development, to be used for park, recreation or environmental amenity. These lands shall not include public or private streets, driveways or parking areas. Within these lands only facilities and structures for recreational purposes may be constructed, with the total impervious areas of roofs and paving constituting not more than ten percent of the total open space.
- (c) "Attached single-family dwelling" means a single-family dwelling unit attached to one or more single-family dwelling units by means of a common party wall or by a connecting wall or similar architectural feature, such as a garage or carport, and with such dwelling having its own doors which open to the outdoors.
- (d) "Home owners association" means an association of all owners of a project organized for the purpose of administering, managing and maintaining the common open space and common property and facilities. This association shall be described in all covenants, deeds or other recorded legal documents which affect the title to any land within the development.

(Ord. Unno. Passed 12-14-87.)

### 1276.03 DEVELOPMENT STANDARDS AND MODIFICATIONS.

A Planned Unit Development will be developed in accordance with the following standards, except that upon a recommendation by the Planning Commission, Council may waive part or all of these requirements where, because of parcel size or shape or other extenuating factors, such a restriction would be to the detriment of quality development, and through site design any adverse effects to adjoining properties can be eliminated.

- (a) Minimum Size Requirement. The minimum size requirement is three acres, except that Council, after receiving a recommendation from the Planning Commission, may approve a Planned Unit Development for a site of not less than one acre in area when, because of location, parcel size and/or shape, and the type of development proposed, it is determined to be in the general interest of the Village to allow such development.
- (b) Permitted Principle Uses. Permitted principal uses are R-1 Single-Family Residence Districts, single-family dwellings, two-family dwellings and attached single-family dwellings limited to a cluster of units not more than 150 feet in length.
- (c) Allowable Densities. The maximum density permitted in a Planned Unit Development shall be five dwelling units per acre in an R-1 District.  
Where a Planned Unit Development includes land in more than one zoning district, the dwelling units must be distributed throughout the project in accordance with the allowable density of the zoning district in which they are located.
- (d) Permitted Accessory Uses. Permitted accessory uses are:
- (1) Common open space for passive or active recreation and a golf course area specifically for the residents of the Planned Unit Development;
  - (2) Streams or ponds;
  - (3) Parking lots; and
  - (4) Other uses which, as the result of the plan review process, are determined to be designed to serve the residents of the Planned Unit Development.
- (e) Common Open Space. At least forty percent of the total land area within a Planned Unit Development shall be in common open space, and it shall be distributed more or less uniformly throughout the total site area.
- (f) Unified Control. All lands within a proposed Planned Unit Development shall be under the control of a single applicant, with that applicant being an individual, partnership, corporation or group of individuals, partnerships or corporations. All buildings, structures, landscaping and other improvements in a Planned Unit Development shall be under the unified control of the same applicant.
- (g) Access and Circulation.
- (1) Roadway access for Planned Unit Developments shall be reviewed in accordance with standards set forth in the State Subdivision Control Act.
  - (2) Private roadway width shall be at least twenty feet. Roadways will be paved in accordance with specifications by the Village Engineer.

- (3) Improved walkways will be provided within the Planned Unit Development as dictated by internal circulation requirements, and walkways shall connect to external walks providing access to schools, parks and other pedestrian traffic generators.
- (h) Parking Standards.
- (1) One and one-half spaces are required for one bedroom units and two spaces are required for units of two or more bedrooms. Guest parking shall be as dictated by project design.
  - (2) In R-1 Districts, design and layout shall be as follows:
    - A. Parking must be arranged so as to be compatible with the surrounding development in that District. Parking for residents and guests must be considered in the overall design. Private drives and garages are allowed.
    - B. Parking lot size shall be as follows:
      1. Parking space dimensions shall be in accordance with Section 1280.03.
      2. A single parking area shall contain not more than twenty parking spaces.
      3. Within a parking area, not more than ten spaces shall be permitted in a continuous row without being interrupted by landscaping.
    - C. Separate parking or storage areas may be provided to accommodate motor homes, campers, boats and similar vehicles and equipment. Such areas will be screened from both within and without the Planned Unit Development.
  - (3) Parking areas shall be screened from adjacent roads and buildings with hedges, fences, walls, dense plantings or berms.
  - (4) All areas shall be adequately lighted. Lighting shall be so arranged as to direct light away from any residential buildings.
- (i) Yard Requirements; Site Perimeter.
- (1) Where a Planned Unit Development abuts a residential zoning district, all structures shall be at least thirty feet from any perimeter boundary line, except that such structures in excess of forty feet in length shall be set back an additional foot for every five feet of building length parallel to such boundary line.
  - (2) Where a Planned Unit Development abuts a zoning district other than a residential zoning district, all structures shall be set back at least twenty-five feet from any perimeter boundary line.
  - (3) Where a Planned Unit Development abuts a residential zoning district, no intensive recreational building or facility shall be located within fifty feet of any perimeter boundary line.



- (4) Except for single-family detached dwelling units, where a Planned Unit Development abuts a residential zoning district, no parking area shall be within fifty feet of any perimeter boundary line.
- (j) Yard Requirements, Interior. A yard in the interior of a Planned Unit Development may be smaller than the requirements in the zoning district within which it is located. Development may occur without any provision for interior yards, but in no case shall buildings be closer than ten feet from each other (zero lot line development).
- (k) Underground Utilities. All utilities within a Planned Unit Development shall be constructed underground.
- (l) Lot Sizes. Lot sizes may be reduced from the regulation of the specific zoning district within which they are located. Provisions may be made for developments without lot area.
- (m) Dwelling Unit Access. Dwelling units may front on and take access from private roadways which are part of the commonly held lands within the development.  
(Ord. Unno. Passed 12-14-87.)

#### 1276.04 APPLICATION PROCEDURE.

Applications shall be filed with the Village as follows:

- (a) Applicant. An application for approval of a Planned Unit Development shall be submitted by or on behalf of an applicant who has a demonstrable legal interest in all of the lands within the proposed development.
- (b) Preapplication Conference. An applicant shall meet with the Planning Commission staff prior to the submission of a formal application. The purpose of the conference is to review the procedure necessary for the submission of an application. Special problems concerning utilities, street access, site design and zoning will be identified to enable the developer to better plan for the project. Time requirements for plan approval shall be reviewed.
- (c) Preliminary Plan Application. Before submitting a final plan, an applicant shall submit a preliminary plan of the Planned Unit Development in accordance with this section. Such plan shall show the name, location and principal design elements so as to enable the Village to make a determination as to whether the Planned Unit Development is in conformity with this Zoning Code. The approval of a preliminary plan shall confer on the applicant the conditional right that the general terms and conditions under which the preliminary plan approval was granted will not be changed.

- (d) Final Plan Application. Upon approval of a preliminary plan application, a developer shall prepare and submit a final plan application in accordance with this section. A final plan submitted in accordance with an approved preliminary plan shall warrant approval by the Planning Commission and Council. Upon approval of a final plan application by Council, the developer may obtain necessary building permits for the construction of the Planned Unit Development.
- (e) Submission Requirements; Preliminary Plan Application. A preliminary plan application shall include:
- (1) Two copies of the applicant's name, address, phone number, proof of property interest and the name, address and phone number of the architect, engineer or designer preparing the application;
  - (2) Two copies of a written legal description of the total site area proposed for development;
  - (3) Ten copies of a site plan and supporting maps and drawings containing the following information at a scale of not more than one inch equals 100 feet and sufficiently dimensioned so as to identify the size and location of the various elements of the plan, including:
    - A. A location map;
    - B. Site topography, existing and proposed, at intervals not greater than two feet;
    - C. The location of all existing and proposed buildings and structures;
    - D. Public and private roadways within and adjacent to the site;
    - E. Walkways within and adjacent to the site;
    - F. Park areas, driveways and loading and service areas;
    - G. Open areas and a description as to use;
    - H. A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space and the number of parking spaces provided;
    - I. A general plan of landscaping within the site, with specific details of plan size to be shown for any landscaping provided to comply with any required screening within the project;
    - J. The location and screening of any outside trash containers;
    - K. The location and size of all existing utilities and drainage facilities;
    - L. The general location and size of all proposed utilities and drainage facilities; and
    - M. The dimensions of all parcels to be created as a part of the development;

- (4) Two copies of building elevation drawings showing the architectural style to be used in the development; and
  - (5) A submittal fee as established by Council resolution which may be adjusted from time to time.
- (f) Submission Requirements; Final Plan Application. A final plan application shall include:
- (1) Two copies of the applicant's name, address, phone number, proof of property interest, and the name, address and phone number of the architect, engineer or designer preparing the application;
  - (2) Two copies of a written legal description of the total site area proposed for development;
  - (3) Two copies of a letter of transmittal setting forth the proposed development schedule, including the sequence of any phases of development;
  - (4) Ten copies of a site plan and supporting maps and drawings containing the following information at a scale of not more than one inch equals 100 feet, and dimensioned so as to identify the size and location of the various elements of the plan, including:
    - A. A location map;
    - B. Site topography, existing and proposed at intervals not greater than two feet;
    - C. The location of all existing and proposed buildings and structures;
    - D. Public and private roadways within and adjacent to the site;
    - E. Walkways within and adjacent to the site;
    - F. Park areas, driveways and loading and service areas;
    - G. Open areas, and a description as to use;
    - H. A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space and the number of parking spaces provided;
    - I. A general plan of landscaping within the site, with specific details of plan size to be shown for any landscaping provided to comply with any required screening within the project;
    - J. The location and screening of any outside trash containers; and
    - K. The dimensions of all parcels to be created as part of the development;
  - (5) The organizational structure of the homeowner's association to be formed for the operation and maintenance of all common open space and common property and facilities within the development;

- (6) Two copies of all covenants pertaining to the development; and
- (7) Plans and specifications for all sanitary sewer, storm drainage, water and roadways within the project. Such plans and specifications shall be prepared by a professional engineer in accordance with the standards of the Department of Public Health of the State, as they pertain to public utilities. (Ord. Unno. Passed 12-14-87.)

#### 1276.05 PRELIMINARY PLAN; PLANNING COMMISSION REVIEW AND APPROVAL.

(a) Public Hearing and Notice. The Planning Commission shall conduct a public hearing on the proposed Planned Unit Development. Notice of such public hearing shall be published in the local newspaper not less than five, but not more than fifteen, days prior to the date of the public hearing. All property owners of land within 300 feet of the property in question and the occupants of all structures within 300 feet of the property in question shall be notified by first class mail.

(b) Planning Commission Action. After a study of the application for a Planned Unit Development, and within sixty days of receipt of such application, the Planning Commission shall recommend to Council the approval, approval with modification or disapproval of the project. The Planning Commission shall prepare a report explaining its action and any modifications and conditions of approval or denial. The decisions of the Planning Commission shall be based on:

- (1) The standards incorporated in Section 1276.03 and any other applicable standard set forth in the ordinances and regulations of the Village;
- (2) A determination that the development is not detrimental to the health, safety and welfare of the community; and
- (3) A determination that the development will not be detrimental or injurious to the character of the neighborhood in which it is to be located and that the development is compatible with such neighborhood.

The review period may be extended upon receipt of a written request by the applicant. (Ord. Unno. Passed 12-14-87.)

#### 1276.06 PRELIMINARY PLAN; COUNCIL REVIEW AND APPROVAL.

(a) Public Hearing and Notice. Upon receipt of a recommendation from the Planning Commission, Council shall conduct a public hearing on the proposed Planned Unit Development. Notice of such public hearing shall be published in the local newspaper not less than five, but not more than fifteen, days prior to the date of the public hearing. All property owners of lands within 300 feet of the property in question and the occupants of all structures within 300 feet of the property in question shall be notified by first class mail.

(b) Council Action. Within forty-five days after receipt of a recommendation from the Planning Commission, Council shall conduct a public hearing and shall approve, approve with modification or disapprove of the proposed Planned Unit Development. The basis for Council action and any modifications or conditions of the approval of the Planned Unit Development shall be set forth in writing as a part of official Council action.

This review and approval by Council shall be based on:

- (1) The standards incorporated in Section 1276.03 and any other applicable standards set forth in ordinances and regulations of the Village;
- (2) A determination that the development is not detrimental to the health, safety and welfare of the community; and
- (3) A determination that the development shall not be detrimental or injurious to the character of the neighborhood in which it is to be located and that the development is compatible with such neighborhood.

(c) Developer Action. After receiving Council approval of the preliminary plan, the developer may proceed with the installation of any public works improvements, as defined in these Codified Ordinances, required to serve the development. Such improvements shall be in accordance with the approved preliminary plan, and plans and specifications shall have been approved by the Village. The developer shall have paid to the Village the required fee for an engineering inspection prior to the Village Engineer's performance of inspection services. The developer shall not be permitted to proceed with any further or additional construction or development until receiving final plan approval.

(Ord. Unno. Passed 12-14-87.)

#### **1276.07 FINAL PLAN; REVIEW AND APPROVAL.**

(a) Submission of Plan. A developer may submit to the Village for final plan approval all or part of the plan for which preliminary approval has been received. Any final plan for a part of the larger development shall be such that its proportional share of the common space shall be included in and contiguous to the area to be developed, and such partial development shall be capable of standing on its own with respect to necessary improvements, circulation, facilities and open space.

(b) Planning Commission Action. After a study of the proposed final plan for a Planned Unit Development or part thereof, the Planning Commission shall, within thirty days of the receipt of such plan, recommend to Council approval, approval with modification or disapproval of the project. The Commission shall prepare a report explaining its action. The Commission shall recommend

approval of a final plan unless it is determined that such final plan is not in accordance with the approved preliminary plan, or unless such final plan, when a part of a total proposed plan, does not represent a proportion of all of the critical elements of such plan.

(c) Council Action. Within thirty days of the receipt of a recommendation from the City Planning Commission, and after the execution of the agreement by the developer, as required in subsection (d) hereof, Council shall approve, approve with modification or disapprove of the final plan. A final plan shall be approved unless it is determined that it is not in conformance with the approved preliminary plan or that such final plan, when a part of the total proposed plan, does not represent a proportional part of all the critical elements of such plan. Council shall set forth in writing the basis for its decision and any conditions relating to an affirmative decision.

(d) Agreement Required. Prior to final plan approval by Council, the developer shall have executed and submitted, in duplicate to the Village Clerk, an agreement with the Village setting forth:

- (1) The specific location and use of all common lands and common facilities within the development;
- (2) The organizational structure of the homeowner's association and the provisions for implementation of transfer of control to such association from the developer;
- (3) The methods for levying assessments on the common lands and facilities, both with respect to taxes, and operation and maintenance fee;
- (4) Provisions enabling the Village to enter in and maintain such common lands and facilities when the developer or the homeowner's association has failed to do so, along with the procedure for assessing such costs back to the development;
- (5) Provisions whereby the Building Inspector shall not issue a Certificate of Occupancy until all the required improvements as set forth in the site plan have been completed, or until a financial guarantee sufficient to cover the cost of any improvements not completed has been provided to the Village as prescribed in accordance with Section 1276.09; and
- (6) Provisions to allow the Village to enter and complete such improvements if the developer has failed to do so within the stated period of time.

This agreement shall be approved as to form and content by the Village Attorney.

(e) A copy of the approved final plan shall be transmitted to the Building Inspector.

(Ord. Unno. Passed 12-14-87.)

#### 1276.08 APPROVAL PERIOD.

(a) Preliminary Plan. The length of approval of the preliminary plan for a Planned Unit Development shall be eighteen months from the date of Council action. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by Council twice, each for a period of one year.

(b) Final Plan. The length of approval of a final plan for a Planned Unit Development shall be two years from the date of Council action. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by Council twice, each for a period of one year. Where a Planned Unit Development is being developed in phases, the initiation of each new development phase shall automatically extend the approval for two years from the date of issuance of a building permit.

(Ord. Unno. Passed 12-14-87.)

#### 1276.09 PERFORMANCE GUARANTEE.

(a) Issuance of Temporary Certificate of Occupancy. If, when a Certificate of Occupancy is requested, all required site improvements have not been completed, the Building Inspector may issue a temporary certificate of occupancy upon receipt from the developer by the Village Clerk of a financial guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount sufficient to cover the cost of outstanding improvements.

(b) Amount. The amount of the performance guarantee shall be limited to cover the estimated cost of improvements necessary to comply with this Zoning Code and any conditions attached to the Planned Unit Development approval. Such improvements shall include, but are not limited to, roadways, lighting, utilities, sidewalks, screening and drainage.

(c) Exemptions. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended (M.C.L.A. Sections 560.101 to 560.293).

(d) Completion Time. All required improvements covered by the performance guarantee shall be completed within 240 days of the issuance of the temporary certificate of occupancy.

If all required improvements are not completed within the time period provided, the Village, by resolution of Council, may proceed to have such work completed and may reimburse itself for the cost thereof from the security furnished by the proprietor.

(e) Release. Upon the written request of the developer for the release of all or a portion of the financial security provided for the completion of the improvements, and upon certification by the Building Inspector that the proportion of the financial security requested to be released is equal to or less than the proportion of the improvements installed at the date of such request, the Village may authorize the release of such financial security to the developer or to such other source as shall be directed by the developer. Any written request from the developer seeking the release of a portion of the financial security shall be accompanied by written certification from the developer's engineer or architect certifying what part of the improvements have, in fact, been completed.

(Ord. Unno. Passed 12-14-87.)

#### **1276.10 AMENDMENTS TO PLANS.**

Minor changes in the location, siting or character of buildings and structures may be authorized by the Zoning Administrator, if required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized under this section may increase by more than ten percent, or decrease by more than twenty percent, the size of any building or structure, or change the location of any building or structure by more than ten feet in any direction. The Zoning Administrator shall not permit changes beyond the minimum or maximum requirements set forth in this Zoning Code.

All other changes in the Planned Unit Development, including changes in the site plan and the development schedule, must be made under the procedures that are applicable to the initial approval of the Planned Unit Development.

(Ord. Unno. Passed 12-14-87.)

#### **1276.11 SUBDIVISION REQUIREMENTS.**

Any Planned Unit Development which will result in the creation of parcels of land under separate ownership, as defined in Act 288 of 1967, the Subdivision Control Act, or Act 59 of 1978, the Condominium Act, shall comply with such Acts.

(Ord. Unno. Passed 12-14-87.)



**CHAPTER 1278**  
**Special Approval Use Permits**

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| 1278.01 Approval; site plan review; financial security. | 1278.02 Parking lots for business uses in residential areas. |
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**CROSS REFERENCES**

- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

**1278.01 APPROVAL; SITE PLAN REVIEW; FINANCIAL SECURITY.**

Before the issuance of a permit for the establishment, erection, reconstruction, structural alteration, enlargement, addition to or moving of any use which, as provided by the district regulations and other regulations in this Zoning Code, shall be permitted in a certain district or districts as a permitted use after special approval, such use shall be approved by the Planning Commission. Site plan review shall be required for all such special approval uses in accordance with Section 1286.43.

The Planning Commission shall have the authority to require adequate financial security to guarantee the construction or completion of construction of the project or any part thereof.

Action of the Planning Commission on any such matter shall be taken only after an application in writing has been filed with the Zoning Administrator and shall be governed by the required procedure for an application pursuant to Act 207 of Public Acts of 1921, as amended, including holding a hearing. Developers of projects which require a special approval use permit and zoning variances shall apply for and be issued a special approval use permit before applying for zoning variances. Developers of projects which require a special approval use permit must begin work on the project within one year of issuance of the permit unless otherwise agreed upon by the Planning Commission.

The issuance of any permit shall not be approved unless the Planning Commission shall find, in each case, that:

- (a) All requirements set forth in this chapter will be complied with.
- (b) The use and any proposed structure to be utilized in connection therewith will not create any threat to the public health, safety and welfare and will not unduly aggravate any traffic problem in the area.
- (c) The proposed use will not be injurious to the surrounding neighborhood.
- (d) The proposed use will not be contrary to the spirit and purpose of this chapter. The Planning Commission may require such conditions as it deems reasonably necessary to promote the spirit and intent of this chapter.
- (e) All proposed structures, equipment or material will be readily accessible for fire and police protection.
- (f) The proposed use will not cause traffic congestion or movement out of proportion to conditions normally prevailing in the particular district.
- (g) The proposed use will provide sufficient space for the off-street parking of all vehicles attracted by its presence and shall abide by the regulations set forth in this chapter for its particular district or use.
- (h) Any proposed building will not be out of harmony with the predominant type of building in the particular district by reason of its size, character, location or intended use.

(Ord. Unno. Passed 12-14-87.)

#### **1278.02 PARKING LOTS FOR BUSINESS USES IN RESIDENTIAL AREAS.**

Special approval use permits for parking lots for business uses in residential areas shall expire on a date specified in such permit five years from the date of issuance and may be reissued by the Zoning Administrator for periods of five years, provided the conditions set forth in Chapter 1280 still prevail. If at any time, the stated conditions in Chapter 1280 do not prevail, the Zoning Administrator shall revoke the permit.

(Ord. Unno. Passed 12-14-87.)

CHAPTER 1280  
Off-Street Parking and Loading

- |         |   |         |   |
|---------|---|---------|---|
| 1280.01 | General parking requirements.                     | 1280.04 | Off-street waiting area for drive-through facilities. |
| 1280.02 | Table of parking requirements.                    |         |   |
| 1280.03 | Parking lot layout, construction and maintenance. | 1280.05 | Off-street loading and unloading.                     |

CROSS REFERENCES

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

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**1280.01 GENERAL PARKING REQUIREMENTS.**

Off-street parking in conjunction with all land and building uses shall be provided as follows:

- (a) For the purpose of this Zoning Code, 270 square feet of lot area shall be deemed a parking space for one vehicle, including access aisle, except that 171 square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.
- (b) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
- (c) The minimum number of off-street parking spaces shall be determined in accordance with the table set forth in Section 1280.02. For uses not specifically mentioned therein, off-street parking requirements shall be interpreted by the Zoning Administrator from requirements for similar uses.

- (d) Any area once designated as required off-street parking shall never be changed to any other use unless and until the required off-street parking is provided elsewhere. Off-street parking existing at the effective date of this Zoning Code (January 31, 1988) in connection with the operation of an existing building or use shall not be reduced to an amount less than would hereinafter be required for such building or use.
- (e) Off-street parking may be provided either by individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.
- (f) Required off-street parking shall be for the use of occupants, employees, visitors and patrons and shall be limited in use to motor vehicles. No person shall store merchandise or motor vehicles for sale or repair in required off-street parking areas. All off-street parking, whether public or private, for nonresidential uses shall be either on the same lot as, or within 100 feet of, the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
- (g) Residential off-street parking space for one and two-family dwellings shall consist of a parking strip or garage or a combination thereof and shall be located on the premises it is intended to serve. Residential off-street parking areas for multifamily buildings shall be located on the premises they are intended to serve.
- (h) Nothing in this chapter shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses, provided such facilities collectively are not less than the sum of the requirements for the various individual uses computed separately in accordance with the table in Section 1280.02.
- (i) In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty-four inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities. (Ord. Unno. Passed 12-14-87; Ord. Unno. Passed 7-10-89; Ord. Unno. Passed 11-9-94; Ord. 2001-01. Passed 2-12-01.)

#### **1280.02 TABLE OF PARKING REQUIREMENTS.**

The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified in Section 1280.01 shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with Section 1280.01.

(a)	<u>Use</u> <u>Residential.</u>	<u>Minimum Number of Parking</u> <u>Spaces Per Unit of Measure</u>
(1)	One-family and two-family	Two for each dwelling unit
(2)	Medium density, multifamily, two or more bedrooms per unit	Two for each dwelling unit
(3)	Medium density, multifamily, efficiency and/or one bedroom units	One for each dwelling unit
(4)	Multifamily, private senior citizen housing	One for each dwelling unit, and one for each employee on the largest shift. Should units revert to general high-rise occupancy, then one and one-half spaces per unit shall be provided.
(5)	Multifamily senior citizens low- rent public housing	One for every two dwelling units
(6)	High rise multifamily	One and one-half for each dwelling unit
(7)	Trailer park and mobile home courts	Two for each trailer or mobile home site and one for each employee of the trailer or mobile home court on the largest shift
(8)	Boarding houses	One for each sleeping room and two for owner occupant
(9)	Licensed residential facility	One for every four beds, plus one for each employee on the shift with the largest number of employees

(b)	<u>Use</u> <u>Institutional.</u>	<u>Minimum Number of Parking Spaces Per Unit of Measure (Cont.)</u>
(1)	Churches, temples or synagogues	One for every three seats, based on maximum seating capacity in the main unit of worship
(2)	Hospitals	One per 600 square feet of gross floor area
(3)	Sanitariums, convents, homes for the aged, convalescent homes or children's homes	One per 600 square feet of gross floor area
(4)	Elementary and junior high schools	One for each teacher and administrator, in addition to the requirements of the auditorium
(5)	Senior high schools	One for each teacher and administrator and one for every ten students, in addition to the requirements for the auditorium
(6)	Private clubs or lodge halls	One for every three persons allowed within the maximum occupancy load as established by the Fire Department
(7)	Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each two memberships irrespective of whether they are families or individuals
(8)	Marinas, public or private	One for each boat slip
(9)	Golf courses open to the general public, except miniature or par 3 courses	Six for each golf hole and one for each employee on the largest shift

<u>Use</u>	<u>Minimum Number of Parking Spaces Per Unit of Measure (Cont.)</u>
(b) <u>Institutional. (Cont.)</u>	
(10) Fraternities and sororities	One and one-half for every two persons based upon the capacity of the house
(11) Stadium, sports arena or a similar place of outdoor assembly	One for every three seats or for every six feet of bench
(12) Theaters and auditoriums (indoor)	One for every four seats plus one for every two employees on the largest shift
(13) Libraries, museums and noncommercial art galleries	One for every 400 square feet of gross floor area
(c) <u>Business and Commercial.</u>	
(1) Automobile service stations	Two for each lubrication stall, rack or pit, and one for each employee on the largest shift
(2) Auto wash establishments	One for each employee on the largest shift
(3) Beauty parlors or barbershops	Three for each of the first two beauty or barber chairs, and one and one-half for each additional chair
(4) Bowling alleys	Five for each bowling lane
(5) Dance halls, pool or billiard parlors, roller or ice skating rinks or exhibition halls and assembly halls without fixed seats	One for every three seats or one for every 100 square feet of gross floor area

<u>Use</u>	<u>Minimum Number of Parking Spaces Per Unit of Measure (Cont.)</u>
(c) <u>Business and Commercial.</u>	
(6) Drive-in establishments	One for forty square feet of gross floor area, with a minimum of twenty-five parking spaces
(7) Establishments for sale and consumption on the premises of beverages, food or refreshments	One for every three persons for the first 150 persons, and one for every two persons over 150 as determined by the Fire Marshall to be the maximum capacity of the establishment
(8) Furniture and appliances, household equipment, repair shops, showrooms or a plumber, decorator, electrician or similar trade, or shoe repair and other similar uses	One for every 800 square feet of gross floor area, exclusive of the floor area occupied in processing or manufacturing, for which requirements see industrial establishments in subsection (e) hereof
(9) Laundromats and coin-operated dry cleaners	One for every two washing machines
(10) Miniature golf courses and par 3 courses	Three for each hole, plus one for each employee on the largest shift
(11) Mortuary establishments	One for every 100 square feet of gross floor area
(12) Motels, hotels or other commercial lodging establishments	One for each occupancy unit, plus one for each employee, plus extra spaces for dining rooms, ballrooms or meeting rooms based upon the maximum occupancy load



<u>Use</u>	<u>Minimum Number of Parking Spaces Per Unit of Measure (Cont.)</u>
(c) <u>Business and Commercial.</u>	
(13) Motor vehicle sales and service establishments, trailer sales and rental, boat showrooms	One for every 400 square feet of gross floor area of sales room
(14) Open air business	One for every 600 square feet of lot area
(15) Restaurants, carry-out	One for every 100 square feet of gross floor area
(16) Retail stores, except as otherwise specified herein	One for every 200 square feet of gross floor area
(17) Shopping centers or clustered commercial establishments	Four square feet of parking and circulation space for every square foot of gross floor area within the shopping center
(d) <u>Offices.</u>	
(1) Banks, savings and loan offices	
Drive-in banks	One for every 200 square feet of gross floor area
(2) Business or professional offices, except as indicated in (d)(3) hereof	Four for each teller station within the bank
(3) Medical or dental clinics, professional office of doctors, dentists or similar professions	One for every 400 square feet of gross floor area
	One for every 200 square feet of gross floor area

<u>Use</u>	<u>Minimum Number of Parking Spaces Per Unit of Measure (Cont.)</u>
(e) <u>Industrial.</u>	
(1) Industrial or research establishments	One for every one and one-half employees in the largest working shift; on-site space shall also be provided for all construction workers during periods of plant construction
(2) Wholesale or warehouse establishments	One for every one and one-half employees in the largest working shift, or one for every 2000 square feet of gross floor area, whichever is greater

(Ord. Unno. Passed 12-14-87; Ord. 2001-01. Passed 2-12-01.)

**1280.03 PARKING LOT LAYOUT, CONSTRUCTION AND MAINTENANCE.**

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

- (a) The building of a parking lot is subject to the requirements for a parking lot permit. The Village Street Administrator shall review and approve the application for such permit on the basis of the requirements set forth in subsections (b) through (j) hereof, and such application shall be referred to the Zoning Administrator for his or her review and approval.
- (b) Each parking space shall constitute a net land area of at least 171 square feet. The total parking lot space, including access lanes, shall constitute at least 270 square feet of land area per parking space.
- (c) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
- (d) Where the Parking Lot Abuts a Residence District \_\_\_\_\_ Required Setback of Parking Spaces \_\_\_\_\_
  - (1) Side lot lines \_\_\_\_\_ None
  - (2) Contiguous common frontage \_\_\_\_\_ Five feet from the street lot line in same block
  - (3) Rear lot line \_\_\_\_\_ None
- (e) There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the lot line.

- (f) The parking lot shall be drained to eliminate surface water, per Village requirements.
- (g) The surface of the parking lot, including drives and aisles, except the buffer strips, shall be constructed of concrete, bituminous concrete or stone mix surfacing approved by the Village. Lighting shall be arranged to reflect away from residential areas.
- (h) Parking structures may be built to satisfy off-street parking requirements when they are located in Commercial/Office or Industrial Districts, subject to the area, height, bulk and placement regulations of such Districts in which they are located.
- (i) Every parcel of land hereafter used as an automobile or trailer sales area or as an automobile service station shall be subject to the above requirements.
- (j) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

<u>Park. Pattern</u> <u>(degrees)</u>	<u>Min. Aisle</u> <u>Width (ft.)</u>	<u>Min. Park.</u> <u>Space Width</u> <u>(ft.)</u>	<u>Min. Park.</u> <u>Space Length</u> <u>(ft.)</u>	<u>Min. Mod.</u> <u>Width (ft.)</u>
0	12	9.0	22	30
30	11	9.0	n/a	45
45	13	9.0	n/a	50
60	18	9.0	n/a	55
75	20	9.0	n/a	60
90	22	9.0	19	60

Eight-foot wide parking spaces will be permitted in Employee Only lots.  
Twelve-foot wide parking spaces are required for Handicapped Only spaces.

The Zoning Administrator or his or her designee shall enforce this section.

- (k) (1) Parking spaces for disabled people and accessible passenger loading zones that serve a particular building shall be the spaces or zones located to the nearest accessible entrance on an accessible route.
- (2) Handicapped-accessible parking shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such signs shall not be obscured by a vehicle parked in the space. Signs shall be mounted 80 inches (six feet, eight inches) above parking lot elevation. Wall-mounted signs may be mounted 60 inches (five feet) above grade. The sign shall be a minimum of 12 inches wide by 18 inches in height.  
(Ord. Unno. Passed 12-14-87; Ord. Unno. Passed 7-10-89; Ord. 2006-05. Passed 5-8-06.)

#### **1280.04 OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.**

(a) As used in this section, Aoff-street waiting space@ means an area ten feet wide by twenty-four feet long and shall not include the use of any parking space, street, alley or sidewalk.

(b) On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided three off-street waiting spaces for each service window.

(c) Automatic auto wash establishments shall provide a minimum of ten off-street waiting spaces, with at least one off-street waiting space on the exit side, for each wash lane. Manual or coin-operated auto wash establishments shall provide at least three off-street waiting spaces on the entrance side of each auto wash stall, and one off-street waiting space on the exit side for each auto wash stall.  
(Ord. Unno. Passed 12-14-87.)

#### **1280.05 OFF-STREET LOADING AND UNLOADING.**

On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, display or other use 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 services adjacent to the opening used for loading and unloading, designed to avoid interference with public use of streets or alleys. Such loading and unloading space shall be a minimum of twelve feet in width by fifty feet in length with a fifteen-foot height clearance. Such space shall be provided according to the following table:

<u>Gross Floor Area (sq. ft.)</u>	<u>Required Loading and Unloading Spaces</u>
1 to 2,000	None
2,001 to 20,000	One
20,001 to 100,000	One, plus one space for every 20,000 square feet in excess of 20,000 square feet
100,001 to 500,000	Five, plus one space for every 40,000 square feet in excess of 100,000 square feet
over 500,000	Fifteen, plus one space for each 80,000 square feet in excess of 500,000 square feet

No loading space shall be located closer than fifty feet from any Residence District unless such space adjoins a public alley, is located within a completely enclosed

building or is enclosed on all sides facing a Residence District by a solid masonry wall or ornamental fence of a type approved by the Planning Commission and not less than six feet in height.

(Ord. Unno. Passed 12-14-87.)

CHAPTER 1282  
Fences and Hedges

1282.01	Definitions.	1282.07	Maintenance of fences.
1282.02	Construction, replacement or repair of fences.	1282.08	Prohibited fences.
1282.03	Permit to construct, replace or repair fences.	1282.09	Height in residential zones.
1282.04	Construction requirements for fences.	1282.10	Height in nonresidential zones.
1282.05	Determination of property or lot lines.	1282.11	Height in sight zones.
1282.06	Construction on streets or between sidewalks and curbs.	1282.12	Trimming of hedges.
		1282.13	Nuisances; abatement.
		1282.14	Exceptions to chapter.
		1282.15	Enforcement of chapter; appeals from enforcement.

CROSS REFERENCES

Fences generally - see M.C.L.A. Secs. 43.51 et seq.

Galvanized wire fences - see M.C.L.A. Secs. 290.351 et seq.

Damages for failure to erect or maintain fences - see  
M.C.L.A. Sec. 433.151

Malicious destruction of fences - see M.C.L.A. Secs. 750.381 et seq.

Destruction of fences - see GEN. OFF. 666.01(16)

**1282.01 DEFINITIONS.**

Unless indicated otherwise, as used in this chapter:

- (a) "Clear vision fence" means any fence constructed of wire, except for post and supporting members, with all areas, measured over any square foot, at least eighty percent open when viewed at right angles to the fence.
- (b) "Fence" means any permanent fence, partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a structure for which a building permit is required.

- (c) "Grade or grounds" means for areas adjacent to or within five feet of any sidewalk, means the sidewalk grade. For areas adjacent to the public street where no sidewalk exists, "grade or ground" means six inches above the curb level, and if there is no curb, then nine inches above the level of the outside edge of the street. "Grade or ground" otherwise means the average grade one foot on each side of the line of the fence.
- (d) "Hedge" means a series of bushes, shrubs or evergreen trees planted or grown in a compact and continuous line.
- (e) "Ornamental fence" means a fence not exceeding three feet in height, used to set off or protect gardens, bushes or other plantings, and not located within two feet of a property or lot line.
- (f) "Partition fence" means a fence constructed on or within two feet of the property line dividing lots.  
(Ord. Unno. Passed 12-14-87.)

#### **1282.02 CONSTRUCTION, REPLACEMENT OR REPAIR OF FENCES.**

No person shall erect, construct, replace or substantially repair any fence, except in accordance with this chapter. Any fence existing on or before the adoption date of this section, and not in conformance with the requirements of this chapter, shall not be altered or modified, except to make it more conforming.  
(Ord. Unno. Passed 12-14-87.)

#### **1282.03 PERMIT TO CONSTRUCT, REPLACE OR REPAIR FENCES.**

No person shall erect, construct, replace or substantially repair any fence, except an ornamental fence, without a construction permit therefor. Written application for such permit shall be filed with the Village, on forms to be furnished by the Village, setting forth the location, type, construction detail and other information as required by the Village, together with a permit fee. The fees for a permit under this chapter shall be those fees on file with the Village Clerk. If it appears to the Building Inspector that the proposed fence is in accordance with this chapter and other applicable ordinances and statutes, he or she shall issue a permit specifying the fence authorized.  
(Ord. Unno. Passed 12-14-87.)

#### **1282.04 CONSTRUCTION REQUIREMENTS FOR FENCES.**

All fences constructed pursuant to a permit under this chapter shall be soundly constructed, with posts made of either iron pipe with one and five-eighths inches outside diameter, wood posts four inches in diameter, reinforced concrete posts four inches across or the equivalent of other material, with footings or post holes at least three feet in depth and firmly set in concrete, sand or other compacting material. The fencing material shall be firmly and securely fastened to the posts. Only sound material shall be used.  
(Ord. Unno. Passed 12-14-87.)

**1282.05 DETERMINATION OF PROPERTY OR LOT LINES.**

Any person obtaining a fence permit under this chapter and erecting a fence shall determine the location of property or lot lines. The City shall not determine property or lot lines, and the issuance of a fence permit shall in no way be construed as a determination of the correct, valid or legal location for the fence, or prejudice in any way the rights of adjacent or abutting property owners. Notification to the adjacent property owners of the pending issuance of the fence permit must be made by the person requesting the permit. The City may require proof of the notification, at its discretion.

(Ord. Unno. Passed 12-14-87; Ord. 2013-03. Passed 5-13-13.)

**1282.06 CONSTRUCTION ON STREETS OR BETWEEN SIDEWALKS AND CURBS.**

No person shall construct any fence or barrier in any public street in the City or between the sidewalk and curb, except in conjunction with the excavation for a building or similar structure, as provided in the Building Code.

(Ord. Unno. Passed 12-14-87.)

**1282.07 MAINTENANCE OF FENCES.**

All fences shall be maintained in a sound and safe condition.

(Ord. Unno. Passed 12-14-87.)

**1282.08 PROHIBITED FENCES.**

No owner or occupant of land in the City shall build or maintain any fence constructed wholly or in part of barbed wire, any fence, guard wall or other protection upon which there shall be fixed, attached or placed in any manner any spike, nail or pointed instrument or any kind of description, or any fence electrically charged. However, barbed wire or similar instruments may be used along the top of such fences surrounding industrial plants and real estate appurtenant thereto, if such barbed wire or similar instruments are fastened to a portion of the fence extending at an angle over the enclosed property and not over other private property or projecting on the opposite side or the side adjacent to a sidewalk or public way.

(Ord. Unno. Passed 12-14-87.)

**1282.09 HEIGHT IN RESIDENTIAL ZONES.**

(a) Subject to Section 1282.11(a), the following restrictions shall apply to fences located within residential zones as established in this Zoning Code:

- (1) All fences, except ornamental fences, shall be at least three feet in height above grade.
- (2) Fences located in required front yards shall not exceed four feet in height above grade.
- (3) Fences within ten feet of the property or lot line, abutting on a street, shall not exceed four feet in height above grade.



- (4) Where no other restriction applies, a fence shall not exceed six feet in height above grade.

(b) Hedges shall not exceed the height limitations provided in subsection (a) hereof for fences.

(Ord. Unno. Passed 12-14-87.)

#### **1282.10 HEIGHT IN NONRESIDENTIAL ZONES.**

Subject to Sections 1286.10 and 1282.11 the following restrictions shall apply to fences and hedges located in an area other than a residential zone:

- (a) No fence or hedge shall exceed twelve feet in height.
- (b) Fences or hedges located between a building and a street shall not exceed four feet in height above grade, provided that this restriction does not apply to clear-vision fences.

(Ord. Unno. Passed 12-14-87.)

#### **1282.11 HEIGHT IN SIGHT ZONES.**

Within the limits of sight zones, fences and hedges shall not exceed two and one-half feet in height above grade, except that such restriction does not apply to clear-vision fences. Such sight zones shall be determined as follows:

- (a) Street Corners. The triangle formed by legs measured twenty feet on each side of a street corner lot, measured on the property or lot lines. Where a sidewalk exists, the inside edge of the sidewalk may be considered the property line for this purpose.
- (b) Driveways. The right triangles formed on each side of a driveway, measured ten feet along the property or lot line on one leg, and along the outside edge of the driveway for the other leg. Where a sidewalk exists, the inside edge of the sidewalk may be considered the property line for this purpose.

(Ord. Unno. Passed 12-14-87.)

#### **1282.12 TRIMMING OF HEDGES.**

The property owner or occupant of the land upon which a hedge is growing shall trim the hedge to the limit prescribed in this chapter. Any shrub, bush or other growing plant which projects into or across adjacent land may be trimmed by the adjacent owner back to the lot line.

(Ord. Unno. Passed 12-14-87.)

**1282.13 NUISANCES; ABATEMENT.**

Any fence or hedge which, through lack of repair, type of construction, location, deterioration or other reason, imperils life or property shall be deemed a nuisance. Where the Building Inspector determines that any fence or hedge is in such a condition as to constitute a nuisance, he or she shall cause such nuisance to be abated.

(Ord. Unno. Passed 12-14-87.)

**1282.14 EXCEPTIONS TO CHAPTER.**

(a) The height restrictions of this chapter shall not apply to public or private schools, public recreational areas or public utility installations where higher fences are required for the safety and protection of the public.

(b) The height restrictions prescribed by this chapter for residential zones shall not apply to any fence or hedge located in any area of a lot where a building (other than an accessory building) could be constructed as a matter of right.

(c) This chapter shall not apply to construction fences as authorized and required in the Building Code.

(Ord. Unno. Passed 12-14-87.)

**1282.15 ENFORCEMENT OF CHAPTER; APPEALS FROM ENFORCEMENT.**

The Zoning Administrator shall enforce this chapter. All orders, requirements, decisions and determinations of the Enforcement Officer may be appealed to the Zoning Board of Appeals, including applications for variances, in accordance with the established procedure of the Board. The Board may grant such relief as may be authorized in accordance with the standards as established in the Zoning Code. (Reference Section 1262.06.)

(Ord. Unno. Passed 12-14-87; Ord. 2005-05. Passed 4-11-05.)

CHAPTER 1283  
Swimming Pools

1283.01 Purpose.	1283.04 Access and use.
1283.02 Definition.	1283.05 Zoning Board of Appeals.
1283.03 Permit required.	1283.06 Penalties.

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**1283.01 PURPOSE.**

The purpose of this chapter is to regulate the private outdoor swimming pools located within the Village that may endanger the public health and safety.  
(Ord. 2006-06. Passed 5-8-06.)

**1283.02 DEFINITION.**

"Swimming pool" shall mean any artificially constructed pool, portable or permanent; wholly or partly outdoors, either above or below, or partly above or below grade; capable of being used for swimming or wading, immersion or partial immersion of a human being. Excluded from this chapter are non-filtered, inflated or molded children's wading pools.  
(Ord. 2006-06. Passed 5-8-06.)

**1283.03 PERMIT REQUIRED.**

A site permit shall be applied for and obtained from the Zoning Administrator and a building permit issued before construction or erection of any swimming pool.  
(Ord. 2006-06. Passed 5-8-06.)

**1283.04 ACCESS AND USE.**

(a) A private swimming pool shall be permitted as an accessory use to one-family or two-family dwelling units, but must be located only in a rear or side yard.

(b) All swimming pools are subject to the following:

- (1) The outside wall of a swimming pool shall not be closer than ten feet of a side or rear yard lot line or the required setback of a rear or side yard, which ever distance is greater.
- (2) The outside wall of a swimming pool shall be no closer than 35 feet of the front yard line.
- (3) The outside wall of a swimming pool shall be no closer than four feet of any building on the same lot.
- (4) For the protection of the general public, a swimming pool shall be completely enclosed by a fence not less than four feet in height. Gates

shall be of self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the swimming pool is not in use for extended periods.

- (5) All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code.
- (6) If service drop conductors or other utility wire cross under or over a swimming pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit is issued for the construction of a swimming pool.
- (7) No portion of a swimming pool or associated structure shall be permitted to encroach upon any right-of-way which has been granted for public utility use and/or any other easement or right-of-way.

(Ord. 2006-06. Passed 5-8-06.)

#### **1283.05 ZONING BOARD OF APPEALS.**

The Board of Appeals shall have jurisdiction to hear and decide appeals and permit variations or the requirements herein.

(Ord. 2006-06. Passed 5-8-06.)

#### **1283.06 PENALTIES.**

Any person, firm or corporation convicted of violating any provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period of not to exceed 90 days, or both, such fine and imprisonment in the discretion of the court. Each day on which any violation shall continue shall constitute as a separate offense.

(Ord. 2006-06. Passed 5-8-06.)

CHAPTER 1284  
Signs

1284.01 Purpose.	1284.05 Fees.
1284.02 General requirements.	1284.06 Appeals and special procedures.
1284.03 District requirements.	1284.07 Sidewalk signs.
1284.04 Special conditions.	

CROSS REFERENCES

Defacing signs on private property - see M.C.L.A. Sec. 750.385  
 Posting signs without permission - see M.C.L.A. Secs. 752.821 et seq.  
 Destruction of signs - see GEN. OFF. 666.01(20)  
 Removal of signs - see GEN. OFF. 666.01(34)  
 Obstructions by signs - see GEN. OFF. 666.01(36)

**1284.01 PURPOSE.**

Signs and other visual outdoor advertising are necessary to the commerce, health, safety and general welfare of the residents of the City. Further, failure to regulate their size, location and construction may lead to poor identification of individual businesses, deterioration of the business and residential areas of the City, intensification of the conflicts between different types of land use, reduction in the effectiveness of traffic control devices and safety hazards to pedestrians and motorists.

The purpose of this chapter is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting maximum latitude for creative and effective advertising and identification. To achieve this purpose, this chapter shall:

- (a) Prevent the placement of signs in a manner that will conceal or obscure other signs or adjacent businesses;
- (b) Keep the number of signs and sign messages at a level reasonably necessary to identify a business and its products;
- (c) Keep signs within a reasonable scale with respect to the buildings to which they relate;
- (d) Prevent off-premise signs from conflicting with business, residential and public land uses;
- (e) Keep an area adjacent to streets clear of signs which might obstruct or distract the view of motorists; and
- (f) Reduce the visual and physical obstructions to motorists entering or leaving streets. (Ord. Unno. Passed 12-14-87.)

Signs may be erected or maintained in the City only as permitted by this chapter and are subject to all restrictions contained herein.

(Ord. Unno. Passed 12-14-87.)

#### 1284.02 GENERAL REQUIREMENTS.

- (a) The following signs are hereby prohibited:
- (1) Any sign which, by reason of its size, location, content, coloring or manner of illumination constitutes a traffic hazard or detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic control device on public streets or roads;
  - (2) Signs which make use of words such as STOP, LOOK, DANGER or other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic;
  - (3) Signs and sign structures that are no longer in use as originally intended, have been abandoned, are not structurally sound, pose a hazard to health and safety or are not kept in good repair;
  - (4) Any sign which obstructs ingress or egress from any required door, window, fire or other required exitway;
  - (5) Any sign unlawfully installed, erected or maintained after the effective date of this chapter (January 31, 1988);
  - (6) Any sign installed prior to the effective date of this chapter without a permit when, in fact, previous zoning ordinance regulations required a permit; and
  - (7) Billboards located within 100 feet of residential district lines.
- (b) The following signs are allowed in any district and do not require a permit:
- (1) "No hunting," "no trespass," and on premise directional signs not exceeding four square feet in area;
  - (2) Signs located in building interiors;
  - (3) Identification, address or temporary "for sale" signs affixed to a wall, mailbox, post, lamp post, pillar or tree which otherwise meets the requirements of this chapter in terms of location and area;
  - (4) Traffic control or other Municipal signs such as, but not limited to, directional signs on public rights of way, railroad crossing signs, warning, danger or temporary emergency signs and legal notices.
  - (5) Memorial signs or tablets, names of buildings and dates of their erection, when cut into masonry surface or when constructed of bronze or other noncombustible material.

- (6) Flags bearing the official design of a nation, state or municipality.  
(Ord. Unno. Passed 12-14-87; Ord. 2016-02. Passed 4-11-16.)

#### 1284.03 DISTRICT REQUIREMENTS.

(a) Sign requirements for Residence Districts are as follows:

- (1) For each dwelling unit, one name plate not exceeding two square feet in area which indicates the name of the occupant or his or her home occupation;
- (2) For structures other than dwelling units, one identification sign not exceeding ten square feet in area, except a church bulletin board which may not exceed eighteen square feet in area; and
- (3) For rental or management offices in a multiple-unit housing development, one identification sign not exceeding six square feet in area.

(b) In the Commercial/Office District, freestanding, on-premise advertising signs or advertising pylons shall not exceed twenty feet in height or 100 square feet in area.

(c) In the IND Industrial District, only one identification sign shall be permitted per user, and that sign shall not exceed 100 square feet in area or twenty feet in height.

(Ord. Unno. Passed 12-14-87; Ord. Unno. Passed 7-10-89.)

#### 1284.04 SPECIAL CONDITIONS.

(a) The light source which illuminates signs shall be directed or shaded so as not to interfere with the vision of persons on an adjacent highway or property.

(b) Signs used for advertising property for rent, lease or sale shall not exceed six square feet in area and shall be exempt from the permit and fee requirements of this chapter.

(c) No sign or billboard shall be erected or altered until it is approved by the Zoning Administrator and a permit is therefor issued.

(d) Free-standing off-premise billboards shall be considered a principal use, shall not exceed 200 square feet in area and must meet other applicable provisions of this chapter.

(e) Signs and billboards are prohibited from all public rights of way and dedicated public easements. In addition, signs are also prohibited from encroachment or suspension over a public way, right of way or easement except as allowed in Section 1284.07.

(f) The combination of square footage of signs and/or billboards on any one lot shall not exceed 200 square feet in total.

(Ord. Unno. Passed 12-13-87; Ord. Unno. Passed 7-10-89; Ord. 2007-10. Passed 8-13-07.)

#### 1284.05 FEES.

Fees for the issuance of sign permits, as provided in Section 1284.04(c), shall be paid to the City Treasurer in advance of the issuance of the permit. Such fees are necessary to cover the costs involved and shall be established by Council.

(Ord. Unno. Passed 12-14-87.)

#### 1284.06 APPEALS AND SPECIAL PROCEDURES.

Appeals and special procedures are the responsibility of the Zoning Board of Appeals. Fees for appeals shall be paid to the City Treasurer. Such fees shall be established by Council.

(Ord. Unno. Passed 12-14-87.)

#### 1284.07 SIDEWALK SIGNS.

(a) Sidewalk signs mean a sign with two faces that adjoin at the top or a pedestal sign that has a base and single- or double-sided message board. The base of the sign is not permanently secured or anchored.

(b) One sidewalk sign is allowed for each business.

(c) Sidewalk signs are to be displayed only during the business' hours of operation.

(d) A sidewalk sign shall only be placed so as to allow at least sixty inches of clearance, or clearance as required by the Americans with Disabilities Act.

(e) The maximum size of each display face of a sidewalk sign is six square feet.

(f) The maximum height of the sidewalk sign is forty-two inches, as measured above the sidewalk.

(g) Sidewalk signs may be allowed if the proposed location does not inhibit the free flow of pedestrians and meets the clearance requirements of the Americans with Disabilities Act.

(h) All sidewalk signs shall be placed as close to the front of the building and at the farthest point from the roadway as possible.

(i) Businesses on corner lots may have one sidewalk sign on each roadway side of the business.

(Ord. 2007-09. Passed 8-13-07.)



CHAPTER 1286  
Provisions Relating to All Districts

- |   |   |
|---|---|
| 1286.01 Zoning of streets and alleys.                               | 1286.22 Restoring unsafe buildings.   |
| 1286.02 Conformance with district regulations.                      | 1286.23 Construction begun prior to adoption of Zoning Code.  |
| 1286.03 Rooftop equipment screening. (Repealed)                     | 1286.24 Voting places.  |
| 1286.04 Lot area, yards and open space requirements.                | 1286.25 Approval of plats.  |
| 1286.05 Existing porches.   | 1286.26 Essential services.   |
| 1286.06 New basements under existing dwellings.                     | 1286.27 Driveway and soil erosion permits.  |
| 1286.07 Projections into yards.                                     | 1286.28 Keeping of pets and livestock.  |
| 1286.08 Use of yard spaces and other open areas for junk storage.   | 1286.29 Occupancy of mobile homes and basements.  |
| 1286.09 Required street frontage.                                   | 1286.30 Home occupations.   |
| 1286.10 Visibility.   | 1286.31 Control of heat, glare, fumes, etc.   |
| 1286.11 Waterfront lots.  | 1286.32 Street access.  |
| 1286.12 Dwellings in Industrial Districts.                          | 1286.33 Outdoor storage and waste disposal.   |
| 1286.13 Number of single-family structures per lot.                 | 1286.34 Existing junk yards. (Repealed)   |
| 1286.14 Accessory buildings and structures in R Districts.          | 1286.35 Yard requirements.  |
| 1286.15 Parking and storage of recreational vehicles and equipment. | 1286.36 Radio and television towers; satellite dishes; wind energy conversion systems; solar energy systems; storage of firewood. |
| 1286.16 Automobile service stations and public garages.             | 1286.37 Open air business uses.   |
| 1286.17 Drive-in establishments.                                    | 1286.38 Historical designation.   |
| 1286.18 Building grades.  | 1286.39 Protective screening.   |
| 1286.19 Moving of buildings.  | 1286.40 Fences, walls and other protective barriers.  |
| 1286.20 Excavations, holes, etc.                                    | 1286.41 Refuse disposal.  |
| 1286.21 Excavation, removal and filling of land.                    |   |

1286.42 Standards for decisions.  
1286.43 Site plan review.

1286.44 Schedule of placement, size,  
bulk and height regulations.

#### CROSS REFERENCES

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581  
Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582  
Regulation of congested areas - see M.C.L.A. Sec. 125.583  
Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

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#### 1286.01 ZONING OF STREETS AND ALLEYS.

All streets and alleys, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets or alleys. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.  
(Ord. Unno. Passed 12-14-87.)

#### 1286.02 CONFORMANCE WITH DISTRICT REGULATIONS.

(a) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in the district in which the building or land is located.

(b) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the area regulations of the district in which the building is located.

(c) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylighting, solar collectors, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials, wireless masts and satellite dishes, water tanks or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than twenty feet the height limits of the district in which it is located, nor shall such structure have a total area greater than twenty-five percent of the roof area of the building, nor shall such structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building.

(Ord. Unno. Passed 12-14-87.)

**1286.03 ROOFTOP EQUIPMENT SCREENING. (REPEALED)**

(EDITOR'S NOTE: This section was repealed by Ordinance 2005-02, passed March 14, 2005.)

**1286.04 LOT AREA, YARDS AND OPEN SPACE REQUIREMENTS.**

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this chapter for a building shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building. An open porch or paved terrace may extend into a required front yard or rear yard, provided that the unoccupied portion of the front yard or rear yard furnishes a depth of not less than fifteen feet.

(Ord. Unno. Passed 12-14-87.)

**1286.05 EXISTING PORCHES.**

(a) All covered porches existing at the time of adoption of this Zoning Code may be enclosed with screens, including a railing enclosure not to exceed thirty inches in height from the floor. In any R District, a covered porch existing at the time of adoption of this Zoning Code which encroaches on the required minimum front yard may be enclosed with removable storm windows, including a railing enclosure not to exceed thirty inches in height from the floor, provided such enclosed porch will not extend toward the street line beyond the enclosed portion of any adjacent dwelling by more than one-third of the distance separating the two buildings. In no case shall such enclosed porch be less than ten feet from the street line.

(b) In any R District, covered porches existing at the time of adoption of this Zoning Code and extending into required front yard area may be replaced with a vestibule or enclosed entryway, provided such vestibule or enclosed entryway is not greater than eight feet wide and does not extend more than four feet from the main wall of the building involved or nearer than ten feet to the front property line.

(Ord. Unno. Passed 12-14-87.)

**1286.06 NEW BASEMENTS UNDER EXISTING DWELLINGS.**

All dwellings which lack a full basement and which extend into the minimum front, side or rear yards may have a basement or cellar constructed under the entire structure in its present location, provided that at the time of construction the dwelling was properly located on the lot.

(Ord. Unno. Passed 12-14-87.)

**1286.07 PROJECTIONS INTO YARDS.**

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three feet.

(Ord. Unno. Passed 12-14-87.)

**1286.08 USE OF YARD SPACES AND OTHER OPEN AREAS FOR JUNK STORAGE.**

No machinery, equipment, vehicle, lumber pile, crate, box, building block or other material, either discharged, unsightly or showing evidence of a need for repairs, with or without a current license, shall be placed, stored, parked, abandoned or junked in any open area that is visible from a street, public place or adjoining residential property from a street, public place or adjoining residential property for longer than forty-eight hours. If the above items are permitted to be placed, stored, parked, abandoned or junked in such area, the Building Inspector shall give written notice to the owner of the premises on which such item is stored and/or to the owner of the stored item to remove such item, or cause such item to be removed, within forty-eight hours after the giving of such notice. Failure to comply with such notice within forty-eight hours shall constitute a violation of this Zoning Code. The above notwithstanding, the Building Inspector may, upon investigation, issue a letter to the owner authorizing a grace period not to exceed thirty days. This section does not apply to storage of building materials for on-site construction purposes.

(Ord. Unno. Passed 12-14-87.)

**1286.09 REQUIRED STREET FRONTAGE.**

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street or private easement which meets one of the following conditions:

- (a) It is a public street which has been accepted for maintenance by the Village;
- or
- (b) It is a permanent and unobstructed private easement, on record at the County Register of Deeds, having a width of at least sixty feet, except where an access easement of record of less width existed prior to the adoption of this chapter, and it is a roadway meeting Village standards for

vehicular traffic, leading to a public street as defined under subsection (a) hereof, provided that the property owner has signed an agreement with the Village in which he or she agrees to:

- (1) Assume complete responsibility for the maintenance of such street access; and
- (2) Notify any purchaser, lessee or tenant of such property of the existence of such agreement.

(Ord. Unno. Passed 12-14-87.)

#### **1286.10 VISIBILITY.**

No structure, wall, fence, shrubbery or tree shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, except that shrubbery and low retaining walls not exceeding two and one-half feet in height above the curb level will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curb lines and a line connecting them at points twenty feet from the intersection of such curb line.

(Ord. Unno. Passed 12-14-87.)

#### **1286.11 WATERFRONT LOTS.**

(a) On lots abutting on water, such as lakes, streams, rivers and bays, no building or structure, except boat houses, land ramps and docks shall be erected less than twenty-five feet measured horizontally from the edge of the water as determined by the legally established water level, provided that no boat house, land ramp or dock shall be erected less than ten feet from any side lot line unless approved by the Zoning Board of Appeals.

(b) Shoreline setback. The building setback on the lakeside of a waterfront property shall be such that from an adjoining property structure, by using a measurement from the front face corners of the existing structure living quarters as a baseline to the proposed structure and/or addition, there shall be no more than a thirty degree angle (tangent 30 degrees, being 1 on 2). The purpose being that new residences or additions should not obstruct the view from (of) existing neighboring properties. A special variance shall be required where the existing structure is setback more than fifty feet from the front (waterfront) property line. In addition, a building shall be no closer than twenty-five feet from the front (waterfront) property line (See Section 1260.09, Illustration 6).

(Ord. Unno. Passed 3-16-98; Ord. 2005-04. Passed 4-11-05.)

#### **1286.12 DWELLINGS IN INDUSTRIAL DISTRICTS.**

No dwelling unit shall be erected in an Industrial District. However, the sleeping quarters of a watchman or caretaker may be permitted in such District in conformance with the specific requirements of the District.

(Ord. Unno. Passed 12-14-87.)

**1286.13 NUMBER OF SINGLE-FAMILY STRUCTURES PER LOT.**

No single-family residential structure shall be erected upon a lot with another single family residential structure in an R-1 Residence District.  
(Ord. Unno. Passed 12-14-87.)

**1286.14 ACCESSORY BUILDINGS AND STRUCTURES IN R DISTRICTS.**

(a) Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (1) One garage plus additional accessory building may be erected on any single lot, subject to setbacks, lot coverage, and other standards of this Zoning Code. Accessory buildings shall not be erected in the front yard. Accessory buildings may be erected in any rear yard, provided that in no instance shall such building be nearer than six feet to any adjoining lot line, except that on a corner lot the entrance to a garage shall not be less than eighteen feet from the lot line adjacent to the side street.
- (2) In any residential zone, unless otherwise provided in this chapter, no garage building in the side yard shall be erected closer to the side lot line than permitted distance for the dwelling. No garage, accessory building or portion thereof shall be erected or extended into the required front and waterfront yard setback areas. An attached garage building of fireproof construction may be erected to extend beyond the front line of the house except that such garage shall not encroach upon the minimum front yard setback area as required by this chapter. No garage or accessory building shall be permitted in the front yard, except for water front lots.
- (3) The owner of two abutting lots or parcels where a dwelling is located at one of the lots or parcels may erect an accessory structure on a vacant adjoining lot or parcel under the following conditions:
  - A. The two lots or parcels shall be combined into one legal description;
  - B. The accessory structure shall comply with provisions contained herein.
- (4) All accessory buildings and garages shall be compatible in design and material with the residential structure and the surrounding neighborhood. Cloth, canvas, plastic sheets, tarps or similar materials are not allowed as exterior materials.

(b) In the R-1 District, the combined ground floor area of the garages and accessory buildings shall not exceed two thousand sixty-four square feet.

- (1) On a waterfront lot, a garage building may be located in the front yard (street side of lot) provided said structure is at least twenty-five feet from the front right-of-way line and in compliance with side yard setback requirements. Accessory or garage structure shall not exceed twelve hundred square feet in ground floor area. The total height shall not exceed twenty-three feet to the ridge. Wall structure of an unattached garage structure shall not exceed fourteen feet.

- (2) In the case of a double frontage lot, accessory buildings shall observe front yard setback requirements on both street frontages wherever there is any principal buildings frontage on said streets on the same block.
- (3) When an accessory building is located in the rear yard area on a corner lot, the side lot line which is substantially a continuation of the required front yard setback of the lot to its rear, said accessory building shall be set back from the street at least as far as the required front yard setback of the lot at the rear of the subject corner lot.
- (4) No garage, utility or accessory building shall be constructed upon or moved to any parcel of property until the principle building on, or intended to be erected thereon, is at least two-thirds completed; except at construction of an attached garage may proceed on the of the construction of the dwelling.
- (5) No accessory building or unattached garage shall be used in any part for dwelling purposes, however, water and toilet facilities may be installed for incidental use.  
(Ord. Unno. Passed 12-14-87; Ord. Unno. Passed 11-9-94; Ord. 2002-06. Passed 10-14-02; Ord. 2003-13. Passed 10-13-03; Ord. 2004-02. Passed 1-12-04; Ord. 2007-06. Passed 6-11-07.)

#### **1286.15 PARKING AND STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT.**

Campers, travel trailers, motorized homes, trailers of any type and boats may be parked or stored outdoors in any zoning district on occupied lots subject to the following requirements:

- (a) Not more than one camper or travel trailer and not more than one boat may be parked on a lot of record which is zoned and used for residential purposes.
- (b) Campers and travel trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight hours. The temporary use of additional trailers or recreational vehicles other than allowed in subsection (e) hereof shall be governed by the following:
  - (1) In any zoning district, a temporary use permit (recreational vehicle parking permit) may be issued to a landowner (or the owner of the proprietary use in property) to permit the parking and occupation of trailers or recreational vehicles during special events, family reunions or other tourism related events.
  - (2) Such temporary use permit shall be at the sole and absolute discretion of the City Zoning Administrator, who shall take into account the location and size of the site proposed, traffic consideration, provisions for water and sewerage disposal, the proximity of the site to residences, complaints received from past usage and any other matters deemed pertinent by the Zoning Administrator; and the Zoning Administrator shall take into account the wishes and concerns of neighbors and adjoining property owners.

- (3) The Zoning Administrator and Police Chief shall ascertain that all local, State and Federal fire, safety and health ordinances, statutes and regulations are complied with and met. The permit shall state the number of such trailers or vehicles permitted on the site and any other conditions imposed upon the issuance of the permit.
  - (4) The landowner (or the owner of the proprietary use of the property) shall be responsible for compliance with the terms of the permit so issued.
  - (5) Applications hereunder must be made with a recreational vehicle parking permit issued by the City with a fee to be set by the City Council.
  - (6) Any issued permit may be revoked if compliance with the standards set are violated.
- (c) Campers, travel trailers, snowmobiles, trailers, boats and the like, when parked or stored, shall be located only in the side or rear yard and, in addition, shall conform to the required yard space requirements for accessory buildings in the zoning district wherein they are located.
  - (d) The maximum permitted lot coverage of all buildings, including any camper, travel trailer or boat parking or storage space, shall not be exceeded.
  - (e) Recreational vehicles and equipment, as described above, which are parked or stored, may be used for temporary living, lodging or housekeeping purposes for no more than a total of fourteen consecutive days in any calendar year.
  - (f) All recreational equipment must be kept in operational condition.
  - (g) No person shall park or store a mobile home unit outside of a mobile home park.  
(Ord. Unno. Passed 12-9-96; Ord. 2007-06. Passed 6-11-07; Ord. 2015-07. Passed 9-14-15.)

#### 1286.16 AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES.

In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations; to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas; and to control the problem of abandoned stations which are a nuisance as well as a blighting influence on surrounding properties, the following additional regulations and requirements are provided herein for automobile service stations located in any zone. All automobile service stations erected after the effective date of this Zoning Code (January 31, 1988) shall comply with this section. No automobile service station existing on such effective date shall be structurally altered so as to provide a lesser degree of conformity with this section than existed on the effective date of this Zoning Code.

- (a) An automobile service station shall be located on a lot having a frontage along the principal street of not less than 140 feet, and having a minimum area of not less than 14,000 square feet.



- (b) An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty feet from any street lot line.
- (c) All lubrication equipment, motor vehicle washing equipment and hydraulic hoists and pits shall be enclosed entirely within a building.
- (d) An automobile service station located on a lot having an area of 14,000 square feet shall include not more than eight gasoline hose nozzle pumps and two enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two gasoline pumps and/or one enclosed stall may be included with the provision of each additional 2,000 square feet of lot area.
- (e) Where an automobile service station or public garage adjoins property located in any Residence District, a masonry wall five feet in height shall be erected and maintained along the service station property line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- (f) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- (g) Automobile service or filling stations may be converted to a principal permitted use in the district in which such station is located, provided the following conditions are met:
  - (1) The use shall not be out of harmony with the surrounding neighborhood by reason of its character or quality of development.

- (2) All gasoline pumps and signs shall be removed and underground gasoline storage tanks shall be abandoned in conformance with prescribed Village and State fire safety provisions.
- (3) All buildings shall meet all applicable requirements of the Building Code for safety and structural conditions.
- (4) There shall be adequate off-street parking provided in accordance with Chapter 1280.
- (5) No outside storage areas shall be permitted.
- (6) The use shall meet all area, height, bulk and placement requirements of the district in which such use is located in accordance with the schedule of regulations in Section 1286.46.
- (7) The use shall comply with all other requirements of the applicable district unless otherwise provided in this Zoning Code.  
(Ord. Unno. Passed 12-14-87.)

#### **1286.17 DRIVE-IN ESTABLISHMENTS.**

(a) When a drive-in establishment adjoins property located in any Residence District, a screening wall five feet in height shall be erected and maintained along the adjoining property line, or if separated from such District by an alley, then along the alley lot line. In addition, all outside trash areas shall be enclosed by such five foot screening wall. Such wall shall be protected from possible damage inflicted by vehicles using the parking area by means of pre-cast concrete wheel stops at least six inches in height, by firmly implanted bumper guards not attached to the wall or by other suitable barriers.

(b) The entire parking area shall be surfaced with approved stone mix, concrete or asphalt. Any area of the site not used for parking shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved area by a raised curb or other equivalent barrier.

(c) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will not cause direct illumination on adjacent residential properties.

(d) Before approval is given for any use, a site plan shall first be submitted to the Planning Commission for review as to suitability of location of entrances and exits to the site, parking area, screening, lighting and other design features. The Commission, when it deems necessary, may require the screening to be a masonry wall.  
(Ord. Unno. Passed 12-14-87.)

**1286.18 BUILDING GRADES.**

(a) Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard space shall be graded and adequate drainage shall be provided where necessary to deflect proper drainage of surface waters from the premises so as not to run onto neighboring property.

(b) When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades or such grade as determined by the Village.

(Ord. Unno. Passed 12-14-87; Ord. 2001-02. Passed 2-12-01.)

**1286.19 MOVING OF BUILDINGS.**

Any building or structure which has been wholly or partially erected on any premises within or outside of the Village shall not be moved to and/or placed upon any premises in the Village unless a building permit for such building or structure has been secured. Any such building or structure shall fully conform to this Zoning Code in the same manner as a new building or structure.

(Ord. Unno. Passed 12-14-87.)

**1286.20 EXCAVATIONS, HOLES, ETC.**

No person shall construct, maintain or allow to exist within the Village any unprotected, unbarricaded, open or dangerous excavation, hole, pit or well, or any excavation, hole or pit which constitutes or is reasonably likely to constitute a danger or menace to the public health, safety or welfare. However, this section shall not prevent any excavation under a permit issued pursuant to this Zoning Code or the Building Code, where such excavation is properly protected and warning signs are posted in such a manner as may be approved by the Building Inspector.

(Ord. Unno. Passed 12-14-87.)

**1286.21 EXCAVATION, REMOVAL AND FILLING OF LAND.**

No person shall use land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other waste or by-product in any zoning district, except under a certificate from, and under the supervision of, the Building Inspector in accordance with a topographic plan approved by the Village and submitted by the fee-holder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than one inch equals fifty feet and shall show existing and proposed grades and topographic features and such other data as may from time to time be

**1286.26 ESSENTIAL SERVICES.**

Essential services are permitted in all use districts. The Planning Commission shall have the power to permit the location in any such district of a public utility building, structure or use, if the Commission finds that such building or structure or use is reasonably necessary for the public convenience and service and provided, further, that such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and character of such district. (Ord. Unno. Passed 12-14-87.)

**1286.27 DRIVEWAY AND SOIL EROSION PERMITS.**

Prior to the issuance of a building permit, there shall be submitted to the Zoning Administrator the following approved permits in all cases where such permits are required:

- (a) A driveway permit, including approved culverts, where necessary, approved by the County Road Commission or the State Department of Transportation;
- (b) Approval from the City on water and sewer tap-ins; and
- (c) A soil erosion and sedimentation control permit from the County Drain Commission.

(Ord. Unno. Passed 12-14-87; Ord. 2001-02. Passed 2-12-01.)

**1286.28 KEEPING OF PETS AND LIVESTOCK.**

No person shall keep more than three dogs and/or cats in any zoning district of the City. However, any litter of dogs or cats which causes the aforesaid limit of three to be exceeded shall not constitute a violation of this provision for a period of four months after birth, provided that not more than two such litters shall be allowed to so remain on the aforescribed premises within any consecutive twelve-month period. Poultry, hogs, horses or other livestock are prohibited from being kept in any zoning district in the City.

(Ord. Unno. Passed 12-14-87; Ord. 2001-02. Passed 2-12-01; Ord. 2010-05. Passed 8-9-10.)

**1286.29 OCCUPANCY OF MOBILE HOMES AND BASEMENTS.**

No person shall:

- (a) Occupy a mobile home not conforming with this Zoning Code or a travel trailer as a dwelling outside of a mobile home park. This provision shall not apply to mobile homes which may be allowed to park on any property in any district while a new structure or building is being constructed, during the time of construction, for a period not to exceed one year. Such permit may be extended one time for a period of one year by the Zoning Administrator at the request of the property owner, provided the property owner can give reasonable assurances that construction of the structure or building will proceed expeditiously until completion.

- (b) Use a mobile home, travel trailer or any other similar unit for any business, occupation or trade;  
or
- (c) Occupy a basement as a temporary or permanent dwelling unit.  
(Ord. Unno. Passed 12-14-87.)

#### **1286.30 HOME OCCUPATIONS.**

A home occupation, where permitted, shall be regulated according to the following conditions:

- (a) No stock in trade may be kept and no articles may be sold or offered for sale in the dwelling, except such as are produced by such home occupation.
- (b) No display of goods or signs pertaining to such use shall be visible from the street and no persons shall be employed other than the dwelling occupants.
- (c) No home occupation may be conducted in an accessory building or may exceed the use of one room of a dwelling or twenty-five percent of the total floor area of a dwelling, whichever is the most restrictive.  
(Ord. Unno. Passed 12-14-87.)

#### **1286.31 CONTROL OF HEAT, GLARE, FUMES, ETC.**

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odor, dust, noise or vibration beyond the lot on which the use is located.

(Ord. Unno. Passed 12-14-87.)

#### **1286.32 STREET ACCESS.**

No building permit shall be issued for any construction located on a lot or parcel of land in the Village that does not abut on a public street, highway or private road.

(Ord. Unno. Passed 12-14-87.)

#### **1286.33 OUTDOOR STORAGE AND WASTE DISPOSAL.**

All uses established or placed in operation in any zoning district after the effective date of this Zoning Code (January 31, 1988) shall comply with the following limitations:

- (a) No materials or wastes shall be deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces.

- (b) Material or waste shall not be allowed to accumulate on the premises in such a manner as to extend above the height of the enclosing wall or fence, be unsightly, constitute a fire hazard or contribute to unsanitary conditions.  
(Ord. Unno. Passed 12-14-87; Ord. 2001-02. Passed 2-12-01.)

**1286.34 EXISTING JUNK YARDS. (REPEALED)**

(EDITOR'S NOTE: Section 1286.34 was repealed by Ordinance 2001-02, passed February 12, 2001)

**1286.35 YARD REQUIREMENTS.**

(a) Front Yards.

- (1) In any Residence District, the front yard requirements of a lot may be modified so as to equal the average depth of existing front yards on developed lots within 100 feet of both sides of such lot and within the same block frontage, provided the front yard shall not be less than fifteen feet and should not exceed by more than ten feet the minimum front yard depth required by other provisions of this Zoning Code.
- (2) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen inches above the lowest above-grade floor level and shall not be closer than fifteen feet from any lot line.
- (3) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and other similar features may project into a required front yard.

(b) Side Yards.

- (1) Cornices, eaves, gutters, balconies, fire escapes and fireplaces shall not project into a required side yard more than one third of its required width nor more than three feet, provided that the length of any such projection shall not exceed one third of the length of the side yard in which such projection occurs. However, any fire escape so located may be at least ten feet in length.
- (2) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen inches above the lowest above-grade floor level and shall not be closer than three feet from any lot line.
- (3) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and other similar features may project into a required side yard.

(c) Rear Yards.

- (1) Terraces, steps, uncovered porches or other similar features shall not be higher than eighteen inches above the lowest above-grade floor level and shall not be located less than twenty-five feet from the rear lot line or less than six feet from an accessory building.
- (2) Bays, including their cornices and eaves, balconies and fireplaces, shall not project more than three feet into a required rear yard.
- (3) A fire escape, fire tower, balcony or outside stairway shall not project more than six feet into a required rear yard.
- (4) Normal chimneys, flues, elevator shafts, connecting hallways, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and other familiar features may project into a required rear yard.

(Ord. Unno. Passed 12-14-87.)

**1286.36 RADIO AND TELEVISION TOWERS; SATELLITE DISHES;  
WIND ENERGY CONVERSION SYSTEMS; SOLAR ENERGY  
SYSTEMS; STORAGE OF FIREWOOD.**

(a) Radio and Television Towers. Commercial radio, television and other transmitting or relay antenna towers shall be permitted in any Commercial/Office District or Industrial District, subject to compliance with applicable Federal and State statutes and regulations and Village ordinances. The minimum setback for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, with no Zoning Code restrictions on tower height. The structural plans must be approved by the Building Inspector.

(b) Receiving Antennas (Including Dish Antennas).

- (1) Ground-mounted antennas. In any zoning district ground-mounted antennas are allowed, subject to setback requirements for accessory buildings, and provided that a ground-mounted antenna in a Residence District is not located in the required front yard setback or closer to any street than an existing building, whichever is greater.
- (2) Roof or structure mounted antennas. In any zoning district, roof or structure mounted antennas are allowed, provided that an antenna mounted on a structure is not erected in the yard between the principal structure and a street property line.

(c) Wind Energy Conversion Systems.

- (1) Definitions. As used in this section:
  - A. "Wind energy conversion systems (hereinafter referred to as WECS)" means any device which converts wind energy to mechanical or electrical energy.
  - B. "Rotor" means the blades, plus the hub to which the blades are attached, that are used to capture wind for purposes of energy conversion.
  - C. "Tower height" means the height of the actual tower plus one-half of the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.
  - D. "Survival wind speed" means the maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.
- (2) Permitted zones. In any zoning district, the Planning Commission may grant a special use permit to allow wind energy conversion systems, subject to the restrictions contained in this Zoning Code. Any special use permit denied by the Commission may be heard by the Zoning Board of Appeals upon the request of the petitioner for the special use permit. In addition, the Commission may vary the setback requirements after conducting a public hearing and notifying property owners within 300 feet of the subject property.
- (3) Application of standards. The standards in subsection (4) hereof shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system. Such a system shall be for one main building and its accessory building only. For systems intended for other uses, Planning Commission approval shall be required. Such approval shall cover the location



of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system and compliance with all applicable State and Federal statutes and regulations. Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electrical power for more than one main building.

- (4) Standards for and regulation of wind energy conversion systems.
- A. Construction. Tower construction shall be in accordance with the latest edition of the Uniform Building Code as adopted by the Village and any future amendments and/or revisions to the same. The structural design shall be signed and sealed by a professional engineer registered in the State, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State and all sections referred to herein.
  - B. Electric-magnetic interference (EMI). Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause any harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing such emissions.
  - C. Setbacks. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, that is, the property setback shall be on a one to one ratio with tower height.

The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five feet of utility lines.
  - D. Maximum height. The maximum height permitted (without a variance from the Zoning Board of Appeals) shall be 100 feet unless otherwise prohibited by any State or Federal statute or regulation.
  - E. Minimum blade height. The minimum distance between the ground and any protruding blades utilized on a wind energy conversion system shall be fifteen feet, as measured at the lowest point of the arc of the blades.

- F. Labelling requirements. A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the wind energy conversion system:
1. The maximum power output of the system and the wind speed at which it is achieved;
  2. Nominal voltage and maximum current;
  3. The manufacturer's name and address and the serial number and model number; and
  4. Maximum survival wind speed and emergency and normal shut down procedures.
- G. Utility company notification. A public utility company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and installation shall conform with any legislated requirements governing installations of wind energy conversion systems so as to comply with the utility tariff specifications.
- H. Safety. Wind energy conversion system manufacturers shall document that the wind energy conversion system model has operated safely in atmospheric conditions for a period of not less than three months, and has provided energy not less than the equivalent of twenty-five percent of its predicted annual energy output under a twelve mile per hour annual wind regime.
- I. Noise. The maximum level of noise to be generated by a wind energy conversion system shall be fifty decibels, as measured on the dBA scale, measured at the property line.
- (5) Miscellaneous.
- A. All electric lines/utility wires shall be buried underground.
  - B. Any outdoor mechanical equipment associated with and necessary for operation, not enclosed in a building, shall be enclosed with a six-foot fence. The supporting tower shall also be enclosed with a six-foot fence unless the base of the tower is not climbable for a distance of ten feet.
  - C. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty days.

- D. Every builder of a WECS shall be informed that he or she should be insured with minimum liability coverage under his or her homeowners or business policy by classifying it as a pertinent structure.

(d) Solar Energy Systems.

(1) Definitions. As used in this section:

- A. "Solar system" means any system or combination of systems or other components thereof, attached or detached, which relies upon the receipt of direct sunlight as an energy source for use in:
1. The heating and/or cooling of space in a building or other structure;
  2. The heating of water;
  3. An industrial, commercial, domestic or agricultural process;
  4. The generation of electricity; or
  5. Any combination of the above functions.
- B. "Attached solar system" means a solar system or component thereof which is attached to a building or other structure, serves as part of a roof of a building or other structure, serves as a window or wall or otherwise serves as a structural member of a building or other structure which has a primary use other than solar collection.
- C. "Detached solar system" means a solar system or component thereof which is not attached to a building or structure but has as its primary use solar collection, except that plumbing and electrical connections are not considered attachments. Landscaping may be considered a detached element of a solar system.
- D. "Joint use solar system" means a solar system which is intended to serve more than one user and may or may not be owned and operated by a public utility.
- E. "Solar access" means the ability of a solar system, between 9:00 a.m. and 3:00 p.m., to receive direct sunlight on December 21 of any calendar year.

- (2) Accessory uses. Solar systems as accessory uses are permitted in any zoning district. As accessory uses, solar systems are exempt from the regulations requiring their location in the same building as the permitted use.

- (3) Principal permitted uses. A solar system as a principal permitted use or joint use shall be permitted in Industrial Districts.
- (4) Within required yards. Detached solar systems shall be permitted within side yards and rear yards subject to placement regulations for accessory buildings set forth in Section 1286.44.

Attached solar systems shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings.

- (5) Impacts of planned developments on solar access. Solar access shall be protected from planned developments in the following manner: No structure, whether a principal or accessory use, no plant materials, whether trees, shrubs or other and no permanently fixed equipment shall be of such height that it would cast a shadow on any portion of an existing solar system which has been recorded with the Zoning Administration and has not been discontinued for more than twelve consecutive months.

Shadows cast by a six-foot structure located on the property line are not considered to impair solar access. Insubstantial shadows, such as those cast by utility poles, wires and slender antennas, are not considered to impair solar access. The Village street trees are not considered to impair solar access.

- (6) Effect and enforcement. Once a solar system has been recorded, the Zoning Administrator is to give written notice to abutting and nearby property owners that the solar system is recorded and that no one is allowed to construct, plant or otherwise place any obstruction that shades the solar system. The Zoning Administrator shall maintain, in files, proper formulas to determine shadows cast by objects of different heights.

(e) Storage of Firewood. There shall not be more than one-half cord of firewood stored within a structure or upon a porch or patio unless otherwise approved by the Fire Chief or his or her designated representative. Larger amounts, not to exceed ten cord (a cord equals four feet by four feet by eight feet) cut to two feet or less in length shall be stored as far as possible from any structure as the physical limits of the property will permit. No woodpile shall be stacked higher than five feet, unless it is properly contained to prevent collapse. All woodpiles shall be piled so as to have an air space of not less than four inches between ground level and the bottom of the woodpile.

Outside storage of firewood in Residence Districts shall be permitted only in side and rear yards. Such firewood shall be stored subject to the setback requirements for accessory buildings.

(Ord. Unno. Passed 12-14-87.)

**1286.37 OPEN AIR BUSINESS USES.**

Open air business uses, where permitted in a district, shall be subject to the following regulations:

- (a) The minimum area of the site shall be 10,000 square feet.
- (b) The minimum street frontage shall be one hundred feet.
- (c) There shall be provided around all sides of the site, except at entrances, exits and along sides of premises enclosed by buildings, a fence or wall four feet in height in order to intercept wind-blown trash and other debris. The requirement may be waived by the Planning Commission where it can be shown that a fence is not needed to protect adjacent properties from the effects of the open air business use.
- (d) Off-street parking areas and aisles, as required under Chapter 1280, shall be paved in accordance with the requirements of Section 1280.03.
- (e) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or cast direct illumination on adjacent properties.
- (f) Before approval is given for any use, a site plan shall be first submitted to the Planning Commission for review as to the suitability of the location of entrances and exits to the site, of parking areas, fencing, lighting and other design features.
- (g) All open air business uses shall comply with all Village and County health regulations regarding sanitation and general health conditions.  
(Ord. Unno. Passed 12-14-87.)

**1286.38 HISTORICAL DESIGNATION.**

The Planning Commission and Council may designate certain properties or structures as historical structures or properties. The occupation of these structures or properties for uses other than those permitted in zoning districts in which they lie may be permitted after a public hearing by the Commission and approval of Council. A site plan shall be submitted and approved in accordance with Section 1286.43.

(Ord. Unno. Passed 12-14-87.)

**1286.39 PROTECTIVE SCREENING.**

To provide adequate protective screening designed to reduce the problems of noise, litter, glare, etc. associated with commercial, industrial and parking uses, unless otherwise provided in this chapter, the following regulations shall apply:

- (a) Definitions. As used in this section:
  - (1) "Berm" means a mound of earth no less than four feet high and contoured to a gradient of no less than three to one. The berm will be planted with grasses and/or shrubs and trees so as to be attractively landscaped.

- (2) "Fence and landscaping in combination" means four foot high post and wire fence on or near the property line with a three foot wide planting strip inside or outside the fence. The plants in the planting strip shall be selected and arranged to provide a maximum opacity to a height of a minimum of four feet and a maximum of six feet.
  - (3) "Greenbelt" means a continuous strip of landscaped land at least six feet wide unless otherwise specified that contains densely planted trees and/or shrubs which are so selected and arranged as to provide maximum opacity to a height of a minimum of four feet and a maximum of six feet.
  - (4) "Wall or solid fence" means a wall constructed with a solid unpierced masonry material. The surface areas facing a residentially zoned district shall be constructed of brick, decorative block or similar material that is compatible with the principle buildings in the residential district. Masonry walls shall be erected on a concrete foundation approved by the Building Inspector. Solid fences shall be constructed of wood or post and wire with durable decorative slats. Walls or solid fences shall be a minimum of four feet high and a maximum of six feet high. Walls or solid fences facing a street shall have located between the base of the wall and the street right of way a compact hedge having a height of not less than two feet and maintained at a height of not more than four feet. Such hedge shall be planted on a strip of no less than three feet in width.
- (b) The common lot line between commercial and/or industrial uses and land zoned for residential use shall be protected with screening erected by the commercial and/or industrial land owner. The screening will be one of the types described in this section unless a specific type of screening is required elsewhere in this Zoning Code. If the rear wall of a commercial and/or industrial building is two feet or less from the alley right-of-way line, the wall may serve in place of the required screening for that portion of the lot upon which the building exists.
- (c) All parking areas, except those for one and two family dwellings, containing more than five parking spaces shall be screened on those sides that either abut or are across the street from residentially zoned property. The screening will be one of the types which are described in this section unless a specific type of screening is required elsewhere in this Zoning Code.

- (d) If an office, commercial and/or industrial use has a depth of two hundred feet or more and the rear property line abuts residentially zoned property, a berm or greenbelt will be provided by the owner on or near the rear property line of the development where it abuts residentially zoned property. If an office, commercial and/or industrial use has 200 feet or more of street frontage and has a side yard that abuts residentially zoned property a berm or greenbelt shall be provided by the owner on or near the side property line of the office, commercial and/or industrial use where it abuts residentially zoned property. Where the lot depth or street frontage is less than 200 feet as stated above, a wall, solid fence or combination of a post, wire fence and a planting strip may be erected in lieu of the berm or greenbelt.
- (e) Where a greenbelt is required, the Zoning Board of Appeals may waive the greenbelt and allow the substitution of a wall or solid fence if it can be shown that intense shade or soil conditions make growing plant materials impractical.
- (f) If landscaping is used as a screening material to fulfill the requirements of this chapter, a landscaping plan will be required. The landscaping plan will include a plot plan of the area with the type, size, placement and expected date of maturity for all plant materials to be used. At the time of planting, all trees will be at least five feet tall and all shrubs will be at least two feet tall, except that shrubs that are less than two feet tall when mature can be planted at the size that is customary for planting. The owner shall see that the landscaping is maintained in a neat, clean, orderly and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter and the replacement of dead and withered plants. All dead and withered plants will be replaced in a reasonable period of time but no longer than one growing season.  
(Ord. Unno. Passed 12-14-87.)

#### 1286.40 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.

All fences, walls and other protective barriers (referred to in this section as "fences") of any nature or description, located in the City shall conform to Section 1286.10 and Chapter 1282.  
(Ord. Unno. Passed 12-14-87.)

#### 1286.41 REFUSE DISPOSAL.

Adequate refuse disposal facilities shall be required in the Multiple-family, Commercial and Industrial Districts. Containers for off-site disposal shall comply with the following:

- (a) Adequate vehicular access shall be provided to such trash containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
- (b) A solid ornamental screening wall or fence shall be provided around all sides of trash containers which shall be provided with a gate for access and be of such height as to completely screen such containers, the maximum height of which shall not exceed six feet.
- (c) The trash containers, the screen wall or fence and the surrounding ground area shall be maintained in a neat and orderly appearance, free from rubbish, waste paper or other debris. This maintenance includes the collection and disposal of solid waste and shall be the responsibility of the owner of the premises on which the containers are placed.  
(Ord. Unno. Passed 12-14-87.)

#### 1286.42 STANDARDS FOR DECISIONS.

Notwithstanding anything to the contrary contained in this Zoning Code and to secure compliance with Act 638 of the Michigan Public Acts of 1978, as amended, with respect to procedures contained in an ordinance pertinent to special land uses and/or planned unit developments or concepts in the ordinance under different terminology designed to accomplish similar objectives of a reviewing process, hereafter such reviewing process is delegated to the Planning Commission. Any site plan review required pertinent to the foregoing is also hereby similarly delegated notwithstanding any other ordinance provision to the contrary. In addition to specific standards which may be applicable, the following standards shall serve as a basis for decisions involving special land uses, planned unit developments, and other discretionary decisions contained in this chapter. The proposed use or activity shall:

- (a) Be compatible with adjacent uses of land;
- (b) Be consistent with and promote the intent and purpose of the Planning Commission's adopted Master Plan;
- (c) Be compatible with the natural environment;
- (d) Be consistent with the capabilities of public services and facilities affected by the proposed use; and
- (e) Protect the public health, safety and welfare.  
(Ord. Unno. Passed 12-14-87.)

#### 1286.43 SITE PLAN REVIEW.

The purpose of site plan review is to determine compliance with provisions set forth herein and to promote the orderly development of the City, the stability of land values, investments and general welfare and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions



or alterations thereto without proper attention to siting and appearance. This section shall apply to all site plan review procedures unless otherwise provided in this chapter. These procedures shall be minimum requirements, and additional procedures may be required by this chapter or by the Planning Commission.

- (a) Where site plan review is required by the Planning Commission in this chapter, copies of the site plan, including all items required together therewith, shall be submitted to the Planning Commission at a scale of not less than one inch equals 100 feet. The Commission may prepare forms and require the use of such forms in site plan preparation. Site plan review, by the Planning Commission, is required for all commercial properties, except permitted use (Section 1273.02) commercial. Permitted use on commercial properties will be reviewed by the Zoning Administrator.
- (b) A copy of the site plan shall be distributed to each Planning Commission member, the Building Inspector and other individuals and agencies as may be deemed necessary by the Commission. Comments, approvals, etc., by reviewing agencies and individuals are to be provided to the Commission prior to Commission action.
- (c) The following information shall accompany all plans submitted for review:
  - (1) A legal description of the property under consideration;
  - (2) A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements;
  - (3) A fully dimensioned map of the land showing topographic information at a contour interval of two feet or less, if requested by the City;
  - (4) A general development plan with at least the following details shown to scale and dimensioned:
    - A. The location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines and approximate location of vehicular entrances and loading points;
    - B. All streets, driveways, easements, service aisles and parking areas, including general layout and design of parking lot spaces;
    - C. All pedestrian walks, malls and open areas for parks and recreation;
    - D. The location and height of all walls, fences and screen planting, including a general plan for landscaping the development and the method by which landscaping is to be accomplished and maintained;
    - E. The types of surfacing, such as paving, turfing or gravel, to be used at the various locations;

- F. A grading plan of the area; and
- G. Existing and proposed utilities;
- (5) Plans and elevations of one or more structures indicating proposed architecture and construction standards; and
- (6) Such other information as may be required by the City to assist in the consideration of the proposed development.
  - Front yard parking may be allowed upon site plan approval by the City Planning Commission.
- (d) In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria, unless the Commission determines that such criteria are inapplicable:
  - (1) The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress to and egress from all parts of the site by fire and safety equipment.
  - (2) Pedestrian walkways shall be provided as deemed necessary by the Commission for separating pedestrian and vehicular traffic.
  - (3) Recreation and open space areas shall be provided in all multifamily residential developments.
  - (4) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in Section 1286.44 unless otherwise provided in this chapter.
  - (5) The requirements for greenbelt, fencing and walls and other protective barriers shall be complied with as provided in Sections 1282.01 through 1282.11 and 1286.10.
  - (6) The site plan shall provide for adequate storage space for the use therein, including, where necessary, storage space for recreational vehicles.
  - (7) The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided in this chapter.
- (e) The site plan shall be reviewed by the Planning Commission and approved, disapproved or approved with any conditions the Commission feels should be imposed. However, the applicant shall have the right to appeal to Council for a site plan disapproved by the Commission, provided that the appeal is filed within thirty days after Commission denial.
- (f) The building permit may be revoked by the Building Inspector in any case where the conditions of the site plan as approved by the Planning Commission have not been met.

- (g) Any structure or use added subsequent to initial site plan approval must be approved by the Planning Commission. Incidental and minor variations of the approved site plan with written approval of the Building Inspector shall not invalidate prior site plan approval.  
(Ord. Unno. Passed 12-14-87; Ord. 2001-02. Passed 2-12-01; Ord. 2016-07, passed 6-13-16.)

**1286.44 SCHEDULE OF PLACEMENT, SIZE, BULK AND HEIGHT REGULATIONS.**

Min. Yard Requirements				Max. Height of Building		Minimum Yard Requirements; Unobstructed Sides (ft.)				Min. Floor Area Per Dwelling Unit (sq. ft.) (e)
Zoning District	Min. Lot Width (ft.)	Min. Lot Area (sq. ft.)	Max. Lot Coverage (Percent)	(In stories)	(In ft.)	Front (a, b, c)	One	Two	Rear	
R-1	65	12,000	40	2 ½	30	25	6	12 (fig)	25	960 first floor
R-1*	100	(g)	40	2 ½	30	25	10 (f)	20 (f)	25	360 first floor
R-M	100	15,000 (h)	40	3	40	25	10 (i, j)	20 (i, j)	25	(k)
C-O	-	-	-	2 ½	35	25 (s)	(l, m, n)		30	(o)
IND	100	15,000	50	-	35	25	20	40	40	-

\*Accessory Apartments

- (1) Garages. No more than three car - seventeen feet in total height if not attached - on more than 864 square feet if attached, may match roof line of home.
- (2) Accessory buildings. May have maximum fourteen foot side walls; total height not to exceed twenty-three feet - ridge to grade, maximum of 1,200 square feet.
- (3) Storage sheds. Height not to exceed ten feet, ridge to grade. Sheds under 200 square feet do not require a building permit. Site permit needed only for location on lot.

### FOOTNOTE TO SCHEDULE OF REGULATIONS

(a) In the IND Industrial Districts, the required front yard shall not be used for loading and/or unloading areas.  
(Ord. Unno. Passed 7-10-89.)

(b) Where lots are on Saginaw Bay or Pigeon River, the property shall be treated as a through lot and have required front yards on both frontages.

(c) Reserved

(d) In computing the depth of a rear yard for any building where the rear line of the lot adjoins an alley, one-half of the width of such alley may be included as rear yard depth, provided that the rear yard depth actually on the lot shall not be less than fifteen feet in any Residence District and not less than ten feet in any other district.

(e) The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, garages or accessory buildings.

(f) In the R-1 and R-M Districts, the width of side yards which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than fifty percent of the required front yard for such homes which front upon such side street.

(g) For two-family dwellings, the minimum lot area shall be 15,000 square feet.

(h) The minimum land area required for each dwelling unit in the R-M District shall be:

Dwelling Unit Size	Land Area (in sq. ft.)	
	Two or Three Story <u>Apartments</u>	One Story <u>Townhouses</u>
Efficiency or one-bedroom unit	2,000	3,600
Two-bedroom unit	2,400	4,000
Three-bedroom unit	2,800	4,400
Four or more bedroom units	3,200	4,800

(i) For every lot on which a multiple, row or terrace dwelling is erected, there shall be provided a side yard on each side of the lot, as indicated in the schedule. Each side yard shall be increased beyond the yard spaces indicated by two feet for each ten feet or part thereof by which the length of the multiple, row or terrace dwelling exceeds forty feet in overall dimension along the adjoining lot line. Where a lot adjoins land zoned for R-1 purposes, all buildings four or more stories in height must be set back a minimum of fifty feet from the lot line adjoining the residential zoning.

(j) Where two or more multiple, row or terrace dwelling structures are erected upon the same lot, a minimum yard space of twenty feet in width shall be provided between structures. This yard width shall be increased by two feet for each ten feet or part thereof by which each multiple, row or terrace dwelling structure having common yards exceeds forty feet in length on that side of the dwelling structure facing the common yard; or this yard space shall be increased by two feet for each ten feet or part thereof by which each multiple dwelling structure housing common yards exceeds forty feet in height on that side of the dwelling structure facing the common yard, whichever is greater.

(k) The required minimum floor area for each dwelling unit is:

<u>Dwelling Unit Size</u>	<u>Floor Area (in sq. ft.)</u>
Efficiency unit	360
One-bedroom unit	500
Two-bedroom unit	620
Three-bedroom unit	760

Plus eighty square feet for each additional bedroom.

(l) Where any C-O District borders on a side street whereon a residential zoning district exists in the same block, there shall be provided a setback of five feet from the side street right-of-way line for all commercial buildings and parking and loading areas.

(m) Where a C-O District borders a residentially zoned district and the districts are not separated by an alley or street, there shall be a minimum building setback of ten feet from that property line bordering the residentially zoned district.

(n) Loading space shall be provided for in the rear yard in a ratio of at least ten square feet per front foot of building. Where an alley or street exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the center of such alley or street. The Zoning Board of Appeals may waive this requirement in cases where this section causes undue hardship.

(o) Where hotels or motels are permitted in a C-O District, a minimum of 250 square feet of floor area shall be provided within each unit.

(p) Modifications allowing greater height may be permitted by the Zoning Board of Appeals after a public hearing.

(q) Any lot over fifty feet in an R-1 District shall have a side yard requirement of ten percent on each side up to a maximum of eight feet on each side. A total of two side yards must equal twenty percent of the lot up to a maximum of sixteen feet.

(r) Reserved

(s) In C-O Districts, the required front yard setback may be reduced or eliminated in established Commercial/Office Districts so as to be in balance with existing commercial buildings within 200 feet.

(Ord. Unno. Passed 12-14-87; Ord. Unno. Passed 7-10-89; Ord. 2003-07. Passed 3-10-03; Ord. 2004-02. Passed 1-12-04.)

CHAPTER 1287  
Tattoo Parlors and Body Piercing Establishments

- 1287.01 Definitions.  
1287.02 Schedule of use regulations
- 

**1287.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Body-piercing" means the perforation of human tissue other than an ear for a non-medical purpose.
- (b) "Body-piercing establishment" means an establishment where the perforation of human tissue other than ear for a non-medical purpose, is performed whether or not it is in exchange for compensation or any form of consideration.
- (c) "Tattoo parlor" means an establishment where persons are tattooed for consideration, other than by licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.
- (d) "Tattoo, tattooed, tattooing" means any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aids of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

(Ord. 2003-10. Passed 5-12-03.)

**1287.02 SCHEDULE OF USE REGULATIONS.**

- (a) Body-piercing establishments are subject to the following provisions:
  - (1) No body-piercing establishment shall be permitted within six hundred feet of any residential district. Measurement shall be made from the outermost boundary of the lot or parcel upon which the proposed use will be situated to the outermost residential district boundary.
  - (2) No body-piercing establishment shall be permitted within one thousand feet of a school, library, public park, public playground, or church. Measurement shall be made from the outermost boundary of the lot or parcel upon which the proposed use will be situated to the outermost boundary of the lot or parcel of which the school, library, public playground, or church is situated.



- (3) No body-piercing establishment shall be located within one thousand feet of another body-piercing establishment. Measurement shall be made from the outermost boundary of the lot or parcel of an existing body-piercing establishment to the outermost boundary of the lot or parcel of the proposed use.
- (4) The special use permit shall expire one year from the date of issuance and may be renewed only upon application in accordance with Chapter 1287.
- (5) The permittee shall allow the Code Enforcement Officer to inspect the premises annually in conjunction with the renewal application of the special use permit or at any time the body-piercing establishment is open for business for the purpose of ensuring compliance with provisions of the special use permit.
- (6) The site plan shall include a diagram that shows all zoning districts and any school, library, public park, public playground, or church within one thousand feet of the proposed use. The diagram shall be drawn to a scale of not greater than one inch equals one hundred feet.
- (7) The premises in which the body-piercing is performed as all equipment used shall be maintained in a clean, sanitary condition and in good repair. The walls, floors, and ceilings shall have an impermeable, smooth and washable surface. All tables, chairs, and other equipment shall be made of nonporous materials that may be readily disinfected.
- (8) All used razors, needles, latex gloves, skin-cleansing sponges, gauze dressings, and other materials that have come in contact with human blood or other bodily fluids, excepting furniture and floor and wall coverings, shall be considered medical waste as that term is defined in the Medical Waste Regulatory Act, being M.C.L.A. 333.13801 et seq., and must be handled and discarded in the manner specified in such act, depending on the item of waste to be disposed.
- (9) An individual shall not perform body-piercing on a minor unless the individual obtains the prior written informed consent of the minor's parents or legal guardian. The minor's parent or legal guardian shall execute the written, informed consent required under this section in the presence of the individual performing the body-piercing on the minor or in the presence of an employee or agent of that individual. For the purposes of this section, "minor" does not include a minor who is emancipated pursuant to Section 4 of Act No. 293 of the Public Acts of 1968, being M.C.L.A. 622.4.
- (10) An individual shall not perform body-piercing on another individual if the other individual is under the influence of intoxication liquor or a controlled substance.

- (b) Tattoo parlors are subject to the following provisions:
- (1) No tattoo parlor shall be permitted within six hundred feet of any residential district. Measurement shall be made from the outermost boundary of the lot or parcel upon which the proposed use will be situated to the outermost residential district boundary.
  - (2) No tattoo parlor shall be permitted within one thousand feet of a school, library, public park, public playground, or church. Measurement shall be made from the outermost boundary of the lot or parcel (upon which the proposed use will be situated to the outermost boundary of the lot or parcel on which the school, library, public park, public playground or church is situated).
  - (3) No tattoo parlor shall be located within one thousand feet of another tattoo parlor. Measurement shall be made from the outermost boundary of the lot or parcel upon which the proposed use will be situated to the outermost boundary of the lot or parcel on which the existing parlor is located.
  - (4) The special use permit shall expire one year from the date of issuance and may be renewed only by application in accordance with Chapter 1287.
  - (5) The permittee shall allow the Code Enforcement Officer to inspect the premises annually in conjunction with the renewal application of the special use-permit or at any time the tattoo parlor is open for business for the purpose of ensuring compliance with the provisions of the special use permit.
  - (6) The site plan shall include a diagram that shows all zoning districts and any schools, library, public park, public playground or church within one thousand feet of the proposed use. The diagram shall be drawn to a scale of not greater than one inch equals one-hundred feet.
  - (7) The premises in which tattooing is performed and all equipment used shall be maintained in a clean, sanitary condition and in good repair. The walls, floors, and ceiling shall have an impermeable, smooth and washable surface. All tables, chairs, and other equipment shall be made of nonporous materials which may be readily disinfected.
  - (8) All used razors, needles, latex gloves, skin-cleansing sponges, gauze dressings, and other materials that have come in contact with human blood or other bodily fluids, excepting furniture and floor and wall coverings, shall be considered medical waste as that term is defined in the Medical Waste Regulatory Act, being M.C.L.A. 333.13801 et seq., and must be handled and discarded in the manner specified in such act, depending on the item of waste to be disposed of.

- (9) An individual shall not tattoo or brand a minor unless the individual obtains the prior written informed consent of the minor's parent or legal guardian. The minor's parent or legal guardian shall execute the written, informed consent required under this subsection in the presence of the individual performing the tattooing or branding on the minor or in the presence of an employee or agent of that individual. For the purposes of this section, "minor" does not include a minor who is emancipated pursuant to Section 4 of Act No. 293 of the Public Acts of 1968, being M.C.L.A. 622.4.
- (10) An individual shall not tattoo or brand another individual if the other individual is under the influence of intoxication liquor or a controlled substance.  
(Ord. 2003-10. Passed 5-12-03.)

CHAPTER 1288  
Nonconforming Lots, Uses and Structures

1288.01	Compliance with chapter.	1288.07	Reconstruction of
1288.02	Nonconforming uses of		damaged buildings or
	land.		other structures.
1288.03	Nonconforming uses of	1288.08	Moving of nonconforming
	structures.		buildings or other
1288.04	Nonconforming structural		structures.
	configuration.	1288.09	Certificate of occupancy.
1288.05	Nonconforming lots of	1288.10	Plans already filed.
	record.		
1288.06	Repairs and maintenance.		

CROSS REFERENCES

- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

**1288.01 COMPLIANCE WITH CHAPTER.**

Any lawful use of the land or buildings existing at the date of passage of this Zoning Code, and located in a district in which it would not be permitted as a new use under this Zoning Code, is hereby declared to be a nonconforming use and not in violation of this Zoning Code, provided that a nonconforming use shall be subject to, and the owner thereof shall comply with, this chapter. (Ord. Unno. Passed 12-14-87.)

**1288.02 NONCONFORMING USES OF LAND.**

Where, at the time of passage of this Zoning Code, lawful use of land exists which would not be permitted by this Zoning Code, and where such use involves no individual structure with an assessed value exceeding five hundred dollars (\$500.00), the use may be continued as long as it remains otherwise lawful, provided:

- (a) No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of this chapter (January 31, 1988).
- (b) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of this chapter.
- (c) If any such nonconforming use of land ceases for any reason for a period of more than one year, such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.
- (d) No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.  
(Ord. Unno. Passed 12-14-87.)

### 1288.03 NONCONFORMING USES OF STRUCTURES.

If lawful use involving individual structures with an assessed value of five hundred dollars (\$500.00) or more, or of structure and premises in combination, exists at the effective date of this chapter (January 31, 1988) that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) If any such nonconforming use of a structure ceases for any reason for a period of more than one year, such use shall conform to the regulations specified by this Zoning Code for the district in which such use is located.
- (c) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (d) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use had been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.

- (e) Where a nonconforming use status applies to a structure and premise in combination, removal or destruction of the entire structure shall eliminate the nonconforming status of land.  
(Ord. Unno. Passed 12-14-87.)

#### **1288.04 NONCONFORMING STRUCTURAL CONFIGURATION.**

Where a lawful structure exists at the effective date of this chapter (January 31, 1988) that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, location on the lot or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following:

- (a) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity, unless a variance is granted by the Zoning Board of Appeals.
- (b) If any such nonconforming structure is discontinued and abandoned for a period of more than one year, any subsequent use of such structure shall conform to this Zoning Code for the district in which such structure is located.  
(Ord. Unno. Passed 12-14-87.)

#### **1288.05 NONCONFORMING LOTS OF RECORD.**

In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by this chapter, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of this chapter (January 31, 1988). This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements of the lot, not involving area or width, or both, shall conform to the regulations for the district in which such lot is located.

(Ord. Unno. Passed 12-14-87; Ord. 2003-13. Passed 10-13-03.)

#### **1288.06 REPAIRS AND MAINTENANCE.**

On any nonconforming structure or portion of structure containing a nonconforming use, work may be done in any period of twelve consecutive months on ordinary building repairs, or on repair or replacement of fixtures, wiring or plumbing, to an extent not exceeding fifty percent of the State Equalized Valuation of the nonconforming structure or nonconforming portion of the structure, as the case may be, provided that the cubic content existing when it

became nonconforming shall not be increased. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt, except in conformity with the regulations of the district in which it is located.

(Ord. Unno. Passed 12-14-87.)

**1288.07 RECONSTRUCTION OF DAMAGED BUILDINGS OR OTHER STRUCTURES.**

Nothing in this chapter shall prevent the reconstruction, repair or restoration and the continued use of any nonconforming building or other structure damaged by fire, collapse, explosion, an act of God or an act of a public enemy, subsequent to the effective date of this chapter (January 31, 1988), wherein the expense of such reconstruction does not exceed one-half the replacement value of the entire building or other structure at the time such damage occurred, provided that such restoration and resumption shall take place within six months of the time of such damage and be completed within one year from the time of such damage, and provided, further, that such use is identical to the nonconforming use permitted and in effect directly preceding such damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension, provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the damage is fully removed, the premises shall be adequately fenced or screened from access by persons who may be attracted to the premises.

(Ord. Unno. Passed 12-14-87.)

**1288.08 MOVING OF NONCONFORMING BUILDINGS OR OTHER STRUCTURES.**

No nonconforming building or other structure shall be moved in whole or in part to another location unless such building or other structure and the off-street parking spaces, yards and other open spaces provided are made to conform to all the regulations of the district in which such building or other structure is to be located. (Ord. Unno. Passed 12-14-87.)

**1288.09 CERTIFICATE OF OCCUPANCY.**

After the adoption of this chapter, or any amendments thereto, the Zoning Administrator shall prepare a record of all known nonconforming uses and occupations of lands, buildings and structures, including tents, mobile homes, travel trailers and motor homes, existing at the time of adoption of such chapter or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant thereof, other than the owner, a legal description of the land and the nature and extent of such use. Such record shall be available at all times in the office of the Zoning Administrator.

(Ord. Unno. Passed 12-14-87; Ord. Unno. Passed 7-10-89.)

**1288.10 PLANS ALREADY FILED.**

If plans and specifications for a building or other structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with this Zoning Code, and where a building permit for such building or structure has been issued and construction work started at the effective date of this chapter (January 31, 1988), such work may proceed provided it is completed within one year of such date.

(Ord. Unno. Passed 12-14-87.)



CHAPTER 1290  
Condominiums

<p>1290.01 Definitions.</p> <p>1290.02 Required information.</p> <p>1290.03 Information to be kept current.</p> <p>1290.04 Site plans for new projects.</p> <p>1290.05 Site plans for expandable or convertible projects.</p> <p>1290.06 Review of required documents; fees.</p> <p>1290.07 Monuments.</p>	<p>1290.08 Compliance with Federal, State and local laws required.</p> <p>1290.09 Occupancy prior to completion of improvements.</p> <p>1290.10 Site plan review.</p> <p>1290.11 Building restrictions in commercial, R-1 and R-M Zoning Districts.</p> <p>1290.12 Lot frontage.</p>
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CROSS REFERENCES

- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

**1290.01 DEFINITIONS.**

As used in this chapter:

- (a) CONDOMINIUM ACT means Public Act 59 of 1978, as amended.
- (b) CONDOMINIUM SUBDIVISION means and shall be equivalent to the term "subdivision" as used in this Zoning Code and the Village Subdivision Control Ordinance. If no Village Subdivision Control Ordinance is in effect, the term shall be equivalent to the term "subdivision" as used in the Subdivision Control Act (Public Act 288 of 1967, as amended.)

(c) CONDOMINIUM SUBDIVISION PLAN means the site, survey, and utility plans, floor plans and sections, as appropriate (if buildings are proposed), showing existing and proposed structures and improvements, including the location thereof on the land. The condominium subdivision plan shall show the size, location, area and vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

(d) CONDOMINIUM UNIT means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

(e) CONTRACTIBLE CONDOMINIUM means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this chapter and the Condominium Act.

(f) CONVERTIBLE AREA means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with the chapter and the Condominium Act.

(g) EXPANDABLE CONDOMINIUM means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.

(h) MASTER DEED means the condominium document recording the condominium project as approved by the Village, to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan.

(i) SITE CONDOMINIUM means a subdivision of land created and recorded pursuant to the Condominium Act and the provisions of this chapter, containing two or more units of land designed and intended for separate ownership and use, and which may or may not contain general and limited common elements.

(j) STREET means a public thoroughfare which affords traffic circulation and a principal means of access to abutting property, including an avenue, place, way, drive, land, boulevard, highway, road and other thoroughfare, except an alley. In the case of a site condominium, as defined and as regulated by this chapter, the principal means of access to abutting units of ownership shall be considered a street, provided it is constructed and maintained to meet the same standard for public streets within the Village, as established by the Village. Said streets within a site condominium must be dedicated to the public.

(Ord. 2000-8. Passed 5-8-00.)

### **1290.02 REQUIRED INFORMATION.**

Concurrently with notice required to be given to the Village pursuant to Section 71 of Public Act 59 of 1978 (the Condominium Act), as amended, a person, firm or corporation intending to develop a condominium project shall provide the following information:

(a) The name, address and telephone number of:

(1) All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located, together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).

(2) All engineers, attorneys, architects, planners or registered land surveyors associated with the project.

(3) The developer or proprietor of the condominium development.

(b) The legal description of the land on which the condominium development will be developed, together with appropriate tax identification numbers.

(c) The acreage content of the land on which the condominium development will be developed.

(d) The purpose of the development (for example, residential, commercial, industrial, etc.).

(e) The approximate number of condominium units to be developed on the subject parcel.

(Ord. 2000-8. Passed 5-8-00.)

### **1290.03 INFORMATION TO BE KEPT CURRENT.**

The information shall be furnished to the Village Building Official and shall be kept updated until such time as a certificate of occupancy has been issued.

(Ord. 2000-8. Passed 5-8-00.)

**1290.04 SITE PLANS FOR NEW PROJECTS.**

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Section 1270.04. In addition, the Village shall require appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy.

(Ord. 2000-8. Passed 5-8-00.)

**1290.05 SITE PLANS FOR EXPANDABLE OR CONVERTIBLE PROJECTS.**

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Section 1270.04.

(Ord. 2000-8. Passed 5-8-00.)

**1290.06 REVIEW OF REQUIRED DOCUMENTS; FEES.**

The condominium development developer or proprietor shall furnish the Building Official with the following: one copy of the recorded Master Deed, one copy of all restrictive covenants, and two copies of an "as-built" survey. The "as-built" survey shall be reviewed by the Village Building Inspector for compliance with Village ordinances. Fees for such review shall be established by resolution of the Village Council. (Ord. 2000-8. Passed 5-8-00.)

**1290.07 MONUMENTS.**

(a) Site Condominium Projects. All condominium developments which consist, in whole or in part, of condominium units which are residential, commercial, or industrial building sites, mobile home sites or recreational sites shall be marked with monuments as provided in this subsection.

- (1) All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and thirty-six inches long and completely encased in concrete at least four inches in diameter.
- (2) Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points

in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

- (3) If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- (4) If a point requiring a monument is on a bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.
- (5) All required monuments shall be placed flush with the ground where practicable.
- (6) All unit corners and the intersection of all limited common elements and all common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen inches long and one-half inch in diameter, or other approved markers.
- (7) The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the Village office cash or a certified check, or irrevocable bank letter of credit to the Village of Caseville, whichever the proprietor selects, in an amount to be established by the Village Council, by resolution. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor confirming that the monuments and markers have been placed as required within the time specified.

(b) All Condominium Projects. All condominium projects shall be marked at their boundaries with monuments meeting the requirements of paragraph (a)(1) hereof. (Ord. 2000-8. Passed 5-8-00.)

#### **1290.08 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS REQUIRED.**

All condominium developments shall comply with Federal and State statutes and local ordinances. (Ord. 2000-8. Passed 5-8-00.)

**1290.09 OCCUPANCY PRIOR TO COMPLETION OF IMPROVEMENTS.**

The Village Building Inspector may allow occupancy of the condominium development before all improvements required by this chapter are installed, provided that cash, a certified check or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit, without expense to the Village. (Ord. 2000-8. Passed 5-8-00.)

**1290.10 SITE PLAN REVIEW.**

(a) Review Procedures. Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, before condominium units may be sold or site improvements initiated, all condominium subdivision plans must be approved by the Village Council following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Village Council, the Planning Commission shall consult with the Village Zoning Administrator/Building Inspector and the Village Attorney regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act and this Village Zoning Code. The review process shall consist of two steps:

- (1) Preliminary plan review. In the preliminary plan review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Caseville Village Zoning and the Master Plan. Plans submitted for preliminary review shall include information specified in paragraph (b)(1) to (4) hereof of the submission requirements as set forth below.
- (2) Final plan review. Upon receipt of preliminary plan approval, the applicant should prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include information as required by paragraph (b)(1) to (8) hereof of the submission requirements as set forth below. Such plans shall be reviewed by the Village Zoning Administration/Building Inspector, and the Village Attorney. Further, such plans shall be submitted for review and comment to all applicable local, County, and State agencies as may be appropriate, and as determined by the Planning Commission. The Village Council may grant approval of the final plans after receiving the recommendation of the Planning Commission, and following expiration of the time allotted to other parties to review and comment on said plans.

(b) Exhibits Required. In addition to the requirements of Section 66 of the Condominium Act and the requirements for site plans contained in Section 1270.04 of this Zoning Code, all plans for site condominium projects presented for approval shall contain the following information:

- (1) A survey of the condominium subdivision site.
- (2) A survey or drawing delineating all natural features on the site, including, but not limited to, ponds, streams, lakes, drains, floodplains, wetlands, and woodland areas.
- (3) The location, size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
- (4) A generalized plan for the provision of utilities and drainage systems.
- (5) A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
- (6) A utility plan showing all sanitary sewer, water, and storm drainage improvements, including all easements to be granted to the Village for repair and maintenance of all utilities.
- (7) A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision.
- (8) A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.

(c) Application of Zoning District Regulations. A site condominium development, whether intended for residential, commercial, or industrial use, shall be subject to all of the requirements and standards of the applicable zoning district in which the development is located.

(d) Design Layout and Engineering Standards. The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this chapter. All newly created streets, regardless of whether they are to be in public or private ownership, shall conform to at least all minimum requirements of the general specifications and typical cross sections, including bituminous or concrete paving standards, as set forth in the Plat Development and Street Construction Manual, as amended, issued by the Huron County Road Commission.

(1) Location, arrangement and design of streets.

- A. The street layout shall provide for the continuation of collector streets in the adjoining subdivision or of the proper projection of streets when adjoining property is not subdivided, or conform to a plan for a neighborhood unit drawn up by the developer, and adopted by the Planning Commission.

- B. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
  - C. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
  - D. Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land, such as for parks in residential districts. Such distances shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.
  - E. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the condominium subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Whenever there exists adjacent to the tract to be developed a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
  - F. Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage-way, the Planning Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.
- (2) Right-of-way and pavement widths.
- A. Street right-of-way and pavement widths shall conform to at least the following minimum requirements:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY WIDTH</u>	<u>PAVEMENT WIDTH</u>
All types of streets	66 feet	24 feet
Cul-de-sacs	75-foot radius	45-foot radius



- B. No on-street parking shall be allowed unless the street has been designed to accommodate parking in a manner approved by the Planning Commission.
  - C. The minimum length for cul-de-sac streets shall be 140 feet. The maximum length for cul-de-sac streets shall be 1,000 feet.
  - D. Access to streets across all ditches shall be provided by the proprietor in accordance with the Huron County Road Commission's specifications and procedures for driveway installation.
  - E. The Village may require that all or a portion of the streets be dedicated as public streets. All streets which are not dedicated to the public shall be properly maintained. The road surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The Master Deed shall contain adequate mechanisms to insure that streets will be properly maintained. Such provisions shall be reviewed and approved by the Village Zoning Administrator and the Village Attorney.
- (3) Easements.
- A. The location of utility easements shall be provided as necessary for utilities. Such easements shall be a total of not less than twelve feet wide and six feet from each proposed condominium unit site.
  - B. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
  - C. Easements six feet in width, three feet from a condominium unit site, shall be provided where needed along side condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company)".

(e) Condominium Units. Condominium units within site condominium developments shall conform to the following standards:

- (1) The lot size, width, depth and shape in any site condominium shall be appropriate for the location and type of development contemplated.
- (2) Condominium unit areas and widths and building setback lines shall conform to at least the minimum requirements of this Zoning Code for the district in which the site condominium is proposed.
- (3) Condominium units situated on corners in residential condominium subdivisions shall be at least ten feet wider than the minimum width permitted by this Zoning Code. In instances where the minimum required lot width is greater than 100 feet, this requirement shall not apply.
- (4) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of three to one shall be considered a maximum.
- (5) Condominium units intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with this Zoning Code.
- (6) Every condominium unit shall front or abut on a street for the full width of the unit. The measurement of unit width shall be determined in the same manner as prescribed in this Zoning Code for lots.
- (7) Side condominium unit lines shall be at right angles or radial to the street lines.
- (8) Residential condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.
- (9) Condominium units shall have a front-to-front relationship across all streets, where possible.
- (10) Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit, provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

(f) Blocks.

- (1) The maximum length for blocks shall not exceed 1,300 feet in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
- (2) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

(g) Natural Resources. The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the provision of adequate barriers, where appropriate, shall be required.

(h) Sidewalks. Sidewalks shall be installed in all single-family detached site condominium developments pursuant to all provisions under Section 1260.09(39). Sidewalks shall be a minimum of five feet in width along both sides of collector and minor streets and six feet in width along all major thoroughfares. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation. Notwithstanding the above, in instances where the average width of condominium units is greater than or equal to sixty-five feet, sidewalks along internal streets shall not be required.

(i) Utilities.

- (1) Storm drainage. An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, as approved by the Zoning Administrator, shall be required in all developments. Adequate provision shall be made for proper drainage of storm water from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise. The Village Council may require that all storm sewers be installed within the public rights-of-way or within the general common elements and dedicated to the Village when, in the opinion of the Zoning Administrator, dedication of the same would be in the best interest of the Village.

- (2) Sewage disposal. When a proposed site condominium is located within, adjacent to or reasonably near the service area of an available public sanitary sewer system, sanitary sewers and other appurtenances thereto, as approved by the Department of Public Works Supervisor, shall be installed in such a manner as to serve all condominium units. Where a public sewer system is not available, on-site sewage disposal systems may be employed, provided that they are approved by the Huron County Health Department. The Village Council may require that all sanitary sewers be installed within the public rights-of-way or within the general common elements and dedicated to the Village when, in the opinion of the Village Council, dedication of the same would be in the best interest of the Village.
- (3) Water supply. When a proposed site condominium is located within, adjacent to, or reasonably near the service area of a public water supply system, water mains, fire hydrants and required water system appurtenances thereto, as approved by the Department of Public Works Supervisor, such facilities shall be constructed in such a manner as to adequately serve all condominium units shown on the condominium subdivision plan, both for domestic use or business use and fire protection. In the event of the non-availability of a public water supply system, a private water supply system shall be provided by the developer as regulated by the Huron County Health Department. The Village Council may require that all water lines and appurtenances connecting to the public water supply system be installed within the public rights-of-way or within the general common elements and dedicated to the Village when, in the opinion of the Village Council, dedication of the same would be in the best interest of the Village.
- (4) Requirements for underground wiring. The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the utility company and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not

constitute a detriment to the health, safety and general welfare of the public, or the design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately-held property shall be protected by easements granted by the proprietor.

(j) Street Names and Signs. For the purpose of insuring proper response by emergency vehicles, road name signs and traffic control signs shall be installed within the condominium development in accordance with the standards of the Village of Caseville. Street names shall be designated in a manner so as not to duplicate or be confused with pre-existing streets within the Village or the postal zone.

(k) Street Lighting. For the purpose of protecting public safety, street lights meeting the standards of the Village of Caseville and the public utility providing such lighting shall be installed and maintained within the condominium development at all street intersections. The condominium association shall be responsible for the full cost of operation of streetlights.

(l) Final Documents. After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Village a copy of the site plan on a mylar sheet of at least thirteen inches by sixteen inches, with an image not to exceed ten and one-half inches by fourteen inches.  
(Ord. 2000-8. Passed 5-8-00.)

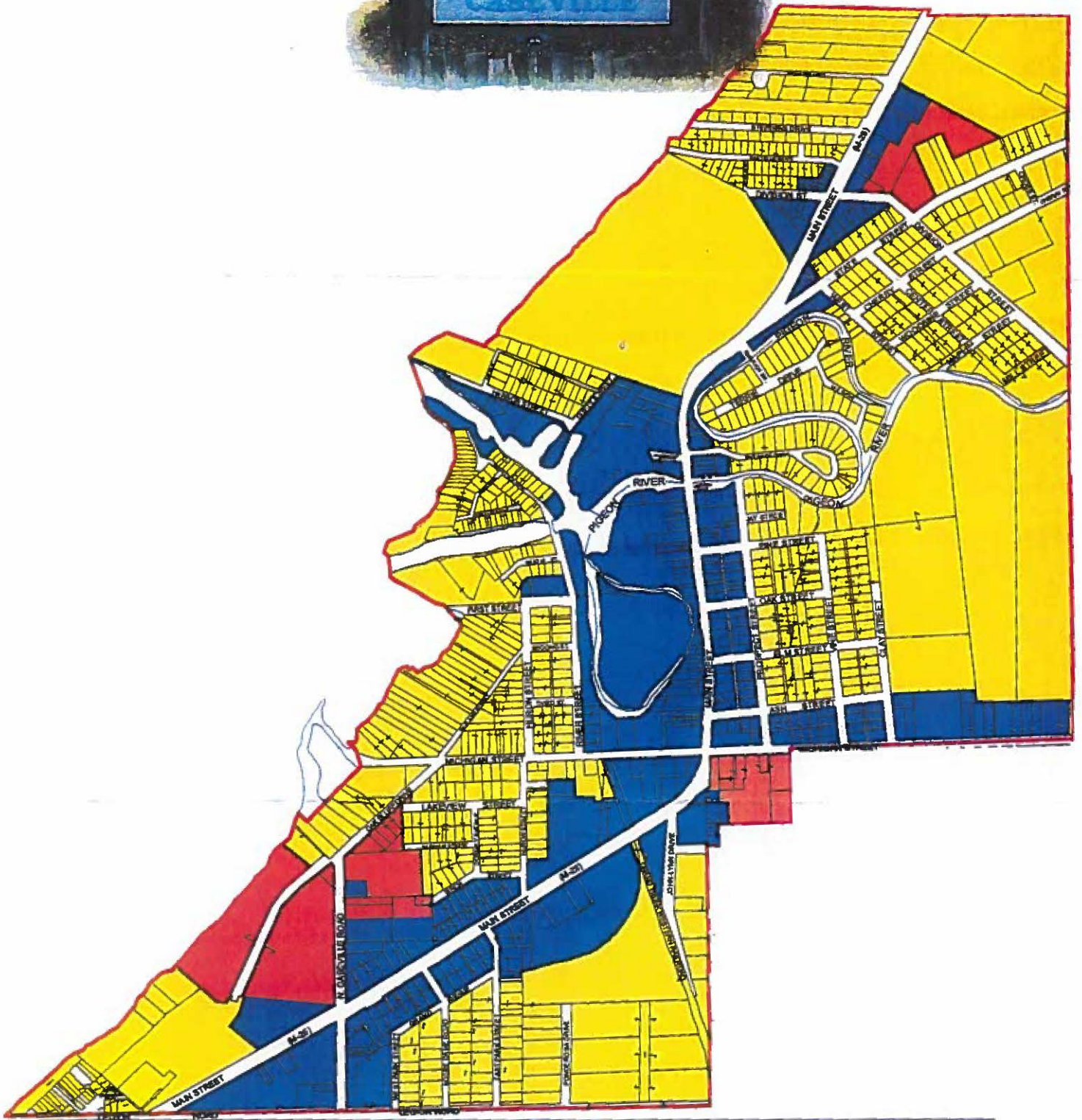
#### **1290.11 BUILDING RESTRICTIONS IN COMMERCIAL, R-1 AND R-M ZONING DISTRICTS.**

In the Commercial, R-1 and R-M Zoning Districts, not more than one single-family structure shall be constructed on a lot. In the R-M Zoning District, not more than one single-family or one two-family structure shall be placed on a lot. In the case of a site condominium where no subdivision of land under Public Act 288 of 1967 (the Subdivision Control Act) has taken place and where the land therefor remains as one lot or parcel, this restriction shall not apply; however, in this instance, not more than one single-family or two-family dwelling shall be constructed upon an individual unit of ownership within a site condominium development. No residential dwelling shall be erected in Industrial Districts except for sleeping quarters for a watchman or caretaker, as an accessory use to the principal use, except as a special use authorized by the Planning Commission.  
(Ord. 2000-8. Passed 5-8-00.)

**1290.12 LOT FRONTAGE.**

Any lot created after the effective date of this chapter shall maintain frontage upon a public street or public highway for not less than the minimum required width of the lot, except that in the case of a site condominium which has been approved by the Village, a dwelling unit may be constructed upon an individual unit of ownership that has the required frontage upon an approved street, regardless of whether said street has been dedicated to the County or remains under the ownership and control of the condominium association.

(Ord. 2000-8. Passed 5-8-00.)



**ZONING**

- |  |  |  |   |
|--|--|--|---|
|  General Business |  Industrial |  Multi-Family Residential |  Single Family Residential |
|--|--|--|---|

*\*All zoning is subject to change. Please check with local zoning official for updates.*