



VILLAGE OF ELKTON
ZONING ORDINANCE
RESOLUTION 2023-06

VILLAGE OF ELKTON
HURON COUNTY, MICHIGAN

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(MEDC)

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SECTION 1.00 Title

This ordinance shall be known and may be cited as the "Village of Elkton Zoning Ordinance."

SECTION 1.01 Purposes

- a. The Purposes of This Ordinance include the:
1. Protection of public health, safety, morals, comfort, and general welfare;
 2. Promoting the health, safety, and general welfare of the inhabitants of the Village of Elkton;
 3. Protection and conservation of property and property values;
 4. Promoting the use of land and resources in accordance with character, adaptability, and plan of further growth and development;
 5. Providing for compatible uses and development of land with reduced congestion by buildings, traffic, and population and with provisions for water, transportation, sewage, schools, parks, lights, and other public requirements;
 6. Promoting increased safety from fire, erosion, flood, and other dangers;
 7. Division of the Village into compatible use districts;
 8. Conforming land uses to social, demographic, economic, technological changes and other developmental trends with a flexible and objective ordinance based on statutory and common law;
 9. Providing for administration of this Ordinance.

SECTION 1.02 Preamble

The Village desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, natural resources, or energy conservation. The village further desires to assure adequate sites for industry, commerce, recreation, and residences; to provide for the free movement of vehicles upon the streets and highways of the Village; to protect industry, commerce, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the most appropriate use of land and natural resources for the economic well-being of the Village as a whole in accordance with a zoning ordinance; to assure adequate space for the parking of vehicles of customers and employees using commercial, retail and industrial areas and reasonable access thereto; to assure that all uses of land and structures within the Village are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, and general welfare of all persons and property owners within the Village in accordance with its zoning plan.

SECTION 1.03 Authority

Now, therefore, the Council of the Village of Elkton ordains: This Ordinance is enacted by authority of [the Michigan Zoning Enabling Act, PA 110 of 2006](#), as amended, for all purposes permitted thereunder.

SECTION 1.04 Severability

If any part, sentence, paragraph, section or provision of this Ordinance is found to be unconstitutional or invalid, such invalidity shall not affect the remaining portion or validity of this Ordinance as a whole.

SECTION 2.00 Rules Applying to this Ordinance

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. Additionally, the following rules apply to the Ordinance:

- a. The particular shall control the general.
- b. In the case of any difference of meaning or implication between the text of this ordinance and any caption or, illustration, the text shall control.
- c. The word "shall" is always mandatory and not directory. The word "may" is permissive and discretionary.
- d. When not inconsistent with the context, words used in the present tense shall include the future tense; and words used in the singular number shall include the plural, and the plural the singular.
- e. The word "building" or "structure" includes any part thereof.
- f. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" or "occupied for".
- g. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- h. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction, "and", "or", "either or", the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- i. Any word not herein defined shall be construed as in the [State Construction Code of 1999 PA 245 of 1999](#); as amended and the [Michigan Zoning Enabling Act. PA 110 of 2006](#), as amended.
- j. "Village" shall refer to the Village of Elkton.

SECTION 2.01 Definitions

A

- i. **Abutting:** Having property or district line in common.
- ii. **Accessory Dwelling Unit (ADU):** A residential dwelling unit on the same parcel as a principal residential dwelling. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit, a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of the principal dwelling unit.
- iii. **Accessory:** A use or a structure, lot or portion thereof, which is clearly incidental and subordinate to the principal use or the main structure. For the purposes of this Ordinance, cargo containers, railroad cars, and similar prefabricated items, and structures are not considered accessory buildings.
- iv. **Adult Foster Care Facility:** A governmental or non-governmental establishment that provides foster care for adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
 - 1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for 5 or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
 - 2. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.
 - 3. **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
 - 4. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
- a.
- v. **Alley:** Any dedicated public way other than a street affording a secondary means of access to abutting property, and not intended for general traffic circulation.
- vi. **Alteration:** Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a structure, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

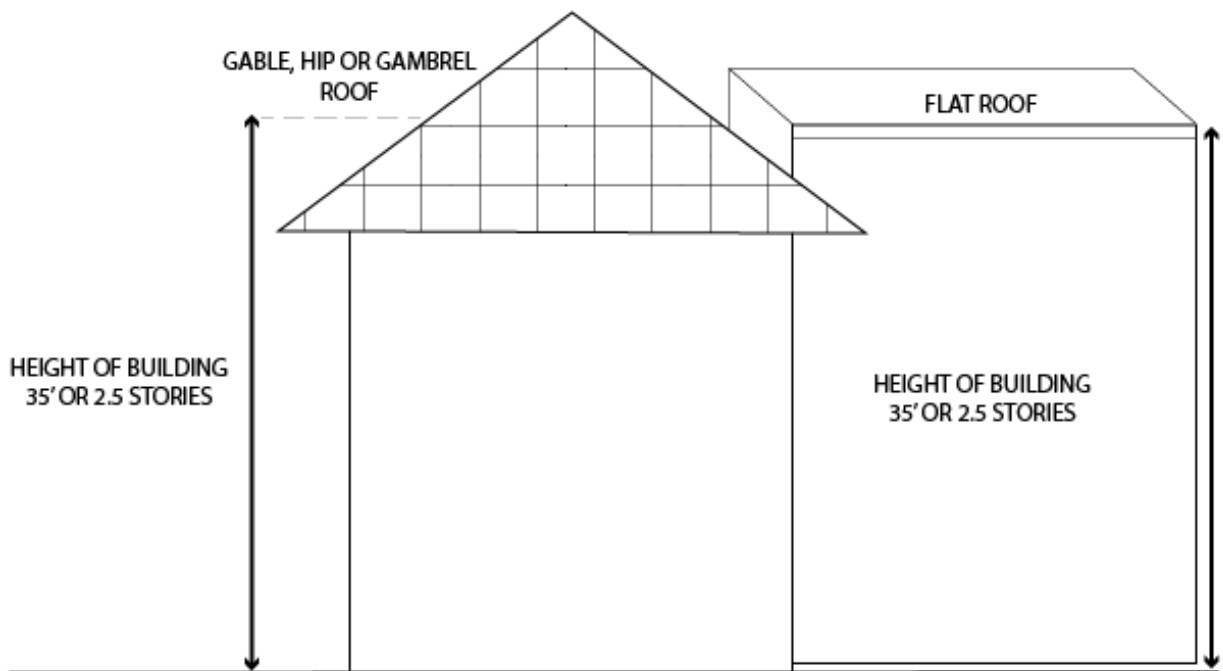
- vii. **Animals, Domesticated:** All animals, including poultry and excluding household pets, normally found on a farm or raised for commercial purposes. Such animals shall be distinguished by size as follows:
1. Large size animals, including horses and cattle.
 2. Medium size animals, including sheep, swine, goats and miniature horses.
 3. Small size animals, including rabbits, mink, dogs, cats, mice, rats, and snakes.
 4. Poultry, birds or fowl, including chickens, ducks, geese, turkeys, pigeons, parrots, and guinea hens.
- viii. **Animals, Exotic:** An animal from a species which is not commonly domesticated, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive character or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner. Exotic animals shall include but not be limited to the following:
1. Poisonous or venomous animals including fish, toads, snakes, lizards, insects, scorpions, and spiders.
 2. Any constrictor snake over eight (8) feet long.
 3. Piranha fish.
 4. Non-human primates.
 5. Alligators, crocodiles, and caimans.
 6. Large cats including but not limited to bobcat, cheetah, cougar, jaguar, leopard lion, lynx, mountain lion, panther, ocelot, tiger, wildcat, and hybrids with domestic species.
 7. Carnivores including but not limited to bear, wolves, fox, coyotes, jackal, weasel, wolverine, and hybrids with domestic species.
 8. Large animals typically kept in zoological gardens, not including barnyard animals.
 9. Birds of prey including but not limited to owls, hawks, and falcons.
- ix. **Animal feed lot:** Any tract of land or structure wherein any type of domesticated animal or the by-products thereof are raised for sale at wholesale or retail; and any structure, pen or corral wherein cattle, horses, sheep, goats, swine or other livestock are maintained in close quarters for the purposes of fattening before final shipment to market.
- x. **Apartment:** A room or suite of rooms arranged and intended as a dwelling unit for a single-family or a group of individuals living together as a single housekeeping unit.
- xi. **Apartment building:** A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three (3) or more attached single-family or single dwelling units, with a yard, compound, service, or utilities in common.
- xii. **Applicant:** Any person who applies for a permit or petition.

- xiii. **Application:** The process by which the owner of a parcel of land within the Village submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Village concerning such a request.
- xiv. **Appurtenance:** An ornamental, structural or mechanical element that is attached to and subordinate to a building or structure, but not including fences.
- xv. **Architectural Features:** Architectural features of a building shall include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, decorative ornaments, or similar features.
- xvi. **Assisted Living Home:** A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.
- xvii. **Attached:** Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to it.
- xviii. **Auto repair station:** A structure or use where the following services are performed: general repair; rebuilding or reconditioning of motor vehicles and/or engines; collision service of motor vehicles, such as body, frame, or fender straightening and repair; or overall painting and undercoating of motor vehicles.
- xix. **Awning:** Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B

- xx. **Basement:** That portion of a building which is partly or wholly below grade and having the vertical distance from the average grade to the floor greater than the vertical distance from the average grade to the ceiling.
- xxi. **Bed and breakfast:** A licensed single-family dwelling in which lodging and breakfast are furnished to less than three (3) guests for compensation.
- xxii. **Berm:** A lineal earthen mound, of variable height and width, used as visual relief or transitional area between different land uses.

- xxiii. **Block:** The property abutting one side of a street and lying between the nearest intersecting street (crossing or terminating) and another street or a railroad right-of-way, unsubdivided acreage, lake, river or live stream, any other barrier to the continuity of development, or village boundary line or between any of the foregoing.
- xxiv. **Boarding house:** A single-family dwelling in which lodging or meals, or both, are furnished to three (3) or more guests for compensation.
- xxv. **Building:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and used or built for the shelter or enclosure of persons, animals, or property of any kind. A tent or travel trailer is a building.
- xxvi. **Building height:** The vertical distance measured from the established finished grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on a terrace, the height shall be measured from the average finished ground level of the terrace at the building wall.



- xxvii. **Building front line:** A line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard. For the purposes of this ordinance, the front line shall be the front setback line.

- xxviii. **Bulk station:** A place where crude petroleum, gasoline, naphtha, benzene, benzol, kerosene, or any other liquid, except such as will stand a test of one hundred fifty (150) degrees Fahrenheit, closed cup tester, are stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.
- xxix. **Business Establishments:** Those uses which perform services on premises, such as, but not limited to: bank, loan company, abstract and/or title company, insurance office or real estate office; including drive-in facilities as an accessory use only.

C

- xxx. **Car wash:** An establishment being housed in a building or portion thereof, together with the necessary mechanical equipment used for washing motor vehicles.
- xxxi. **Cargo / Shipping/ Storage Container (hereinafter referred to as "Cargo Container"):** Any metal or primarily metal container designed or constructed to ship, store, or handle bulk goods or items, or which appears substantially similar to such containers in appearance. Such containers include reusable steel boxes, freight containers, and bulk shipping containers; originally, a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles of goods or commodities; generally capable of being mounted or moved on a rail car or loaded on a ship.
- xxxii. **Child Care Facility:** A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under the [Child Care Organizations Act, 1973 PA 116](#), and the associated rules promulgated by the State Department of Health and Human Services. Such organizations shall be further defined as follows:
1. Family Child Care Home: A State-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
 2. Group Child Care Home: A State-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
 3. Child Care Center: A State-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and

where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

4. **Child Caring Institution:** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), a boarding school licensed under Section 1335 of the [Revised School Code, 1976 PA 451](#), a hospital or facility operated by the State or licensed under the [Mental Health Code, 1974 PA 258](#), or an adult foster care family home or an adult foster care small group home licensed under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), in which a child has been placed under Section 5(6).

- xxxiii. **Clinic:** A building where human patients or animals are admitted for examination and treatment by a group of physicians, dentists or similar professionals.
- xxxiv. **Club:** A nonprofit organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like.
- xxxv. **Collector street:** A street which provides both land access and traffic movement in the local district.
- xxxvi. **Common land:** A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.
- xxxvii. **Conditional Rezoning:** A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

- xxxviii. **Condominium:** A condominium is a system of separate ownership of individual units or multiunit projects according to [Michigan Public Act 59 of 1978](#), as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of these Zoning Regulations, condominium terms shall be defined as follows:
1. Condominium Act: [1978 PA 59](#), as amended.
 2. Condominium Documents: The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
 3. Condominium Lot: The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the [Land Division Act, 1967 PA 288](#), as amended.
 4. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business or recreational use as a time share unit or any other type of use.
 5. General Common Elements: The common elements other than the limited common elements.
 6. Limited Common Elements: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
 7. Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the [Condominium Act](#).
 8. Site Condominium Development: A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.
- xxxix. **Convalescent or nursing home:** A building wherein affirmed or incapacitated persons are furnished lodging, shelter, meals, nursing, and/or limited medical attention for compensation.
- xl. **County:** The County of Huron, Michigan.

D

- xli. **Deck/ Patio:** A structural platform, commonly used as a floor and usually projecting from the wall of a building. A deck/patio may be open or partially or completely covered by a roof.

- xlii. **Development:** The construction of a new structure on a lot, the relocation of an existing structure on a lot, or the use of open land for a new activity.
- xlili. **District:** A portion of the village within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.
- xliv. **Drive-in:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a structure, or to provide self-service for patrons and food carry-out.
- xlv. **Dwelling unit:** A building, or portion thereof, designed exclusively for occupancy for residential purposes which has sleeping, living, cooking, and sanitary facilities and can accommodate one (1) family, either permanently or transiently.
- xlvi. **Dwelling, Single-Family:** A building or portion thereof, containing not more than one dwelling unit.
 1. **Dwelling, Single-Family Detached:** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single-family dwelling that does not share a common wall with any other dwelling is a detached single-family dwelling
 2. **Dwelling, Single-Family Attached:** A dwelling designed for occupancy by one (1) family in a row of at least (3) three such units in which each unit has its own access to the outside, no unit is located over another, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).
- xlvii. **Dwelling, Two-Family or Duplex:** A use which is a dwelling designed for or occupied by two (2) families, with separate housekeeping, cooking, and bathroom facilities for each which complies with the standards given in this Ordinance.
- xlviii. **Dwelling, multiple family:** A building or portion thereof, containing three (3) or more separate and independent dwelling units where each unit may have access to a common hallway, stairs or elevator.

E

- xliv. **Easement:** The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

- l. **Electric Vehicle (EV), Plug-In:** Any vehicle that operates on electrical energy derived from an off-board source that is stored in the vehicle's batteries. For the purposes of this ordinance, this term includes fully electric vehicles as well as hybrid vehicles that run on both batteries and fossil fuels but can be charged by plugging in to a compatible electrical outlet.
- li. **Electric Vehicle Charging Space:** A parking space located adjacent to an electric vehicle charging station and reserved for the charging of electric vehicles.
- lii. **Electric Vehicle Charging Station:** Equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other storage device located onboard an electric vehicle. Charging stations shall be either for public use (accessible to all vehicle users during posted hours), or for restricted use (for certain specified users such as residents, fleet vehicles, or employees).
- liii. **Environmental area:** An area determined by the Department of Natural Resources to be necessary for the preservation and maintenance of wildlife, water, soil, open space, and/or forest resources.
- liv. **Erected:** Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which are required for construction, excavation, fill, drainage, and the like.
- lv. **Essential services:** The erection, construction, alteration, or maintenance by public utilities, private companies, or governmental departments or commissions of underground or overhead gas, electrical, steam or water transmission, distribution, collection, communication, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, emergency outdoor warning sirens, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions or for the public health or safety or general welfare. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbine generator, public buildings and public utility substations are not included within this definition.
- lvi. **Excavation:** Any breaking of ground, except common household or agricultural gardening and ground care.
- lvii. **Exception:** A modification of the standards of this ordinance specifically permitted by the terms of other applicable provisions hereof; such modification being necessary because of impracticality or because the provisions of this ordinance covering conditions precedent or subsequent are not precise enough to all applications. An exception is not a variance.

F

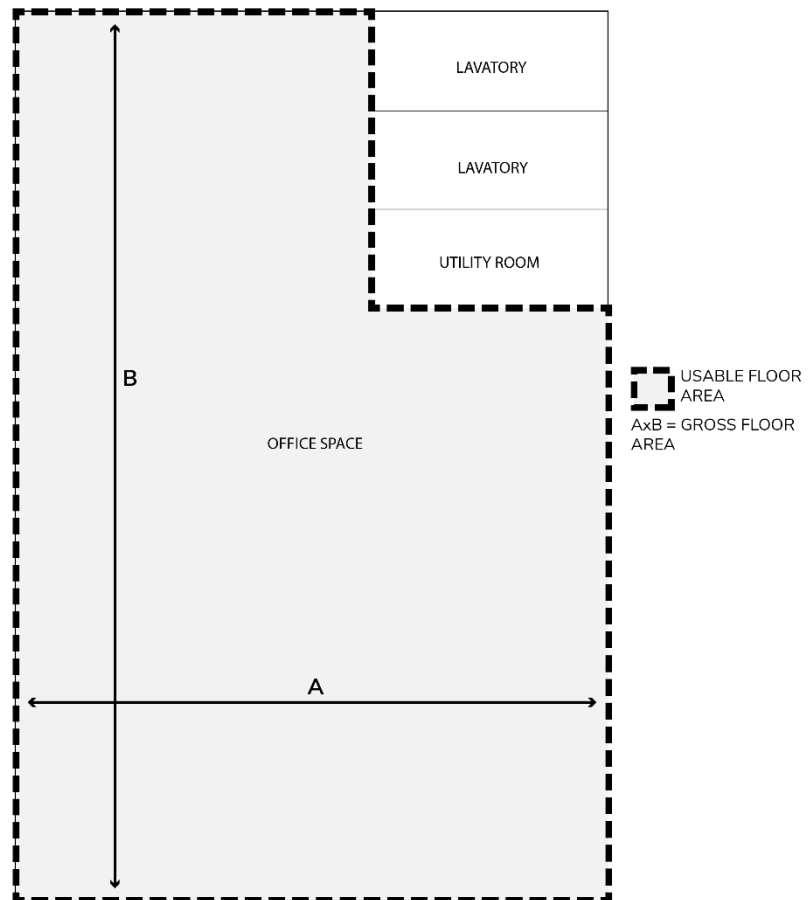
lviii. **Façade:** The exterior wall of a building exposed to public view.

lix. **Family:**

1. A group of two (2) or more persons related by blood, marriage or adoption including foster children, together with not more than three (3) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single noncommercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a single-family home.

lx. **Floor area, Gross:** The sum of the horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures of enclosed porches

lxi. **Floor area, Usable:** For residential dwelling units, the floor area measurement shall not include areas of basements, unfinished attics, attached garages, breeze-ways, unenclosed porches, enclosed porches, or utility rooms. For commercial uses,



the floor area measurement shall not include areas used or intended to be used principally for storage, processing, hallways, utilities, or sanitary facilities.

G

- lxii. **Garage, private:** An accessory building or portion of a main building designed or used exclusively for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.
- lxiii. **Garage, service:** A structure or use for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
- lxiv. **Gasoline service station:** A structure or use for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including auto repair services.
- lxv. **Grade:** The highest point of the ground contacting any portion of the basement or foundation of a building.
- lxvi. **Greenbelt:** A planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion.
- lxvii. **Golf course:** An improved recreational area, public or private.

H

- lxviii. **High risk area:** An area which is determined by the Water Resources Commission on the basis of studies and surveys to be subject to erosion.
- lxix. **Home occupation:** An occupation which is traditionally and customarily carried on within a dwelling unit and is clearly incidental and secondary to the use of a dwelling unit.
- lxx. **Hotel:** A building or part of a building, with a common entrance or entrances, in which dwelling or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms as accessory uses.
- lxxi. **Hospital:** An institution for the diagnosis, treatment and/or care of aged, sick or injured people. The term "hospital" shall include sanitarium, rest home, but not nursing home or convalescent home.

I

- lxxii. **Impervious Surface:** Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives and parking lots.
- lxxiii. **Improvement:** A feature or action associated with a project which is considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the village and future users or inhabitants of a project or project area, including, but not limited to, roadways, lighting, utilities, sidewalks, screening, and drainage. Improvement does not include the entire project.

J

- lxxiv. **Junk:** All rubbish, refuse, and debris including, but not limited to, the following. Non-putrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles, or parts thereof. This shall not preclude composting for on-site use.
- lxxv. **Junk yard:** A structure or use for commercial handling, storage, and/or sale of paper, rags, used or secondhand materials, scrap metals, other scrap or discarded materials, and the like; or for the dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

K

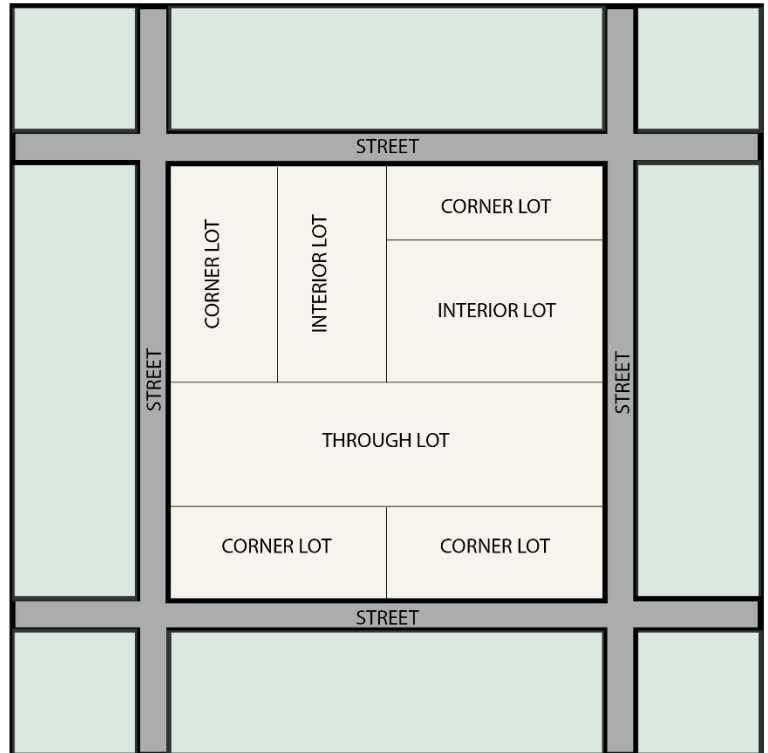
- lxxvi. **Kennel:** A structure or use in which three (3) or more dogs, cats or other household pets over the age of six (6) months, are permanently or temporarily boarded, bred for remuneration or sold.

L

- lxxvii. **Landscaping:** Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, berms, benches, walks, paths, steps, terraces, and garden structures and any surface and subsurface structures, grading or excavation included on a landscape site plan.
- lxxviii. **Loading space:** An off-street space within a building or on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials such space having direct and unobstructed access to a street or alley.

lxxix. **Lot:** A parcel of land occupied or intended for occupancy by a structure together with its accessory structures and the open spaces, parking spaces and loading spaces required by this ordinance. A lot may or may not be specifically designated as such on public records.

1. **Lot, corner:** A lot located at the intersection of two (2) streets, or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less as measured on the lot side. The point of intersection of the street lot lines is the corner. In the case of a corner lot with 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.
2. **Lot, interior:** A lot other than a corner lot.
3. **Lot, through:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.



lxxx. **Lot area:** The total horizontal area included within lot lines. Where the front lot line lies in part of a street, the lot area shall not include that part of the lot in use or to be used as the street.

lxxxi. **Lot coverage:** The part or per cent of the lot occupied by any structure.

lxxxii. **Lot depth:** The horizontal straight-line distance between the front and rear lot lines, measured along the median between side lot lines.

lxxxiii. **Lot, double frontage:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot.

- lxxxiv. **Lot lines:** The lines bounding a lot as defined herein:
1. **Front lot line:** That side of the lot abutting a public or private street right-of-way or abutting a lake; in the case of a corner lot or a through lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage except where there is a row of through lots, one street shall be designated as the front street for all lots on the plat and any building permit.
 2. **Rear lot line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular shaped lot, a line ten (10) feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing.
 3. **Side lot line:** Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a side street lot line. A side lot line separating a lot from another lot or lots shall be known as an interior side lot line.
- lxxxv. **Lot of record:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds.
- lxxxvi. **Lot width:** The horizontal straight-line distance between the side lot lines, measured along the median between the front and rear lot lines.

M

- lxxxvii. **Major thoroughfare:** An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond.
- lxxxviii. **Manufactured home:** A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974](#), as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.
- lxxxix. **Mezzanine:** An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

- xc. **Mobile home module or Modular Home:** A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential uses.
- xcii. **Mobile home park:** A parcel of land fifteen (15) acres or more, intended and designed to accommodate sixty (60) or more mobile homes for residential use, which is offered to the public for that use along with any structure, facility, area or equipment permitted and incidental to the residential use.
- xciii. **Mobile home space:** A plot or parcel of land within a mobile home park designed to accommodate one mobile home.
- xciv. **Mobile home stand :** That part of a mobile home space which has been reserved for the placement of a mobile home, appurtenant structures, or additions.
- xcv. **Motel:** A series of attached, semi-detached or detached rental units containing a bed- room, bathroom, and closet space, which are rented for overnight lodging primarily to the public traveling by motor vehicle.
- xcvi. **Mixed-Use Development:** Any combination of two or more uses permitted in the district on a single zoning lot.

N

- xcvii. **Non-conforming building:** Any building, or portion thereof, lawfully existing at the time of this Ordinance became effective and which now does not comply with the floor area, setback, parking, or other dimensional regulations of this Ordinance.
- xcviii. **Non-conforming lot:** A lot, the area, dimensions or location of which was lawful prior to the adoption, revisions, or amendment of this Ordinance; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the Zoning District.
- xcviiii. **Non-conforming use:** Any use of property which was lawful at the time of this Ordinance became effective and which now does not comply with its regulations.

- xcix. **Nuisance:** An offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeated excessive or concentrated invasion of any activity or use across a property line which can be perceived by or affects a human being, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) effluent, (m) noise from the congregation of people, particularly at night, (n) passenger traffic, (o) invasion of nonabutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.
- c. **Nursery:** A structure or use, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping, but not including a structure or use for the sale of fruits, vegetables, or Christmas trees.

O

- ci. **Occupied:** Arranged, designed, built, altered, converted to, rented, or leased, or intended to be occupied.
- cii. **Off street parking lot or facility:** A structure or use providing parking spaces for more than three (3) motor vehicles along with adequate drives and aisles for maneuvering.
- ciii. **Office:** A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases, accounting, filing, recording, communication and/or stenographic equipment for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties; and other similar, related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service.
- civ. **Open front store:** A business establishment so developed that service to the patron may be extended beyond the walls of the building, not requiring the patron to enter the building. The term "open front store" shall not include auto repair stations or gasoline service stations.
- cv. **Open space:** Any unoccupied space open to the sky on the same lot with a building.

P

- cvi. **Parking lot:** An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees.
- cvii. **Parking space:** An area of definite length and width exclusive of drives, aisles or entrances and fully accessible for the parking of motor vehicles.

- cviii. **Personal Service Establishments:** A use which performs services on the premises, such as, but not limited to: repair shop (watches, radio, television, shoe, upholstery, etc.), tailor shop, dressmaker, beauty parlor or barber shop, photographic studio, interior decorator, or self-service laundry or dry cleaner.
- cix. **Plan:** The general development plan including the general location for streets, parks, schools, public buildings, and all physical development of the village and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted in written form by the planning commission and/or the village council.
- cx. **Planned Unit Development (PUD):** A type of development to be planned and built as a unit and which permits, upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.
- cxii. **Plot Plan:** The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.
- cxiii. **Portable or Temporary Storage Container (hereinafter referred to as "Portable Storage Container"):** A portable or moveable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, valuables or merchandise (typically known as PODS, MODS, etc.), and which is leased on a short-term basis for temporary storage purposes.
- cxiv. **Principal use:** The main use to which the premises are devoted and the principal purpose for which the premises exist.
- cxv. **Public utility:** A person, firm, corporation, municipal or county department, or council or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public, gas, steam, electricity, sewage disposal, telegraph, telephone, transportation or water.

R

- cxvi. **Recreation area:** An area designated for sport or outdoor activities only, whether natural or improved, public or private.

- cxvii. **Recreational vehicle:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a travel trailer and shall be subject to all regulations of this ordinance applicable to travel trailers.
- cxviii. **Religious Institution:** A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution
- cxix. **Right-of-way:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
- cxx. **Roadside Stand:** A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

S

- cxxi. **Setback:** The minimum horizontal distance a structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.
- cxxii. **Sign:** Any outdoor sign, name identification, description, display, device, figure, painting, drawing, message, place card, poster, billboard or illustration which is affixed to or represented directly or indirectly upon a structure or land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. A "sign" shall not include any display of official court or public office notices nor shall it include the flag of a political unit or school.
- cxxiii. **Sign, accessory:** A sign which is accessory to the principal use of the premises.
- cxxiv. **Sign, non-accessory:** A sign which is not accessory to the principal use of the premises.
- cxxv. **Site Plan:** The drawings and documents, submitted for review and approval by the Planning Commission, depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

- cxxvi. **Solar Energy System (SES):** A system (including solar collectors and ancillary equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.
1. **Solar Energy Collector:** A device, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.
 2. **Personal Scale SES:** A solar energy system that is accessory to the principal use on site. The total surface area of all Solar Collector Surfaces within a Personal-Scale SES shall not exceed 1,500 square feet. The sale and distribution of excess available energy, if permitted, to an authorized public utility for distribution shall be incidental to this type of system and not its primary purpose. Sale of excess energy to anything other than an authorized public utility shall be prohibited.
 - i. **Personal Scale SES, Ground Mounted:** A solar energy system that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located (Figure 1).
 - ii. **Personal Scale SES, Roof-Mounted:** A solar energy system that is attached to a building's roof on the parcel of land including solar shingles.
 3. **Utility Scale SES:** A solar energy system that meets one or more of the following: 1) Is primarily used for generating electricity for sale and distribution to an authorized public utility, 2) The total surface of all Solar Collector Surfaces exceeds 1,500 square feet, 3) Is not an accessory use or structure.
- cxxvii. **Special Land Use:** A use, permitted within certain Zoning Districts, that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special land uses are subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Village.
- cxxviii. **Story:** The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling joists next above.
- cxxix. **Story, half:** An uppermost story lying under a sloping roof having a floor area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6")
- cxxx. **Street:** A public right-of-way, other than an alley, which affords the principal means of access to abutting property.

- cxxxi. **Street line:** The legal line of demarcation between a street right-of-way line for service, benefit or enjoyment.
- cxxxii. **Structure:** Anything constructed or erected, including a building, the use of which requires location on the ground or attachment to something having location on the ground.
1. **Structure, accessory:** See definition of “Accessory” above.
 2. **Structure, main:** A structure or portion thereof in which is conducted the principal use of the lot on which it is located.
- cxxxiii. **Swimming Pool:** A fabricated or artificially formed body of water retained within a manufactured act or fabricated structure.

T

- cxxxiv. **Temporary building and uses:** A structure or use permitted to exist during periods of construction of the main use, or for special events.
- cxxxv. **Terrace:** A row of four (4) or more attached, one-family dwellings, not more than two (2) rooms deep and having the total dwelling space on one floor.
- cxxxvi. **Travel trailer:** A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses or designed for a temporary office or business use.

U

- cxxxvii. **Use:** The purpose for which land, premises, or structure is arranged, designed, or intended, or for which land, premises or structure is or maybe occupied.

V

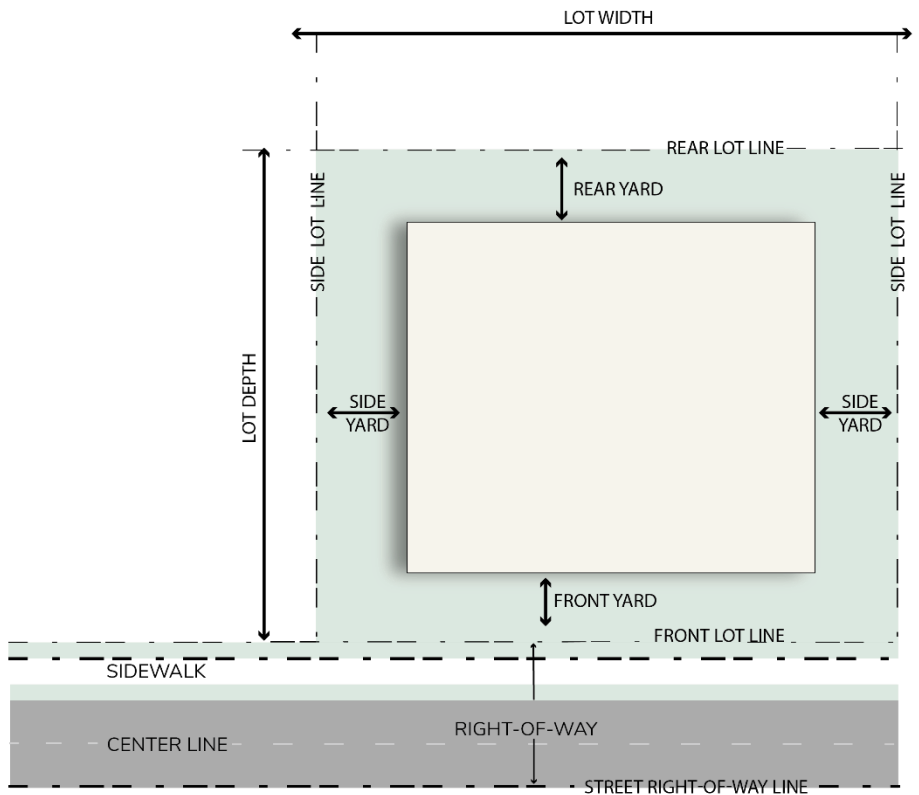
- cxxxviii. **Variance:** A deviation from the literal provisions of this ordinance granted by the Zoning Board of Appeals when strict enforcement would cause undue hardship and/or practical difficulties owing to circumstances unique to the individual property on which the variance is granted. A variance is not an exception.
- cxxxix. **Village:** Village of Elkton, Huron County, Michigan.
- cxl. **Village Council:** The village council of the Village of Elkton, Huron County, Michigan.

W

- cxli. **Wall, obscuring:** A structure of definite and continuous height, length, and location to serve as an obscuring screen in carrying out the requirements of this ordinance.
- cxlii. **Wireless Communications Facility (Telecommunication Towers and Facilities):** A Wireless Communication Facility is any facility used for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communications Facility also includes an Antenna Array attached to an existing building or structure.

Y

- cxliii. **Yard:** The open space on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance.
 1. **Yard, front:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
 2. **Yard, rear:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
 3. **Yard, side:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the minimum horizontal



distance from the nearest point on the side lot line to the nearest point of the main building.

Z

- cxliv.* **Zoning Administrator:** The person retained by the Village of Elkton to administer and enforce this Zoning Ordinance.
- cxlv.* **Zoning Board of Appeals:** As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.
- cxlvi.* **Zoning District:** A portion of the Village of Elkton within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.
- cxlvii.* **Zoning Permit:** A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.

SECTION 3.00 Districts Established

The Village is hereby divided into the following zoning districts:

R-1	One-Family Residential District	Section 3.07
R-2	Multiple-Family Residential District	Section 3.09
B-1	Service Business District	Section 3.11
B-2	General Business District	Section 3.13
IN	Industrial District	Section 3.15

SECTION 3.01 Zoning Map

- a. The location and boundaries of the zoning districts established in the Village shall be shown on the zoning map and said map, and any section, or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.
- b. The zoning map may be amended from time to time to reflect changes in districts and the rezoning of a lot or lots shown thereon in the same manner as amendments may be made to the text of this ordinance. Such changes shall be recorded to scale on duplicate copies of the zoning map and shall be accomplished by written legal descriptions in appropriate amendatory ordinances.

SECTION 3.02 District Boundaries Interpreted

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, high- ways, or alleys, shall be construed to follow such center lines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as following railroad lines shall be construed to be the midline between the main tracks.
- d. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

- e. Boundaries indicated as parallel to or extensions of features indicated in subsections through 4. above shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- f. Where physical or natural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by subsections a. through e. above, the Zoning Board of Appeals shall interpret the district boundaries.
- g. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of- way.

SECTION 3.03 Zoning of Vacated Areas

If all or any portion of any public street, alley, right-of-way, easement, or land shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of the regulations which apply within the district where located, or within the most restrictive of the immediately adjacent districts, if there be more than one.

SECTION 3.04 Zoning Of Annexed Areas

Any area annexed to the Village of Elkton shall be immediately referred to the planning commission who shall recommend appropriate zoning for such area within three (3) months after the matter is referred to them. The village council shall thereafter adopt a zoning district for said area and it shall be added to the current zoning map.

SECTION 3.05 District Uses

Each district provides for uses permitted by right, uses permitted by right with conditions, and uses permitted by special land use. No structure or land shall be used, and no structure shall be erected except in compliance with the terms and conditions of this ordinance. Uses permitted by special land use shall not be allowed until the specific applicable conditions and limitations have been complied with, and, in addition, until approval has been obtained from the planning commission in accordance with Article 7 Special Land Use .

SECTION 3.06 District Requirements

In addition to provisions of this Article, all structures and/or uses shall also be subject to the other provisions of the Ordinance. More restrictive and/or specific requirements applicable to a specific land, structure, and/or use, however, shall supersede these general requirements.

R-1 ONE-FAMILY RESIDENTIAL DISTRICT

SECTION 3.07 Statement of Purpose

This district classification is designed to be the most restrictive of the residential districts to encourage an environment of predominantly low-density single-family dwelling units together with associated accessory dwelling units and other residentially related facilities and activities primarily of service to the residents in the area.

SECTION 3.08 Uses

- a. Uses permitted by right, uses permitted by right with conditions, and special land uses shall be limited to those listed in Table 3.1 and shall be subject to the dimensional standards listed in Table 3.2 as well as the provisions of Article 4 General Provisions, Article 5, Specific Use Requirements, Article 6 Site Plan Review, and Article 7 Special Land Use, as applicable.

Table 3.1 – Uses in the One-Family Residential District (R-1)

USES PERMITTED BY RIGHT
Single-Family Dwellings
Duplex Dwellings
Model Homes (Subdivision or Project)
Adult Foster Care Family Home
Family Child Care Home
Accessory Structures
Accessory Dwelling Units
Roadside Stand
USES PERMITTED BY RIGHT WITH CONDITIONS
Cemetery
Religious Institutions and Associated Parsonages
Institutional Uses
Essential Services
Mobile Homes (Outside of Mobile Home Parks)
Group Child Care Home
SPECIAL LAND USES
Adult Foster Care Small Group Home
Adult Foster Care Large Group Home
Hospital (Public or Private)
Home Occupations
Convalescent or Nursing Home (Up to 6 Patients)
Golf Courses

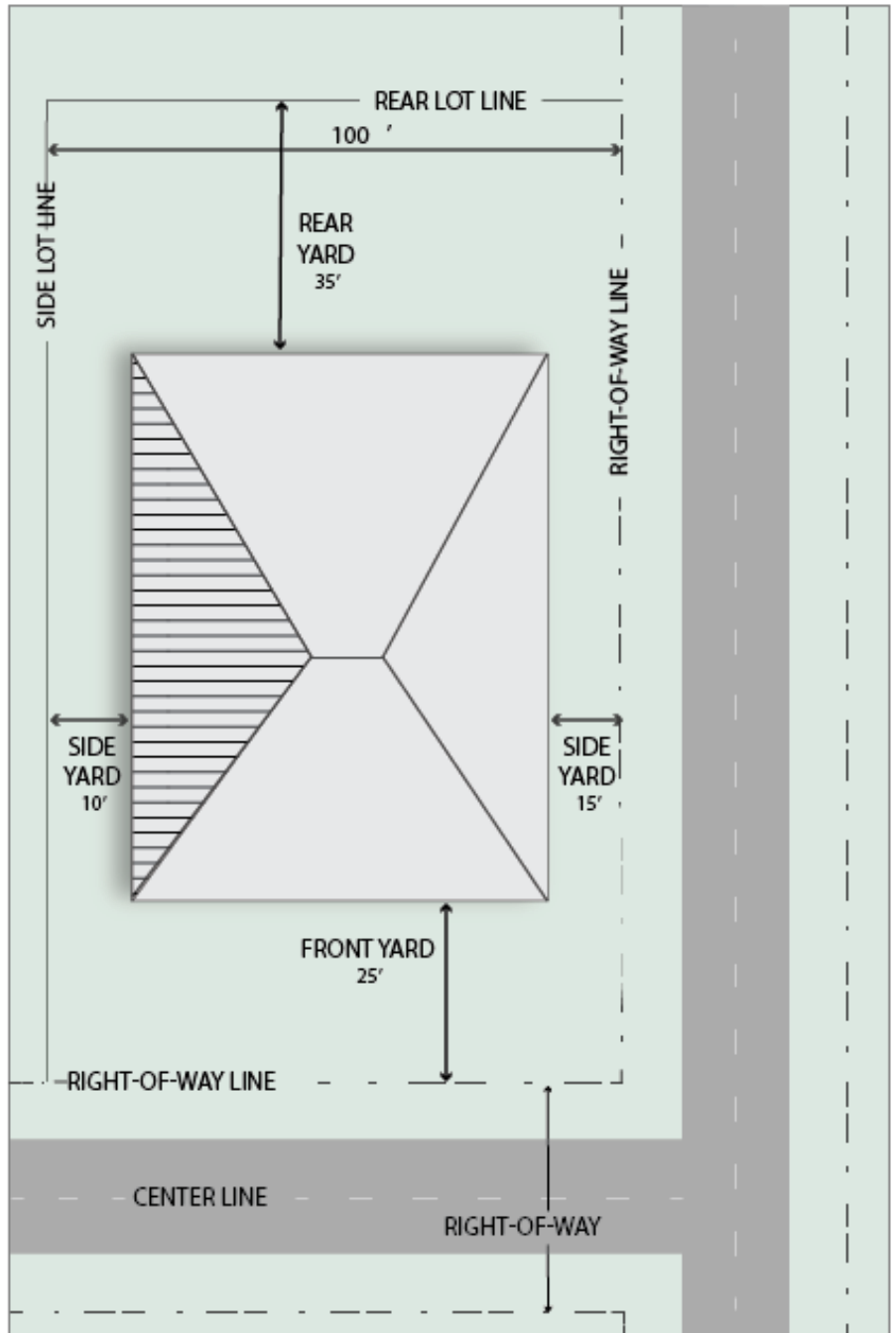
SPECIAL LAND USES	
Boarding and Lodging Houses (Up to 6 Units)	
Bed and Breakfasts	
Any structure or use which, in the opinion of the Planning Commission, is similar to a structure or use permitted by right or by special approval of the planning commission in this zoning district.	

Table 3.2 – Development Standards

LOT SIZE	
Minimum Lot Area	10,000 sq ft
Minimum Lot Width	100 ft
Minimum Lot Depth	100 ft
LOT COVERAGE	
Maximum Lot Coverage	45%
SETBACKS	
Minimum Front Yard Setback	25 ft
Minimum Side Yard Setback	10 ft, on each side
Minimum Rear Yard Setback	35 ft
Corner Lots	The side yard abutting a street shall not be less than fifteen (15) feet when there is a common rear yard line. In the case of a rear yard line abutting a side yard line of an adjacent lot, the side yard abutting a street shall not be less than thirty-five (35) feet.
FLOOR AREA	
Minimum Floor Area Per Unit	750 sq ft, not including floor space in an attached garage, open porch or other attached structure.
BUILDING HEIGHT	
Maximum Building Height	35 ft or 2.5 stories

b. Accessory buildings shall comply with the requirements outlined in Section 4.03.

- c. Supplementary Requirements
 - 1. Driveways shall comply with Section 4.01 of the Ordinance.
 - 2. Fences, Walls, and Screening shall comply with Section 4.13 of the Ordinance.
 - 3. Landscaping shall comply with Section 4.14 of the Ordinance.
 - 4. All uses permitted by right with conditions shall comply with the specific use requirements outlined in Article 5.



R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 3.09 Statement of Purpose

This district classification is designed to permit the greatest density of residential uses allowed within the village, which will generally serve as a zone of transition between nonresidential districts and any R-1 district, together with other residentially related facilities designed to service the inhabitants of the area.

SECTION 3.10 Uses

- a. Uses permitted by right, uses permitted by right with conditions, and special land uses shall be limited to those listed in Table 3.3 and shall be subject to the dimensional standards listed in Table 3.4 as well as the provisions of Article 4 General Provisions, Article 5, Specific Use Requirements, Article 6 Site Plan Review, and Article 7 Special Land Use, as applicable.

Table 3.3 – Uses in the Multiple-Family Residential District (R-2)

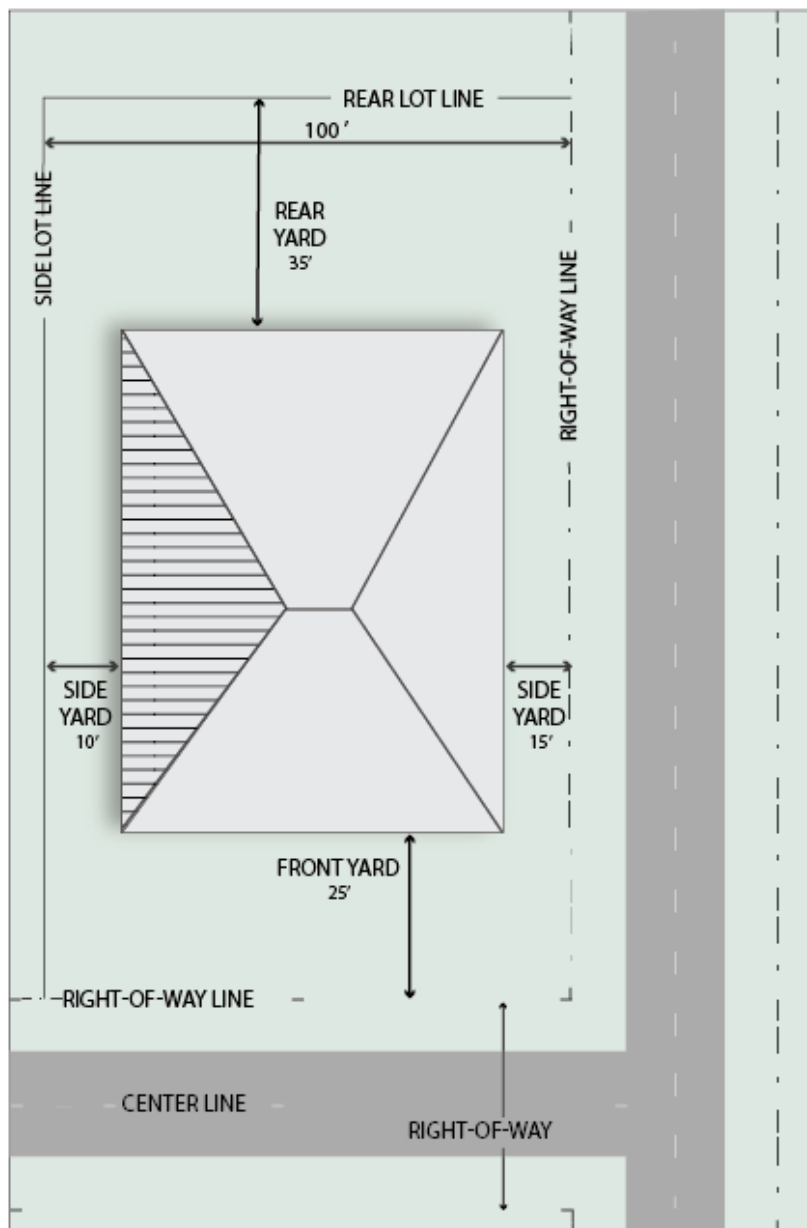
USES PERMITTED BY RIGHT
Single-Family Dwellings
Duplex Dwellings
Triplex Dwellings
Fourplex Dwellings
Multiple-Family Dwellings
Accessory Buildings
Accessory Dwelling Units
Bed and Breakfasts
Boarding or Lodging Houses (Up to 6 Units)
Cemetery
Model Homes (Subdivision or Project)
Primary and Secondary Schools
USES PERMITTED BY RIGHT WITH CONDITIONS
Roadside Stand
Mobile Homes (Outside of a Mobile Home Park)
Religious Institutions and Associated Parsonages
Institutional Uses
Essential Services
Hospital
Elderly Housing
Adult Foster Care Family Home
Family Child Care Home
SPECIAL LAND USES
Colleges and Universities

SPECIAL LAND USES	
Other uses which are not inconsistent with the provisions of this Ordinance.	
Golf Courses	
Home Occupations	
Mobile Home Park	
Any structure or use which, in the opinion of the Planning Commission, is similar to a structure or use permitted by right or by special land use of the planning commission in this zoning district.	

Table 3.4 - Development Standards

LOT SIZE	
Minimum Lot Area	10,000 sq ft*
Minimum Lot Width	100 ft
Minimum Lot Depth	100 ft
LOT COVERAGE	
Maximum Lot Coverage	45%
SETBACKS	
Minimum Front Yard Setback	25 ft
Minimum Side Yard Setback	10 ft, on each side
Minimum Rear Yard Setback	35 ft
Corner Lots	The side yard abutting a street shall not be less than fifteen (15) feet when there is a common rear yard line. In the case of a rear yard line abutting a side yard line of an adjacent lot, the side yard abutting a street shall not be less than thirty-five (35) feet.
FLOOR AREA	
Minimum Floor Area Per Unit	750 sq ft, not including floor space in an attached garage, open porch or other attached structure.
BUILDING HEIGHT	
Maximum Building Height	35 ft or 2.5 stories
*There shall be no more than twelve (12) multiple dwelling units per acre except for town houses of which there shall be no more than six (6) per acre. For the purpose of computing the permitted number of dwelling units per acre, the following lot area assignments shall control: 1 Bedroom Unit – 2,400 sq. ft., 2 Bedroom Unit – 3,600 sq. ft., 3 Bedroom Unit – 4,800 sq. ft., 4 Bedroom Unit – 6,000 sq. ft.	

- b. Accessory buildings shall comply with the requirements outlined in Section 4.03.
- c. Supplementary Requirements
 1. Driveways shall comply with Section 4.01 of the Ordinance.
 2. Fences, Walls, and Screening shall comply with Section 4.13 of the Ordinance.
 3. Landscaping shall comply with Section 4.14 of the Ordinance.
 4. All uses permitted by right with conditions shall comply with the specific use requirements outlined in Article 5.



B-1 SERVICE BUSINESS DISTRICT

SECTION 3.11 Statement of Purpose

This district classification is designed to provide sales and commercial service uses dealing directly with consumers and general business and industrial customers.

SECTION 3.12 Uses

- a. Uses permitted by right, uses permitted by right with conditions, and special land uses shall be limited to those listed in Table 3.5 and shall be subject to the dimensional standards listed in Table 3.6 as well as the provisions of Article 4, General Provisions, Article 5, Specific Use Requirements, Article 6, Site Plan Review, and Article 7 Special Land Use, as applicable.

Table 3.5 – Uses in the Service Business District (B-1)

USES PERMITTED BY RIGHT
Any Structure or Use Permitted by Right in the R-2 District.*
Office Uses
Retail Sales
Personal Service Establishments
Business Establishments
Professional Service Offices
Off-Street Parking Lots
Private Clubs, Fraternities, or Lodges
Restaurants (without Drive-through/ Drive-In Services)
Colleges and Universities
Accessory Buildings
USES PERMITTED BY RIGHT WITH CONDITIONS
Mortuary or Funeral Home
Mixed-Use Development
Cargo Containers
Essential Services
Institutional Uses
Home Occupations
SPECIAL LAND USES
Mobile Homes (Outside of Mobile Home Park)
Gasoline Service Stations
Open Air Businesses
Hotels

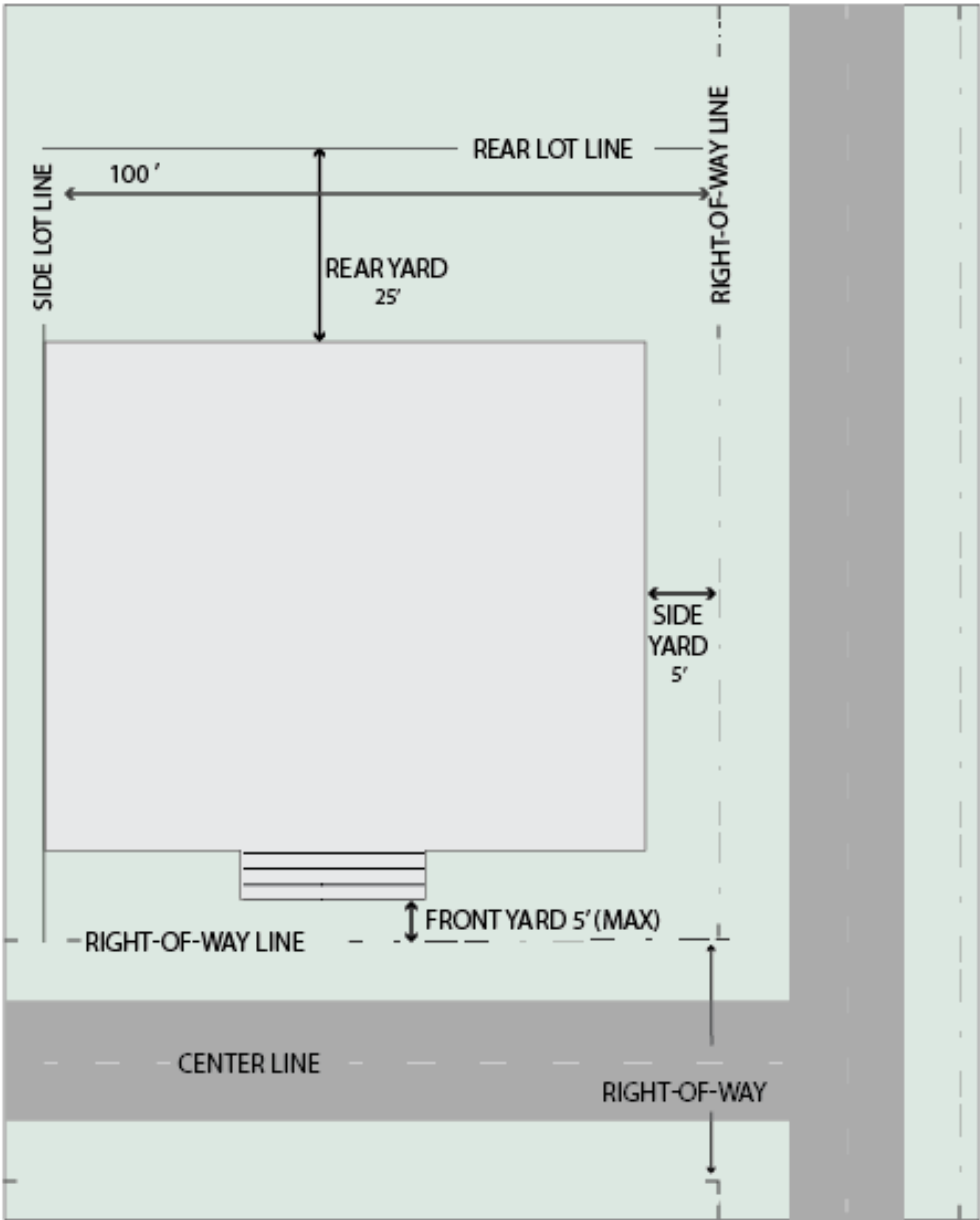
SPECIAL LAND USES	
Veterinary Hospitals or Clinics	
Any structure or use which, in the opinion of the Planning Commission, is similar to a structure or use permitted by right or by special approval of the planning commission in this zoning district.	
*Excluding residential land uses	

Table 3.6 – Development Standards

LOT SIZE	
Minimum Lot Area	15,000 sq ft
Minimum Lot Width	100 ft
Minimum Lot Depth	150ft
LOT COVERAGE	
Maximum Lot Coverage	75 %
SETBACKS	
Maximum Front Yard Setback	5 ft from sidewalk, upon review the Planning Commission can waive setback requirement.
Minimum Side Yard Setback	0 ft
Minimum Rear Yard Setback	25 ft
Corner Lots	The side yard abutting a street shall not be less than five (5) feet when there is a common rear yard line. In the case of a rear yard line abutting a side yard line of an adjacent lot, the side yard abutting a street shall not be less than twenty-five (25) feet.
FLOOR AREA	
Minimum Floor Area Per Unit	1,500 sq ft
BUILDING HEIGHT	
Maximum Building Height	40 ft or 3 stories
There shall be no more than twelve (12) multiple dwelling units per acre except for town houses of which there shall be no more than six (6) per acre. For the purpose of computing the permitted number of dwelling units per acre, the following lot area assignments shall control: 1 Bedroom Unit – 2,400 sq. ft., 2 Bedroom Unit – 3,600 sq. ft., 3 Bedroom Unit – 4,800 sq. ft., 4 Bedroom Unit – 6,000 sq. ft.	

- b. Development and Design Standards
 - 1. Windows: The first floor of front facades of non-residential buildings shall include at least thirty percent (30%) windows, and remaining floors of front facades shall include at least twenty percent (20%) windows.
 - 2. Entrances: The primary entrance for a non-residential and/or mixed-use building shall be clearly identifiable and useable and located facing the right-of-way.
- c. Accessory buildings shall comply with the requirements outlined in Section 4.03.

- d. Supplementary Requirements
 - 1. Driveways shall comply with Section 4.01 of the Ordinance.
 - 2. Fences, Walls, and Screening shall comply with Section 4.13 of the Ordinance.
 - 3. Landscaping shall comply with Section 4.14 of the Ordinance.
 - 4. All uses permitted by right with conditions shall comply with the specific use requirements outlined in Article 5.



B-2 GENERAL BUSINESS DISTRICT

SECTION 3.13 Statement of Purpose

This district classification is designed to permit commercial uses catering to business and industrial customers as well as the general public.

SECTION 3.14 Uses

- a. Uses permitted by right, uses permitted by right with conditions, and special land uses shall be limited to those listed in Table 3.7 and shall be subject to the dimensional standards listed in Table 3.8 as well as the provisions of Article 4 General Provisions, Article 5, Specific Use Requirements, Article 6 Site Plan Review, and Article 7 Special Land Use, as applicable.

Table 3.7 – Uses Permitted in the General Business District (B-2)

USES PERMITTED BY RIGHT
Any Structure or Use Permitted by Right in the B-1 District.*
Car Wash Businesses
Bus, Train, or Air Passenger Station or Terminal
Hotels
Kennels or Pet Shops (within an Enclosed Building)
Wholesale Businesses (Office Supplies, Novelties, Electronics, Etc.)
Warehousing & Mini-Storage (Within Enclosed Buildings)
Greenhouse or Nursery
Printing Services
Radio or Television Stations
Bulk storage of gasoline, oil, and other products or material which is accessory to a permitted use**
Accessory Buildings and Uses
USES PERMITTED BY RIGHT WITH CONDITIONS
New and Used Vehicle Sales Lots
Motels
Businesses with Drive-In and Drive-Through Services
Veterinary Hospitals or Clinics
Open Air Businesses
Indoor Commercial Recreation
Gasoline Service Stations
Cargo Containers
Essential Services
Home Occupations
Temporary Outdoor Uses

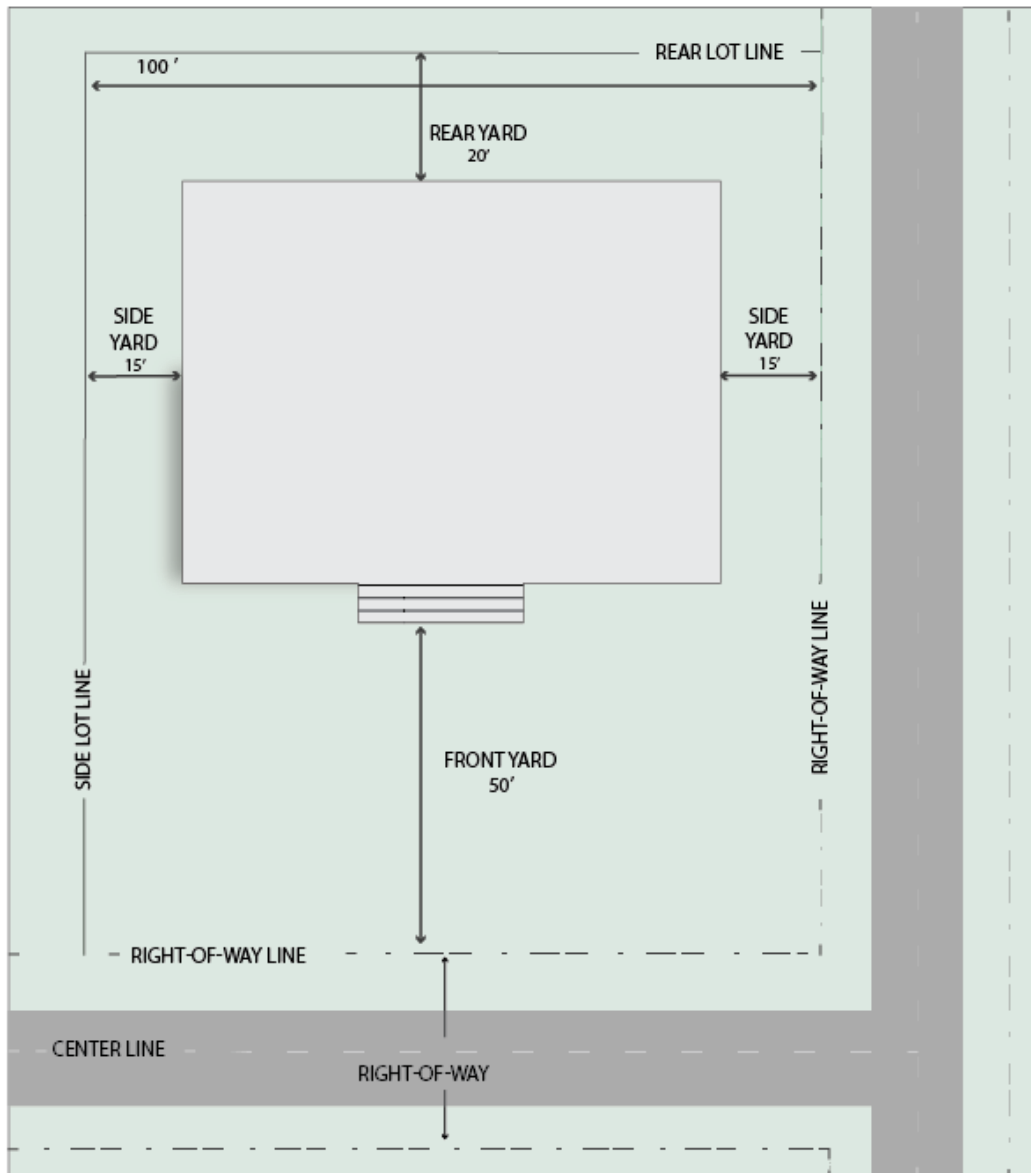
USES PERMITTED BY RIGHT WITH CONDITIONS	
Auto Repair Station	
Drive-In Theater	
Grain or seed elevator or sales; cold storage for cooperative or wholesale agricultural products	
Institutional Uses (Religious Institutions, Educational Social Institutions, Human Care Institutions, and Animal Care Institutions)	
Lumber Yard	
Any structure or use which, in the opinion of the planning commission, is similar to a structure or use permitted by right or by special approval of the planning commission in this zoning district.	
*Excluding residential land uses	
**Such storage must take place either underground or within a completely enclosed building.	

Table 3.8 – Development Standards

LOT SIZE	
Minimum Lot Area	25,000 sq ft*
Minimum Lot Width	100 ft
Minimum Lot Depth	250 ft
LOT COVERAGE	
Maximum Lot Coverage	75 %
SETBACKS	
Maximum Front Yard Setback	50 ft
Minimum Side Yard Setback	15 ft, Each Side
Minimum Rear Yard Setback	20 ft
Corner Lots	The side yard abutting a street shall not be less than fifteen (15) feet when there is a common rear yard line. In the case of a rear yard line abutting a side yard line of an adjacent lot, the side yard abutting a street shall not be less than twenty (20) feet.
FLOOR AREA	
Minimum Floor Area Per Unit	1,500 sq ft
BUILDING HEIGHT	
Maximum Building Height	40 ft or 3 stories
*There shall be no more than twelve (12) multiple dwelling units per acre except for town houses of which there shall be no more than six (6) per acre. For the purpose of computing	

the permitted number of dwelling units per acre, the following lot area assignments shall control: 1 Bedroom Unit – 2,400 sq. ft, 2 Bedroom Unit – 3,600 sq. ft., 3 Bedroom Unit – 4,800 sq. ft., 4 Bedroom Unit – 6,000 sq. ft.

- b. Accessory buildings shall comply with the requirements outlined in Section 4.03.
- c. Supplementary Requirements
 - 1. Driveways shall comply with Section 4.01 of the Ordinance.
 - 2. Fences, Walls, and Screening shall comply with Section 4.13 of the Ordinance.
 - 3. Landscaping shall comply with Section 4.14 of the Ordinance.
 - 4. All uses permitted by right with conditions shall comply with the specific use requirements outlined in Article 5.



In - Industrial District

SECTION 3.15 Statement of Purpose

This district classification is designed so as to accommodate wholesale activities, ware- houses, and manufacturing, assembling, fabricating, processing, and compounding activities.

SECTION 3.16 Permitted Uses

- a. Uses permitted by right and special land uses shall be limited to those listed in Table 3.9 and shall be subject to the dimensional standards listed in Table 3.10 as well as the provisions of Article 4, General Provisions, Article 5, Specific Use Requirements, Article 6 Site Plan Review, and Article 7 Special Land Use, as applicable.

Table 3.5 – Uses Permitted in the Industrial District (I-1)

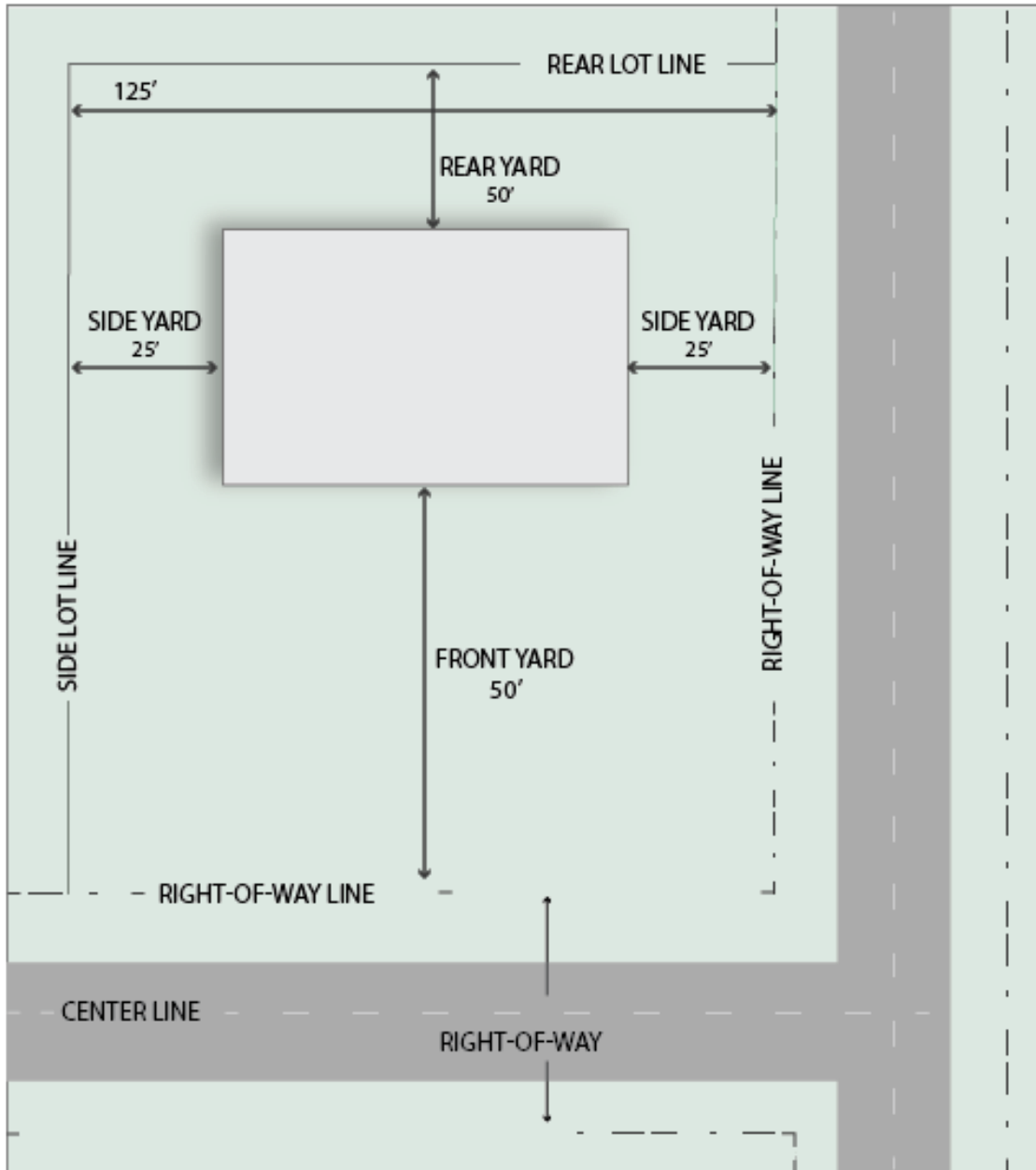
USES PERMITTED BY RIGHT
Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
Storage facility for building materials; sand, gravel, stone, lumber, or storage or contractor's equipment and supplies; provided such is enclosed within a building or within an obscuring wall or fence.
Warehousing and wholesale establishment, storage, or trucking facility.
Manufacturing, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, and hardware; and cutlery, tool, die, gauge and machine shops.
Manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials like bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, yarns, or growing farm crops.
Manufacturing of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
Manufacturing of musical instruments, toys, novelties, or metal or rubber stamps, or other small, molded rubber products.
Manufacturing or assembling electrical appliances, electronic instruments and devices, radios or phonographs.
Laboratories experimental, film, or testing.
Manufacturing or repairing of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves or the like.
Central dry-cleaning plant or laundry; provided that such plant shall not deal directly with the consumer at retail.

USES PERMITTED BY RIGHT
Trade or Industrial School
Machinery or equipment sales or storage.
Lumber or Planing Mill (when completely enclosed).
Motor Freight Warehouse.
Gasoline or Petroleum Storage.
Cargo Containers
Accessory buildings or uses
SPECIAL LAND USES
Ready-mix concrete or asphalt plant.
Metal Plating, Buffing or Polishing.
Coal or fuel yard.
Heating or electrical power generating plant.
Blast furnace, steel furnace, blooming or rolling mill.**
Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.**
Production or refining of petroleum or other inflammable liquids.**
Smelting of copper, iron, or zinc. **
Storage, manufacture, processing or utilization of materials or products which decompose, by detonation or otherwise, on the premises.
Radio or television towers or public utility microwaves and their attendant facilities; provided said use shall be located centrally on a lot of not less than 1.5 times the height of the tower measured from the base of said tower to all points on each property line.
Mining operations and incidental mineral processing
Any structure or use which, in the opinion of the planning commission, is similar to a structure or use permitted by right or by special approval of the planning commission in this zoning district.
*When the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building.
**Uses must be setback at minimum 800 feet from a residential lot and not less than 300 feet from any other lot.

Table 3.10 – Development Standards

LOT SIZE	
Minimum Lot Area	30,000 sq ft
Minimum Lot Width	125 ft
Minimum Lot Depth	240 ft
LOT COVERAGE	
Maximum Lot Coverage	75 %
SETBACKS	
Minimum Front Yard Setback	50 ft
Minimum Side Yard Setback	25 ft, Each Side
Minimum Rear Yard Setback	50 ft
Corner Lots	The side yard abutting a street shall not be less than 25 feet when there is a common rear yard line. In the case of a rear yard line abutting a side yard line of an adjacent lot, the side yard abutting a street shall not be less than 30 feet.
FLOOR AREA	
Minimum Floor Area	1,500 sq ft
BUILDING HEIGHT	
Maximum Building Height	45 ft or 3.5 stories

- b. Accessory buildings shall comply with the requirements outlined in Section 4.03.
- c. Supplementary Requirements
 - 1. Driveways shall comply with Section 4.01 of the Ordinance.
 - 2. Fences, Walls, and Screening shall comply with Section 4.13 of the Ordinance.
 - 3. Landscaping shall comply with Section 4.14 of the Ordinance.
 - 4. All uses permitted by right with conditions shall comply with the specific use requirements outlined in Article 5.



SECTION 3.17 Area, Density, Bulk, Height, and Yard Requirements

The area, density, bulk, height, and yard requirements outlined in Table 3.11 shall apply in all cases except where specific provisions are otherwise provided in this ordinance for a specific use, development, structure, or circumstance. When such event arises, those specific provisions shall apply.

Table 3.11 – Dimensional Requirements

Zoning District	Setbacks: Front, Side (Each), Rear			Width	Height	Minimum Lot Area	Floor Area	Maximum Lot Coverage
R-1, One-Family Residential	25'	10'	35'	100'	35' or 2.5 stories	10,000 sq. ft.	720 sq. ft.	45%
R-2, Medium-Family Residential	25'	10'	35'	100'	35' or 2.5 stories	10,000 sq. ft.	720 sq. ft.	45%
B-1, Service Business	5' (Maximum)	0'	25'	100'	40' or 3 stories	15,000 sq. ft.	1,500 sq. ft.	75%
B-2, General Business District	50'	15'	20'	100'	40' or 3 stories	25,000 sq. ft.	1,500 sq. ft.	75%
IN, Industrial District	50'	25'	50'	125'	45' or 3.5 stories	25,000 sq. ft.	1,500 sq. ft.	75%
Prospective Developers are referred to the rules and regulations governing the installation of sewage disposal systems and water systems in Huron County as published by the Board of Health.								

SECTION 3.18 Area, Density, and Bulk

- a. The area used for computing lot size and density shall be the total site area exclusive of any dedicated public right-of-way except where a lot abuts an alley or lane in which event one-half (1/2) of the width of the alley or lane abutting the lot shall be included.
- b. There shall be no more than twelve (12) multiple dwelling units per acre except for town houses of which there shall be no more than six (6) per acre. For the purpose of computing the permitted number of dwelling units per acre, the lot area assignments outlined in Table 3.12 shall control. Where plans show 1or 2-bedroom units including a den, library, or other extra room, such extra room shall be counted as a bedroom for the purpose of computing density.

Table 3.12 – Multiple Family Dwelling Computing Capacity

Unit Type	Lot Area/Unit
Efficiency	1,200 sq. ft.
1 bedroom	2,400 sq. ft.
2 bedroom	3,600 sq. ft.
3 bedroom	4,800 sq. ft.
4 bedroom	6,000 sq. ft.

- c. No dwelling unit having two (2) or less bedrooms shall be less than 750 square feet in size and each additional bedroom shall have an additional 150 square feet, each being measured around the interior faces of the exterior walls. A room designated as a den, library, or extra room shall be considered a bedroom for computing square footage requirements.
- d. All multiple dwelling units shall have at least one living room and one bedroom, except that not more than ten (10) per cent of the units may be of an efficiency apartment type.

SECTION 3.19 Height

- a. A basement shall not be counted as a story, but that portion of a basement which is above grade level shall be considered in connection with height limitations.
- b. The height limitations of this ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the planning commission may specify a height limit for any such structure designated as a use by special approval.

SECTION 3.20 Yards

- a. Setbacks shall be measured from the existing and/or proposed adjacent right-of-way lines or from the center of existing and/or proposed adjacent alleys whichever is applicable.
- b. When twenty-five (25) percent or more of all the frontage on one side of a street between two (2) intersecting streets has, on the effective date of this ordinance, been built up with buildings, the front setback line for that side of the street between those intersecting streets shall be that line established by the front of the building closest to the street line or that line established by the preceding schedule whichever is closest to the street line.
- c. On corner lots, the side yard abutting a street shall not be less than fifteen (15) feet when there is a common rear yard line. In the case of a rear yard line abutting a side yard line of an adjacent lot, the side yard abutting a street shall not be less than the minimum side yard setback of the underlying zoning district.

- d. If permanent access is provided to the rear of the property by a public alley or a driveway, the side yard requirement may be waived, except as otherwise specified in applicable building codes. Side yards of not less than five (5) feet shall be provided.
- e. Every lot on which a two (2) family or a multiple dwelling is erected shall be provided with a side yard on each side of the lot. The width of each side yard shall be increased by one foot for each ten (10) feet or part thereof, by which the length of the multiple or two-family dwelling exceeds 40 feet in overall dimension along the adjoining lot line. No two-family or multiple dwelling shall exceed 180 feet in length. The depth of any court shall not be greater than three (3) times the width.
- f. Access drives may be placed in the required front or side yards to provide access to rear yards or accessory or attached buildings. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement serving a like function and not in excess of nine (9) inches above finished grade shall, for the purpose of this ordinance, not be considered to be a structure and shall be permitted in any required yard.
- g. Unenclosed porches, roofed or unroofed, may project into a required side or rear yard provided:
 - 1. The porch is no higher than one story and erected on supporting piers.
 - 2. The porch shall not be closer than eight (8) feet to any side or rear lot line.
- h. Enclosed porches shall be considered an integral part of the building and shall be subject to all yard requirements.
- i. Special structural elements such as cornices, sills, chimneys, gutters, and similar structural features may project into any yard up to a maximum of two and one-half (2 1/2) feet.
- j. Fire escapes, outside stairways and balconies, if of open construction, may project into yard areas up to a maximum of five (5) feet.
- k. Paved terraces, patios and uncovered porches shall not be subject to yard requirements; provided:
 - 1. The paved area is unroofed and without walls or other forms of solid continuous enclosure that link the paved area to the principal building.
 - 2. The highest finished elevation of the paved area is not over two (2) feet above the average surrounding finished grade.
 - 3. No portion of any paved area is closer than five (5) feet from any lot line nor closer than eight (8) feet to a road right-of-way. Such paved areas may have non continuous windbreaks or walls not over six (6) feet high and not enclosing more than one-half (1/2) the perimeter of the paved area.

- l. For any industrial structure or use, except for landscape improvements and necessary drives and walks, the front yard shall remain clear, and shall not be used for parking, loading, storage, or accessory structures. Side and rear yards, except for a strip along the lot boundary ten (10) feet in width, may be used for parking and loading, but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.

SECTION 3.21 Subdivision Open Space Plan

- a. The intent of the Subdivision Open Space Plan is to promote the following objectives:
 - 1. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - 2. Encourage developers to use a more creative approach in the development of residential areas.
 - 3. Encourage a more efficient, aesthetic, and desirable use of an open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site.
 - 4. Encourage the provision of open space within reasonable distance to all lot development of a subdivision and to further encourage the development of recreational facilities.
- b. Modification of the preceding area, density, bulk, height and yard requirements may be made in residential districts by the planning commission when the following conditions are met:
 - 1. The lot area in a residential district, which is served by a public sanitary sewer system, may be reduced up to twenty (20) per cent.
 - 2. Rear yards may be reduced to twenty (20) feet when lots border on land dedicated for park, recreation, and/or open space purposes; provided that the width of said dedicated land shall not be less than one hundred (100) feet measured at the point at which it abuts the rear yard of the adjacent lot.
 - 3. For each square foot of land gained within a residential subdivision through the reduction of lot size, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner provided by the planning commission.
 - 4. The area to be dedicated for subdivision open space purposes shall in no instance be less than three (3) acres and shall be in a location and shape approved by the planning commission.
 - 5. The land area necessary to meet the minimum requirements of this section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a flood plain.
 - 6. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the planning commission and the subdivider or developer.
 - 7. This plan, for reduced lot sizes, shall be started within six (6) months after approval of the final plat, and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.
 - 8. Under this subdivision open space approach, the developer or subdivider shall dedicate the open space area at the time of filing of the final plat on all or any portion of the plat.

SECTION 4.00 Uses Permitted by Right

Except to the extent as may be otherwise specifically provided and in addition to any other applicable provision of this ordinance, all buildings, structures and/or uses in the Village shall be governed by these general provisions.

SECTION 4.01 Access to Major Thoroughfare or Collector Street

Vehicular access shall be provided to an existing or planned major thoroughfare or collector street. However, access driveways may be permitted where such access is provided to a street where the property directly across the street from such driveway and all property abutting such street between the driveway and the major thoroughfare or collector street is zoned for multiple-family or any nonresidential use, and is developed with permanent uses other than single-family residences or is an area which will be used for other than single-family purposes in the future. This exception shall apply only if there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a major thoroughfare or collector street.

SECTION 4.02 Accessibility to Lot

No dwelling shall be built on a lot unless the lot has access to vehicular traffic as provided in Section 4.01. Such access shall have a minimum width of thirty (30) feet, except where an access of record of less width existed prior to the effective date of this ordinance. All regulations contained in this ordinance shall apply to such accesses of record in the same manner as if the same were dedicated streets.

SECTION 4.03 Accessory Buildings and Structures

a. Accessory buildings and structures shall be subject to the standards of Table 4.1, below:

Table 4.1 Development Standards

SETBACKS	
Minimum Front Yard Setback	No closer to the front line of the principal building (prohibited in the front yard)
Minimum Side Yard Setback	3 ft, on each side
Minimum Rear Yard Setback	Shall not be closer than three (3) feet to a lot line.
Corner Lots	Shall be the same as the front yard setback for the principal building
Other Buildings and/or Structures	5 ft
AREA	
In the R-1 and R-2 Districts	Shall not exceed the ground floor area of the principal structure.

BUILDING HEIGHT	
In the R-1 and R-2 Districts	Shall not exceed 15 feet in height unless approved by the Planning Commission.

- b. Where the accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to principal buildings.
- c. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- d. All travel trailers and recreational vehicles owned by residents of the village and stored on individual lots in residential districts shall be stored only within the confines of the rear yard and shall further comply with the requirements of this section applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned.
- e. Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the lot and unless it also complies with all the provisions of this ordinance relating to buildings for residential purposes.
 - 1. No accessory building or use shall exist prior to the establishment of the principal building or use upon the lot except as a temporary building. Such temporary building use shall terminate upon completion of the principal building or buildings upon the lot.
- f. Accessory Dwelling Units (ADU): ADUs may be permitted by right within the R-1 and R-2 zoning districts, as identified in Section 3.08 and Section 3.10. An ADU is a small dwelling unit which is part of an existing one-family owner-occupied home. The ADU must be clearly secondary to the single-family home. ADUs shall comply with all of the following standards:
 - 1. Number Permitted: One ADU may be permitted per lot containing an existing detached single-family dwelling unit if the ADU complies with all of the requirements of this section.
 - 2. Minimum Lot Standards: ADUs may only be permitted on lots that meet the minimum lot area and width standards of the zoning district.
 - 3. Occupancy: No more than two adult persons may occupy an ADU. There is no limit on children under the age of 18 who are related by blood to or under the guardianship of an adult occupying the ADU.
 - 4. Owner-Occupancy Required on the Property:
 - i. Owner-Occupancy Required: Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the Township.

- ii. Ownership of the ADU: Ownership of the ADU shall remain with the owner of the property, and shall only be rented to tenants. In no case may the owner of the property divide ownership rights between the principal and ADUs through condominium or other means.
 - iii. Annual Inspection: Conformance with the conditions of the ADU shall be certified yearly by the owner subject to inspection by the Township. Inspection shall be allowed by the owner after 48 hours notice by certified mail from the Township. The certification process shall be subject to an appropriate fee as determined by the Township Board.
 5. Floor Area: The floor area of the ADU shall not exceed 750 square feet, or 50% of the gross floor area of the principal residence, whichever is less.
 6. Location: The ADU may be located within the single-family structure, within an attached accessory structure, or in a detached accessory structure on the site. An ADU which is located within a detached accessory structure must conform to the setback regulations identified in Section 4.03(a).
 7. Design Criteria:
 - i. Architectural Character. An ADU shall be designed to maintain the architectural character and appearance of the principal building. If an ADU extends beyond the existing footprint of the main building, the addition must be consistent with the existing façade, roof pitch, siding, and windows.
 - ii. Entrances. Entrances to ADUs, including exterior stairs leading to a second story entrance, are restricted to the side or rear façade of the principal building. This provision does not apply if the ADU's primary entrance is the same as the entrance to the principal residence.
 - iii. Orientation. The orientation of the ADU shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU. Factors that should be considered include landscape screening, fencing, and window and door placement.
 8. Parking: One off-street parking space shall be provided for the ADU in a driveway or in a rear or side yard on the lot. No parking space may be provided in the front yard except in paved driveways. Parking spaces are not subject to setback requirements.
- g. Personal Scale Solar Energy System (SES)
1. The installation of any SES shall not negatively impact adjacent properties with additional or excessive stormwater runoff and/or drainage.
 2. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
 3. All panels shall have tempered, non-reflective surfaces.
 4. Solar energy collectors shall be repaired, replaced, or removed within three months of becoming nonfunctional.
 5. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
 6. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the building inspector prior to installation. Building inspector approval is required.

7. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state and national requirements.
8. Roof-Mounted Personal Scale SES shall conform to the following requirements:
 - i. The weight of roof-mounted personal scale SES shall be safely supported by the building. Building inspector approval is required.
 - ii. Roof-mounted personal scale SES shall not project more than 2 feet above highest point of roof and not be located within 3 feet of any peak, eave, or valley to maintain adequate accessibility.
9. Ground-Mounted Personal Scale SES shall conform to the following requirements:
 - i. Ground-mounted personal scale SES shall be setback a minimum of ten (10) feet from other buildings, structures, and lot lines.
 - ii. Ground-mounted personal scale SES shall be situated on a parcel no less than 21,780-sf (0.5-acres) in size.
 - iii. Ground-mounted personal scale SES shall be permitted only in the side and rear yards.
 - iv. Ground-mounted personal scale SES shall not exceed 12 feet in height measured from the ground at the base of such equipment to the highest point of the solar panel at maximum tilt.

SECTION 4.04 Basement

- a. No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the zoning board of appeals for a limited period of two (2) years to permit the construction of the above grade dwelling as shown on appropriate plans submitted by the applicant and provided said board is satisfied with the applicant's ability and intent to complete such construction within said period.

SECTION 4.05 Conflicting Regulations

- a. Whenever any provision of this ordinance imposes more restrictive requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this ordinance shall govern. Whenever the provisions of any other law or ordinance impose more restrictive requirements than are imposed or required by this ordinance then the provisions of such other law or ordinance shall govern.

SECTION 4.06 Lighting

- a. Outdoor lighting in all districts used to light the general area of a lot shall be directed downward, shielded to reduce glare, and shall be placed to not interfere with the vision of persons on adjacent lots or rights-of-way.
- b. Lighting used for the external illumination of buildings, to feature said buildings, shall be shielded to reduce glare, and placed so as not to interfere with the vision of persons on adjacent lots or rights-of-way.
- c. Illumination of signs shall be directed downward, shielded to reduce glare, and placed to not interfere with the vision of persons on adjacent lots or rights-of-way.

- d. Illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type.

SECTION 4.07 Nonconforming Uses

- a. Any lot existing and of record on the effective date of this ordinance may be used for any use permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of this ordinance provided all other provisions hereof are complied with.
- b. Any building or structure for which a building permit has been issued and the actual construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this ordinance may be completed and used in accordance with the plans and application on which said building permit was granted. Failure to start construction within thirty (30) days or complete outside shell within one hundred eighty (180) days, or complete construction of any such building or structure within one year after the effective date of this ordinance shall be a violation.
- c. Any sign, commercial advertising structure or object which lawfully existed and was maintained at the time this ordinance became effective may be continued even though such use does not conform with the provisions of this ordinance; provided that, all such nonconforming signs, commercial advertising structures and objects and their supporting members located in any residential or business district shall be completely removed from the premises within ten (10) years from the effective date of this ordinance.
- d. There may be a change of tenancy, ownership, or management of an existing nonconforming use of land or structure, or land and a structure in combination; provided there is no change in the nature or character of such nonconforming use.
- e. Where a lawful structure exists on the effective date of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, density, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following:
1. A structure which is nonconforming as to use regulations, shall not be added to or enlarged in any manner unless such structure, including such additions and enlargements, is made to conform to all regulations of the district in which it is located.
 2. A structure nonconforming as to height or density regulations, may be added to or enlarged if such addition or enlargement conforms to the regulations of the district in which it is located.
 3. When a structure or portion thereof is moved from one district to another or to another location within the same district, it must conform or be made to conform to all of the regulations of the district to which it is moved.
 4. A nonconforming use of a portion of a structure, which structure otherwise conforms to the provisions of this ordinance, shall not be expanded or extended into any other portion of such

conforming structure, nor changed except to a conforming use. If such nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such structure or portion thereof shall be in conformity with the regulations of the district in which such structure is located.

5. Should such structure be destroyed by any means to an extent of more than fifty (50) per cent of its latest state equalized value, it shall be reconstructed only in conformity with the provisions of this ordinance.
 6. On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50) per cent of the latest state equalized value of the structure; provided that the cubic content of the structure as it existed on the effective date of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- f. When, on the effective date of this ordinance, a lawful use of land exists that is made no longer permissible under the terms of this ordinance, such use may be continued, so long as it remains otherwise lawful; subject to the following:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this ordinance.
 2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of this ordinance.
 3. If such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations for the district in which such land is located.
 4. No structure shall be placed on this land except in conformity with the provisions of this ordinance.
- g. If a lawful use of a structure, or of structure and land in combination, exists on the effective date of this ordinance, that is made no longer permissible under the terms of this ordinance, such lawful use may be continued so long as it remains otherwise lawful; subject to the following:
1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to change the use of the structure to a use permitted in the district in which it is located.
 2. Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use, and which existed on the effective date of this ordinance, but no such use shall be extended to occupy any land outside such structure.
 3. If no structural alterations are made, any nonconforming use of a structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification; provided that the zoning board of appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the

zoning board of appeals may require conditions and safeguards in accord with the purpose and intent of this ordinance. When a nonconforming use of a structure, or structure and land in combination, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 5. When a nonconforming use of a structure, or structure and land in combination, is discontinued, vacated, unoccupied, or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, it shall be conclusively presumed that same has been legally abandoned; and the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
 6. When nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- h. Whenever the owner shall fail to comply with the provisions of this ordinance relating to removal or discontinuance of a nonconforming use, the zoning administrator shall serve notice in writing on such owner or his agent requiring him to comply herewith within a reasonable time after such notice. If, after such notice, the owner shall fail to comply herewith, the zoning administrator shall take such action as may be necessary, including civil action, to cause compliance with the provisions hereof.

SECTION 4.08 Parking, Storage, and Loading Spaces

- a. It shall be unlawful to use the off-street parking or loading areas established to meet the requirements of this ordinance for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary and licensed service vehicles.
- b. There shall be provided, in all districts at the time of erection or enlargement of any principal building or structure, motor vehicle off-street parking space with adjacent access to all spaces in accordance with the following provisions, compliance with which shall be determined prior to the issuance of any zoning compliance certificate:
 1. Off-street parking shall be permitted in a side or rear yard.
 2. Off-street parking for other than residential use shall be permitted to occupy a portion of a required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
 3. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) 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. Ownership by the applicant shall be shown of all lots or parcels intended for use as parking by the applicant.
 4. Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the lot intended to be served.

5. Minimum required off-street parking shall not be replaced by any other use unless and until equal facilities are provided elsewhere.
6. Off-street parking existing on the effective date of this ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
7. In a residential district, travel trailers, campers, boats, and recreational vehicles may be parked in a rear or side yard, provided there is no blockage of access to a public right-of-way. Parking of trailers, campers, boats, and recreational vehicles are permitted in the front yard on a temporary basis for no more than six (6) months out of one (1) calendar year.
8. No parking space shall be closer than five (5) feet from a lot line.
9. Two (2) or more buildings or uses may collectively provide required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
10. For those uses not specifically mentioned in the following schedule, the requirements for off-street parking shall be in accord with a use which the zoning administrator considers to be similar in terms of parking demand.
11. When units or measurements determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one parking space.
12. For the purpose of computing the number of parking spaces required, the definition of floor area shall govern.
13. The minimum number of off-street parking spaces by type of use shall be determined in accordance with Table 4.2 below:

Table 4.2 – Off-Street Parking Space Requirements

Use	Number of Minimum Parking Spaces per unit of Measure
Residential	
1. Residential, one-family and two-family	Two (2) for each dwelling unit
2. Residential, multiple family	Two (2) for each dwelling unit
3. Housing for the elderly	One for each two (2) units and one for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided
4. Mobile home park	Two (2) for each mobile home site and one for each employee of the mobile home park.
Institutional:	
5. Churches, temples, or synagogues	One for each three (3) seats or six (6) feet of pews in the main unit or worship
6. Hospitals	One for each four (4) beds and one for each two (2) employees or staff members. Bassinets shall not be counted as beds.
7. Homes for the aged or convalescent One for each six (6) beds and one for homes.	One for each six (6) beds and one for each two (2) employees or staff members.
8. Elementary and junior high schools.	One for each school bus and one for each two (2) teachers, employees or administrators, in addition to the requirements for the auditorium, if any.
9. Senior high schools.	One for each school bus, one for each two (2) teachers, employees, or administrators, and one for each ten (10) students, in addition to the requirements for the auditorium, if any.
10. Private clubs or lodge halls.	One for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes; or one for each one hundred (100) square feet of floor area; whichever is greater.
11. Private gold clubs, swimming pool clubs, or other similar uses.	One for each two (2) member families or individual plus spaces required for each accessory use, such as restaurant or bar.

Institutional:	
12. Golf courses open to the general public, except miniature or “par-3” courses.	Six (6) for each golf hole and for each employee, plus spaces required for each accessory use, such as a restaurant or bar.
13. Stadium, sports arena or similar place of outdoor assembly.	One for each three (3) seats or twelve (12) feet of benches.
14. Theaters or auditoriums.	One for each three (3) seats plus one for each two (2) employees.
15. Libraries, museums, post offices.	One for each one hundred (100) square feet of floor area
Business and Commercial:	
16. Planned commercial or shopping center.	One for each one hundred (100) square feet of floor area.
17. Auto wash (automatic).	One for each employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible under- going some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
18. Auto wash (self-service or coin operated).	Auto wash (self-service or coin operated).
19. Beauty parlor or barber shop.	Three (3) for each of the first two (2) beauty or barber chairs, and one and one-half (1½) spaces for each additional chair.
20. Bowling alley.	Five (5) for each one bowling lane plus spaces required for each accessory use.
21. Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, or assembly halls without fixed seats.	One for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes; or one for each one hundred (100) square feet of floor area; whichever is greater.
22. Establishment for sale and consumption on the premises of beverages, food or refreshments.	One for each one hundred (100) square feet of floor area or one for each two (2) or refreshments. persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes; whichever is greater.

Business and Commercial:	
23. Furniture and appliance, household a plumber, decorator, electrician, or similar trade, shoe repair or other similar uses.	One for each eight hundred (800) square feet of display floor area; plus for that floor area used in processing, one additional space shall be provided for each two (2) persons employed.
24. Gasoline service stations.	Two (2) for each lubrication stall, rack or pit; and one for each gasoline pump.
25. Laundromats or dry cleaners.	One for each two (2) washing and/or dry cleaning machines.
26. Miniature or "Par-3" golf courses.	Three (3) for each one hole plus one for each employee.
27. Mortuary establishments.	One for each fifty (50) square feet of floor area.
28. Motel, hotel, or other commercial lodging establishments.	One for each occupancy unit plus one for each employee.
29. Motor vehicle sales and service establishments.	One for each two hundred (200) square feet of floor area of sales room and one for each auto service stall in the service room.
30. Nursery school, day nurseries, or child care centers.	One for each three hundred fifty (350) square feet of floor area.
31. Retail stores except as otherwise specified herein.	One for each one hundred fifty (150) square feet of floor area.
32. Roadside stand.	Five (5) parking spaces.
Offices:	
1. Banks.	One for each two hundred (200) square feet of floor area.
2. Business offices or professional offices except as indicated in the following item (c).	One for each two hundred (200) square feet of floor area.
3. Professional offices of doctors, dentists or similar professions.	One for each fifty (50) square feet of floor area in waiting rooms, and one for each examining room, dental chair or similar use area.
Industrial:	
4. Industrial or research establishments and related accessory offices.	Five (5) plus one for everyone and one-half (1¼) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.

Industrial:	
5. Warehouses or wholesale establishments and related accessory offices.	Five (5) plus one for every employee in the largest working shift, or one for every seventeen hundred (1,700) square feet of floor area; whichever is greater.

- c. **Bicycle Parking Substitution:** In off-street parking areas with twenty-five (25) or more automobile parking spaces, bicycle parking spaces may be substituted for automobile parking spaces at the rate of ten (10) bicycle spaces per one (1) off-street parking space with a maximum of five (5) automobile spaces replaced with bicycle parking.
- d. **Electric Vehicle Parking:** In off-street parking areas with twenty-five (25) or more automobile parking spaces, electric vehicle parking spaces may be installed to reduce the required number of traditional automobile parking spaces. For every electric vehicle charging station installed in an off-street parking area, the development may reduce the number of required parking spaces by two.
- e. **Parking in the Service Business District (B-1):** If public parking is provided within 800 feet of a property located within the B-1 District, that property may be reduced by one (1) parking space for each provided public parking space up to 50% of the total minimum parking requirement for the subject property. Such a reduction may be approved administratively if the public parking is constructed subsequent to site plan approval for the subject property.
- f. Whenever the off-street parking requirements outlined in Table 4.2 require the building of an off-street parking lot or facility, it shall be laid out, constructed and maintained in accordance with Table 4.3 and the following:
 - 1. No parking lot or facility shall be constructed unless and until a permit therefor is issued by the zoning administrator. Applications for a permit shall be submitted to the zoning administrator in such form as may be determined by the zoning administrator and shall be accompanied by two (2) sets of site plans for the development and construction of the parking lot or facility showing that the provisions of this section will be fully complied with.
 - 2. Plans for the layout of an off-street parking lot or facility shall include a total dimension across two (2) tiers of spaces and one maneuvering lane in accord with the following minimum requirements:

Table 4.3 – Parking Layout Dimensional Requirements

Parking	Maneuvering	Parking	Parking	Total Width of One Tier of Spaces	Total Width of Two Tiers of Spaces
Pattern (degrees)	Lane	Space Width	Space Length	Plus Maneuvering Lane	Plus Maneuvering Lane
0 deg. parallel 12' parking	12'	8'	23'	20'	28'
30 to 53	12'	8' 6"	20'	32'	52'
54 to 74	15'	8' 6"	20'	36' 6"	58'
75 to 90	22'	9'	20'	42'	62'

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street is prohibited.
 4. Adequate ingress and egress to a parking lot or facility by means of clearly limited and defined drives not less than twenty-two (22) feet in width, shall be provided for all vehicles. ingress and egress to a parking lot or facility lying in an area zoned R-1 shall not be across land zoned R-1.
 5. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90°) degree pattern may permit two-way movement.
 6. Each entrance and exit to and from a parking lot or facility located in an area zoned other than R-1 shall be at least twenty-five (25) feet distant from any adjacent residential lot line.
 7. The entire parking lot or facility for all uses except one- and two-family dwelling units shall be surfaced with a material that shall provide a durable, smooth and dustless surface; shall be graded and provided with adequate drainage to dispose of all collected surface water; shall be lighted; and shall provide bumper guards or curbs to prevent yard encroachment.
 8. In all cases where a wall extends to an alley which is a means of ingress and/or egress to a parking lot or facility, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking lot or facility.
- g. On the same lot with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way, streets and alleys. Such space shall be provided as follows:
1. Any storage shall be in the rear yard.
 2. In all use districts except for an industrial district, loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet for each six thousand (6,000) square feet of floor area of the structure being served which shall be computed separately from the off-street parking requirements. Upon request, the Planning Commission may authorize required loading spaces to be installed within a side yard. The Planning Commission may require enhanced landscaping

between the proposed loading spaces and adjacent property line, pursuant to the standards of Section 4.14(D).

3. Within an industrial district, all spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a permanent, durable and dustless surface. All spaces in an industrial district shall be provided in the ratio of spaces to floor area of the structure being served as outlined in Table 4.4, which shall be computed separately from the off-street parking requirements.

Table 4.4 – Loading and Unloading Space Requirements

Floor Area of Structure (in Square Feet)	Loading and Unloading Space Required
0-1,400	None
1,401-20,000	One space
20,001-100,000	One space plus one space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet
100,001 and over	Five (5) spaces

4. All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. Upon request, the Planning Commission may authorize required loading spaces to be installed within a front yard. The Planning Commission may require enhanced landscaping between the proposed loading spaces and adjacent property line, pursuant to the standards of Section 4.14(D). In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

SECTION 4.09 Performance Standards

No use otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

- a. No person shall operate or cause to be operated any use nor erect or use any structure which constitutes a nuisance.
- b. Glare from any process (such as arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a nuisance or hazard along property lines. Radioactive materials and

wastes shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the property line.

- c. The storage, utilization, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the fire marshal is permitted; subject to compliance with all other yard requirements and performance standards and provided that the following conditions are met:
 1. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the applicable building code.
 2. All such buildings or structures shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
 3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with state rules and regulations established by [Public Act No. 207 of 1941](#), as amended.

SECTION 4.10 Signs

- a. No sign shall be erected or used except in conformity with this ordinance and only after a permit therefore is issued by the zoning administrator.
- b. All signs shall be subject to the following general regulations:
 1. No signs shall be permitted which:
 - i. Contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
 - ii. Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal, except for official governmental signs.
 - iii. Move in any manner or have a major moving part. Only minor decorative parts may move.
 - iv. May swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.
 2. No ground-mounted or free-standing sign above a height of two (2) feet from the established street grade shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
 3. Ground-mounted or free-standing signs may be located in a front yard; and except for those established by the village, county, state, or federal government, may not be located closer than ten (10) feet from a public right-of-way or dedicated public easement.
 4. The base of a ground-mounted or free standing sign shall not be more than four (4) feet above grade level and the top shall not be above the roofline.
 5. Signs shall not exceed a maximum height above ground of four (4) feet for free-standing signs or twenty-four (24) feet for ground-mounted signs.

6. A building-mounted sign which is flush with the building may be located any- where on the building except on the roof, and shall not project above the roofline. A building-mounted sign may project from the building, but must have a minimum clearance of eight (8) feet above the grade level of a sidewalk, right-of-way, or easement and fifteen (15) feet above the grade level of an alley, parking space, driveway, street, or other area of vehicular traffic, and may not project above the roofline.
 7. Temporary signs having an area not exceeding eight (8) square feet and shall be permitted in any district provided that the sign is not more than four (4) feet above grade level, are outside of the road right-of-way, and permitted for a period of no more than 90 calendar days.
 8. Signs, as defined in the "[Highway Advertising Act of 1972](#)" (1972 PA 106), as amended, bordering interstate highways, freeways, or primary highways as defined in said Act shall be regulated and controlled by the provisions of such statute, notwithstanding the provisions of this Ordinance.
 9. The zoning administrator may order the removal of any sign which is abandoned or erected or maintained in violation of this ordinance. They shall provide a 30 day notice in writing to the owner of such sign or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance. The zoning administrator may cause the removal of the sign which remains in violation after such notice. The zoning administrator may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or the building, structure, or premises on which it is located.
- c. In addition to the general regulations, the following restrictions shall apply in the following districts:
1. **Residential districts:** For each dwelling unit, not more than one (1) wall mounted, pole mounted, or ground mounted sign, not exceeding two (2) square feet in area. For structures and uses other than dwelling units and for multiple housing project rental or management offices, not more than one sign not exceeding twelve (12) square feet in area and three (3) feet in height, shall be permitted.
 2. **Commercial districts:** No more than two (2) signs shall be permitted on each lot. No sign shall exceed one hundred fifty (150) square feet in area.
 3. **Industrial districts:** No sign shall exceed three hundred (300) square feet in area and shall not be located closer than one thousand (1000) feet to another sign on the same side of a right-of-way.

Land Size	Total No. of Signs	Maximum Area Per Sign
Less than 4 acres	1	100 sq. ft.
Over 4 but less than 20 acres	2	150 sq. ft.
Over 20 acres	3	200 sq. ft.

4. Permanent joint sign(s) for an industrial or commercial complex pertaining to the identification of the complex or its occupants is permitted, pursuant to the following:
 - i. Commercial centers: Maximum size and number of signs shall be controlled according to the following:

- a. Neighborhood centers: One hundred fifty (150) square feet per face for complexes comprising less than five (5) acres; maximum of one sign permitted.
- b. Community centers: Two hundred (200) square feet per face for complexes over five (5) acres; maximum of two (2) signs permitted.
- c. Regional centers: Three hundred (300) square feet per face for complexes of fifty (50) acres or more; maximum of three (3) signs permitted.
- ii. Industrial complexes: The maximum size and number of signs shall be controlled according to the following:
 - a. Two hundred (200) square feet per face for industrial plats or complexes of less than ten (10) acres; maximum of two (2) signs permitted.
 - b. Three hundred (300) square feet for complexes of ten (10) acres or more.
- d. Substitution Clause: The owner of any sign which is otherwise allowed by this section (sign ordinance) may substitute copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.
- e. Severability Clause: If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of (this section relating to sign regulations) of this zoning ordinance is for any reason declared invalid, such decision shall not affect the validity or enforceability of the remaining portions of (this section relating to sign regulations) of this zoning ordinance.

SECTION 4.11 Temporary Buildings and Uses

- a. Tents, travel trailers, motor homes, or recreational vehicles may not be used as dwelling units except in duly licensed or government-operated parks or camps. The owner of a lot, however, may use a tent, travel trailer, motor home, or recreational vehicle for a temporary dwelling unit on his lot for no more than a total of ten (10) days in any calendar year; provided it has access to running water and sewage facilities.
- b. Subject to the provisions of Article 6, Site Plan Review, the planning commission may, at its discretion, permit a temporary use and/or structure in any district, for a period not to exceed one year; subject to the following additional conditions:
 1. The use and/or structure shall be in harmony with the general character of the district.
 2. The granting of the temporary use and/or structure shall in no way constitute a change in the uses permitted in the district nor on the property where located.
 3. The granting of the temporary use and/or structure shall be in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.

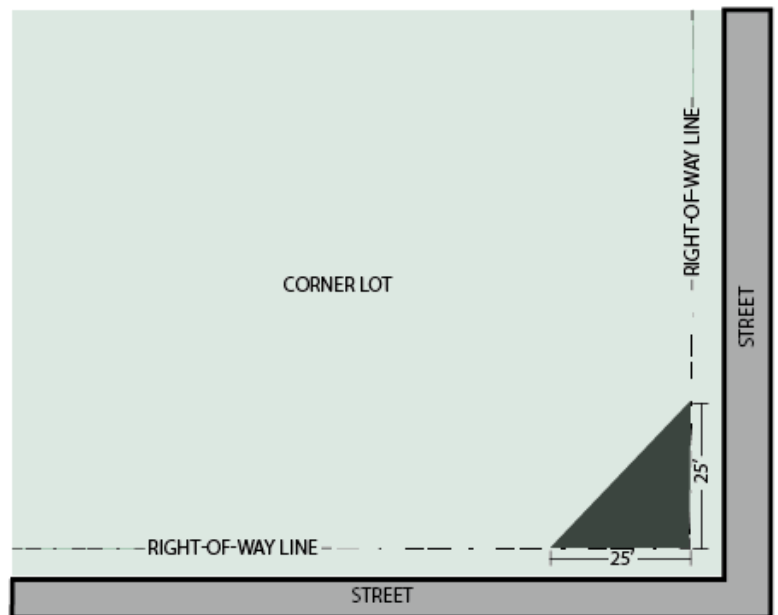
- 4. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the village shall be made at the discretion of the planning commission.

SECTION 4.12 Voting Place

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

SECTION 4.13 Walls, Fences, and Screening

- a. In all residential districts, entrance way structures including, but not limited to: walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects, shall be permitted.
- b. No fence, wall, shrubbery, or other obstruction to vision above a height of two (2) feet from the established street grade shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
- c. Land between a wall, fence, or shrubbery and front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped. The ground area and all landscaping shall be kept neat and orderly in appearance and all living materials shall be maintained in a healthy, growing condition.
- d. Fences are permitted, or required; subject to the following:
 - 1. Fences on all lots in residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, shall be placed on the property line, and shall not extend toward the front of the lot of the house or the required minimum front yard; whichever is greater.
 - 2. Fence posts must be erected towards the property owner's side of the property line, with the finished side of the fence towards adjacent/neighbor property.
 - 3. Protective fences required in this section for child amusement and recreation area and public and private pools need not be obscuring fences unless otherwise herein provided.



4. Except for agricultural uses, fences shall not contain barbed wire, electric current or charge of electricity.
 5. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
- e. Any lot which is used for parking, storage, or any commercial or industrial purpose shall be screened from any adjoining residential use by either of the following:
1. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, and which are maintained in a neat and attractive manner; or
 2. An artificial wall or fence of sufficient density or compactness to screen these structures and activities from the view of the adjoining residential lot which shall be maintained in a neat and attractive manner.
- f. The minimum height of any required obscuring wall or fence shall be as follows:
1. Eight (8) feet for any industrial use and for drag strips, race tracks, and drive-in theaters.
 2. The height of stored materials in any storage area or six (6) feet; whichever is higher.
 3. Five (5) feet for all other uses.
- g. The height of any obscuring wall or fence shall be measured from the grade level upon which the same is situated.
- h. No obscuring wall or fence shall be closer than ten (10) feet from any adjoining street right-of-way line.
- i. An obscuring wall or fence, shall be located on the lot line except where underground utilities interfere. The wall or fence may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way when mutually agreeable to affected property owners.
- j. An obscuring wall or fence between a parking lot or facility or outdoor storage area and any adjoining residential lot shall not be required when such areas are located more than two hundred (200) feet distant from such adjoining residential lot.
- k. An obscuring wall or fence shall have no openings for vehicular traffic or other purposes, except openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. The openings shall be so spaced as to maintain the obscuring character required and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the zoning administrator.

SECTION 4.14 Landscaping

- a. Purpose: The purpose of these regulations are to provide a flexible method of protecting the various uses permitted in the Village of Elkton Zoning Ordinance from adverse impacts associated with adjacent uses.
- b. Landscaping Plan: A detailed landscaping plan shall be required to be submitted as part of a site plan submitted for site plan review, special land use, or plat approval or as a separate plan depending on the situation and the petitioned development. Whether separate, or part of other site plan drawings, the landscape plan shall include, but not necessarily be limited to, the following:
1. Location, spacing, size, and common name for each plant type proposed for use within the required landscape area.
 2. The landscape plan shall be presented in an appropriate scale depending on the size of the proposed development and given what is deemed adequate to convey important information.
 3. On parcels of more than one (1) acre, existing and proposed contours on-site and twenty (20) feet beyond the site boundary at intervals not to exceed two (2) feet.
 4. Typical cross-sections including slope, height, and width of berms exceeding three (3) feet in height, type of ground cover, or height and type of construction of walls.
 5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
 6. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
 7. Identification of existing trees and vegetative cover to be preserved.
 8. Identification of grass and other ground cover and method of planting.
 9. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance at the next available planting season.
 10. If landscaping, screening, or buffering is proposed adjacent to a lot line a survey shall be required.
- c. Landscaping Standards: All landscaping shall be installed in a manner consistent with accepted planting procedures and the approved landscaping plan, including quantity, size, type and location of plantings proposed.
1. Minor deviations from the approved landscaping plan may be permitted by the Zoning Administrator upon determination that the deviation does not substantially impact the overall concept of the landscape plan and the intended development.
 2. If the deviation is determined to be major, the landscaping plan shall be reviewed in its entirety via the approval process permitting the intended use.
 3. At least 75 percent of required trees shall be native to Lower Michigan. At least 30 percent of all other required landscape material shall be native to Lower Michigan. For information on native plants and lists of trees and shrubs, see the following resources:
 - i. www.nativeplants.msu.edu
 - ii. www.plant.native.org
 - iii. www.wildflower.org/collections/Michigan

4. Minimum sizes of plant material shall be in accordance with the following:
 - i. Standard deciduous trees shall have a minimum caliper of two (2) inches four (4) feet from ground level at the time of planting, unless otherwise provided by this Ordinance.
 - ii. Small deciduous ornamental trees shall be a minimum of five (5) feet in height from ground level at the time of planting.
 - iii. Coniferous trees shall be a minimum of five (5) feet in height from ground level at time of planting.
 - iv. Shrubs shall be a minimum of two (2) feet in height from ground level at the time of planting or two (2) feet in spread if plants are low spreading evergreens.
 - v. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season and may be used in conjunction with fences, screens, or walls to meet opacity requirements.
 5. In consideration of existing plant material that is to be retained as part of a development proposal, the following shall apply:
 - i. Existing plant material that is determined to remain on site to meet minimum landscaping requirements of this Ordinance or required to be retained on site via site plan or special land use approval to protect and preserve natural features, is to be protected by placing fences or barriers around the perimeter of the existing plant material during construction.
 - ii. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be retained. Other protective techniques may be used provided such techniques are approved by the appropriate body granting approval for the development.
 6. Lawn as ground cover shall be planted in species of grass normally grown as permanent lawns in the region. Lawn may be implemented as sod or seeded and mulched. Ground cover types in lieu of lawn in whole or part shall be implemented in such a manner as to present a finished appearance and reasonably complete after one complete growing season.
- d. Specified Landscaping Areas
1. Screening Between Conflicting Land Uses:
 - i. Between a residential land use and a non-residential or higher-intensity residential land use, whether it be planned, zoned or utilized, and between an industrial zoning district and any other zoning district, the Planning Commission may require one (1) of the following:
 - a. An obscuring wall, screening fence or landscape barrier having a minimum height of five (5) feet unless a greater height is specified elsewhere in this Ordinance due to the specific nature of the use.
 - b. A landscape buffer at least 35 feet in width consisting of earthen berms and/or living materials so as to substantially screen the uses from each other. Trees shall be planted at the innermost edge of the landscape buffer and spaced not less than three (3) and not more than six (6) feet apart in a continuous line the entire length of the buffer. Trees and other plantings shall meet the standards outlined in Section 4.15(C).
 2. Parking Lot Landscaping: Landscaping shall be located within parking lots to improve the appearance and screen lot edges, reinforce circulation routes, define pleasing pedestrian routes

through the parking lot, and maximize shade and stormwater benefits. All off-street parking areas shall include internal landscaping as follows:

- i. Landscaping Ratio: Off-street parking areas containing greater than ten (10) spaces shall incorporate at least 30 square feet of interior landscaping per parking space.
- ii. Interior parking lot landscaping may include the following:
 - a. Internal islands and medians.
 - b. Landscaped areas surrounded on three (3) sides by a parking area (i.e., peninsulas or fingers).
 - c. Landscaped areas at the corners of a parking area and bordered by parking on at least two (2) sides.

3. Site Landscaping:

- i. In addition to any landscaping required by this section, twenty (20) percent of the site area, excluding existing right-of-way, shall be landscaped.
- ii. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area not to exceed five (5) percent of the site area.

e. Modifications:

1. The Planning Commission may reduce or modify the foregoing requirements where cause can be shown that no good purpose would be served and that the modification would neither be injurious to the surrounding neighborhood now or in the reasonably anticipated future, nor contrary to the spirit and purpose of this section.
2. In situations where landscaping requirements are being considered for property where the adjacent property is vacant, the Planning Commission may also defer landscaping until such time adjacent property is petitioned for develop. In such a situation, the applicant shall demonstrate the ability to meet the landscaping requirements outlined herein.

SECTION 4.15 Medical Marihuana Home Occupation

- a. Definition: Marihuana home occupation means the cultivation of medical marihuana by a registered primary caregiver as defined in [Sec. 3 of the Act, MCL §333.26423\(g\)](#), in compliance with the [General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 9333.26423\(e\)](#), within a single-family dwelling that is the registered primary caregiver's primary residence and which cultivation is in conformity with the restrictions and regulations contained in the Michigan Medical Marihuana Act and in the stale regulations developed by the Michigan Department of Community Health (MCDH) or other agency responsible for developing such regulations.

The cultivation of medical marihuana by a primary caregiver is prohibited within the Village except as permitted by this section.

b. Regulations:

1. The cultivation of medical marihuana within the Village of Elkton requires a medical marihuana home occupation permit. An application for said permit shall be made in writing to the Zoning Administrator and shall include a permit fee in the amount of \$500. Village Council may, by resolution, adjust the permit fee on an annual basis.
2. A medical marihuana home occupation permit may only be issued in the following Zoning Districts: R-1
3. The medical use of marihuana must comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
4. A registered primary caregiver operating a medical marihuana home occupation must not be located within 1,000 feet of a school or child care facility, as measured from the outermost boundaries of the lot of parcel on which the home occupation and school or child care facility is located.
5. Not more than one primary caregiver per parcel may be permitted to grow or cultivate medical marihuana.
6. Not more than five qualifying patients may be assisted with the medical use of marihuana within any given calendar week.
7. All medical marihuana must be contained within an enclosed, locked facility inside the primary residence on the parcel.
8. All necessary building, electrical, plumbing and mechanical permits must be obtained for any portion of the building in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
9. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. and 7:00 a.m. must employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
10. That portion of the building where energy usage and heat exceeds typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers must be subject to inspection and approval by the Oliver Township Fire Department to ensure compliance with the Michigan fire protection code.
11. The premises must be open for inspection upon request by the Zoning Administrator, the Oliver Township Fire Department and the Elkton Police Department for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises.
12. Medical marihuana home occupations are permitted only in single family dwelling units and not in any multi family or multi-unit dwellings.
13. Medical marihuana home occupations are subject to the requirements of Section 5.02 of this Ordinance.

- c. Penalty: Civil infraction not to exceed \$500 fine.

SECTION 4.16 Cargo Containers for Permanent Storage

- a. Cargo containers are permitted on property upon submittal of a plot plan that is then subsequently reviewed by the Zoning Administrator upon application and submittal of the appropriate fee(s), and in full compliance with the following standards and requirements::
1. A building permit is required prior to placement of an outdoor storage containers larger than 200 square feet in area, ensuring effective anchoring/foundation according to the then most current edition of the Michigan Building Code.
 2. Cargo Containers shall be accessory to the permitted use of the property and prohibited on a vacant lot or parcel.
 3. Cargo Containers shall be used only for the storage of personal goods and property associated with the dwelling, lot, or parcel on which the container is placed. The container shall not be used for the storage of commercial goods, business inventory, or personal property not associated with the property.
 4. No Cargo Container may be used as living quarters.
 5. No structural modifications may be made to Cargo Containers.
 6. No livestock or pets may be stored in Cargo Containers.
 7. Cargo Containers shall not be stored on a lot smaller than 0.5-acres. Cargo Containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
 8. Cargo Containers shall be painted in solid colors (colors which blend into the surrounding area). Any writing or graffiti that may be placed on the Container is the responsibility of the property owner and shall be promptly removed.
 9. A solid foundation (road base material/gravel or better) is required for permanent storage use.
 10. No motor vehicles are allowed to be used as Cargo Containers for permanent storage.
 11. Cargo containers shall meet the setback requirements of the underlying principal structure setbacks.
 12. Cargo Containers shall not be stacked above the height of a single container.
 13. No electricity or plumbing may be run or connected to a Cargo Container.
 14. Cargo Containers must be placed in the rear or side yard of the property unless screened so as to not be visible from the street and finished in a manner which minimizes its visibility.
 15. Cargo Containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
 16. In business and industrial districts, Cargo Containers shall not occupy required off-street parking, fire lanes, loading or landscaping areas.
 17. No Cargo Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.

18. The total amount of accessory structures combined (including traditional accessory structures and outdoor storage containers) shall not occupy more than 75% of the lot area on which these structures are stored.

SECTION 4.17 Cargo Containers for Temporary Use

- a. Property owners will be required to obtain a temporary zoning permit pursuant to Section 4.11 from the Zoning Administrator. Property owners using Cargo Containers for temporary use must be able to produce for inspection upon request by the Village any documentation related to shipping dates for each container on site. No Cargo Container used for temporary storage shall be kept on the premises for longer than thirty (30) days, upon approval, this period may be extended for an additional thirty (30) days, annually. The following regulations shall also apply:
 1. Cargo Containers shall be accessory to the permitted use of the property and prohibited on a vacant lot or parcel.
 2. Cargo Containers shall be used only for the storage of personal goods and property associated with the dwelling, lot, or parcel on which the container is placed. The container shall not be used for the storage of commercial goods, business inventory, or personal property not associated with the property.
 3. No Cargo Container may be used as living quarters.
 4. No structural modifications may be made to Cargo Containers.
 5. No livestock or pets may be stored in Cargo Containers.
 6. Cargo Containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.
 7. Cargo Containers shall be painted in solid colors (colors which blend into the surrounding area). Any writing or graffiti that may be placed on the Container is the responsibility of the property owner and shall be promptly removed.
 8. No motor vehicles are allowed to be used as Cargo Containers for permanent storage.
 9. Cargo containers shall meet the setback requirements of the underlying zoning district. Preferred placement of these temporary structures is a driveway or front yard area if applicable considering setback requirements.
 10. Cargo Containers shall not be stacked above the height of a single container.
 11. No electricity or plumbing may be run or connected to a Cargo Container.
 12. Cargo Containers must be placed in a rear or side yards of the property unless screened so as to not be visible from the street and finished in a manner which minimizes its visibility.
 13. Cargo Containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
 14. In the Commercial and Industrial districts, Cargo Containers shall not occupy required off-street parking, fire lanes, loading or landscaping areas.
 15. No Cargo Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.

SECTION 4.18 Portable Storage Containers, Including the Following:

- a. Placement - Portable Storage Containers may be used in all zoning districts and shall adhere to the following restrictions and requirements:
 1. No Portable Storage Container may be stacked on top of another or on top of any other object.
 2. Portable Storage Containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
 3. No Portable Storage Container may be used as living quarters.
 4. No livestock or pets may be stored in Portable Storage Containers.
 5. No electricity or plumbing may be run or connected to a Portable Storage Container.
 6. Portable Storage Containers used in a residential district or associated with a residential use must be placed on a driveway or paved area.
 7. Portable Storage Containers used in a non-residential district or associated with a non-residential use shall not occupy required off-street parking, loading or landscaping areas.
 8. No Portable Storage Container shall be placed in a location which may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to the surrounding land use and development.

- b. Time Limit
 1. Portable Storage Containers shall be removed from the property within thirty (30) days from the date of initial placement. Property owners are allowed one additional ninety day period, annually.
 2. In no event shall the use of a Portable Storage Container exceed thirty (30) days during any twelve-month period.
 3. Portable Storage Containers associated with an approved building construction project shall be permitted to remain on-site until the approval of the lesser of the project's final building inspection or the expiration of the building permit.
 4. Portable Storage Containers may not be placed on a vacant lot, unless that lot is associated with an approved building construction project.

SECTION 4.19 Storage of Inoperable Vehicles

No person shall store, place or permit to be stored or placed, or allowed to remain on any lot for a period of more than ten (10) days in any one year a dismantled, partially dismantled or inoperable motor vehicle (not including farm vehicles located on farm premises), unless the same is kept in a wholly enclosed structure, is located in an approved junkyard, or unless a variance therefor is first obtained from the zoning board of appeals to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.

SECTION 4.20 Purpose of Provisions

The purpose of these regulations is to limit and restrict the outdoor storage or unreason able accumulation of junk cars, unused cars, stock cars, and dilapidated nonoperating motor vehicles upon any lot in the village except within an area where a vehicle scrap metal processor, distressed vehicle transporter, or automotive recycler is permitted to operate or the area is zoned for such purposes.

SECTION 4.21 Provisions Supplementary to Other Laws

These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

SECTION 5.00 Intent

- a. This Section contains specific use regulations for principal uses. These regulations apply in addition to other regulations in this Ordinance. These regulations are intended to ensure that as land is developed for the uses included within this Section, site location, site layout, buffering and various other issues related to ensuring compatibility with adjacent property and minimizing nuisances are achieved through the application of performance standards particular to each use.

SECTION 5.01 Types of Use Regulations

- a. Permitted by right with conditions are those uses permitted by right in a particular district, provided that the use-specific standards of this Article are complied with. If site plan review is not required, the decision to approve, approve with conditions or deny a use by right with conditions is made by the Zoning Administrator. If site plan review is required the decision to approve, approve with conditions, or deny is made by the Planning Commission.
- b. Special land uses are those uses permitted in a particular district, provided that the use-specific standards of this Article are complied with along with the discretionary standards of Article 7, Special Land Use. All special land uses must also meet the site plan review standards of Article 7.
- c. Uses permitted by Planned Unit Development are those uses permitted in a particular district, provided that the use specific standards of this Article are complied with along with the discretionary standards of Article 8, Planned Unit Development, and the site plan review standards of Article 6.

SECTION 5.02 Specific Use Regulations

- a. Auto repair station. This use shall be subject to the following:
 1. It shall not be located nearer than five hundred (500) feet to a school, church, public park, or auditorium.
 2. The curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from an adjacent residential lot.
 3. The lot shall be so arranged that ample space is available for motor vehicles which are required to wait.
- b. Cemetery. This use shall be subject to the following:
 1. The lot shall be at least twenty (20) acres and shall be so designed as to provide motor vehicle ingress and egress directly onto or from a major thoroughfare.
 2. No building shall be closer than fifty (50) feet to any property or street line.

3. A maximum of one sign is permitted at the point of entrance shall have a maximum area of sixteen (16) square feet.
- c. Church, temple or synagogue. Such uses shall be subject to the following:
1. For the purpose of this Ordinance, such uses shall be considered together with accessory housing for religious personnel, subject to the following:
 2. The lot shall be at least one-half (1/2) acre in size.
 3. The lot shall be so located as to have at least one property line on a major thoroughfare or collector street. All motor vehicle ingress and egress to the lot shall be directly onto said thoroughfare, street, or a marginal access service drive thereof.
 4. No building shall be closer than forty (40) feet to any property or street line.
 5. No more than twenty-five (25) per cent of the lot area shall be covered by buildings.
- d. College, university, or other institution of higher learning, public or private, offering courses in general, technical, or religious education and not operated for profit. Such uses shall be subject to the following:
1. The lot shall be at least fifteen (15) acres in area.
 2. The lot or any portion thereof shall not be part of a recorded subdivision plat.
 3. No building shall be closer than forty (40) feet to any property or street line.
- e. Drive-in theater. Such uses shall be subject to the following:
1. The site shall be located on a major thoroughfare.
 2. All motor vehicle ingress and egress shall be from said thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the major thoroughfare.
 3. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
 4. Vehicles exiting the site shall have a clear sight distance at least five hundred (500) feet in either direction along the thoroughfare from the exit.
 5. Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site. Left turns at entrances and exits shall be prohibited.
 6. A minimum yard of one hundred (100) feet shall separate all uses, operations, and structures, including fences, from any public street or highway used for access or exit purposes.
 7. The drive-in theater shall be enclosed for the full periphery of the site used with a solid screen fence at least eight (8) feet in height. The fence shall be of sound construction, painted or otherwise finished, attractively and inconspicuously.
 8. One drive-in theater ticket gate shall be provided for each three hundred (300) car capacity or fraction thereof of the theater. Motor vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30) per cent of the vehicular capacity of the theater.

9. Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view of any major thoroughfare. The picture screen shall not exceed sixty-five (65) feet in length.
- f. Business in the character of a drive-in or open front store. Such uses shall be subject to the following:
 1. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 2. Access points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - g. Essential services. Such uses shall be subject to the following:
 1. No building shall be closer than forty (40) feet to any property or street line.
 2. No more than twenty-five (25) per cent of the lot area may be covered by buildings.
 3. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to any other buildings on the same site development.
 4. Where mechanical equipment is located in the open air, it shall be screened from the surrounding area by an obscuring wall, fence, or planting area and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.
 - h. Gasoline service station. The use shall be subject to the following:
 1. The curb cuts for access shall not be permitted at locations which will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from an adjacent residential lot.
 2. The lot shall be so arranged that ample space is available for motor vehicles which are required to wait.
 - i. Golf course (not including a miniature golf course or par-3 course, which may or may not be operated for profit). Such uses shall be subject to the following:
 1. The site shall be at least fifty (50) acres in area.
 2. Motor vehicle ingress and egress shall be onto a major thoroughfare.
 3. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety. No structure shall be closer than fifty (50) feet to any property or street line.
 4. Development features including structures shall be so located and related as to minimize the possibility of any adverse effects upon adjacent lots. This shall mean that all principal or accessory buildings shall be not less than one hundred (100) feet from any property line abutting a residential lot; provided that where topographic conditions are such that buildings would be screened from view, the planning commission may modify this requirement. The lighting of a golf course so as to permit golfing after daylight is expressly prohibited.

- j. Home Occupations. Such uses shall be subject to the following:
1. The use shall be conducted entirely within the dwelling.
 2. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses outside the confines of the dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
 3. The home occupation shall only apply to the person who resides in the dwelling. No employees who do not reside at the premises are permitted.
 4. No outdoor storage shall be permitted.
 5. There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home occupation. An advertising sign is permitted pursuant to provisions provided in Article 4.
 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected for a single-family dwelling. Any need for parking generated by the conduct of such home occupation shall be met off-street in a typical residential driveway of sufficient size.
 7. The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such flexibility is not intended to allow the essential residential character of residential districts.
 8. Limited retail sales may be permitted on the premises, as an incidental, rather than principal activity of a home occupation. No advertising of the retail sale of foods or services produced or sold on the premises is permitted in newspaper, radio, television, or other media.
 9. The home occupation shall not occupy more than twenty-five percent (25%) of the gross floor area of one floor of said dwelling unit.
 10. No exterior entrances directly to the space allocated for the home occupation shall be permitted. The entrance to the space allocated for the home occupation shall be from within the dwelling.
 11. The home occupation shall not entail the use or storage of explosive, flammable, or otherwise hazardous materials.
 12. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature, such as automobile repair, engine repair, machining, fabrication or similar and like processes.
 13. Limited visits by customers shall be limited to the hours of 8:00 A.M. to 8:00 P.M.
- k. Hospital, public or private, providing general health care. Such uses shall be subject to the following:
1. The lot shall be at least five (5) acres in area.
 2. The lot shall have at least one property line abutting a major thoroughfare or collector street. All motor vehicle ingress and egress to the off-street parking area for guests, employees, and staff shall be directly from the thoroughfare or street.
 3. All two (2) story structures shall be at least sixty (60) feet from any property or street line. Buildings less than two (2) stories shall be no closer than forty (40) feet to any property or street

- line. For buildings above two (2) stories, the building shall be set back from the initial sixty (60) feet set back an additional one foot for each foot of additional height above two (2) stories.
4. No more than twenty-five (25) per cent of the lot may be covered by buildings.
 5. Ambulance and delivery areas shall be obscured from all residential view by an obscuring wall, fence or planting area. Motor vehicle access to and from the delivery and ambulance area shall be directly from a major thoroughfare or collector street.
- l. Housing for the elderly (when provided as a planned development). Such uses shall be subject to the following:
1. Cottage type and/or apartment type dwelling units.
 2. Common services containing, but not limited to: central dining rooms, recreational rooms, central lounge and workshops.
- m. Indoor Commercial Recreation. Such uses shall be subject to the following:
1. Indoor commercial recreation uses consist of bowling alley, billiard hall, indoor archery range, indoor tennis court, indoor skating rink indoor theater or similar forms of indoor commercial recreation; provided all activities are conducted within a completely enclosed main building.
 2. All buildings must be setback a minimum of 100 feet from any adjacent residential lot.
- n. New and Used Vehicle Sale Lots. Such uses shall be subject to the following:
1. This use includes indoor or outdoor sale or rental of new or used automobiles, trucks, mobile homes, but excluding junk.
 2. The outdoor lot shall be provided with a durable and dustless surface and shall be graded and drained so as to dispose of all surface water accumulated within the area.
 3. Access to the outdoor lot shall be at least sixty (60) feet from the intersection of any two (2) streets.
 4. No dismantling and no major repair or major refinishing shall be done on the lot.
- o. Institutional Uses. Such uses shall be subject to the following:
1. Public or private noncommercial recreational area and/or facility; institutional or community recreation center; or nonprofit swimming pool club; all subject to the following:
 - i. The lot for any of such uses which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare.
 - ii. Front, side and rear yards shall be at least eighty (80) feet.
- p. Mining operations and incidental mineral processing. Such uses shall be subject to the following:
1. No excavation shall be permitted closer than one hundred fifty (150) feet from an interior lot line except where lateral support approved by the planning commission is provided in which event excavation shall be permitted no closer than fifty (50) feet from an interior lot line.
 2. No excavation shall be permitted closer than one hundred fifty (150) feet from a right-of-way.

3. No excavation shall be permitted closer than one hundred (100) feet from the banks of a stream or waterway.
 4. No permanent processing plant, digging or excavating apparatus, stock piling, or loading of materials shall be permitted closer than two hundred fifty (250) feet from an interior lot line or right-of-way.
 5. Sight barriers and such noise and air pollution abatement measures as deemed necessary by the planning commission shall be provided.
 6. Operation of the use shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m. and never on Sunday.
 7. All pits and excavations shall be fenced and posted with signs so as to prevent injury to children.
 8. Reclamation and rehabilitation of mineral areas shall be commenced immediately upon termination of mining or excavation of one acre or more and shall be completed within one year thereafter.
 9. Prior to the issuance of any use permit for this purpose, the planning commission shall require the following:
 - i. A site plan which shall include a timetable of the planned mining; excavation, reclamation, and rehabilitation of the area together with a report from a qualified soil scientist, soil engineer, or geologist indicating the effect the project will have on the water shed.
 - ii. A performance bond to insure the proper reclamation and rehabilitation of the area in an amount to be set by the planning commission for each acre proposed to be mined or excavated in the following twelve (12) months and previously mined and not reclaimed and rehabilitated. The bond shall be reviewed by the planning commission annually and adjusted but shall never be for an amount less than three thousand dollars (\$3,000.00). The bond shall be filed with the Village Clerk.
 - iii. A certificate of insurance which shall be filed annually with the Village Clerk and which shows that the operator is carrying personal injury and property damage insurance in an amount not less than one hundred thousand dollars (\$100,000.00) for each person injured or property damaged and three hundred thousand dollars (\$300,000.00) for injury or damage to more than one person or person's property arising out of one occurrence.
 10. Any use permit issued for this purpose shall be valid for one year and shall be automatically renewed annually unless revoked. The zoning inspector shall monitor the use of the premises and compliance with these provisions. A violation which continues for thirty (30) days after the zoning inspector has given personal or first-class mail notice to the operator shall cause the permit to be automatically revoked and void.
- q. Mixed-Use Development
1. Intent: It is the intent and purpose of this section to establish standards for the mixed-use of property in the commercial district of the Village to permit residential opportunities in conjunction with non-residential operations, such as retail and office. Such residential opportunities, include apartments, studios, lofts and condominium units and other similar dwelling units on the second floor of structures having first-floor non-residential use. Subject to the following requirements and

- conditions, Mixed-Use Development shall be permitted in the (B-1) zoning district by-right if the following standards are met.
2. Dimensional Requirements: Dwelling units shall meet all applicable floor areas as outlined in Table 3.6 but shall be exempt from lot area requirements and separation distances outlined in Table 3.6
 3. Performance Standards
 - i. Principal ingress and egress to dwelling units shall be exclusive from primary ingress and egress to non-residential use occupying the same building.
 - ii. Each dwelling unit shall have an appropriate amount of allocated off-street parking spaces or on-street parking available to reasonably accommodate the residential use.
- r. Mobile home or mobile home module not located in a mobile home park. Such uses shall be subject to the following:
1. The mobile home or mobile home module shall have a minimum exterior width for any side elevation of fourteen (14) feet.
 2. A storage area shall be provided either within a basement, closet areas, in an attic or in a separate fully enclosed structure constructed of equal or better quality than the principal dwelling not less in area than fifteen (15) per cent of the interior living area of the dwelling and exclusive of storage space for auto- mobiles.
 3. No additions of rooms or other areas shall be made which are not constructed with similar materials and are made from similar materials and with similar quality of workmanship as the principal dwelling.
 4. A mobile home or mobile home module shall not have exposed wheels, towing mechanisms, undercarriage or chases in excess of ninety (90) days from the time it is located on the lot.
 5. A mobile home or mobile home module shall be firmly attached to a solid foundation constructed on site in accordance with the manufacturer's recommended setup and installation specifications or setup and installation standards promulgated by the Federal Department of Housing and Urban Development whichever is more stringent. In the absence of such set up or installation specifications or standards for foundations, the mobile home or mobile home module shall be placed upon at the minimum a solid reinforced concrete slab of at least four (4) inches in depth and equal to the outside dimensions thereof and provisions shall be made for securing the unit to the slab in a manner to prevent wind damage.
 6. A mobile home or mobile home module shall not be permitted unless, in the opinion of the planning commission, it is aesthetically compatible in design and appearance to conventionally on-site single-family dwelling units within six hundred (600) feet thereof measured from each lot line of the property upon which the unit will be placed to each lot line where a conventionally on site constructed single-family dwelling unit exists. Such aesthetic compatibility shall include, but shall not be limited to, roof overhang, a front and rear or front and side exterior door, permanently attached steps or porch areas where an elevation differential requires the same, and a roof drainage system concentrating roof drainage and avoiding drainage along the sides of the dwelling.

7. Minimum floor area requirement as contained in Section 3.17, Table 3.11, shall not apply to mobile homes or mobile home modules. A mobile home or mobile home module shall have a minimum floor area of eight hundred forty (840) square feet in any zoning district.
- s. Mobile home park. Such uses shall be subject to the following:
1. Mobile home parks shall be considered together with accessory buildings and uses, including a residence for the mobile home park owner or operator and his family, recreational buildings and facilities, laundry facilities, maintenance and storage facilities, but excluding any retail sales of mobile homes unless the same are located upon a developed mobile home site.
 2. A mobile home park shall comply with the requirements of 1976 PA 419, as amended, and with any and all regulations promulgated by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
 3. No mobile home park shall be constructed unless and until a preliminary plan therefor has been submitted to the planning commission and all other approval provisions of 1976 PA 419, as amended, have been complied with.
 4. No access to a mobile home park shall be permitted through an R-1 district.
 5. No mobile home shall be located closer than fifty (50) feet to the right-of-way line of a major thoroughfare or twenty (20) feet to any mobile home park property line.
- t. Mortuary or funeral home. Such uses shall be subject to the following:
1. All activities shall take place within the principal building and not in an accessory building. A caretaker's dwelling unit may be provided within the principal building.
 2. The lot shall be at least one acre and a minimum width of one hundred fifty (150) feet.
 3. The lot shall be located on a major thoroughfare or collector street with all motor vehicle ingress and egress therefrom.
 4. Adequate assembly areas shall be provided off-street for vehicles to be used in funeral processions in addition to required off-street parking requirements.
 5. Front, side and rear yards shall be at least forty (40) feet, except on those sides adjacent to non-residential districts which shall be twenty (20) feet. All yards shall be appropriately landscaped in trees, shrubs, and grass. No structures or parking areas shall be permitted in side yards, except that rear yards may be used for parking purposes under requirements specified, and except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
- u. Motel. Such uses shall be subject to the following:
1. The minimum lot area shall be one acre.
 2. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 3. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.

4. The front setback line shall be at least forty (40) feet and the side and rear setback lines shall be at least thirty (30) feet.
- v. Family Child Care Home. Such uses shall be subject to the following:
1. Family Child Care Homes are sometimes referred to as a nursery school, day nursery, or childcare facility (not including a dormitory).
 2. No more than one dwelling unit shall be located on the lot.
 3. No more than six (6) children, exclusive of the owner's children, shall be on the premises at one time.
 4. In addition to the lot area requirement there shall be provided on the lot a usable outdoor play area at the rate of fifty (50) additional square feet for each child not a member of the owner's family, exclusive of required front yard, required side yard along a street, and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining residential lot by an obscuring wall, fence, or planting area.
- w. Open Air Businesses. Such uses shall be subject to the following:
1. Retail sale of plant material not grown on the site, or sale of lawn furniture, playground equipment or garden supplies provided that such use shall be located at the exterior end of the building mass located in a B-1 district, and further provided that:
 - i. The storage and/or display of any material and/or products shall meet all setback requirements of a structure.
 - ii. The storage of any soil, fertilizer, or other loose, unpacked material shall be contained to prevent any effects on adjacent lots.
 2. Recreational space for children's amusement parks or other similar recreation when part of a planned development provided that such use be located at the exterior end of the building mass located in a B-1 district, but not at the inter-section of two (2) major thoroughfares. Such recreation space shall be fenced on all sides with a four (4) foot chain link type fence.
- x. Roadside Stand. Such uses shall be subject to the following:
1. Roadside stands shall include the retail sale of any products, produce or flowers, grown on the premises.
 2. Sale shall be made only on a major thoroughfare and only from the premises where the product, produce or flowers were grown.
 3. No permanent structure shall be erected in connection with such sale and all temporary structures shall be removed when such products, produce, or flowers have been disposed of.
 4. All sales shall be for a reasonable time only.
- y. Temporary Outdoor Uses. Such uses shall be subject to the following:
1. Such uses consist of christmas tree sales lot, revival tent, or other quasi-civic activity may be permitted on a temporary basis.
 2. Permitted not longer than 30 days per year.
 3. Must not be injurious or detrimental to properties in the immediate vicinity.

- z. Veterinary Hospital or Clinic. Such uses shall be subject to the following:
 - 1. All activities shall be conducted within a completely enclosed main building.
 - 2. All buildings must be setback at least two hundred (200) feet from any adjacent residential lot.

SECTION 6.00 Intent and Purpose

- a. The purpose of this Article is to specify the documentation required for administrative approval or site plan approval for any proposed land use changes, provide an outline for the Village Planning Commission and Zoning Administrator to ensure applications receive timely and consistent review, and ensure that any development within the Village is consistent with this Ordinance promoting:
1. The health, safety, convenience, and general welfare, of Village inhabitants
 2. Harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites
 3. Safe and convenient traffic movement, both within a site and in relation or access streets
 4. Conservation and protection of natural resources and proposals that are designed to be environmentally sound
 5. Compliance with all applicable local, state, and federal laws

SECTION 6.01 Approval Matrix

Table 6.0 – Plan Review Requirements

TYPE OF USE	PLAN REQUIRED	APPROVING BODY
Single-Family Detached Dwellings	Plot Plan	Zoning Administrator
Adult Foster Care Family Homes and State Licensed Residential Facilities*	Plot Plan	Zoning Administrator
Duplexes	Plot Plan	Zoning Administrator
Triplexes	Plot Plan	Zoning Administrator
Fourplexes	Plot Plan	Zoning Administrator
Single-Family Attached Dwellings	Site Plan	Zoning Administrator
Multiple-Family Dwelling Units	Site Plan	Planning Commission
Child Care Facility (1 – 6 children)	Plot Plan	Zoning Administrator
Child Care Facility (7 - 12 children)	Plot Plan	Planning Commission
Adult Day Care (in private homes) (1 – 12 adults)	Plot Plan	Planning Commission
Adult Day Care (not in a private homes)	Site Plan	Planning Commission
Uses Permitted by Right with Conditions (Excluding Special Land Uses)	Site Plan	Zoning Administrator
Special Land Uses	Site Plan	Planning Commission
Parking Lots	Site Plan	Zoning Administrator
Planned Unit Development	Site Plan	Village Council
Change of Use (provided the use is permitted in the district, there are not alterations to the footprint, and no additional parking is required)	None	Zoning Administrator

TYPE OF USE	PLAN REQUIRED	APPROVING BODY
Accessory Buildings, Decks, and Fences	Plot Plan	Zoning Administrator
New Commercial, Office, Industrial, Energy, and Institutional Uses	Site Plan	Planning Commission
Expansion of existing development (that originally requires Planning Commission approval) when the project involves increasing the footprint by twenty (20%) percent or more of the original site plan.	Site Plan	Planning Commission
Expansion of a legal nonconforming use, building or structure as per Section 4.07	Site Plan	Zoning Board of Appeals
Essential Services	Site Plan	Planning Commission
Temporary Uses	See Section 4.11	Planning Commission
*If not permitted as a special land use in the subject zoning district.		

SECTION 6.02 Requirements and Process for a Plot Plan

- a. Process: The Zoning Administrator may review and approve plot plans or some amendments to site plans without submission to the Planning Commission. After a plot plan has been submitted, the applicable fees have been paid, and the plan is approved by the Zoning Administrator, they will issue a zoning permit per Section 11.01.
- b. Data Required: The Plot Plan, drawn to scale shall contain the following items and shall be submitted with an application form provided by the Village. The Zoning Administrator may waive any of the plot plan requirements listed in Table 6.1 when they find those requirements are not applicable or necessary.

Table 6.1 – Plot Plan Requirements

REQUIREMENT	DESCRIPTION
Location	Address or legal description of the property where the proposed use will occur.
Contact Information	Name, address, email, and telephone number of the property owner(s), applicant(s), and designer(s), and their interest in the property.
Legal Possession	Proof of legal possession of the land for the proposed use.
Property Lines	The shape, location, and dimensions of the lot and property lines, drawn to scale. When deemed necessary by the Zoning Administrator, a survey may be required. The scale, north arrow, and date.
Setbacks	Location of required setbacks of the zoning district.
Structures and Materials	The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. The materials out of which the proposed construction is to be made. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
Accesses	The location and configuration of the lot access and driveway, drawn to scale.
Type of Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
Rights-of-Way and Easements	The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the parcel.
Natural Features	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
Landscaping	All landscaping that will be installed on the property.
Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.

SECTION 6.03 Requirements for Site Plan

- a. The Planning Commission shall have the authority to review and approve or deny all site plans, taking into consideration the recommendations of the Zoning Administrator. Prior to the issuance of a zoning permit or construction commencement, a site plan review and approval is required.

SECTION 6.04 Pre-Application Conference

- a. The Zoning Administrator, alone or in conjunction with the Planning Commission Chair, full Planning

Commission, and/or Village President, shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

SECTION 6.05 Minimum Site Plan Information Required

- a. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Chapter and shall be reviewed by the Zoning Administrator prior to submission to the Planning Commission for compliance with the minimum standards of this Chapter. The following information shall be included on the site plan:
1. Legal description, plat name, lot numbers, property lines including angles, dimensions, and reference to a point on a recorded plat.
 2. Property owner and applicant names, addresses and phone numbers.
 3. Preparer's name and address.
 4. Scale, north arrow date and location map.
 5. Name, location and width of streets, alleys, sidewalks, drives easements and utilities.
 6. Show all existing natural features, including trees, on site and within (50) feet, with an indication as to which will be retained and which removed or altered by earth changes.
 7. Zoning classification of site and surrounding properties.
 8. Required setback lines, R.O.W. lines and any variance to be requested.
 9. Proposed building use, shape, dimensions, locations, lot area, floor coverage, lot coverage percentage, building height, building elevations, hours of operation, and number of employees.
 10. Existing buildings and improvements on and adjacent to the subject parcel within fifty (50) feet.
 11. Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two (2) feet vertical. Show benchmark location and location of site retained water with calculations.
 12. Required number, proposed number and location of parking spaces, maneuvering lanes, driveways, loading areas, and their dimensions and proposed points of access to the site from public streets and alleys. Minimum parking space as required in Section 4.08.
 13. Proposed location of walkways, landscaped areas recreational areas, open space, screen walls and greenbelts.
 14. Written documentation prepared by a registered civil engineer or landscape architect indicating that the peak rate of Stormwater runoff after development will not exceed the peak rate of Stormwater runoff occurring before development (for a storm with a twenty-five (25) year frequency and twenty-four (24) hour duration.)
 15. The location and size of all existing and proposed trash receptacles and proposed method of screening.

16. The location, height area of illumination, and fixture details of all exiting and proposed lighting. All lighting shall be oriented to have minimal impact of adjacent properties.
 17. The size, height, location, and illumination of all exiting and proposed signs.
- b. Standards for Residential Projects: Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:
1. Floor area of dwelling units.
 2. Total number of units proposed per building.
 3. Density calculations.
 4. Areas to be used for open space and recreation.
 5. Carport/garage locations.
 6. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included.
- c. Phased Construction: Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:
1. Relationship and identification of future structures.
 2. Pedestrian and vehicular circulation.
 3. Time schedule for completion of the various phases of the proposed construction.
 4. Temporary facilities or construction of same as required to facilitate the stated development
- d. Other:
1. Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in compliance with this Chapter.
 2. The Zoning Administrator or Planning Commission may waive any of the above requirements determined to be unnecessary for the site plan review process of the subject property.

SECTION 6.06 Submittal and Review Process

- a. Number of Copies: Ten (10) copies (11" x 17" in size), three (3) full sized copies (24" x 36" in size) and one digital copy of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the Owner and/or Applicant.
- b. Timing of Submittal: Site plans shall be submitted at least thirty (30) calendar days before the Planning Commission meeting at which the site plan will be considered. A Special Planning Commission meeting may be held at the request of the applicant. If granted, any applicable special meeting fees must be paid in advance by the applicant. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies.
- c. Submittal to Zoning Administrator: The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete

the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

- d. **Application Fees:** Application fees pursuant to currently adopted fee schedule shall be paid when the application and site plan are submitted.
- e. **Coordinated Review:** Prior to Planning Commission consideration, the site plan and application shall be distributed to the appropriate Village and other local agencies for review and comment. The Zoning Administrator may also submit the proposed site plans to other applicable outside agencies and designated consultants for review. Coordinating agencies may include, but are not limited to, the County Drain Commission and Road Commission, DPW, Health Department, and emergency services providers.
- f. **Planning Commission Consideration:** The Planning Commission shall review the site plan, together with any reports and recommendations from Village officials, staff, consultants, and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Chapter and the standards of Section 6.12. The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:
 1. **Postponement:** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 2. **Approval:** Upon determination that a site plan is in compliance with the standards and regulations set forth in this Chapter, an affirmative vote of the majority of the Planning Commissioners present is needed to approve a site plan.
 3. **Approval Subject to Conditions:** The Planning Commission may approve a site plan, subject to any conditions necessary to address minor required modifications, ensure that public services and facilities can accommodate the proposed use, ensure compatibility with adjacent land uses or otherwise meet the intent and purpose of this Chapter. Such conditions may include the need to obtain variances or approvals from other agencies.
 4. These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission. At this point in the site plan process, any approval is considered preliminary until all conditions are met.
 5. **Denial:** Upon determination that a site plan does not comply with the standards of this Chapter or would require extensive revisions to comply with such standards, the site plan may be denied. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state how the plan failed to meet the requirements of the zoning ordinance.

- g. Findings of Fact: The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
- h. Official Record and Signed Copies: The record relating to any approved site plan shall be maintained by the Zoning Administrator. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson, and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and Zoning Administrator. One (1) signed and dated approved site plan shall be provided to the applicant.

SECTION 6.07 Conformity to Site Plan Required

- a. Conformity: Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Village. The Zoning Administrator shall give the permittee notice of violation of the site plan at least ten (10) business days prior to the revocation of the permit to provide time for corrective action. The Village may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.
- b. Construction: No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan.

SECTION 6.08 Phased Development

- a. Approval of Phased Developments: The Planning Commission may grant approval for site plans with multiple phases, subject to the following:
 - 1. The site design and layout for all phases be shown on the site plan to ensure proper development of the overall site.
 - 2. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independently of any improvements planned for later phases.
 - 3. Each phase shall be subject to a separate plan review by the Planning Commission. Any revisions to the approved site plan shall be reviewed in accordance with this Chapter.

SECTION 6.09 Resubmission and Revision

- a. Site Plan Resubmission: A site plan that has been denied may be modified by the applicant to address the reasons for the denial and then resubmitted for further consideration. Upon determination that

the applicant has addressed the reasons for the original denial, the Planning Commission shall review the amended site plan as if it were a new application, per Section 6.06.

- b. Revisions to Approved Site Plans:
 - 1. The Zoning Administrator may administratively review and approve minor modifications to approved site plans that will not significantly alter or will conflict with the conditions of the site plan approval, materially alter the approved site design, increase the intensity of use or alter anticipated demand for public services. The Zoning Administrator shall provide a copy of any approved, minor modifications to the Planning Commission.
 - 2. Revisions to an approved site plan not considered by the Zoning Administrator to be minor shall be reviewed by the Planning Commission as an amended site plan. A revised plan will be reviewed the same as a new application.

SECTION 6.10 Expiration

- a. Site Plan Expiration: Site plans shall expire 365 calendar days after the date of approval. Upon written request received by the Village prior to the expiration date, the Planning Commission may grant one extension of final approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, the approved site plan remains in conformance with all applicable provisions of this Chapter and any required fees have been paid.

SECTION 6.11 Site Plan Standards

- a. Ordinance Conformance: Each site plan shall conform to the applicable provisions of this Ordinance (including all use and dimensional standards, parking requirements, setbacks, etc.)
- b. Arrangement of Structure: Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse effects on adjacent properties and future users.
- c. Vehicular and Pedestrian Traffic: Site plans shall fully conform to applicable driveway and traffic standards. Further, the site shall be designed to protect the safety and convenience of pedestrian and vehicular traffic.
- d. Public Safety: Site plans shall fully conform to any applicable fire safety and emergency vehicle access requirements.
- e. Drainage: Site plans shall provide proper storm drainage meeting all local standards.
- f. Hazardous Waste Management: Site Plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
- g. Public Health: Site plans shall fully conform to the requirements of the Michigan Department of Public Health, the Benzie County Health Department, and other applicable agencies. All site plans shall be

designed to protect current or future residents from obnoxious, objectionable, nuisances, or dangerous off-site impacts including, but not limited to, heat, glare, fumes, dust, noise, vibration, and odors.

- h. Statutory Compliance: Site plans shall fully conform to all applicable state and federal statutes.
- i. Conformance with Village Master Plan: Site plans shall fully conform to the land use policies, goals and objectives of the Master Plan.

SECTION 6.12 Compliance with Approvals

- a. Responsibility of Owner: It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved.
 - 1. Failure to comply with the provisions of this Section shall be a violation of this Article, and shall be subject to the penalties as outlined within Article 11.
 - 2. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to rescind site plan approval.

SECTION 7.00 Intent

The intent of this Article is to provide standards for special land uses, which are uses that under usual circumstances could be detrimental to other land uses permitted within the same zoning district but may be permitted because of circumstances unique to the location of the particular use. This Article provides standards for the Planning Commission to determine the appropriateness of a given special land use using factors such as compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used, and processes employed. Accordingly, special land uses should not be permitted without consideration of relevant restrictions or conditions being imposed that address their unique characteristics.

SECTION 7.01 General Standards for Special Land Uses

Prior to approving a special land use application, the Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards and shall approve a special use only upon a finding in compliance with each of the following standards, in addition to the specific standards noted for individual uses in Section 5.02, when applicable. The proposed use or activity shall:

- a. Be constructed, operated, and maintained in a harmonious manner with the existing or intended character of the adjacent properties, the surrounding area, and the natural environment.
- b. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance.
- c. Be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools.
- d. Protect and preserve the existing character of the surrounding areas and be compatible with adjacent uses.
- e. Be consistent with the intent and purpose of this ordinance and the goals and objectives of the current Village Master Plan.

Properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of Article 6. Failure to obtain site plan approval will constitute denial of the approved special land use.

SECTION 7.02 Submittal Procedure for Special Land Use Applications

Any person owning or having an interest in the subject property may file an application for one (1) or more special use permits in the zoning district in which the land is situated. An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

- a. Submittal Requirements: The following materials shall be submitted to the Zoning Administrator at least thirty (30) days prior to the meeting at which the Planning Commission first considers that application for Special Land Use:
 1. Six (6) of copies of completed forms.
 2. Copies of required site plan meeting the requirements of Section 6.06
 3. Required fees
 4. Applicant and Ownership information
 - i. Applicant's name and address
 - ii. A statement indicating the relationship of the Applicant to the Owner of the property
 - iii. The name, address, and current phone number of the property owner, if the Applicant is not the Owner.
 - iv. The address and parcel number of the property.
 5. A detailed statement describing all proposed activities for which the property will be used, including proposed hours of operation, building capacity, and other specific characteristics of the particular use.
 6. The Planning Commission may require an analysis of the planning implications to the proposed use or development. The analysis shall be carried out by qualified third-party professionals and shall include, but not be limited to:
 - i. Potential impacts of the proposed use on abutting properties or the surrounding area, along with a description of the proposed mitigation methods to address these impacts.
 - ii. Estimated population for any residential land uses to be included in the proposed development, and a general description of the scope of any impacts on community facilities such as schools and parks.
 - iii. A traffic analysis that relates the trip-generating capacity of the proposed development to existing and projected traffic volumes and patterns on the surrounding area.
 - iv. An environmental assessment.
 - v. An analysis of project impact on municipal services and public utilities, including capacity in relation to proposed development, improvements necessitated any development and proposed means of financing needed improvements.

SECTION 7.03 Process

- a. Submittal: Applicant shall submit an application package as described in Section 7.3, above.

- b. Initial Review: After submittal, the Zoning Administrator will review the application to ensure that it is complete. If complete, the Zoning Administrator will work with the appropriate departments to begin the special land use approval process. If incomplete, the Zoning Administrator will return the application with a written description of the missing items.
- c. Required Notification: Upon confirmation of a complete application from the Zoning Administrator, the Village will publish a notice and notice property owners pursuant to Article 11, Section 11.02 of this Ordinance.
- d. Planning Commission Public Hearing: The Planning Commission shall review and hold a public hearing on the application.
- e. Planning Commission Action: The Planning Commission shall have the final review authority for all Special Land Uses. After the required public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the proposed special land use based on the materials received by the Applicant and the testimony recorded at the public hearing.
 - 1. Any motion by the commission shall include a written record or the recommended conditions to be imposed on the use, and the findings supporting the Commission's decision. The conditions shall remain unchanged unless an amendment to the special land use Permit is approved in accordance with this Article.
- f. Issuance of Permit: Upon approval of the special land use and site plan, the Zoning Administrator shall issue the special land use permit. The Zoning Administrator shall be responsible for ensuring that any conditions attached to the approval are followed and enforced. Two (2) copies of the approved final site plan and special land approval use along with any limitations, conditions, modifications, or alterations thereon shall be maintained as part of the Village records for future enforcement. One copy shall be returned to the applicant and one (1) copy will be transmitted to the Village Clerk. Each copy shall be signed and dated with the date of approval by the chairman of the planning commission.
- g. Effect of Denial: No application for a special land use permit which has been denied by the Planning Commission shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Administrator.
- h. Appeals: Within ten (10) days following the date of decision on any special use permit, an applicant or any aggrieved party, including a governmental body or agency, may appeal the decision of the Planning Commission to the Zoning Board of Appeals. Upon the filing of an appeal, all relevant documents and testimony, and the findings and decision of the Planning commission shall be transmitted to the appropriate appeals forum.

SECTION 7.04 Validity, Expiration, Suspension or Revocation

- a. **Validity:** Approval of a special land use permit shall be valid regardless of change of ownership, provided that the new owner complies with all terms and conditions. Said permit shall be placed on file with the Zoning Administrator.
- b. **Expiration:** Where development authorized by a special land use permit has not commenced within one year of issuance, the permit shall automatically become null and void, and all rights hereunder shall terminate. Upon written application filed 30 days prior to the termination of the one-year period, the Commission may authorize a single extension of the time limit for a further period of not more than one year.
- c. **Discontinuance of Use:** Any use for which a special land use approval has been granted and which ceases to continuously operate for a one-year period shall be considered abandoned and the special land use approval shall become null and void.
- d. **Compliance Required:** It shall be the responsibility of the owner of the property and the operator of the use for which special land use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Article and all conditions of special land use approval until the use is discontinued.
 1. Failure to comply with the provisions of this chapter shall be a violation of the use provisions of this Chapter and shall be subject to the same penalties appropriate for a use violation.
 2. The Zoning Administrator shall make periodic investigations of developments authorized by the special land use permit to determine compliance with all permits and ordinance requirements.
- e. **Revocation of Approval:** Upon finding that the use has not been improved, constructed, or maintained in compliance with this Chapter or the approved permit, the Zoning Administrator may suspend or revoke the Special Use Permit issued under the provisions of this Ordinance.

SECTION 7.05 Special Land Use Amendments

- a. **Amendments:** Any person or agency who has been granted a special land use approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the special land use. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with the requirements of Article 6. A major amendment to a special land use approval shall comply with the same application and review procedures contained in this Article for a new request.
- b. **Expansion or Change in Use:** The expansion, change in activity, reuse, or redevelopment of any use requiring a special land use approval, with an increase of ten percent (10%) or greater, shall require re-submittal in the manner described in this Article. A separate special land use approval shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use on property which has not previously received special land use approval.

SECTION 7.06 Performance Guarantee

- a. Performance Bond: To insure compliance with this ordinance and any limitations, conditions, modifications, or alterations for improvements imposed by the planning commission as necessary to protect natural resources or the health, safety and welfare of the residents of the village and future users or inhabitants of the lot, the planning commission may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such limitations, conditions, modifications, or alterations for improvements conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Village Clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six (6) months to be completed, the planning commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses. The bond shall meet the requirements outlined in Article 11, Section 11.04 of this Ordinance.

SECTION 8.00 Purpose and Applicability

- a. The purpose of these regulations is to permit greater flexibility and consequently, more creative and imaginative design in development than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities, and the preservation of open space for park and recreational use.

SECTION 8.01 General Requirements

- a. A planned unit development (“PUD”) may be applied for in any area of the Village. The granting of a PUD application shall require an amendment of the Zoning Map upon the recommendation of the Planning Commission and approval of the Village Council.
- b. A request for a building permit and/or a zoning compliance certificate for a PUD must meet all of the following requirements to qualify for consideration:
 - 1. Granting of a PUD will result in one (1) of the following:
 - i. A recognizable and material benefit to the community, where such benefit would otherwise be unfeasible or unlikely under typical zoning provisions or unlikely to be achieved without application of the provisions of this Article; or
 - 2. The proposed PUD shall be consistent with the protection of the public health, safety and welfare of the Village and the proposed type and intensity of use shall not:
 - i. result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
 - ii. result in an unreasonable negative environmental impact on the subject site or surrounding land, or
 - iii. result in an unreasonable negative economic impact upon surrounding properties.
 - 3. The tract of land for a project must be either in one ownership or the subject of a request filed jointly by the owners of all properties included. The holder of a written option to purchase land or the holder of an executory land contract shall for the purposes of such request be deemed to be an owner of such land.
 - 4. The PUD shall be consistent with the goals, objectives and policies of the Village of Elkton Master Plan.
 - 5. A planned unit development site shall be not less than four (4) contiguous acres of land.
 - 6. A planned unit development shall be allowed only within R-1, R-2, B-1, and B-2 districts and providing the applicant can demonstrate that the proposed character of development will meet the objectives of planned unit development.
 - 7. Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric, phone, cable, and internet transmission wires shall be placed underground.
 - 8. The applicant’s application shall be accompanied by a site plan.

SECTION 8.02 Permitted Uses

No structure or part thereof shall be erected, altered or used and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located:

- a. Residential uses.
 - 1. Single-family detached dwellings, excluding mobile homes.
 - 2. Two-family dwellings.
 - 3. Apartments.
 - 4. Town houses.
 - 5. Condominiums.
 - 6. Other multi-family dwellings.

- b. Commercial uses designed and intended to serve the convenience needs of the people residing in the planned unit development.
 - 1. Food stores.
 - 2. Bakeries (retail only).
 - 3. Barber or beauty shops.
 - 4. Banks and financial institutions.
 - 5. Shoe sales and repair stores.
 - 6. Florist and garden shops.
 - 7. Hardware stores.
 - 8. Variety stores.
 - 9. Book and stationery stores.
 - 10. Dry cleaning (pickup or coin-operated only).
 - 11. Wearing apparel shops.
 - 12. Offices.
 - 13. Drugstores.
 - 14. Post office.
 - 15. Full course menu, table top, indoor restaurants conforming in appearance to a residence which provide no "drive-in", "short-order", or "car service" food or drink facility. Alcoholic beverages may be served incidental to the sale of food.
 - 16. Private clubs, excepting those of which the chief activity is a service customarily carried on as a business.

- c. Accessory and associated uses designed and intended to serve the convenience needs of the people residing in the planned unit development, like:
 - 1. Private garages.
 - 2. Storage sheds.
 - 3. Recreational play areas.
 - 4. Religious institutions.

- 5. Public and private educational institutions.

SECTION 8.03 Procedure

Whenever any planned unit development is proposed, before any building permit is granted, the developer shall apply for and secure approval from the Village Council in accordance with the following procedure.

- a. In order to allow the planning commission and the developer to reach an understanding of basic design requirements prior to detailed site design investment, the developer shall submit a preliminary site plan of their proposal to the Planning Commission with the applicable fee, as outlined by the Village of Elkton Fee Schedule. The preliminary site plan shall be drawn to approximate scale and clearly show the following information:
 - 1. Boundaries of the property.
 - 2. Location and height of all buildings and structures.
 - 3. Interior roadway system, parking facilities and all existing rights-of-way and easements, whether public or private.
 - 4. Delineation of the various residential and/or commercial areas indicating for each such area its size, number of buildings, structures and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type, plus a calculation of the net residential density and commercial density.
 - 5. The interior open space system.
 - 6. The overall storm water drainage system.
 - 7. If grades exceed thirty (30) percent on portions of the site, have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.
 - 8. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.
 - 9. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 - 10. A location map showing uses and ownership of abutting lands.
- b. In addition, the following documentation shall accompany the preliminary site plan:
 - 1. Evidence that the proposal is compatible with the objectives of the Village's Master Plan.
 - 2. The intended total project. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified.
- c. Utilizing the process and procedure outlined in Section 12.1, the Preliminary site plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing,

the Planning Commission shall review the preliminary site plan and shall take one of the following actions:

1. Upon finding that the preliminary site plan meets the criteria and standards set forth in Section 6.02 and finding that the petition generally satisfies the provisions of Sections 8.01 and 8.05, the Planning Commission shall grant preliminary approval.
 - i. Approval shall constitute approval of the uses and design concept as shown on the preliminary site plan and shall confer upon the applicant the right to proceed with the preparation of the Final Plan.
 - ii. Approval of the preliminary site plan by the Planning Commission shall not constitute rezoning of the property to PUD nor bind the Planning Commission or the Village Council to approval of the Final Plan. The Planning Commission shall inform the Village Council of its action to approve the Preliminary site plan.
 2. Upon finding that the preliminary site plan does not meet the criteria and standards set forth in Sections 803.a and/or satisfy the provisions of Sections 8.01 and 8.05, but could meet such criteria if revised, the Planning Commission may postpone action until a revised Preliminary site plan is resubmitted.
 - i. If a revised preliminary site plan is not submitted within six (6) months of the postponement by the Planning Commission, the application for PUD shall automatically be null and void.
 3. Upon finding that the Preliminary site plan does not and cannot meet the criteria and standards set forth in Sections 803.a and/or satisfy the provisions of Sections 8.01 and 8.05, the Planning Commission shall deny the Preliminary site plan. The Planning Commission shall inform the Village Council of its action to deny the Preliminary site plan.
- d. Within six (6) months following receipt of the Planning Commission approval of the Preliminary site plan, the applicant shall submit a Final Plan and supporting materials conforming to this Section and information requested to be provided as part of the review of the preliminary site plan. If a Final Plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission approval, the Preliminary site plan approval shall automatically be null and void.
- e. The detailed site plan shall conform to the preliminary site plan that has been given approval. It shall incorporate any revisions or other features that may have been recommended by the planning commission at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
- f. The detailed site plan shall contain information as required under Sections 6.05 in addition to the following information:
1. Description of land division mechanism, or property transfer mechanism, to be utilized in the implementation of the PUD (i.e. simple land division, plat, site condominium, condominium, lease, etc.).
 2. Residential developments and use areas shall include the following information:
 - i. A complete schedule of the number of lots/sites, lot area per dwelling unit and type of dwelling units; density requirements (minimums & maximums).

- ii. A schedule of regulations for dimensional requirements depending on the development type, use area, and the list of permitted uses cited for the particular area.
- iii. A schedule of landscaping regulations and requirements depending on the development type, use area, and the list of permitted uses and density cited for the particular area.
- iv. Amount and location of recreation spaces; type of recreation facilities to be provided in identified recreation space.
- v. Community building criteria and other accessory uses, such as swimming pools, clubhouses, etc.
- vi. Architectural standards for buildings; sample facades and elevations are to be provided.
- 3. Non-residential developments and use areas shall include the following information:
 - i. Ground floor coverage and floor area ratio minimums and/or maximums.
 - ii. A schedule of regulations for dimensional requirements depending on the development type, use area, and the list of permitted uses and intensity of use cited for the particular area.
 - iii. A schedule of landscaping regulations and requirements depending on the development type, use area, and the list of permitted uses cited for the particular area.
 - iv. Architectural standards for buildings using sample facades and elevations.
- 4. A separately delineated specification of all deviations from this Ordinance, which would otherwise be applicable to the uses and development proposed in the absence of an application for a PUD.
- 5. A schedule of the general improvements for the development of the site, including, without limitation, roadways, utilities, landscaping, etc.
- g. Utilizing the process and procedure outlined in Section 12.1, the Final Plan shall constitute an application to amend this Ordinance (“rezoning”) and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission and the Village Council, as provided by law.
 - 1. Upon finding that the Final Plan meets the criteria and standards set forth in Sections 6.05 and satisfies the standards for approval set forth in Sections 8.01 and 8.05, the Planning Commission shall recommend approval to the Village Council.
 - i. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the Village Council must exercise discretion.
 - 2. Upon finding that the Final Plan does not meet the criteria and standards set forth in Section 6.05 and/or the standards for approval set forth in Sections 8.01 and 8.05 but could meet such criteria if revised, the Planning Commission may postpone action until a revised Final Plan is resubmitted.
 - i. If a revised Final Plan is not submitted by the applicant for final approval within six (6) months following the tabling of the final plan application, the preliminary site plan approval and application for final plan approval shall automatically be null and void.
 - 3. Upon finding that the final plan does not and cannot meet the criteria and standards set forth in Section 6.05 and/or the standards for approval set forth in Sections 8.01 and 8.05, the Planning Commission shall recommend denial to the Village Council.

- h. Upon receiving a recommendation from the Planning Commission, the Village Council shall review the Final Plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in Section 6.05 and finding that the Final Plan meets or does not meet the standards for approval set forth in Sections 8.01 and 8.05 the Village Council shall approve, postpone action or deny the Final Plan.
 - 1. The applicant shall submit a final approved site plan which depicts compliance with final Village Council decision. The final approved site plan is to be submitted by the applicant after the notice of rezoning is published and prior to seeking zoning permit/building permit.

SECTION 8.04 Design Requirements

Within the planned unit development approved under this article, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations applicable to the district in which the development is located:

- a. The maximum number of dwelling units permitted within the project shall be determined by dividing the gross planned unit development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
- b. The minimum setback and yard or open space requirements for buildings and structures may be reduced or increased in the discretion of the planning commission to avoid unnecessary disruption of the environment where reasonable equivalent open space is provided elsewhere upon the site.
- c. In addition to the standards of Article 4, landscaping and screening may be considered in accordance with the overall plan for development, including separation of contrasting land uses and intensity of uses. Landscaping and screening shall not only be used for such purposes of separation, but for integration of land uses, vehicular routes and pedestrian ways.
- d. Within every planned unit development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the planning commission must find the land thus designated to be:
 - 1. Sufficient in size, suitably located, with adequate access, and
 - 2. That evidence is given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the municipality of future maintenance thereof.

- e. All required open space within a planned unit development shall be arranged so as to provide access and benefit to the maximum number of lots and/or dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street.

SECTION 8.05 Standards for Approval

The planning commission's review of the detailed site plan shall include, but shall not be limited to, the following:

- a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement.
- b. Location, arrangement, appearance, and sufficiency of off-street parking.
- c. Location, arrangement, size and entrances of buildings, walkways and lighting.
- d. Relationship of the various uses to one another.
- e. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands.

SECTION 8.06 Phasing and Development Review

- a. For a PUD to be constructed in phases, the design shall be such that, upon completion, each phase shall be capable of standing on its own as it pertains to services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.
 - 1. All conditions that are phase specific shall be completed during development of the subject phase, and cannot be postponed for completion during other phases.
 - 2. In developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable at the discretion of the Planning Commission and Village Council.
- b. Uses approved as part of the adoption of a PUD District shall be permitted by right as long as such uses are implemented in accordance with the approval by the Village Council of the Final Plan and development agreement.
 - 1. All development proposed within the PUD must receive final site plan approval pursuant to Article 6 of this Ordinance.
 - 2. Those proposed developments requiring review under the Land Division Act (Public Act 288 of 1967, as amended) or the Condominium Act (Public Act 59 of 1978, as amended), especially in

the case of the platting of a subdivision, must file proper application for review under respective processes contained herein.

- 3. The application for final site plan review, application under the Land Division Act or Condominium Act will be reviewed utilizing the regulations set forth in the PUD district and must be found in compliance with said district, the Final Plan and development agreement.
- c. Pursuant to Section 11.4, the Planning Commission/ Village Council is authorized to impose a performance guarantee, to ensure completion of required improvements.

SECTION 8.07 Effect of Approval

- a. Upon approval, the PUD and corresponding amendment to the Zoning Map, with all conditions imposed, shall constitute the land use authorization for the property, and all future improvement and use shall be in conformity with such amendment.
- b. Notice of adoption of the Final PUD Plan and Development Agreement shall be recorded by the applicant with the Register of Deeds, evidence of which shall be supplied to the Zoning Administrator.
- c. In any case where the construction on the planned unit development has not commenced within one year from the date of approval, the building permits and/or zoning compliance certificates shall be null and void.
- d. After a planned unit development has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval by the planning commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- e. If construction and development does not conform to the approval of the Village Council, any building permit and/or zoning compliance certificate shall be forthwith revoked by the zoning inspector by written notice of such revocation posted upon the site and mailed to the developer at his last known address. Upon revocation, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.

SECTION 9.00 Authority

- a. The Village of Elkton hereby establishes a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in [Article VI of the Michigan Zoning Enabling Act \(PA 110 of 2006\)](#). In order to ensure that the objectives of this Ordinance are observed, that public safety, morals and general welfare are protected, and that substantial justice is provided. If not in direct conflict to, the terms of the statute shall prevail, except as modified by the terms of this Ordinance.

SECTION 9.01 Membership.

- a. **Membership:** The Zoning Board of Appeals shall consist of five (5) members appointed by Village Council. One (1) member shall be a member of the Village Planning Commission and one (1) member may be a member of the Village Council. The remaining three (3) members shall reside within the Village of Elkton. A vacancy on the ZBA shall also reside within the Village of Elkton and be appointed by Village Council for the remainder of the unexpired term in the same manner as the original appointment.
- b. **Alternate Members:** The Council may appoint two (2) alternate members for three (3) year terms. One or both alternate members may be called by the chairman, or in the absence of the chairman by the vice-chairman, or, in the absence of the vice-chairman, by the secretary to sit as a regular member of the ZBA if a regular member is absent from or unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. While serving, the alternate member shall have the same voting rights as a regular member of the ZBA.
- c. **Roles:** Members of the ZBA shall be residents of the Village. One (1) of the regular members or an alternate member may be a member of the Village Council, but that member shall not serve as the chairperson of the ZBA. An elected officer of the Village shall not serve as chairman of the ZBA and an employee or contractor of the Village may not serve as a member or an employee of the ZBA. Chairperson and Vice-Chairperson of the ZBA shall be elected annually. The Chairperson shall lead all meetings of the ZBA as well as any other duties as prescribed by the ZBA Bylaws. In the absence of the Chairperson, the Vice-Chairperson shall assume all duties of the Chairperson.
- d. **Terms:** The term of each member of the zoning board of appeals shall be three (3) years and until a successor has been appointed and qualified, which successor must be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by the first two (2) appointed members serving for one year, the next two (2) appointed members shall serve for two

(2) years, and the remaining one for three (3) years, thereafter each member shall hold their office for the full three (3) year term. Vacancies shall be filled by the Village Council.

- e. Elections: The ZBA shall annually elect its own Chair, Vice Chair, and Secretary to preside over meetings.
- f. Removal of Member: Members of the Board shall be removable for misfeasance, malfeasance, or nonfeasance (nonperformance of duty, misconduct in office, or other cause) by the Village Council upon written charges having been filed with the council and after a public hearing has been held regarding such charges. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Village Council and shall be for the unexpired term.
- g. Conflict of Interest: A member of the ZBA shall disqualify himself from voting where he has a conflict of interest.
- h. Compensation: Each member of the ZBA shall be paid a per diem which shall be established in advance each year by the village council.

SECTION 9.02 Meetings

- a. Meetings of the ZBA shall be held at the call of the chairman and at such other times as may be determined or specified in its rules of procedure. All hearings shall comply with the Michigan Open Meetings Acts. The zoning board of appeals shall adopt its own rules of procedure and keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a copy of the minutes of its proceedings with the Village Clerk, which shall be a public record. A majority of the total membership of the ZBA shall constitute a quorum for the conduct of its business. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

SECTION 9.03 Powers

- a. The Zoning Board of Appeals (ZBA) shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this ordinance, but shall the power to act on an administrative review, interpretation, or to authorize a variance as defined in this section and the [Michigan Zoning Enabling Act \(Public Act 110 of 2006\)](#), as amended, as follows:
 - 1. Administrative Review: To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the zoning inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance, subject to the provisions of Section 9.04.
 - 2. Interpretation of Zoning Ordinance Provisions: To hear and decide requests for interpretations of this Ordinance and the Zoning Map, subject to the provisions of Section 9.05.

3. Variances: To authorize, upon an appeal, a variance from the strict application of the provisions of this Article, subject to the provisions of Section 9.06.

SECTION 9.04 Appeals

- a. Administrative Appeals: The Zoning Board of Appeals (ZBA) shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Consideration of administrative appeals shall be subject to the following:
 1. Standing to Appeal. An appeal may be taken to the ZBA within such time as shall be prescribed by general rule. Such appeal may be taken by any aggrieved person, firm or corporation, or by any officer, department, board or bureau of the Village. The applicant shall file with the chairman of the ZBA and the village body or the Zoning Administrator on forms to be furnished by said body or official, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken.
 2. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the village body or official from which or whom the appeal is taken certifies to the ZBA, after notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the zoning board of appeals or by the circuit court, on application, on notice to said body or official, and on due course shown.
 3. Review Criteria for Administrative Appeals: The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision, or determination:
 - i. Constituted an abuse of discretion;
 - ii. Was arbitrary or capricious;
 - iii. Was based upon an erroneous finding of a material fact; or
 - iv. Was based upon an erroneous interpretation of the Zoning Ordinance.
 4. Actions: The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from.

SECTION 9.05 Interpretation

- a. Interpretation of Zoning District Boundaries: Where an ambiguity exists as to zoning district boundaries, the Zoning Board of Appeals (ZBA) shall have the power to interpret the zoning map in such a way as to carry out the intent and purpose of the Village Zoning Ordinance and Master Plan. The following rules shall apply to such interpretations:
 1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, watercourses, lot lines, or municipal boundaries shall be construed to follow such lines.
 2. Boundaries indicated as following railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.

3. Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.
 4. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
 5. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, the ZBA shall interpret the district boundaries.
- b. Interpretation of Zoning Ordinance Provisions: The Zoning Board of Appeals (ZBA) shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Chapter and master plan.
1. Further, in recognition that every potential use cannot be addressed in this Chapter, the ZBA shall have the authority to determine whether a proposed use not listed in this Chapter is similar to a permitted or special land use permitted by this Chapter, subject to the following:
 - i. Prior to making such a determination, the ZBA must find that the principal or special land use closely resembles the proposed use in terms of characteristics, intensity, nature and other applicable common elements of such uses.
 - ii. The ZBA may determine that the use is (or is not) similar to a use listed in this Chapter, or may recommend to the Village Council that the proposed use be addressed through an amendment to this Chapter.
 - iii. If it is determined that there is no similar use listed in this Chapter, the use shall be prohibited.
 - iv. If it is determined that the proposed use is similar to a use listed in this Chapter, the proposed use shall comply with any conditions or special land use standards that apply to the listed use.
 - v. The ZBA may impose additional conditions or limitations upon the proposed use necessary to satisfy the intent and purposes of this Chapter, to protect the health, safety, or welfare, or to preserve the social and economic well being of adjacent residents and landowners, or the Village as a whole.

SECTION 9.06 Variances

- a. The Zoning Board of Appeals (ZBA) shall have the authority to grant variances from specific requirements of this Chapter in accordance with [Article VI of the Michigan Zoning Enabling Act \(P.A. 110 of 2006\)](#) and the provisions of this subchapter. The ZBA shall state the grounds upon which it justifies the granting or denying of a variance, and may consider lesser variances than that requested by an applicant. In granting a variance, the ZBA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this Chapter.
 1. Use Variances: The ZBA may authorize a variance from the use provisions of this ordinance with such conditions and safeguards it may determine appropriate to ensure that the spirit of this ordinance is achieved, public safety and welfare secured and substantial justice done. In granting a variance, the ZBA shall state the grounds upon which it justifies the granting of same. No such variance of the use provisions of this Ordinance shall be granted unless it appears that all the following facts and conditions exist:

- i. An application for the variance has not been made by any person for the same lot within the prior twelve (12) months.
 - ii. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which have not been caused by the applicant and which do not apply generally to other properties or class of uses in the same district.
 - iii. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same district and vicinity.
 - iv. The granting of such variance will not be materially detrimental to the public welfare or materially injurious to the value of property or improvements in the district in which the property is located.
 - v. No more than forty (40) percent of owners and occupants of property within three hundred (300) feet of the applicant's property line object to the variance in writing or in person.
 - vi. Denial would cause unnecessary hardship on the applicant. Under this standard, the ZBA must determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-created hardship. Financial hardships that would prevent reasonable use of the property shall be considered, but shall not be the only determining factor in granting a use variance.
 - vii. The granting of such variance will not adversely affect the purposes or objectives of the Village Master Plan or this Ordinance.
2. Dimensional Variances: The ZBA may authorize a variance from the area, density, bulk, height, yard or general provisions of this ordinance, provided that the ZBA determines that practical difficulty or unnecessary hardship exists with respect to the particular property. Any such variance shall require a finding of practical difficulties, based upon the following criteria:
- i. Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
 - ii. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
 - iii. The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
 - iv. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
 - v. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the Village, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.
 - vi. The alleged practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

SECTION 9.07 Application and Procedures

- a. Applications: All applications to the ZBA shall be filed with the Zoning Administrator, with payment of the appropriate review fee established by Village Council. At a minimum, applications shall include the following:
1. The applicant's name, address, and contact information; and the address and location of the property involved in the request.
 2. Zoning classification of the subject parcel(s) and all abutting parcels.
 3. A plot plan of the site, drawn to scale with a north-arrow, showing all lot lines, street rights-of-way, easements, structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
 4. A letter from the applicant stating the reasons for the request, and addressing the applicable review criteria specified in this subchapter for the type of request.
 5. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.
- b. Fee: Before accepting for filing any requests in which the Zoning Board of Appeals has appellate or original jurisdiction under the provisions of this Article, the Village of Elkton shall charge and collect the fees in accordance with the schedule of fees adopted by the Village Council resolution. If an applicant requests and receives a postponement of the hearing subsequent to the mailing of notices and advertisement of public hearing, said applicant shall pay the necessary expenses incurred by the Village to re-notice the hearing.
- c. Hearings and Public Notice: The Zoning Board of Appeals shall fix a reasonable time for the hearing of the application or appeal and shall give notice of the hearing pursuant to [PA 110 of 2006](#), and Article 11, Section 11.02. At the hearing, any party may appear in person or by agent or by attorney.
- d. Decision of the Board:
1. The concurring majority vote of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance, or to grant a non-use variance. The granting of a use variance requires the concurring vote of two-thirds (2/3) of the full membership of the Zoning Board of Appeals.
 2. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by the Zoning Administrator, and he/she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.
 3. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

4. A decision or variance granted by the Zoning Board of Appeals runs with the land and shall be valid after transfer of property ownership.
- e. Written Record: Each decision shall include a written record of the specific findings and determinations made by the ZBA in the case.
- f. Conditions: In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

SECTION 9.08 Decision

- a. Limitations of Authority: The following specific limitations shall apply to the authority of the Zoning Board of Appeals (ZBA):
 1. No order of the ZBA permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and unless such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
 2. No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
 3. A decision and order of the ZBA shall take immediate effect unless otherwise provided in the decision or order and shall be final, but may be appealed to a court of competent jurisdiction as provided by statute.
 4. The ZBA shall not have the authority to consider appeals of any decisions by the Planning Commission regarding amendments to this Chapter, special land uses or planned unit developments (PUD).
 5. The ZBA shall not have the authority to alter this zoning ordinance or Map.

SECTION 10.00 Authority

- a. All powers, duties, and responsibilities provided by [Public Act 33 of 2008](#), as amended, being the Michigan Planning Enabling Act for a Planning Commission created by resolution of the Village Council and this Ordinance. The Planning Commission shall perform the duties as provided in these Acts, together with such other powers and duties as are given to such Planning Commission by the provisions of this Ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

SECTION 10.01 Meetings, Advisors, and Rules

- a. **Members:** The Planning Commission shall consist of five (5) members, appointed by the Village Council.
- b. **Officers:** The Planning Commission shall elect a Chairman, Vice Chairman, and Secretary from its members, and create and fill such other offices or committees as it may deem advisable.
- c. **Meetings:** The Planning Commission shall hold at least four (4) regular meetings each year and, by resolution, shall determine the time and place of such meetings. Special meetings may be called by two (2) members upon written request to the Secretary or by the Chairman.
- d. **Staff:** The Planning Commission may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.
- e. **Record:** The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations.
- f. **Annual Report:** It shall make an annual written report to the Village Council concerning its operations and the status of planning activities, including recommendations regarding actions by the Village Council related to planning and development.
- g. **Terms:** Members of the Planning Commission shall be appointed for three (3) year terms. However, the members of the Planning Commission, other than ex officio members, shall maintain staggered terms. Of those members first appointed, two (2) members shall be appointed to a one (1) year term, two (2) members shall be appointed to a two (2) year term, and one (1) member shall be appointed to a three (3) year term.

SECTION 10.02 Responsibilities and Duties

In addition to the powers and duties provided for by the statute, the Planning Commission shall function as the administrative agency responsible for zoning and planning within the Village and shall, among other things:

- a. Record: Maintain a separate record of all actions taken on issues involving its deliberations and decisions involving zoning.
- b. Review: Review site plans and issue approval, conditional approval, or denial, where required by the provisions of this Ordinance.
- c. Written Decision: Issue written opinion to applicants.
- d. Decision: Review applications for special land uses and conduct public hearings pursuant to the statutory procedures provided by Article 11, Section 11.02. Following the public hearing, issue approval, conditional approval, or denial of the special land use application.
- e. Amendments: Review and decide upon amendments to this Ordinance and conduct public hearings pursuant to the statutory procedures provided by Article 11, Section 11.02 and Article 12, Section 12.01. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed text change to the Council.
- f. Rezoning: Review and decide upon rezoning requests to this Ordinance and Zoning Map and conduct public hearings pursuant to the statutory procedures provided by Article 11, Section 11.02 and Article 12, Section 12.01. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning to the Council.
- g. Zoning Map: Maintain a Village zoning map defining such use districts.
- h. Master Plan: Maintain a Master Plan for potential growth, expansion or other change to the community.
 1. Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the prospective development of the said areas, including, among other things:
 - i. The general relation, character, and extent of streets, bridges, boulevards, parkways, playgrounds, and open spaces,
 - ii. The general relation of public buildings, and of other public property,
 - iii. The general location and extent of all public utilities and terminals whether public, private owned, or operated for water, light, sanitation, transportation, communication, power, and other purposes.

- iv. The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals;
 - v. The general location, character, layout, and extent of community centers and neighborhood units,
 - vi. The general character, extent, and layout of the replanning and redeveloping of any blighted districts; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.
2. The Master Plan shall be made with the general purpose of guiding, and accomplishing a coordinated, adjusted, and harmonious development of the Village, and its environs, which will, in accordance with present and future needs, best promote health, safety, and general welfare, as well as efficiency and economy in the process of development; including, among other things:
- i. Adequate provisions for traffic, and
 - ii. Promotion of public safety,
 - iii. Adequate provisions for light and air,
 - iv. The promotion of a healthful and convenient distribution of the population,
 - v. The promotion of good civic design and arrangement,
 - vi. Wise and efficient expenditure of public funds, and
 - vii. The adequate provisions of public utilities and other public requirements.

SECTION 11.00 Zoning Administrator

- a. Except as herein otherwise provided, the provisions of this ordinance shall be administered and enforced by the Zoning Administrator, or other such officials the Village Council designates. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Village Council. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with the administration and enforcement of this Ordinance. The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Village Council or provisions of this Ordinance:
1. **Accept and Record Applications, Issue and Record Permits:** All applications for plot plans, site plans, special uses, and Zoning Board of Appeals requests shall be submitted to the Zoning Administrator who shall keep a record of all applications that have been submitted and their status. When all applicable provisions of this Ordinance have been met regarding any application, the proper review procedures have been completed, and the project approved by the appropriate approving body/person, the Zoning Administrator shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action (see Table 11.0). The Zoning Administrator shall maintain a record of all applications, including documentation for each.
 2. **Issue Written Denial:** When an application is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
 3. **Notice of Hearings:** Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
 4. **Inspections:** The Zoning Administrator, or their designee, shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance. The construction or usage affected by any zoning permit shall be subject to the following:
 - i. **Inspection Prior to Construction:** At time of staking out of building foundation or location of structure. The property owner is responsible for determining and marking the correct location of property lines from which setbacks are measured.
 - ii. **Inspection After Construction:** Upon completion of the construction authorized by the permit.
 - iii. **Procedures:**
 - a. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Zoning Administrator shall issue their written approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance.

- b. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plan filed, or is in violation of any provision of this Ordinance, or any other applicable law, they shall so notify, in writing, the holder of the permit or their agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
 - c. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof, and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met.
 - d. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.
5. Record Special Uses: The Zoning Administrator shall keep a record of all special use permits issued under the terms of this Ordinance.
6. Record Interpretations of Ordinance: The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
7. Public Information: The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance.
8. Respond To Complaints: The Zoning Administrator shall respond within ten (10) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
9. May Not Change Ordinance: Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

SECTION 11.01 Administration Process

- a. **Application:** Before proceeding with the construction, alteration, moving or use of any building or structure, or the use of any premises subject to the provisions of this Ordinance, the owner thereof shall first obtain a zoning permit from the Zoning Administrator. Applications shall be made in writing upon forms provided by the Village. It shall be the duty of all architects, contractors, and other persons having charge of construction or movement to determine that proper certification has been issued before undertaking any such work, and all persons performing such work in violation shall be deemed guilty of municipal civil infraction in the same manner as the owner of the premises.
- b. **Application Review Process:** On submission of an application, the Zoning Administrator will review the application material to determine the review process according to the review process table, Table 11-1. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation.
- c. The Zoning Administrator will forward the application to the Planning Commission or Zoning Board of Appeals for approval in cases that require approval by those bodies. In cases of applications that require administrative approval of the Zoning Administrator, an administrative review will occur prior to the issuance of a zoning permit.
- d. **Zoning permits:**
 1. A zoning permit is required prior to the issuance of a building permit.
 2. **Zoning Permit Required:** No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a zoning permit application has been filed, and a zoning permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No zoning permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the zoning permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical, or plumbing permit.
 3. **Final Plot Plan or Site Plan Approval Required:**
 - i. The Village shall not issue a zoning permit until a final plot plan or site plan has been approved and is in effect.
 - ii. No grading, removal of trees or other vegetation, landfilling or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect.
 4. **Other Required Permits:** A zoning permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit.

5. Construction Code Compliance: Construction, including mobile home placement may be commenced only after a building permit has been obtained in accordance with the applicable building, plumbing and/or electrical codes applicable within the Village and/or the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.
6. Notification of Availability of Property for Inspection: When alterations begin or when the footings of a building have been constructed and before the completion of the foundation walls and also at the time of the completion of the frame and skeleton construction, the owner, contractor or his agent shall notify the Zoning Administrator in writing in order that the inspection may be made at each of these times.
7. Final Inspection: The Zoning Administrator shall be given the opportunity to make a final inspection of all buildings and structures after completion, before occupancy begins, upon receiving notice from the owner, contractor or his agent that said building is ready for final inspection. If such building or alterations comply with the statements in the application, plans, working drawings, and specifications, a certificate of zoning compliance shall be issued.
8. Zoning Permit Expiration: The zoning permit will expire after six (6) months from date of issuance if no building permit has been taken out. Site plan approval may be extended pursuant to Section 6.10 of the Ordinance.
9. Zoning Permit Revocation: The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing. The Planning Commission shall have the power to revoke a special use permit.
10. Payment of Fees: No zoning permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Village Council.
11. Conformance with Approved Plans: Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.
12. Failure to Obtain Permit: Any person, partnership, limited liability company, corporation, association or other entity who fails to obtain any necessary zoning permit shall be subject to Section 11.05 and the requirements of this section.
13. Right to Appeal. Pursuant to Section 9.04 of the Ordinance, where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged

with administration or enforcement of the Zoning Ordinance, an aggrieved party may submit an appeal in accordance with the procedure outlined in Section 9.04.

- e. Record Maintained: The Zoning Administrator shall keep a record of each application for a site plan that has been submitted including the disposition of each one, per the Village retention policy. This record shall be a public record, open for inspection upon request.

Table 11.0 – Review Process Table

Type of Action	Parties who may initiate action	Body making decision	Public hearing required	Published notice	Mailed notice	Body to appeal a denial
Minor Site /Plot Plan Approval	Applicant	ZA	No	-	-	ZBA
Site Plan Approval	Applicant	PC	No	-	-	ZBA
Special Use Permit	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	ZBA
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Appeal from Decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Rezoning or Text Amendment	Applicant, VC or PC	Step 1: PC recommends to VC	Yes	Not less than 15 days	Not less than 15 days	No action until after VC decision
		Step 2: VC	No	-	-	-
		Step 3: VC publishes Notice of Adoption in newspaper (within 15 days after adoption). Amendment goes into effect 7 days after publication.				
Planned Unit Development	Applicant	Step 1: PC approves Plot Plan.	Yes	Not less than 15 days	Not less than 15 days	ZBA
		Step 2: PC recommends	Yes	Not less than 15 days	Not less than 15 days	ZBA

		site plan to VC.				
		Step 3: VC issues final approval.	No			ZBA
Zoning Ordinance Enforcement	ZA	-	-	-	-	ZBA
Expansion of a Non-conforming Use or Structure	Applicant	ZBA	No	Not less than 15 days	Not less than 15 days	Circuit Court
ZA – Zoning Administrator PC – Planning Commission VC – Village Council ZBA – Zoning Board of Appeals						

SECTION 11.02 Public Notice Requirements

- a. State Requirements: All applications for development approval requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110](#) and the other provisions of this Section with regard to public notification.
- b. Published Notice: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of Elkton and mailed or delivered as provided in this Section.
- c. Content: All mail, personal and newspaper notices for public hearings shall:
 1. Nature of Request: Describe the nature of the request. Identify whether the request is for a rezoning, text amendment, special land use, variance, appeal, Ordinance interpretation or other purpose.
 2. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
 3. Date, Time, and Location: When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
 4. Written comments: Include a statement describing when and where written comments will be received concerning the request via mail and email. Include a statement that the public may appear at the public hearing in person or by council.
 5. Accessibility: Information concerning how access will be accommodated if the meeting facility is not accessible.

- d. Notice:
1. Except as noted in subsection iv(a) and subsection iv(b) below, notices for all public hearings shall be given as follows:
 - i. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - ii. Notice of the hearing shall be published in a newspaper of general circulation.
 - iii. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - iv. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - a. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - b. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 2. Notice for Multiple Properties: Newspaper publication as required in subsection d(2) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
 3. Interpretation: For Ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice that does not affect a specific property shall be only to the applicant and by newspaper publication.
 4. Notice Deemed Given: Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, postage paid. Zoning staff shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
 5. Registration to Receive Notice by Mail:
 - i. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification, as established by the Village Council.
 - ii. Requirements: The requesting party must provide the Zoning Administrator information to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.

SECTION 11.03 Fees

- a. To assist in defraying the costs of investigating, reviewing, and administering a building permit, a zoning compliance certificate, copies thereof, site plan and/or special land use, planned unit development, amendment, supplement, or amendment of this ordinance, the zoning map, district boundaries or land use classification, or appeal to the Zoning Board of Appeals, and other types of decisions which result in extra costs to the Village, the Village Council may adopt, by resolution, a Fee Schedule establishing basic zoning fees. In the case of site plan and/or special land use review, planned unit development, and any amendment, supplement, or change of this ordinance, the zoning map, district boundaries or land use classification and appeals to the zoning board of appeals, the fee shall be not less than three hundred dollars (\$300.00) in the absence of such resolution.
- b. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.
- c. If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit, with the Zoning Administrator, such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit, and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Village in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

SECTION 11.04 Performance Guarantee

- a. In connection with the construction of improvements through site plan approval, or special land use approval, the Planning Commission may require the applicant to furnish the Village with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, curbs, landscaping, fences, walls, lighting, drainage, parking lots, sidewalks, driveways, utilities, water and sewer systems, and similar items which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, returning the site to a safe and healthy condition, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Village Clerk at or before the time the Village issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Village Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the completed development or each phase of a multi-phase development in the following manner:
1. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
 2. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
 3. The balance at the completion of the public and site improvements.
- b. Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Village as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

SECTION 11.05 Enforcement

- a. Responsibility: It is the responsibility of the Zoning Administrator to enforce the provisions of this ordinance.
- b. Violations: Any building or structure that is erected, altered, maintained, or used or any use of land that is begun, maintained or changed in violation of this Ordinance is hereby declared to be a violation of this Ordinance.
- c. Penalties: Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars (\$100.00) and the costs of prosecution or, in default of the payment thereof shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and costs and imprisonment, in the discretion of the court. Every day that such violation continues constitutes a separate and distinct offense under the provisions of this Ordinance.
- d. Any building or structure which is erected, altered or converted, or any use of premises or land in violation of any of the provisions hereof is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 11.06 Building Permits

- a. No building or structure, or part thereof, shall be hereafter erected, altered, or moved, unless a building permit shall have been first issued for such work. The term "altered" shall include any changes in exterior structural parts, light, ventilation, or means of egress and ingress, or other changes affecting or regulated by the applicable Building Code, Housing Law of Michigan, or this ordinance, except for minor repairs or changes not involving any of the aforesaid features. Building permits shall not be required for the erection of farm buildings which are not for human habitation.
- b. No lot shall be excavated, modified, or altered hereafter unless a building permit shall have been first issued for such work.
- c. No building permit shall be issued for the excavation, alteration, movement, or repair of any building or structure or part thereof, nor for the excavation or the change, modification or alteration of the use of any lot which is not in accordance with all provisions of this ordinance..
- d. All building permits shall expire twelve (12) months from the date of issuance, but may be renewed for an additional twelve (12) months.
- e. All new construction shall have the outside shell completed in a workman like manner within one hundred eighty (180) days from issuance of the building permit.

SECTION 11.07 Provisions Supplementary to Other Laws

- a. Nothing in this ordinance shall prevent the issuance of a temporary zoning compliance certificate for a portion of a building or structure in the process of erection or alteration; provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months; and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this ordinance.
- b. Accessory buildings shall not require separate zoning compliance certificates, but may be included in the certificate for the main building when shown on the site plan and when completed at the same time as such main building.
- c. If such certificate is refused for cause, the applicant, shall be notified of such refusal and the cause thereof, within the aforesaid ten (10) day period.

SECTION 12.00 Initiation of Amendments

- a. An amendment to the zoning district boundaries contained on the official zoning map (rezoning) may be initiated by the Village Council, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. Amendments to the text of this Ordinance may be initiated by the Village Council, the Planning Commission, or by petition of one (1) or more residents or property owners of the Village. Such action shall be pursuant to and in accordance with the provisions of [PA 110 of 2006](#), as amended.

SECTION 12.01 Amendment Procedure

- a. Application and Fee: Each application by one (1) or more owners or their agents for an amendment shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the Village Council shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Zoning Administrator shall transmit the application to the Planning Commission for recommended action.
- b. Recommendation: The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
- c. Public Hearing: Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing in accordance with Section 11.02. All applications shall be referred to the Zoning Administrator and Planning Commission for review at least two weeks prior to public hearing.
- d. Recommendation to Village Council: Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the application and shall report its findings and recommendation to the Village Council. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in Section 12.02, below, in making its finding and recommendation.
- e. Village Council Action: Following receipt of the findings and recommendation of the Planning Commission, the Village Council shall consider the Planning Commission findings of the proposed amendment and, in the case of a rezoning, the criteria listed in Section 12.02 below and shall vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the full membership of the Village Council. The Village Council may refer back any proposed amendments to the Planning Commission for additional consideration and comment. The Planning Commission shall have sixty (60) days from such referral to make further recommendations

to the Village Council. In the event that an application is referred back to the Planning Commission, the Village Council shall make specific mention of their objections to the Planning Commission's findings and recommendations. The Village Council shall make a written record of the rationale for the action taken on each application for amendment to this Ordinance.

- f. **Publication:** Once adopted by the Village Council, amendments to this Ordinance shall be filed with the Zoning Administrator, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect seven (7) business days after publication or at a later date as may be specified by the Village Council at the time of adoption.
- g. **Resubmittal:** No application for an amendment that has been denied by the Village Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Village Council, are found to be valid.
- h. **Amendments:** Amendments or supplements to the Zoning Ordinance shall be made in the same manner as provided for the enactment of the original Ordinance.
- i. **Protest Petition:** Upon presentation of a protest petition against such proposed amendment to this Zoning Ordinance to the Village Council, signed by the owners of at least twenty (20%) percent of the area of land in the proposed change or twenty (20%) percent of owners of land within an area extending outward one hundred (100') feet from the boundary of the land included in the proposed change, such amendment shall not be passed except by a two-thirds (2/3) vote of all members of the Village Council. All publicly owned lands shall be excluded in calculating the twenty (20%) percent land area required.

SECTION 12.02 Criteria for Amending the Zoning Map

- a. In considering any application for an amendment to the official zoning map (rezoning), the Planning Commission shall and the Village Council may consider the following criteria in making its findings, recommendations, and decision:
 - 1. Is the proposed use consistent with the goals, objectives and future land use of the currently adopted Master Plan, including any subarea or corridor studies? If conditions have changed since the Master Plan was adopted, is the proposed use consistent with recent development trends in the area?
 - 2. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - 3. Will there be an adverse physical impact on surrounding properties?
 - 4. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?

5. Are there physical, geological, hydrological, or other environmental features of the site compatible with the potential uses allowed in the proposed zoning district?
6. Is the capacity of infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the residents?
7. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

SECTION 12.03 Conditional Rezoning

- a. Intent: It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with [Section 405 of PA 110 of 2006](#), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- b. Application and Offer of Conditions:
 1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 5. Any use or development proposed as part of an offer of conditions that would require a special use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

- c. **Planning Commission Review:** The Planning Commission, after a public hearing as set forth pursuant to Section 11.02 of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- d. **Village Council Review:** After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested conditional rezoning and may approve, approve the request with additional amendments, or deny the request.
- e. **Approval:**
 1. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Village Council to accomplish the requested rezoning.
 2. The Statement of Conditions shall:
 - i. Be in a form recordable with the County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.
 - ii. Contain the legal description and tax identification number of the land to which it pertains.
 - iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - iv. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - v. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Village with the County Register of Deeds.
 - vi. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
 3. **Zoning Map:** Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Zoning Administrator shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. Register of Deeds: The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the County Register of Deeds. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.
 5. New District Provisions: Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- f. Compliance with Conditions:
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
 2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- g. Time Period for Establishing Development or Use: Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within one (1) year after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Village Council if:
1. It is demonstrated to Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
 2. The Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- h. Reversion of Zoning: If the approved development and/or use of the rezoned land does not occur within the timeframe specified under subsection g above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

- i. Subsequent Rezoning of Land: When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection h above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Village Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.
- j. Amendment of Conditions:
 - 1. During the time period for commencement of an approved development and/or use specified pursuant to subsection g above, or during any extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions.
 - 2. The Statement of Conditions may be amended in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- k. Village Right to Rezone: Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the [Michigan Zoning Enabling Act \(Act 110 of the Public Acts of 2006, as amended\)](#).
- l. Failure to Offer Conditions: The Village shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

SECTION 13.00 Validity

- a. This ordinance and the various parts, articles, sections, subsections, clauses, paragraphs and sentences hereof are hereby declared to be severable.
- b. If any part, clause, sentence, paragraph, subsection, section or article is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SECTION 13.01 Repeal

- a. Any ordinance or parts thereof which are inconsistent with this Ordinance are hereby repealed at such time this Ordinance becomes legally effective.
- b. The repeal of any previous zoning ordinance, as provided, shall not affect, or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

SECTION 13.02 Interpretation

- a. In interpreting the provisions of this Ordinance, they shall be considered the minimum requirements to preserve public safety, health, and general welfare of the community as a whole.

SECTION 13.03 Application

- a. In applying the provisions of this Ordinance, it is not intended to interfere with, invalidate or annul any ordinances, rules, regulations, or permits previously adopted or issued that are not in conflict with the provisions of this Ordinance provided, however, that where the provisions of this Ordinance impose greater restrictions than is required by existing ordinances, rules, control; nor is it intended by this Ordinance to interfere, invalidate or annul any easements, covenants or agreements between parties provided, however, that where this Ordinance imposes a greater restriction upon the use of land or structures that such easements, covenants, or agreements than the provisions of this Ordinance shall control.

SECTION 13.04 Vested Right

- a. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 13.05 Effective Date

- a. The required public hearing was held before the Village of Elkton Planning Commission on the 13th day of September, 2023, for this Zoning Ordinance of the Village of Elkton. The Ordinance was adopted by the Elkton Village Council at a regular meeting held on the 14th day of November, 2023.
- b. Notice of adoption shall be published in a newspaper having general circulation in the Village of Elkton within fifteen (15) days after adoption.
- c. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Elkton Village Council after publication of a notice of adoption of said amendments.
- d. The provisions of the Ordinance are hereby declared to be necessary for the preservation of the public peace, health, safety, and welfare of the people of the Village of Elkton and are hereby ordered to be effective as of the date 6th day of December, 2023.

I hereby certify that the above Ordinance was adopted by the Elkton Village Council at a regular meeting held on 6th day of December, 2023.

Phyllis Baranski, Village Clerk