

## CHAPTER 153: ZONING

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***SHORT TITLE AND PURPOSE***

**§ 153.001 SHORT TITLE.**

This chapter shall be known and may be cited as the Village of Sebewaing Zoning Chapter.

(Ord. passed 11-16-2020)

**§ 153.002 PURPOSE.**

The purpose of this chapter is to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and for public and semipublic or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for those purposes, to divide the village into districts and to establish the boundaries thereof, providing for changes in the regulations, restrictions, and boundaries of the districts; defining certain terms used herein; providing for enforcement; establishing a Zoning Board of Appeals; and for imposing penalties for the violation of this chapter.

(Ord. passed 11-16-2020)

**§ 153.003 INTENT.**

(A) This chapter is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or lot coverage or requires greater lot areas, or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this chapter shall control.

(B) Village of Sebewaing, Huron County, Michigan pursuant to the authority vested in it by P.A.110 of 2006, as amended, the Michigan Zoning Enabling Act, and for the purpose of promoting and protecting the public health, safety, peace, morals,

comfort and convenience of the residential, commercial, industrial and other use areas by securing the most appropriate use of land; preventing overcrowding of land and undue congestion of population; providing adequate light, air, transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a Master Plan, the village enacts the following regulations.

(Ord. passed 11-16-2020)

#### **§ 153.004 PRIOR REGULATIONS AND REQUIREMENTS.**

The adoption of this chapter does not nullify or make void any previous judgments and agreements between the village and a property owner or agent under any zoning ordinance in effect before the adoption of this chapter, nor does it nullify the requirements and standards that were applied in any particular instance under a zoning ordinance in effect before the adoption of this chapter.

(Ord. passed 11-16-2020)

#### **§ 153.005 EFFECTIVE DATE.**

The provisions of this chapter are hereby declared to be necessary for the preservation of the peace, health, safety, and welfare of the Village of Sebawaing residents and shall be effective 30 days after adoption and publication in the manner prescribed by law.

(Ord. passed 11-16-2020)

### **DEFINITIONS**

#### **§ 153.010 GENERAL.**

All words used in the present tense shall include the future; all words in the singular number include the plural number, and all words in the plural number include the singular number; the word building includes the word structure, and dwelling includes residence; the word person includes corporation, co-partnership, and association, as well as individual; the word shall is mandatory and not discretionary. Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. passed 11-16-2020)

#### **§ 153.011 SPECIFIC TERMS.**

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

**ABANDONMENT.** The cessation of a permitted activity in, or a permitted use of, a dwelling structure, or lot, other than that which would typically occur on a seasonal basis, and has fallen into disrepair or is neglected in some way for a period of six months or longer.

**ABOVE GROUND LEVEL (AGL).** A measurement of height from the natural grade of a site to the highest point of a structure.

**ABUTTING.** Having property or district lines in common, e.g., two lots are abutting if they have property lines in common.

**ACCESS.** A way of approaching or entering a property. For purposes of this chapter, all lots of record shall have access to a public street or highway.

**ACCESSORY BUILDING or ACCESSORY STRUCTURE.** Any unattached subordinate building or structure, such as a private garage, which is incidental to that of the main building, located on the same lot as the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use.

**ACCESSORY USE.** Any use customarily incidental and subordinate to the premises' primary use but does not include residential occupation. These may include but are not limited to private garages, permanent storage sheds, playhouses, decks, porches, and carports.

**ACRE.** A measure of land area containing 43,560 square feet.

**ADDITION.** A structure added to the original structure at some time after the completion of the original.

**ADJACENT PROPERTY OWNERS.** Those property owners or residents bordering, abutting a corner, or across the street from the subject property.

**ADJOINING LOT OR LAND.** A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

**ADULT MEDIA.** Magazines, books, slides, CD-ROMs, or devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexually oriented hard-core material.

**ADULT MEDIA STORE.** An establishment that rents and/or sells media and meets any of the following three tests:

- (1) Forty percent (40%) or more of the gross public floor area is devoted to adult media.

(2) Forty percent (40%) or more of the stock in trade consists of adult media.

(3) It advertises or holds itself out in any form as "XXX," "adult," "sex," or otherwise as a sexually oriented business other than adult media store, adult motion picture theater, or adult cabaret.

**ADULT MOTION PICTURE THEATER.** An establishment emphasizing or predominately showing sexually oriented movies.

**AGRICULTURAL BUILDING.** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and is clearly incidental to agricultural activity, excluding the business of retail trade.

**AGRICULTURAL STORAGE, TERMINALS, AND PROCESSING FACILITIES.** A building, facility, area, open or enclosed, or any location for the refinement, treatment, or conversion of agricultural products where physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include but are not limited to fruit dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form, including all uses customarily incidental thereto.

**AGRICULTURE AND FORESTRY ACTIVITIES.** The employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals, or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticultural use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines, including, but not limited to, providing riding lessons, training clinics, and schooling shows. The growing or harvesting of forest tree species trees used for commercial or related purposes.

**AISLE.** The traveled way by which cars enter and depart parking places.

**ALLEY.** Any dedicated public way with a street base affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

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

**AMENITY.** A natural or artificial feature that enhances or makes a particular property more attractive or satisfying.

**ANIMAL (SMALL).** Any animal, including rabbits and chickens, weighing 20 pounds or less, except pet animals, unusual animals, or other fowl.

**ANIMAL (LARGE).** Cattle, horses, mules, sheep, goats, beasts of burden, or any other domesticated or wild animal weighing more than 20 pounds except pet animals, unusual animals, or fowl.

**ANIMAL UNIT.** See the Michigan Generally Accepted Agricultural Management Practices, Michigan Right to Farm Act.

**ANIMAL (WILD OR EXOTIC).** Animals that are wild by nature and not customarily domesticated. This definition does not include birds, small rodents, or small, nonpoisonous reptiles commonly used for educational or experimental purposes, or as pets.

**ANIMAL FEEDLOTS.** See the Michigan Generally Accepted Agricultural Management Practices, Michigan Right to Farm Act.

**ANIMAL HOSPITAL.** See **KENNEL**.

**ANTENNA.** The surface from which wireless radio signals are sent and received by a personal wireless facility.

**APPEAL.** The process, as prescribed in this chapter, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

**APPLICANT.** A person or entity submitting an application for review and action by the village or any of its departments or commissions.

**APPROVED PLAN.** A plan that has been granted final approval by the appropriate approving authority.

**APPROVING AUTHORITY.** The agency, board, group, or other legally designated individual or authority that has been charged with review and approval of plans and applications.

**AREA.** See **LOT AREA**.

**ASSEMBLY BUILDING.** A building for the primary purpose of group gatherings of 50 people or more for any purpose.

**ATTACHED.** Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to it.

**ATTIC.** That part of a building that is immediately above the ceiling beams of the top story and wholly or partly within the roof framing.

**AUTOMOBILE REPAIR.** General repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; overall painting, but not including undercoating of automobiles

unless provided in a completely enclosed spray booth or building.

**AUTOMOBILE SERVICE STATION.** A place where gasoline or any other automobile engine fuel (stored only in underground tanks) kerosene or motor oil and lubricants or grease (for the operation of motor vehicles) are retailed directly to the public on the premises, including the sale of minor accessories and services for motor vehicles (including minor repairs).

**BAR.** A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

**BASEMENT.** The portion of a building which is partly or wholly below grade, but so located that the vertical distance from grade to the floor is greater than the vertical distance from the grade to ceiling. A **BASEMENT** will not be counted as a story. See Huron County adopted building code.

**BEDROOM.** Means a separate room or space with a door, a closet, and a window, used or intended to be used specifically for sleeping purposes.

**BERM.** An earthen mound of definite height and location designed to serve as an obscuring device in carrying out the requirements of this chapter.

**BOARD OF APPEALS.** See **ZONING BOARD OF APPEALS.**

**BODY PIERCING PARLOR.** See **TATTOO/BODY PIERCING PARLOR.**

**BODY SHOP.** See **VEHICLE REPAIR.**

**BUFFER.** Open space, landscaped areas, fences, walls, berms, or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. A greenbelt is considered a buffer.

**BUILDABLE AREA.** The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

**BUILDING.** A structure erected on-site, a manufactured home, a mobile home or mobile structure, or a premanufactured or pre-cut structure that is above or below ground and is designed primarily for the use or intended use of shelter, support, or enclosure of persons, animals, or property of any kind. Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

**BUILDING COVERAGE.** The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

**BUILDING DEPARTMENT.** Building department shall mean the Huron County Planning, Building and Zoning Department or their contractors who perform enforcement of building codes unless the specific use or the context indicates a different reference.

**BUILDING HEIGHT.** The vertical distance measured from the established 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.

**BUILDING LINE.** A line formed by the face of the building and for purposes of this chapter, a **BUILDING LINE** is the same as a front setback line.

## BUILDING LINE

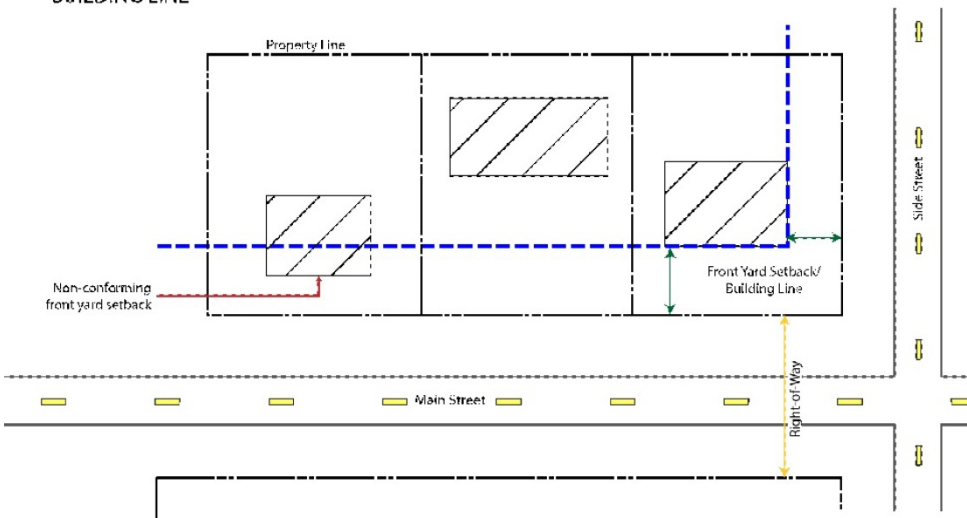


Figure 1 - Building Line

Figure 1 - Building Line

**BUILDING OFFICIAL.** Village staff appointed by the Village President and licensed pursuant to the State of Michigan's regulation to enforce and administer the Huron County's adopted building code.

**BUILDING PERMIT.** A permit signifying compliance with the provisions of this chapter as to use, activity, bulk, density, and with the requirements of all other development codes and ordinances currently in effect in the Village of Sebewaing.

**BUILDING SUPPLY, WAREHOUSES, WHOLESALE.** A building primarily used for the storage of goods and materials.

**BUSINESS CENTER.** A business center is more than one business on the same parcel.

**BUSINESS SERVICES.** Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

**CANOPY.** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**CARPORT.** A roofed accessory structure used primarily to shelter private motor vehicles. A carport is attached to the principal or accessory structure and is completely open on not less than two sides.

**CAR WASH.** A structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

**CARRIER.** A company that provides wireless service.

**CARRY-OUT RESTAURANT.** See **DRIVE-IN RESTAURANT/FAST FOOD.**

**CELLULAR TOWER.** See **WIRELESS COMMUNICATION FACILITY.**

**CEMETERY.** Any publicly or privately owned place for the interment of human remains.

**CERTIFICATE OF OCCUPANCY.** A document issued by the Building Official and Zoning Administrator allowing the occupancy or use of a building and certifying the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

**CHILD CARE ORGANIZATION.** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

(1) **CHILD CARE CENTER or DAY CARE CENTER.** A facility, other than a private residence, receiving more than six preschool or school-age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, daycare center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. **CHILD CARE CENTER or DAY CARE CENTER** does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are

attending religious services.

(2) **FOSTER FAMILY HOME.** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

(3) **FOSTER FAMILY GROUP HOME.** A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

(4) **FAMILY DAY CARE HOME.** A private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

(5) **GROUP DAY CARE HOME.** A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

**CHURCHES/SYNAGOGUES/MOSQUES.** See **INSTITUTION, RELIGIOUS.**

**CIRCULATION PATTERN.** Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or shipment points.

**CLEAR VISION.** An area 30 feet along each street at its intersection with another street, drive, or alley where no visual obstruction of sight may exist above thirty-six (36") inches from established street grades.

#### CLEAR VISION AREA

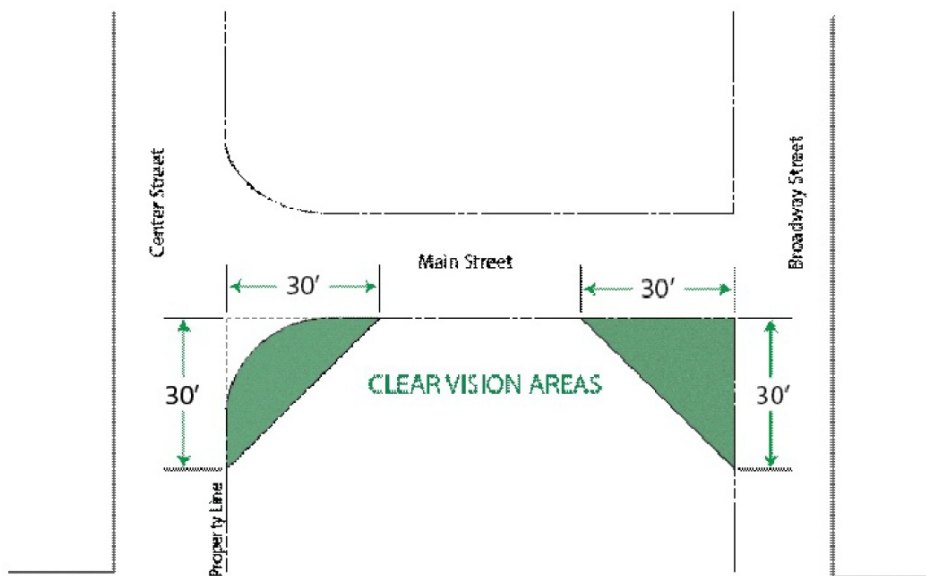


Figure 2 - Clear Vision Area

**CLUBHOUSE.** A building to house a club or social organization not conducted for private profit, as documented by state or federal records, and is not an adjunct to or operated by or in connection with a public tavern, café, or other public place.

**CLUB/LODGE.** See **INSTITUTION, SOCIAL.**

**CLUSTER.** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

**CO-LOCATION.** The use of a single mount on the ground by more than one telecommunications carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

**COMMERCIAL.** A term relating to the use of property in connection with the purchase, sale, or trading of goods for



personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than 14 days during any 12 month period. (See also **MALL**).

**COMMERCIAL RECREATION.** Establishments with the primary purpose of providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors, and swimming pools.

**COMMERCIAL SCHOOL.** A school or facility offering training to perform any of the uses by right in the district in which a commercial school is permitted either by right or by special use permit. A commercial school is a distinct use, not to be confused with an **INSTITUTION, EDUCATIONAL**.

**COMMISSION.** The Planning Commission of the Village of Sebawaing.

**COMMON OPEN SPACE.** Common open space shall mean land within a planned unit development, under the common ownership of all occupants in the planned unit development, to be used for park, recreation, or environmental amenity. These lands shall not include public or private streets, driveways, or parking areas. Within these lands, only facilities and structures for recreational purposes may be constructed, with the total impervious area of roofs and paving constituting not more than 10% of the total open space.

**CONDOMINIUM.** See **PLANNED UNIT DEVELOPMENT**.

**CONTIGUOUS.** Next to, abutting, or touching and having a common boundary or portion thereof, that is co-terminus.

**CONTRACTOR.** General contractors and builders engaged in the construction of buildings, either residences or commercial structures, as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

**CONTRACTOR, LANDSCAPE.** Landscaping includes businesses principally engaged in lawn mowing and yard maintenance. It also includes decorative and functional alteration, planting, and maintenance of such grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage/irrigation facilities) are accessible and on the same parcel as the principal use. Landscape contractor also includes businesses that apply fertilizers, pesticides, and other treatments for plants, trees, and grass. This definition also includes tree services and commercial plant maintenance services.

**CONTRACTOR'S STORAGE YARD.** An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by a construction contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a **CONTRACTOR'S STORAGE YARD** and will be required to conform to all applicable zoning district standards and other legislative regulations.

**CONVALESCENT OR NURSING HOME.** See **INSTITUTION, HUMAN CARE**.

**CORNER LOT.** See **LOT**.

**COTTAGE INDUSTRY.** An establishment primarily engaged in the on-site production of goods by hand manufacturing, which involves only the use of hand tools or which have a limited impact on adjoining development by virtue of either low development densities or more stringent review and standards. Examples of cottage industries include: mail-order businesses, custom manufacturing, or light automotive and equipment repair.

**COUNTY.** County shall mean Huron County unless the specific use or the context indicates a different reference.

**COURT.** An open space on the same lot with a building or group of buildings and which is bounded on two or more sides by those building or buildings. A **COURT** shall be unoccupied.

**COVERAGE.** See **LOT COVERAGE**.

**CROSS-POLARIZED.** A low mount dual-polarized antenna that has three panels flush mounted or attached very close to the shaft.

**CUL DE SAC.** See **STREET, CUL DE SAC**.

**DANGEROUS BUILDING.** See Michigan Compiled Laws, M.C.L. § 125.539.

**DAYCARE FACILITY.** See **CHILD CARE CENTER**.

**DAY NURSERIES.** See **CHILD CARE CENTER**.

**DECK.** A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

**DENSITY.** The intensity of development in any given area, measured in this chapter by the number of dwelling units per acre.

(1) **HIGH RESIDENTIAL.** Fifteen (15) or more dwelling units per acre.

(2) **LOW RESIDENTIAL.** Fewer than five dwelling units per acre.

(3) **MEDIUM RESIDENTIAL.** Five to 15 dwelling units per acre.

**DEVELOPMENT.** The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**DISH SATELLITE SIGNAL-RECEIVING ANTENNAE.** Also referred to as **EARTH STATIONS** or **GROUND STATIONS** shall mean one, or a combination of two or more of the following:

(1) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in Earth orbit and other extra-terrestrial sources.

(2) A low-noise amplifier (LNA) that is situated at the focal point of the receiving component, and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

(3) A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.

**DISTRIBUTION CENTER.** A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**DISTRICT.** See **ZONE.**

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

**DRIVE-IN RESTAURANT/FAST FOOD.** A restaurant developed so its retail, or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

(1) Food, frozen desserts, or beverages usually served in edible containers or paper, plastic, or other disposable containers;

(2) More than 45% percent of the available floor space devoted to food preparation, related activities, and other floor space not available to the public.

**DUMPSTER.** A container capable of holding a volume of material greater than two cubic yards and used for the purpose of collecting garbage, solid or liquid waste, or refuse of any type.

**DWELLING.** Any building or portion thereof used exclusively for residential purposes with one or more habitable rooms occupied or intended for occupancy with facilities for living, sleeping, cooking, and/or eating. A dwelling is classified as one of the following:

(1) **SINGLE FAMILY DWELLING.** A building containing not more than one dwelling unit designed for residential use.

(2) **TWO-FAMILY DWELLING (DUPLEX).** A building containing no more than two separate dwelling units designed for residential use, including townhouses/rowhouses, stacked flats, and other designs.

(3) **MULTIPLE-FAMILY DWELLING.** A building containing three or more dwelling units designed for residential use, including townhouses/rowhouses, stacked flats, and other designs.

(4) **GROUP DWELLINGS (CONGREGATE LIVING).** A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

**DWELLING UNIT.** A building or portion thereof, providing complete housekeeping facilities for one family.

**EASEMENT.** Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property.

**EAVE.** The projecting lower edges of a roof overhanging the wall of a building.

**EGRESS (EXIT).** An exit from a building or site.

**ELDERLY HOUSING.** See **SENIOR HOUSING.**

**ELEVATION, TOPOGRAPHIC.** The measurement of height above sea level.

**ELEVATION, VIEW.** An architectural or engineered rendering of each side of a building for purposes of site plan review.

**EMISSION.** A discharge into the air or water.

**ENVIRONMENTALLY SENSITIVE AREA.** An area with one or more of the following characteristics:

- (1) Slopes in excess of 20%.
- (2) Floodplain.
- (3) Soils classified as having a high-water table.
- (4) Soils classified as highly erodible, subject to erosion, or highly acidic.
- (5) Land incapable of meeting percolation requirements.
- (6) Land formerly used for landfill operations or hazardous industrial uses.
- (7) Fault areas.
- (8) Stream corridors.
- (9) Estuaries.
- (10) Aquifer recharge and discharge areas.

**EQUIPMENT RENTAL/SALES.** A business that provides construction, household, and other similar equipment for rent to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the business's inventory may be advertised for sale.

**EQUIPMENT SHELTER.** An enclosed structure, cabinet, shed, or box at the base of the mount within, which are housed batteries and electrical equipment.

**ERECTED.** Includes built, constructed, altered, reconstructed, moved upon, or any physical alteration to a piece of land, including excavation, moving, and filling of earth.

**EROSION.** The process by which the ground surface is worn away by the action of wind, water, gravity, or a combination thereof.

**ESSENTIAL SERVICES.** The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by public utilities or municipal departments or commissions or for public health or safety or general welfare, but not including buildings other than those buildings as are primarily enclosures or shelters of the above **ESSENTIAL SERVICE** equipment.

**ESTABLISHMENT.** An economic unit, generally at a single physical location, where business is conducted, or services or industrial operations are performed.

**EXCAVATION.** The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest, this does not include alterations for farming or gardening purposes.

**EXOTIC ANIMAL.** See **ANIMAL, WILD OR EXOTIC.**

**FALL ZONE.** The area on the ground within a prescribed radius from the base of a personal wireless facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

**FAMILY.** A person living alone, or two or more persons related by blood, marriage, or adoption, customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house.

**FAMILY DAY CARE HOME.** See **CHILD CARE ORGANIZATION.**

**FARM.** A parcel of land used for the primary purpose of agriculture, horticulture, floriculture or viticulture, including facilities for the sale of produce, wine, and dairy products. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. See detail of this definition in Michigan Right to Farm Act.

**FARM EQUIPMENT SALES AND SERVICE.** A business that provides farm and similar equipment for rent or sale to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.

**FARMING FOR CASH CROPS, LIVESTOCK.** The use of land for tilling of the soil, raising of tree or field crops, or animal husbandry, as a source of significant income. See Generally Accepted Agricultural Management Practices (GAAMPs) [www.mda.state.mi.us/right2farm/farm.htm](http://www.mda.state.mi.us/right2farm/farm.htm).

**FAST FOOD RESTAURANT.** See **DRIVE-IN RESTAURANT/FAST FOOD.**

**FENCE.** A fence is an enclosing barrier, which is constructed or planted, in whole or in part, for purposes of denoting a boundary line between parties or to visually create a barrier between adjacent parcels. A fence is a privacy fence, if it shall be so constructed or planted such that more than 50% of the surface area, measured perpendicular to the sides, consists of material which is solid or opaque.

**FIRE STATION.** Public building devoted to the storage and housing of fire equipment and personnel.

**FIREWORKS.** Fireworks means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks include Class B fireworks and Class C fireworks.

(1) **CLASS B FIREWORKS.** These are toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as Class C fireworks, exhibition display pieces, airplane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges but without bursting charges, flash powders in inner units not exceeding two ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not more than 72 grains of flash powder each and other similar devices.

(2) **CLASS C FIREWORKS.** These are toy smoke devices, toy caps containing not more than 25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, signal cartridges, sparklers, explosive auto alarms, and other similar devices.

Should the definitions of these items change per the Michigan Penal Code, 1931 PA 328, as amended, the Village of Sebawaing Zoning Ordinance definitions will change with the State law and must be interpreted as those contained in the State law.

**FLEA MARKET.** See **OUTDOOR USE, TEMPORARY.**

**FLOODPLAIN.** The relatively flat area or lowlands adjoining the channel of a watercourse or a body of standing water that has been or may be covered by floodwater. Determination of a floodplain is made by the Federal Emergency Management Agency (FEMA) for those areas to be covered by flood insurance and consists of:

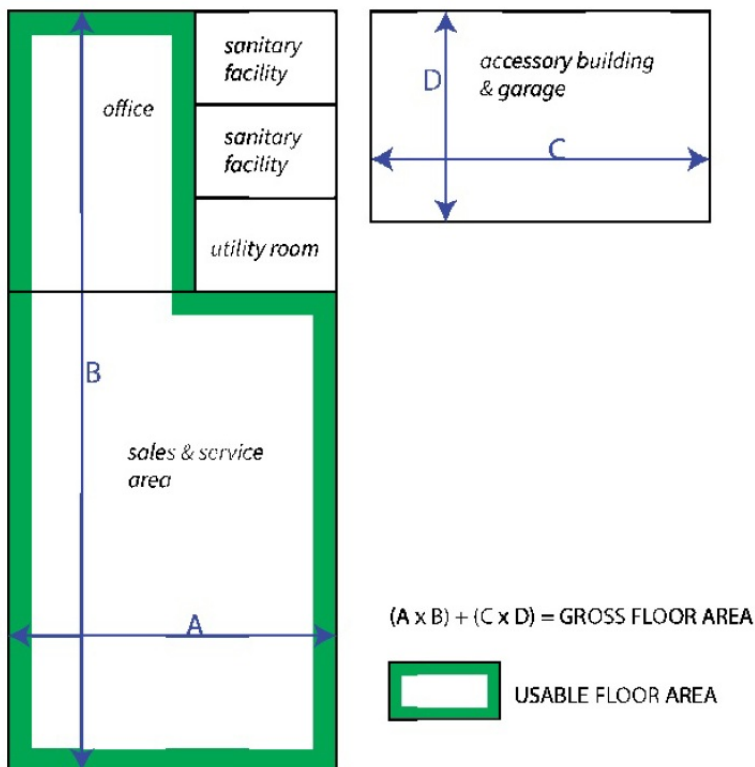
(1) Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years.

(2) Principal estuary courses of wetland areas that are part of the river flow system.

(3) Contiguous area paralleling a river stream or other body of water that exhibits unstable soil conditions for development.

**FLOOR AREA.** The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.

## FLOOR AREA TERMINOLOGY



**FLOOR AREA, USEABLE.** That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area that is used for or intended to be used primarily for the storage or processing of

merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.

**FOSTER FAMILY GROUP HOME.** See **CHILD CARE ORGANIZATION.**

**FOSTER FAMILY HOME.** See **CHILD CARE ORGANIZATION.**

**FRATERNAL ORGANIZATION.** See **INSTITUTION, SOCIAL.**

**FRONT LOT LINE.** In the case of an interior lot, the line separating the lot from the street. In the case of a corner lot or double frontage lot, the line separating the lot from that street which is designated as the front street in the plat and the request for zoning compliance permit.

**FUNCTIONAL EQUIVALENT SERVICES.** Cellular, personal communication services (PCS), enhanced specialized mobile radio, specialized mobile radio and paging.

**FUNERAL HOME/MORTUARY.** A building used for the storage and preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

**GARAGES.** Includes the following:

(1) **ATTACHED.** An attached outbuilding customarily used for the storage of vehicles and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

(2) **PRIVATE GARAGE.** A detached accessory building or portion of a main building used for the storage of vehicles without provision for repair or servicing such vehicles for profit.

(3) **SERVICE GARAGE.** Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

**GARAGE SALE.** See **YARD SALE.**

**GARBAGE.** Animal, vegetable and mineral waste resulting from the handling, storage, sale, preparation, cooking and serving food.

**GAS STATION/SERVICE STATION.** A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include automobile or truck mechanical repair. Convenience food sales and/or fast food restaurants may also be provided on the premises.

**GLARE.** The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GOLF COURSE.** A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

(1) **PITCH AND PUTT COURSE.** A facility providing a private or public golf recreation area designed for executive play rules along with accessory golf support facilities but excluding miniature golf.

(2) **9-HOLE COURSE.** A facility of nine regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.

(3) **18-HOLE COURSE.** A facility of 18 regulation holes providing a private or public golf recreation area designed for regulation play rules along with accessory golf support facilities but excluding miniature golf.

**GRADE.** For purposes of this chapter, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

**GRADING.** Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

**GRADING PERMIT.** The written authority issued by the Village of Sebawaing permitting the grading, excavating or filling of land including drainage and soil erosion control in conformity with the Soil Erosion and Sediment Control Chapter of this chapter and Public Act 451 of 1994.

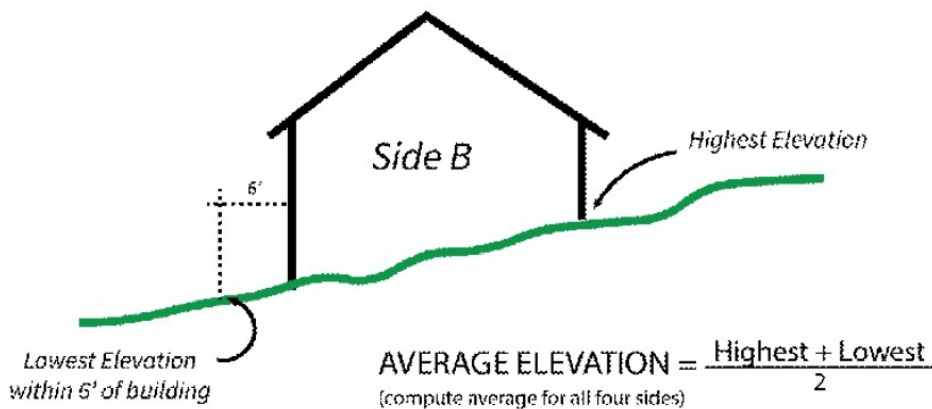
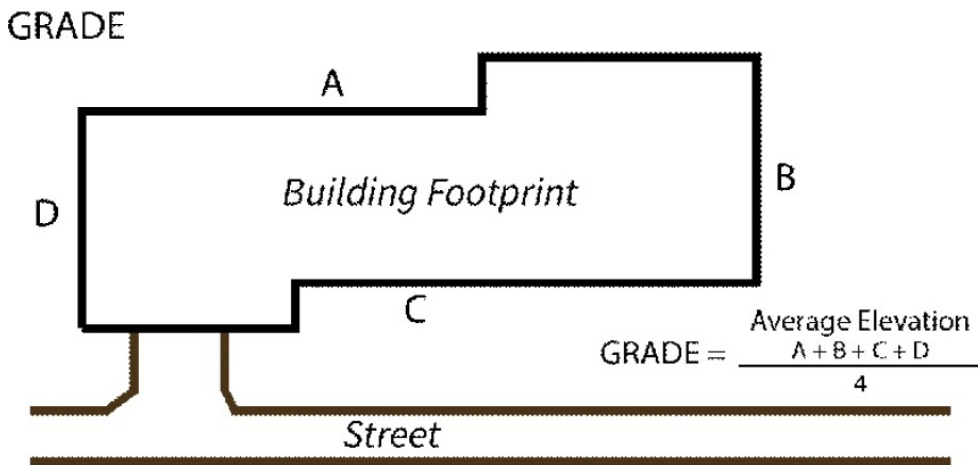


Figure 4 - Grade

Figure 4 - Grade

**GRAIN AND SEED ELEVATORS.** A structure designed and constructed to house hay, grain, or other horticultural products and is clearly incidental to agricultural activity, excluding the business of retail trade.

**GREEN AREA.** Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

**GREENBELT.** See **BUFFER.**

**GREENHOUSE.** A temporary or permanent building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

**GROUND COVER.** Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other overgrown, unkempt vegetation.

**GROUNDWATER RUNOFF.** Stormwater is discharged into a stream channel as spring or seepage water.

**GROUP DAY CARE HOME.** See **CHILDCARE ORGANIZATION.**

**GUYED TOWER.** A monopole or lattice tower that is tied to the ground or other surface by cables.

**HARDCORE MATERIAL.** Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

**HAZARDOUS MATERIALS.** Any materials being declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

**HEALTH CARE (SERVICES) FACILITIES.** See **INSTITUTION, HUMAN CARE.**

**HEAVY VEHICLE, EQUIPMENT REPAIR, AND SALES.** See **FARM EQUIPMENT SALES AND SERVICE.**

**HEIGHT OF BUILDING.** The vertical distance, measured from the adjoining curb level, to the highest point of the roof of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof. However, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

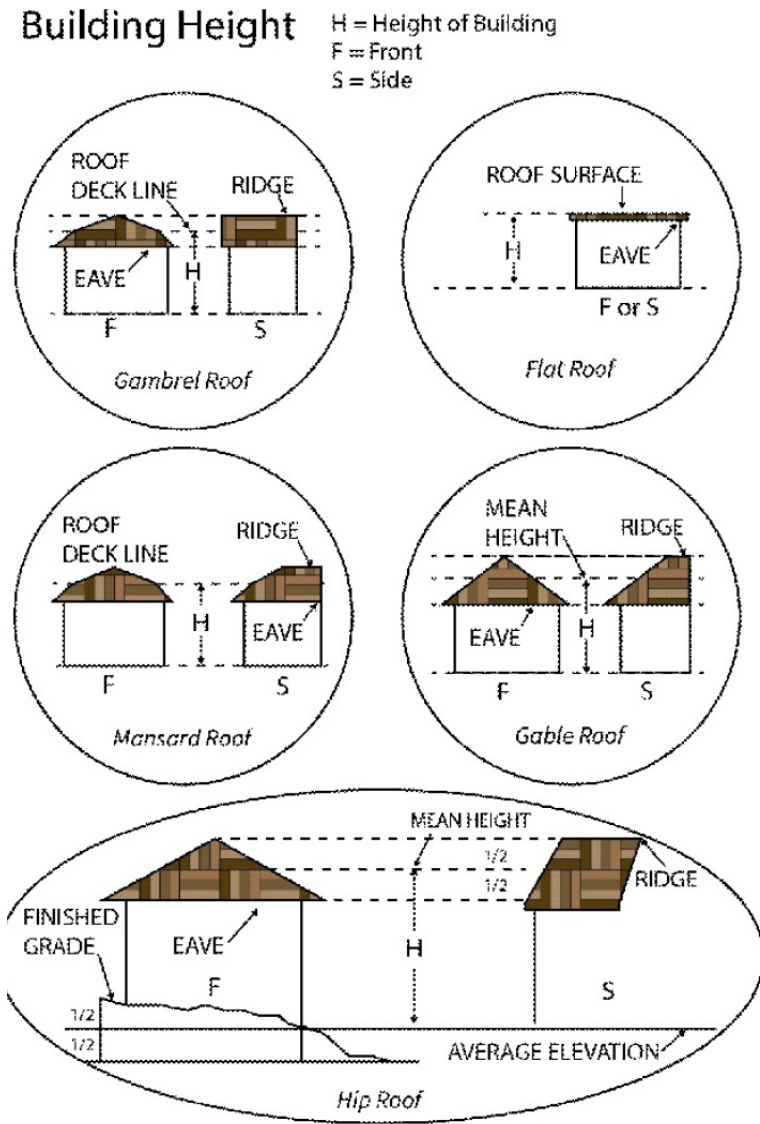


Figure 5 - Building Height

**HIGH-INTENSITY FOOD PROCESSING.** The preparation, processing or canning and packaging of food products.

**HIGHWAY.** A public thoroughfare or street, excluding alleys, but including federal, state and county roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

**HISTORIC STRUCTURE.** Historic structures are buildings and monuments, dams, millraces and canals, nautical vessels, bridges, tunnels and roads, railroad locomotives, rolling stock and track, stockades and fences, defensive works, temple mounds and kivas, ruins of all structural types, and outdoor sculpture. These structures must be at least 100 years in age.

**HOMEOWNERS ASSOCIATION.** An association of all owners of a project organized for the purpose of administering, managing, and maintaining the common property and facilities. This Association shall be described in all covenants, deeds, or other recorded legal documents which affect the title to any land within the development.

**HOME OCCUPATIONS.** Examples of home occupations include short-term rentals, personal services, professional services and small item repair, among others but may include any business carried on by one or more members of a family residing on the premises, provided that:

- (1) The majority of activities are carried on indoors.
- (2) It does not have a separate entrance from outside the building.
- (3) It does not display or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one unanimated, unilluminated wall sign having an area of not more than two square feet.
- (4) It does not employ any persons other than family members residing on the premises.

(5) The hours of operation shall be limited to 8:00 a.m. - 8:00 p.m.

**HORTICULTURE.** The cultivation of a garden or orchard. Horticulture specifically excludes operation of a landscaping business.

**HOSPITAL,** See **INSTITUTION, HUMAN CARE.**

**HOTEL.** See **MOTEL.**

**IMPERVIOUS SURFACE.** Any material that reduces and prevents the absorption of stormwater into previously undeveloped land.

**INCINERATOR.** A device used to burn waste substances and in which all the combustion factors, temperature, retention, time, turbulence and combustion air can be controlled.

**INDUSTRIAL PARK.** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

**INFRASTRUCTURE.** Facilities and services needed to sustain industrial, residential and business activities.

**INGRESS.** Access or entry.

**INSTITUTION, CULTURAL.** See **MUSEUM, LIBRARY, EDUCATIONAL INSTITUTIONS.**

**INSTITUTION, EDUCATIONAL.** A school for kindergarten through twelfth grade or any colleges or universities authorized by the state to award degrees.

**INSTITUTION, HUMAN CARE.** A public or private facility for physical, as opposed to mental, care. A human care institution may include hospitals, convalescent, assisted care facilities and nursing homes. It does not include state licensed residential facilities for six or fewer people in one facility or home, or substance abuse rehabilitation facilities.

**INSTITUTION, REHABILITATION.** A public or private facility for mental or substance abuse rehabilitation. A rehabilitation institution may include inpatient or outpatient hospitals, halfway houses, and similar facilities.

**INSTITUTION, RELIGIOUS.** A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

**INSTITUTION, SOCIAL.** Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, hospitals, convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, retreats, parks and playgrounds.

**INTENSIVE LIVESTOCK OPERATIONS.** See the Michigan Generally Accepted Agricultural Management Practices (GAAMPs).

**INTERSECTION.** The point where two or more roads cross at grade.

**JUNK MOTOR VEHICLE/BOAT.** An automobile, truck, or other motor vehicle or boat which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or county laws or ordinances.

**JUNK/SALVAGE YARD.** A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. A junk or salvage yard shall not include uses conducted entirely within a completely enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment; and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

**KENNEL or ANIMAL HOSPITAL.** Any building or land used for the sale, keeping, boarding, treatment, or breeding of more than four dogs or three cats or other household pets as a business.

**LABORATORY:**

(1) *Medical or dental.* A laboratory that provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.

(2) *Experimental.* A building or part of a building devoted to the testing and analysis of any product or animal.

**LAND.** Ground, soil, or earth, including structures on, above, or below the surface.

**LAND USE.** A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

**LAND USE PLAN.** A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.



**LARGE SCALE PRIMARY METAL INDUSTRIES.** See **MANUFACTURING**.

**LATTICE TOWER.** A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

**LEGISLATIVE BODY.** The Village of Sebewaing Council.

**LIBRARY.** Institutions for the storage and circulation of books, compact discs, videotapes and other materials for use by the general public.

**LICENSED CARRIER.** A company authorized by the FCC to construct and operate a commercial mobile radio services system.

**LIVESTOCK AUCTION AND PRODUCTION YARDS.** See the Michigan Generally Accepted Agricultural Management Practices, Michigan Right to Farm Act.

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

**LOT.** A lot is the parcel of land upon which the principal building, including any accessories are placed together with the required yards of open space, the legal description of which is on file at the Register of Deeds. A lot is not limited to a recorded subdivision plat.

**LOT AREA.** The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

## Lot Type

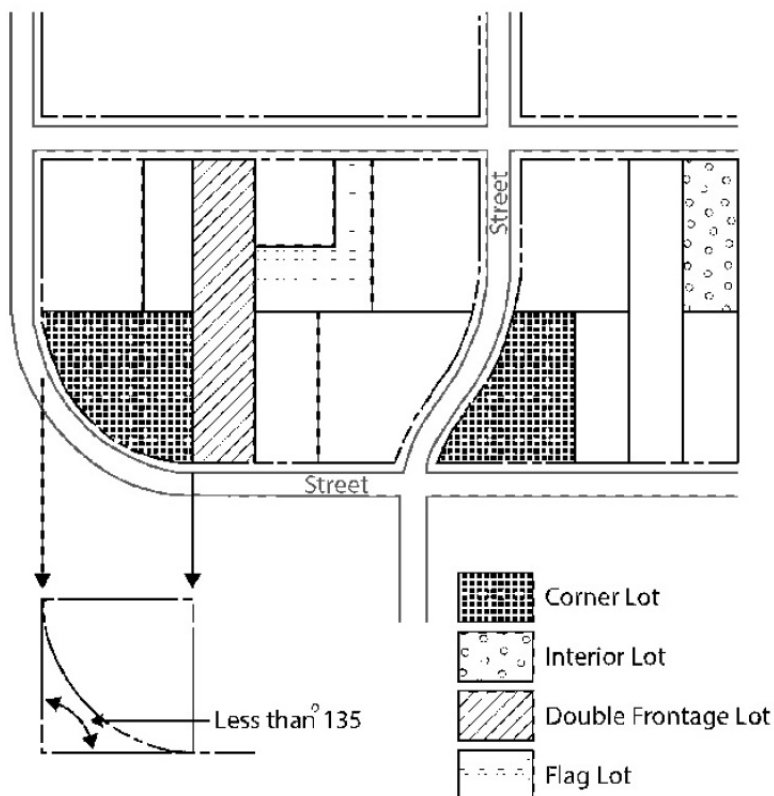


Figure 6 - Lot Type

**LOT, CORNER.** Any lot having at least two contiguous sides abutting upon a street, provided the interior angle of the intersection of the two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lines with the street line, intersect at an interior angle of less than 135 degrees. The outside yard shall be the side yard adjacent to the street.

**LOT COVERAGE.** The part or percent of the lot occupied by buildings, including accessory buildings.

# Lot Information

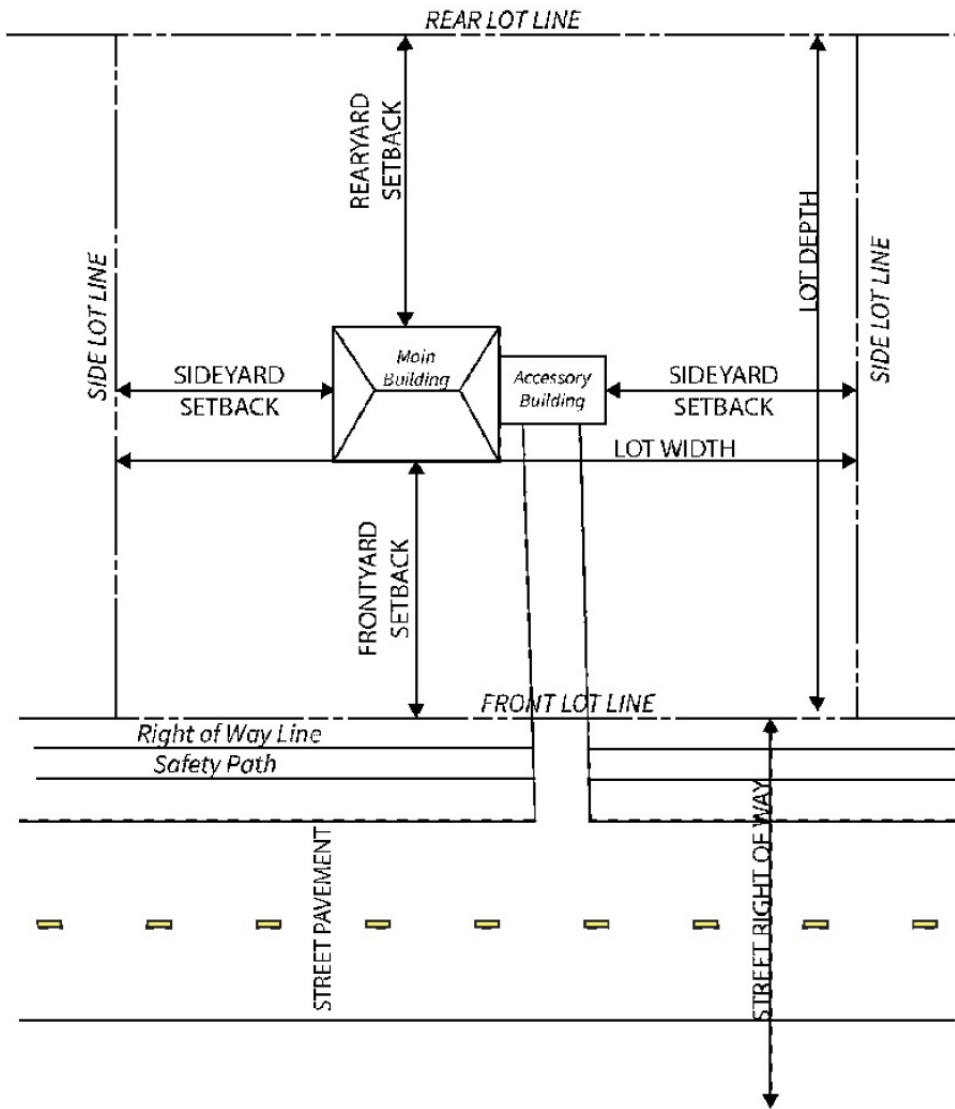


Figure 7 - Lot Information

**LOT DEPTH.** The mean horizontal distance from the front street line to the rear lot line.

**LOT, FLAG.** A lot not fronting entirely on or abutting a public road and where access to the road is a narrow, private right-of-way.

**LOT, INTERIOR.** Any lot other than a corner lot. See graphic for corner lot.

**LOT LINES.** Any line bounding a lot, including the following:

- (1) **FRONT LOT LINE.** The line separating the lot from the right-of-way of the street; in the case of a corner line, the address of record is the front lot line.
- (2) **REAR LOT LINE.** The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.
- (3) **SIDE LOT LINE.** Any line other than front or rear lot lines.

**LOT, THROUGH.** Is any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. See graphic for corner lot.

**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 or in common use by village officials, and which actually exists as so shown, or any part of such parcel held in separate recorded ownership at the time of adoption of this chapter.

**LOT WIDTH.** The lot width shall be considered the average of the width between side lot lines.

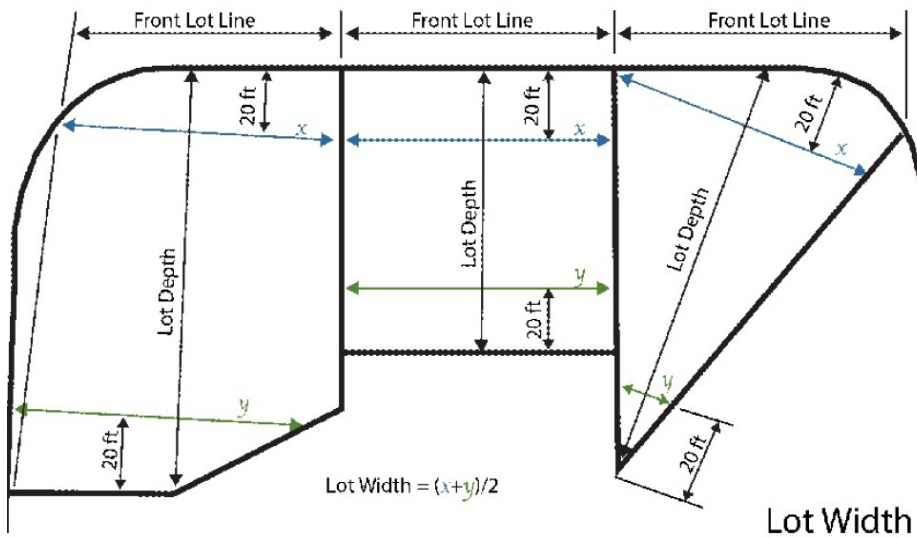


Figure 8 - Lot Width

Figure 8 - Lot Width

**LOT, ZONING.** A single tract of land that, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

**LOUNGE.** See **BAR**.

**LUMBERYARD.** A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.

**MALL.** A shopping center where stores front on both sides of a pedestrian way that may be enclosed or open.

**MANUFACTURED HOME.** A dwelling unit, designed and built in a factory.

**MANUFACTURED HOME DEVELOPMENT.** A parcel of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose, regardless whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**MANUFACTURING.** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

**MARQUEE.** Any hood, canopy, awning, or permanent structure that projects from a wall of a building, usually above an entrance.

**MASTER PLAN.** A comprehensive long-range plan intended to guide the growth and development of a community. The plan includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

**MINISTORAGE/SELF STORAGE.** A structure containing separate storage areas of varying sizes that are leased or rented on an individual basis.

**MIXED USE ZONING.** Regulations that permit a combination of different uses within a single development, under special regulations.

**MOBILE HOME.** A structure, transportable in one or more sections, that is built on a chassis and designed for use as a dwelling with or without a permanent foundation, constructed according to the standards promulgated by the U. S. Department of Housing and Urban Development, and which includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle. (Mobile Home Commission Act.)

**MOBILE HOME PARK.** A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. (Mobile Home Commission Act.)

**MOBILE HOME SITE/MANUFACTURED HOME SITE.** A measured parcel of land within a manufactured home

development that is delineated by lot lines on a final development plan and is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

**MOBILE HOME SUBDIVISION.** A manufactured home development except the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

**MONOPOLE.** The type of mount that is self-supporting with a single shaft of wood, steel, or concrete, without guy wires, and a platform (or racks) for panel antennae arrayed at the top.

**MORTUARY.** See **FUNERAL HOME.**

**MOTEL.** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term **MOTEL** shall include buildings designed as auto courts, tourist courts, motor hotels, hotels and similar names that are designed as integrated units of individual rooms under common ownership. For the purposes of this chapter, **MOTEL** and **HOTEL** have the same meaning.

**MOUNT.** The structure of surface upon which antennae are mounted, including the following four types of mounts:

- (1) *Roof-mounted.* Mounted on the roof of a building.
- (2) *Side-mounted.* Mounted on the side of a building.
- (3) *Ground-mounted.* Mounted on the ground.
- (4) *Structure-mounted.* Mounted on a structure other than a building.

**MUNICIPAL BUILDING.** A structure housing any operation of the village.

**MUNICIPALITY.** The Village of Sebewaing.

**MUSEUM.** A building having public significance by reason of its architecture or former use or occupancy or building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

**NATURAL RETENTION AREA.** A naturally occurring pond or wetland that retains storm water runoff.

**NONCONFORMING BUILDING, LEGAL.** Any building or portion thereof lawfully existing at the time this chapter became effective and does not comply with this chapter's regulations.

**NONCONFORMING LOT, LEGAL.** A lot, the area, dimensions or location of which was lawful prior to the adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the zoning district.

**NONCONFORMING SIGN, LEGAL.** Any sign lawfully existing as of the effective date of a chapter, or amendment thereto, that renders the sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended chapter.

**NONCONFORMING USE, LEGAL.** Any property use that was lawful at the time the zoning chapter became effective and which now does not comply with its regulations. A legal nonconforming use is a use that is in compliance with the requirements of this chapter.

**NONPROFIT ORGANIZATION.** An organization with federal tax status as a non-profit.

**NORTH POINT or NORTH ARROW.** The designation on a map illustrating the direction of north.

**NOXIOUS.** Offensive or disturbing.

**NUISANCE.** An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity that invades the property line of another so as to cause harm or discomfort to the owner or resident of that property.

**NURSERY, PLANT MATERIALS.** Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping, but not including fruit and vegetable sales.

**OCCUPANCY PERMIT.** A required permit allowing occupancy of a building or structure after it has been determined the building meets all of the requirements of applicable chapters.

**OCCUPANCY PERMIT, TEMPORARY.** A certificate of occupancy is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

**OCCUPIED.** Includes arranged, designed, built, altered, converted to, rented or leased or intended to be occupied.

**OFFICE.** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

**OFFICE BUILDING.** A building used primarily for conducting the affairs of a business, profession, service, industry,

government, or like activity; it may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

**OMNIDIRECTIONAL (WHIP) ANTENNA.** A thin rod that beams and receives signals in all directions.

**OPEN SPACE.** Is that part of a zoning lot, including courts or yards, which:

- (1) Is open and unobstructed from its lowest level to the sky;
- (2) Is accessible to all residents upon the zoning lot;
- (3) Is not part of the roof of that portion of a building containing dwelling units;
- (4) Is comprised of lawn and landscaped area; and
- (5) Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than 23 feet above grade; and is directly accessible by passageway from the residential building.

**ORCHARD:** The establishment, care, and harvesting of more than 25 fruit-bearing trees or vines, such as apples, cherries, or grapes for the purpose of selling the fruit to others.

**OUTDOOR AMUSEMENT FACILITY.** A commercial business that provides amusement facilities, such as miniature golf, carnival rides, petting zoo, and other similar attractions and open to the general public.

**OUTDOOR ASSEMBLY.** These uses include outdoor amphitheaters, racetracks, drive-in theaters and similar uses. These uses may also include special purpose assembly such as music festivals, fairs and similar activity where there are 250 or more people in attendance at any one time.

**OUTDOOR SALES.** Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

- (1) Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
- (2) Outdoor display and sale of garages, swimming pools, and similar uses.
- (3) Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (4) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

**OUTDOOR USE.** A use, the majority of which is carried outside of a structure of any kind. These may include outdoor displays of merchandise, outdoor eating areas, outdoor storage and outdoor recreation under certain circumstances.

**OUTDOOR USE, TEMPORARY.** A use carried out in an open area or uncovered or temporary structure that is disbanded when the designated time period, activity or use for which the temporary structure was erected has ceased.

**PANEL ANTENNA.** A flat surface antenna usually developed in multiples.

**PARK, NEIGHBORHOOD.** Village or county owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park. A neighborhood park is less than 2.5 acres in size.

**PARK, RECREATIONAL.** An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

**PARKING AISLE.** The area behind a parking space used for backing and turning into and out of the parking space. See §§ 153.050 through 153.055 for parking space and aisle required sizes.

**PARKING AREA.** An area used for parking, parking aisle, or access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

**PARKING ACCESS.** The area of a parking lot that allows motor vehicles ingress and egress from the street to the parking aisle or parking space of no longer than 100 feet.

**PARKING LOT.** An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

**PARKING, OFF-STREET.** Any parking area located on the same property it is intended to serve, or in a joint use lot.

**PARKING SPACE.** Any vehicle accessible area designated for vehicle parking and exclusive of drives and aisles.

**PATIO, PORCH.** Roofed open area that, while it may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.

**PERFORMANCE STANDARDS.** A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) that a particular use or process may not exceed.

**PERMANENTLY AFFIXED.** To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.

**PERMITTED USE.** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSON.** Any individual, partnership, organization, association, trust or corporation. When used as a penalty provision, **PERSON** shall include the members of such partnership, the trustees of such trust, and the officers and members of such organization, association or corporation.

**PERSONAL SERVICES FACILITIES.** Establishments primarily engaged in providing services involving the care of a person or their apparel.

**PERSONAL WIRELESS SERVICE.** The three types of services regulated by this chapter as specified in the special use permit regulations. These services are cellular, radio and satellite.

**PERSONAL WIRELESS SERVICE FACILITY.** A facility for the provision of personal wireless services, as defined by the Telecommunications Act.

**PETROLEUM BULK PLANT.** An establishment for the purpose of storage of petroleum products, in bulk or in packages, distributed by tank car, tank vehicle, or motor truck.

**PETROLEUM REFINING AND CHEMICAL MANUFACTURING.** An establishment for the purpose of storage and refining of petroleum and chemical products.

**PLACEMAKING.** Placemaking is a multi-faceted approach to the planning, design and management of public spaces. Placemaking capitalizes on a local community's assets, inspiration, and potential, with the intention of creating public spaces that promote people's health, happiness, and well-being.

**PLAN, FINAL.** A site plan that has been approved by the Planning Commission.

**PLAN, PRELIMINARY.** A site plan that is under review by the Planning Commission or proper review authority and indicates the proposed layout of the subdivision, Planned Unit Development (PUD), or other development.

**PLAN, TENTATIVE PRELIMINARY.** A conceptual site plan or sketch showing ideas for development and site use.

**PLANNED UNIT DEVELOPMENT (PUD).** A development, planned and developed as a unit, under unified control, developed according to comprehensive and detailed plans, including a program providing for the continual maintenance and operation of such improvements, facilities, and services which will be for the common use of the occupants of the planned unit development, not generally including a shopping center or other commercial developments intended for rental, but **PLANNED UNIT DEVELOPMENT** includes cluster zoning, planned development, community unit plan, planned residential development, and other zoning requirements which are designed to accomplish the objective of a zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

**PLANNING COMMISSION.** Planning Commission shall mean the Village of Sebewaing Planning Commission organized under P.A. 33 of 2008, as amended, the Michigan Planning Enabling Act, unless the specific use or the context indicates a different reference.

**POND.** A permanent or temporary body of man-made open water that is more than 0.25 acres in size and less than 1.0 acre in size.

**POOL, COMMERCIAL SWIMMING.** An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

**POOL, PRIVATE SWIMMING.** Any artificially constructed basin or other structure for holding water for use in swimming, diving, and other aquatic sports and recreation. The term **SWIMMING POOL** does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water and not over 24 inches deep. **SWIMMING POOL** shall mean any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

**POTABLE WATER.** Water suitable for drinking or cooking purposes.

**PRINCIPAL BUILDING.** A building in which is conducted the principal use allowed of the lot in the district in which it is situated.

**PRINCIPAL USE.** The primary and predominate use of the premises including customary accessory uses.

**PRIVATE.** Not publicly owned or otherwise regulated by the State of Michigan either by statute or by rules and regulations of one of its administrative bodies.

**PROFESSIONAL SERVICES.** Services offered to the general public such as law, medicine, engineering, accounting, and architecture.

**PROCESSING.** Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication or assembly.

**PUBLIC FACILITIES.** Facilities that are owned and operated by a municipality, government agency, or publicly owned utility.

**PUBLIC HEARING.** A meeting announced and advertised in advance and open to the public, with the public being given

an opportunity to speak or participate.

**PUBLIC SERVICE INSTALLATION.** A building, structure or use of land that provides a service that is essential to the general public's convenience or safety and is also defined as a **PUBLIC UTILITY**.

**PUBLIC UTILITY (PUBLIC SERVICE UTILITY).** Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public, gas, steam, communication, telegraph, transportation, or water, sanitary sewer or storm sewer.

**PUBLIC WAY.** A highway, street, avenue, boulevard, road, lane, alley or other area specifically designated and continuously maintained for public access.

**QUASI PUBLIC AGENCY.** A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

**QUORUM.** A simple majority of the full membership of a board or agency.

**RADIO ANTENNA.** A signal-receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.

**RADIO TOWER.** A signal-sending device, the purpose of which is to distribute radio signals from a radio transmitter or transmitters in the area.

**RAISING AND KEEPING OF LIVESTOCK.** See **FARMING FOR CASH CROPS AND LIVESTOCK**.

**RECREATION, COMMERCIAL INDOOR.** A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletics and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court.

**RECREATION, OUTDOOR.** Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, and similar uses.

**RECREATION, PRIVATE.** Recreational, playgrounds and parks activities that are not open to the general public and for which a fee may or may not be charged.

**RECREATIONAL EQUIPMENT.** Includes travel trailers, pickup campers, motor homes, ice fishing houses, tent trailers, tents, boats and boat trailers, personal watercraft, snowmobiles, off-road vehicles of any kind, and similar equipment and cases or boxes used for transporting recreational equipment, whether occupied by the equipment or not.

**RECREATIONAL VEHICLE.** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

**RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND.** A parcel of land reserved for the location of recreational vehicles, including building sites set aside for group camping and similar recreational vehicles.

**RECYCLING FACILITY.** The process by which waste products are reduced to raw materials and transformed into new and often different products.

**RELIGIOUS INSTITUTION.** See **INSTITUTION, RELIGIOUS**.

**RESEARCH AND DEVELOPMENT FACILITY.** Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed, which is the interim step between full research and development and ultimate full-scale production.

**RESIDENCE.** A home, abode, or place where an individual is residing at a specific point in time.

**RESIDENTIAL, RESIDENTIAL USE, or RESIDENTIAL DISTRICT.** The use of land parcels for human habitation. **RESIDENTIAL** shall not be construed or interpreted to mean the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

**RESOURCE RECOVERY FACILITY.** A fully enclosed building where waste is sorted and classified by type and material, such as ferrous metal, nonferrous metal, aluminum, paper, newsprint, boxed board, plastic and glass colors. The purpose of such a building is to reuse the recovered materials.

**RESTRICTION.** A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

**RESTRICTIVE COVENANT.** A restriction on the use of land usually set forth in a deed or other appropriate document.

**RETAIL TRADE.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

**RESTAURANT.** A business located in a building where, in consideration for the payment of money, meals are habitually

prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

**RETREATS.** See *INSTITUTIONS, SOCIAL*.

**RIDING STABLES.** Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, similar establishment or business.

**RIGHT-OF-WAY.** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses.

**RIGHT-OF-WAY LINE.** The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities. See graphic for lot lines.

**RINGLEMANN CHART.** A device to measure the opacity of smoke emitted from stacks and other sources.

**ROAD FRONTAGE.** The length of the lot line that borders a public or private road at the right-of-way line.

**ROADSIDE STANDS.** A booth or stall located on a farm from which produce and farm products are sold to the general public.

**RUNOFF.** The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

**SALES AND SERVICE OF AGRICULTURAL MACHINES.** See *AUTO SALES AND SERVICE*.

**SALVAGE YARD.** A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. **SALVAGE YARD** shall not include uses conducted entirely within a completely enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment; and the processing of used, discarded or salvaged materials as part of manufacturing operations.

**SANITARY LANDFILL, SOLID WASTE TRANSFER STATIONS.** Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

**SAWMILL, LUMBERING.** The cutting and storing of forest products and the operation of portable sawmills and planers.

**SCALE.** The relationship between distances on a map and actual ground distances.

**SCHOOL.** See *INSTITUTION, EDUCATIONAL*.

**SCREENING.** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

**SEASONAL BUSINESS.** A retail business or service business that is not normally used as a business for more than six months during any one calendar year.

**SECURITY BARRIER.** A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

**SENIOR HOUSING.** A residential complex containing multiple family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area but exclude institutional care such as medical or nursing care where patients are confined to bed.

**SEPARATION.** The distance between one carrier's array of antennae and another carrier's array.

**SETBACK.** The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot. See graphic for lot lines.

**SEWAGE TREATMENT PLANT.** A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

**SEXUALLY ORIENTED BUSINESS.** An inclusive term used to describe collectively: adult cabaret, adult motion picture theater; adult media store; bathhouse; massage shop; modeling studio and/or sex shop. This collective term does not describe a specific land use and should not be considered a single-use category.

**SHORT-TERM RENTALS.** Any dwelling or condominium or portions thereof, in which the owner does not reside, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than 180 consecutive days.

**SIGNS:**

(1) A name identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land and is intended to direct attention to an object, product, place, activity, person, institution,



organization or business. However, a **SIGN** shall not include a sign located completely within an enclosed building.

(2) For the purpose of this chapter, the following sign or sign-related terms are here defined:

(a) **AREA, OR SURFACE AREA, OF SIGN.** Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

(b) **ABANDONED SIGN.** If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer being offered or conducted at that site for a period of 14 days, that sign shall be considered abandoned.

(c) **BANNER.** Either a temporary sign or portable sign, depending on how it is used.

(d) **CONSTRUCTION SIGNS.** A temporary sign in place on a construction site indicating a building and/or leasing activity.

(e) **DIRECTIONAL SIGNS.** Signs posted to show direction of traffic flow through the property.

(f) **ELECTRIC SIGN.** Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

(g) **ELECTRONIC MESSAGE BOARD.** Changeable copy/image signs in which the copy/image consists of an array of lights activated and deactivated.

(h) **FREESTANDING SIGNS.** Signs that are supported from the ground by a structure and are not attached to a building.

Types:

1. *Elevated sign.* A sign elevated high above ground level, typically on a pole or other structure.

2. *Ground sign.* A sign low to the ground and typically used to identify large buildings, institutions and real estate developments.

(i) **ILLUMINATED SIGN.** A sign that provides artificial light directly or through any transparent or translucent material.

(j) **INTEGRAL SIGN.** Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).

(k) **JOINT SIGN.** A sign that gives direction and identification to a group of adjacent businesses whether or not under single management.

(l) **LOCATION.** A lot, premise, building, wall or any place whatsoever upon which a sign is located.

(m) **MARQUEE.** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.

(n) **MERCHANDISING SIGNS.** Signs identifying products or services available at the establishment and their prices. This is a descriptive term. Regulation depends on whether the sign is permanent, portable, temporary, a sign cover or a safety concern.

(o) **MONUMENT or GROUND MOUNTED.** A freestanding sign where the base of the sign structure is on the ground or integrated into landscaping or other solid structural features other than support poles.

(p) **MULTI-TENANT SIGNS.** Wall, ground or freestanding signs for unified developments, such as shopping centers and office parks, shall identify only the development, individual tenants or establishments.

(q) **NON-DWELLING USE SIGN.** A sign located on a parcel that does not have a dwelling as its principal structure and is located in a residential district. Examples of the uses that may be associated with non-dwellings in these districts include but are not limited to subdivisions, schools, religious institutions, historic structures, public buildings, cemeteries, agricultural operations and agricultural retail facilities.

(r) **POLITICAL SIGNS/POSTERS.** Signs intended for use in promoting either a candidate for public office or proposal or similar issue that will be placed before the public to vote.

(s) **PORTABLE SIGNS.** Portable signs are those signs that are designed to be transported. Examples of signs designed to be transported include, but are not limited to, signs on a trailer or trailer frame and designed to be transported by

means of wheels; signs converted to "A" or "T" frames that sit on the ground or lean against a permanent structure; menus and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operation of the business. Portable signs may be a printed banner, changeable copy or portable LED messaging units. If a sign more accurately fits the definition of a temporary sign, it shall not be considered portable for the purposes of this chapter.

(t) **REAL ESTATE SIGNS.** Signs intended for temporary use in promoting the sale of real estate, with or without structures.

(u) **ROOF LINE.** This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels; this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

(v) **ROOF SIGNS.** Signs placed on the roofs of buildings, supported by the roof and within the lines of exterior walls. If a wall extends above a roofline and supports a sign, it shall be considered a wall sign and not a roof sign in this chapter.

(w) **SETBACK.** A distance measured from the outer boundary of a parcel in which erection of a sign is not permitted. A front setback is measured from the edge of the right-of-way of any abutting roadway. A rear setback is measured from the property line opposite the roadway. A side setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only one rear setback.

(x) **SIGN.** A name identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land and is intended to direct attention to an object, product, place, activity, person, institution, organization or business. This includes changeable copy and LED (light-emitting diode) portable signs. For this chapter, a national flag or official court or public office notice is not considered a sign. A sign located inside of a window shall not be regulated under this chapter.

(y) **SIGN COVER.** Signs are defined as **SIGN COVER** only when they are located on permitted signs and cover up the content of the permitted sign. This includes a display sign, banner or other advertising device, with or without a structural frame, constructed of nondurable materials and intended for a limited period of use.

(z) **STREET BANNERS.** Fabric signs suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the County of Tuscola.

(aa) **SUBDIVISION SIGN.** A sign intended as identification for a residential subdivision.

(bb) **TEMPORARY SIGN.** A display sign, banner or other advertising device, with or without a structural frame, intended for a limited period of use. Signs are defined as temporary when they are attached to a permanent structure, including but not limited to a building, light pole, trees, bushes, or fences. If a sign more accurately fits the definition of a portable sign, it shall not be considered temporary for the purposes of this chapter.

(cc) **WALL SIGNS.** Signs permanently attached to the exterior wall of a building and projecting out from such walls no more than 14 inches. The area of the wall sign includes that area within a continuous line enclosing all letters and graphic symbols of the sign.

(dd) **WINDOW SIGNS.** Signs hung outside of a window and within the framework of any window of a business or residence.

**SINGLE OWNERSHIP.** Ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

**SITE.** Any plot or parcel of land or combination of contiguous lots or parcels of land.

**SITE CONDOMINIUM.** See **PLANNED UNIT DEVELOPMENT.**

**SITE PLAN.** The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot.

**SITE PLAN REVIEW AND APPROVAL.** The submission of plans for review and approval, as required by this chapter and special use permits.

**SLAUGHTERHOUSE.** A facility for the slaughtering and processing of animals and the refining of their by-products.

**SLOPE.** The degree of deviation of a surface from the horizontal, usually expressed as a percent or degrees.

**SOIL.** All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

**SOIL RESOURCE EXTRACTION.** All or any part of the process involved in the mining of minerals by removing excess materials and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining and surface work incidental to an underground mine.

**SPECIAL LAND USE.** A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in this chapter and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the village.

**SPECIFIED ANATOMICAL AREA:**

(1) Less than completely opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola.

(2) Human genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITY.** Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**SPOT ZONING.** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Village of Sebawaing Master Plan.

**SQUARE FOOTAGE.** The length times width of a building, structure or use.

**STACKED FLATS.** A type of rowhouse that is divided into two, two story units, stacked on top of each other. Both units are accessible from the street with garages accessible from an alley.

**STADIUM.** A large open or enclosed place used for games and major events, partly or completely surrounded by tiers of seats for spectators.

**STALL, PARKING.** The parking space in which vehicles park.

**STATE LICENSED RESIDENTIAL FACILITY.** A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having one to six adults; a group home has seven to 20.

**STORAGE, BULK.** The holding or stockpiling on land of material and/or products where such storage constitutes 40% of the developed site area and the storage area is at least one acre, and where at least three of the following criteria are met by the storage activity:

(1) In a bulk form or in bulk containers;

(2) Under protective cover to the essential exclusion of other uses of the same space due to special fixtures or exposure to the elements ;

(3) In sufficient number, quantities, or spatial allocation of the site to determine and rank such uses as the principal use of the site;

(4) The major function is the collection and/or distribution of the material and/or products rather than processing; and

(5) The presence of fixed bulk containers or visible stockpiles for a substantial period of a year.

**STORAGE, INDOOR.** See **WAREHOUSE.**

**STORAGE, OUTDOOR.** See **OUTDOOR USE.**

**STORM SEWER.** A conduit that collects and transports runoff of stormwater.

**STORMWATER DETENTION.** Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

**STORY.** That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

# Building Structural Terms

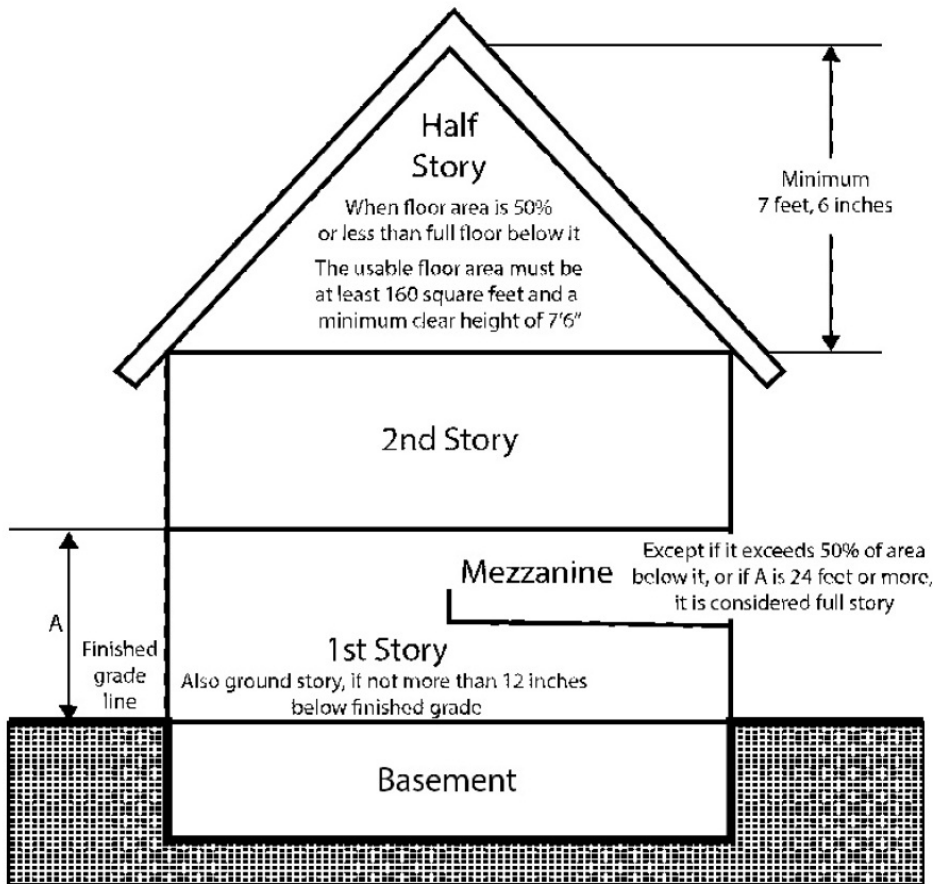


Figure 9 - Basic Structural Terms

**STORY, HALF.** Is an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

**STORY, MEZZANINE.** An intermediate level or levels between the floor and ceiling of any story, with an aggregate floor area of not more than 50% of the area below it.

**STREET.** A public right-of-way that has been dedicated to the public and accepted for the purpose of providing access to abutting private lots or land, including space for curb, gutter, paving, and sidewalks.

**STREET, CUL-DE-SAC.** A street with a single, common ingress and egress, and with a turnaround at the end.

**STREET, GRADE.** The top of the curb or the top of the edge of the pavement or traveled way where no curb exists.

**STREET, PRIVATE.** A street that is not public as defined by this chapter.

**STREET, PUBLIC.** Any public right-of-way, conforming to Village of Sebawaing standards, that provides vehicular access to adjacent properties.

**STRUCTURE.** See **BUILDING**.

**STRUCTURE CHANGES OR ALTERATIONS.** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

**STRUCTURE CHANGES OR ALTERATIONS.** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

**SUBDIVISION OR SUBDIVIDE.** The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes, provided, however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

**SUBDIVISION CONTROL ACT.** See Public Act 288 of 1967, as amended.

**SUBSTANCE ABUSE REHABILITATIONS CENTER.** See **INSTITUTION, REHABILITATION.**

**SUPPLY YARD.** A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

**SWALE.** A depression in the ground that channels runoff.

**SYSTEM BUILT HOME.** See **MANUFACTURED HOME.**

**TATTOO/BODY PIERCING PARLOR.** An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

(1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;

(2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**TAVERN.** See **BAR.**

**TEMPORARY BUILDING AND STRUCTURES.** A use in a temporary building or structure, such as a portable storage unit, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.

**TENANT.** An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

**THEATER.** A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

**THOROUGHFARE.** A thoroughfare is a road or street which is intended to provide access for more than two dwelling units. If the thoroughfare is maintained by the public, it is a public thoroughfare; if it is not maintained by the public but is generally open to members of the public for the passage of motor vehicles, it is a private thoroughfare. A way which is principally a private driveway from which members of the public are generally excluded shall not be considered a thoroughfare.

**TOWING OPERATIONS.** An establishment that provides for the removal and temporary storage (seven days) of vehicles but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

**TOWNHOUSE.** A structure in which each dwelling unit shares a common wall with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and upper floor and has a separate ground-floor entrance.

**TRAILER.** Any vehicle designed to be drawn by an automotive/motorized vehicle.

**TRUCK AND RAILROAD TERMINALS:**

(1) A place where transfer between modes of transportation takes place.

(2) A terminating point where goods are transferred from a truck to a storage area, or to other trucks, or picked up by other forms of transportation.

**TRUCK TRACTOR.** The driving and control component of a trailer rig. A truck tractor is a self-propelled vehicle to which a trailer is attached.

**UNIFIED CONTROL.** The combination of two or more tracts of land, wherein each owner has agreed their tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

**USE, BY RIGHT.** Any use that is listed as a use by right in any given zoning district in this chapter. Uses by right are not required to show need for their location.

**USE, CHANGE OF.** Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

**USE, LAWFUL.** The legal use of any structure or land that conforms with all of the regulations of this code or any amendment that exists at the time of the enactment of this code or any amendment thereto. All other uses are considered nonconforming uses that may be deemed legal or illegal.

**USE, TEMPORARY.** A use in a temporary building or structure on a parcel, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the administrative permit. An outdoor temporary use has fewer than 250 people in attendance at one time and may require a special use permit if determined by the Zoning Administrator.

**USED CAR LOT.** See **VEHICLE SALES.**

**VARIANCE.** A modification of the required provisions of the physical development or land use standards of the zoning code granted when strict enforcement of the zoning code would cause undue hardship owing to circumstances unique to the

individual property on which the **VARIANCE** is granted.

**VEHICLE, MOTOR.** A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

**VEHICLE REPAIR.** General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change.

**VEHICLE SALES.** A lot or portion thereof to be used only for the display and sale of automobiles that are in a condition to be driven off the lot. A **USED CAR LOT** shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

**VETERINARY HOSPITAL.** See **KENNEL**.

**VISIBLE.** Visible means capable of being seen by a person of normal visual acuity.

**WALL, OBSCURING.** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

**WAREHOUSE.** A building primarily used for the storage of goods and materials.

**WATER SUPPLY SYSTEM.** The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

**WETLANDS.** Areas delineated by the Michigan Department of Environment, Great Lakes, and Energy as wetlands.

**WHOLESALE SALES.** Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**WINDMILL.** A structure utilizing wind power for the pumping of water for agricultural use on the parcel of property on which the windmill is located, or for electrical power generation for a residence and other permitted structures and uses located on the subject parcel of property.

**WIND POWER GENERATING FACILITIES.** Wind generating facilities that generate original power on-site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include individual wind power generating facilities erected and used primarily for private use.

**WIRELESS COMMUNICATION FACILITY.** Any device, including cellular towers, used for transmitting and receiving radio waves, microwaves, and other similar frequencies.

**YARDS.** See **SETBACK**. A yard is the open ground space on premises unoccupied by buildings and includes the following:

- (1) The front yard is defined as the yard extending across the full width of a premises between the nearest line of the main building or accessory structure and the front line or highway right-of-way, as the case may be.
- (2) The side yard is defined as the yard extending the full depth (extending from the lot line or highway right-of-way line to the rear line of the premises) of a premises between the nearest line of the main building or accessory structure and adjacent lot line.
- (3) The back yard is defined as all open, unoccupied spaces on the same premises with the building, between the building and rear lot line.
- (4) Required yard is a yard, as defined, that occupies the area of a required setback.

## Required Yards

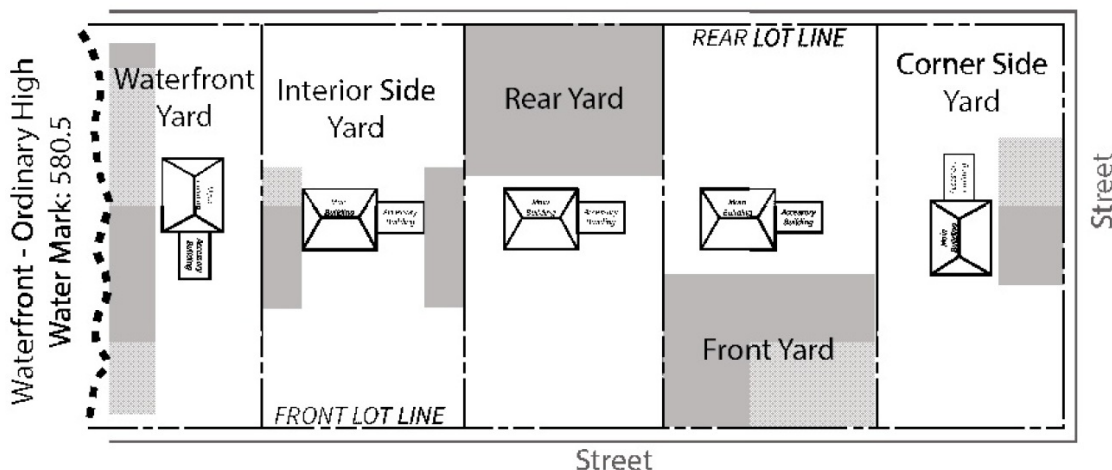


Figure 10 - Required Yards

**YARD SALE.** A sales activity that takes place on an agriculturally or residentially zoned parcel for no more than five consecutive days, twice in a calendar year. Sales that exceed this duration are **TEMPORARY OUTDOOR USES.**

**ZERO LOT LINE.** The location of a building in such a manner that one or more of the building's sides is directly on a lot line.

**ZONE.** A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.

**ZONING.** The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

**ZONING ADMINISTRATOR.** Zoning Administrator shall mean the Village of Sebewaing Zoning Administrator.

**ZONING BOARD OF APPEALS.** Zoning Board of Appeals shall mean the Village of Sebewaing Board of Appeals unless the specific use or the context indicates a different reference.

(Ord. passed 11-16-2020)

**USE TABLES**

**§ 153.015 USE TABLES.**

<b>Table 1 - District Stated Intent and Purpose</b>	
<b>District</b>	<b>Stated Intent and Purpose</b>
<b>Table 1 - District Stated Intent and Purpose</b>	
<b>District</b>	<b>Stated Intent and Purpose</b>
Agricultural (AG)	This district is intended for agricultural and single-family dwelling units associated with farming operations, together in a compatible environment and to encourage the preservation and enhancement of agricultural land and farming practices together with specified nonagricultural activity allowed by ordinance.
Single-Family Residential (R-1 & R-2)	This district is intended primarily for single-family dwelling units together with compatible uses. The purpose of this zone is to encourage a residential environment of low-density dwellings.
Multiple Family Residential (MR)	This district is intended to permit local retail business and service uses that are desirable to serve the village's residential areas. In order to promote good business development as far as is possible at an appropriate scale to adjoining residential areas, uses are prohibited which would create hazards, offensive or loud noises, vibration, smoke, glare, or heavy truck traffic.
Commercial (C)	This district is intended to permit local and regional retail business and service uses which are desirable to serve the residential areas of the village. In order to promote good business development as far as is possible at an appropriate scale to adjoining residential areas, uses are prohibited which would create hazards, offensive or loud noises, vibration, smoke, glare, or heavy truck traffic. In order to promote a pedestrian-friendly environment, single-family residential uses are permitted above the ground floor in the mixed-use commercial overlay district.
Industrial (M)	This district is intended primarily for uses suited to more intense types of industrial and manufacturing uses, which are usually within industrial areas of the village.
Recreation (REC)	This district is intended to retain, as desirable and practical, parks, open space, forested areas, water access, camping grounds, and other natural areas in the village. This district also permits development in keeping with the natural amenities and uses of these areas.

<b>Table 2 - Uses - Agricultural (AG)</b>	
<b>Permitted Uses</b>	<b>Special Land Uses</b>
<b>Table 2 - Uses - Agricultural (AG)</b>	
<b>Permitted Uses</b>	<b>Special Land Uses</b>
Accessory buildings and uses	Agriculture Bulk Collection, Storage, Distribution
Farming and agricultural	Short Term Rental
Greenhouses or nurseries	Campgrounds, RV Parks
Home occupations	Cemeteries
Roadside stands for the sale of products grown or produced on the premises	Cottage Industry
Single-family residence	Educational institutions
State Licensed Residential facilities, 1-6 people	Golf courses
Day Nurseries	Kennels and Veterinary Clinics
	Outdoor uses, temporary
	Publicly owned buildings, public utility transformer stations, and substations
	Commercial Recreation
	State Licensed Residential Facilities, 7-20 people
	Wind Energy Power Systems
	Wireless Communication

<b>Table 3 - Uses - Single-Family Residential (R-1 &amp; R-2)</b>	
<b>Permitted Uses</b>	<b>Special Land Uses</b>
<b>Table 3 - Uses - Single-Family Residential (R-1 &amp; R-2)</b>	
<b>Permitted Uses</b>	<b>Special Land Uses</b>
Accessory buildings and uses	Short Term Rental
Home occupations within the principal dwelling	Day nurseries
Parks and playgrounds	Educational institutions
Single-family dwelling units	Publicly owned buildings, public utility transformer stations, and substations
State Licensed Residential facilities for 1-6 people	
Townhouse or Stacked Flat	
Farming, but the keeping of livestock and fowl, other than chickens, is not permitted	
Publicly owned and operated libraries, parks, parkways, and recreational facilities	

<b>Table 4 - Uses - Multiple Family Residential (MR)</b>	
<b>Permitted Uses</b>	<b>Special Land Uses</b>
<b>Table 4 - Uses - Multiple Family Residential (MR)</b>	
<b>Permitted Uses</b>	<b>Special Land Uses</b>
All uses permitted by right in RA-1 and RA-2	All uses permitted by SUP in RA-1, RA-2



Day Nurseries	Nursing homes, Hospitals, senior housing, human care institutions
Multiple-family dwellings	Planned Unit Development
Two-family dwellings	State Licensed Residential facilities for 7-20 people
	Manufactured Housing Park
	Commercial Recreation
	Religious Institutions

**Table 5 - Uses - Commercial (C)**

<b>Permitted Uses</b>	<b>Special Land Uses</b>
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**Table 5 - Uses - Commercial (C)**

<b>Permitted Uses</b>	<b>Special Land Uses</b>
Accessory building and uses	Planned Unit Development
Day Nurseries	Wireless Communication
Educational Institutions	Commercial Recreation
Gas Stations, Auto Service stations	Restaurants, Drive Through and Drive-In
Greenhouses and Nurseries	Automobile Body and Paint shops
Hospitals	Mini storage
Hotels, motels, restaurants	Outdoor uses, permanent and temporary
Nursing and convalescent facilities	Light manufacturing within the building
Offices	Publicly owned buildings, public utility transformer stations, and substations
Personal Services	Social Institutions
Public spaces to promote placemaking	
Religious Institutions, Religious Houses	
Research, Technological and laboratories	
Dwelling units above the ground floor	
Restaurants	
Retail sales and service businesses	
State Licensed Residential facilities	
Veterinary hospitals and kennels	
Airport	

**Table 6 - Uses - Mixed Use Commercial Overlay**

<b>Permitted Uses</b>	<b>Special Land Uses</b>
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**Table 6 - Uses - Mixed Use Commercial Overlay**

<b>Permitted Uses</b>	<b>Special Land Uses</b>
Accessory building and uses	Wireless Communication
Day Nurseries	Commercial Recreation
Educational Institutions	Outdoor uses, permanent and temporary
Hotels, motels, restaurants	Light manufacturing within the building
Nursing and convalescent facilities	Publicly owned buildings, public utility transformer stations, and substations
Offices	Social Institutions
Personal Services	
Public spaces to promote placemaking	
Religious Institutions, Religious Houses	



<b>District (d)(e)</b>	<b>AG</b>	<b>R-1</b>	<b>R-2 (existing lots)</b>	<b>MR</b>	<b>C</b>	<b>M</b>	<b>REC</b>
Lot area	1 acre	9,000	5,000	6,000	None	None	Per special use requirements and site plan review
Lot width	100 feet	75 feet	50 feet	60 feet	None	None	
Minimum front setback	50 feet	25 feet	10 feet	25 feet	5 feet	10 feet, 25 feet	
Minimum rear setback	10 feet	35 feet	10 feet	35 feet	20 feet	NA	
Minimum side setback	10 feet	5 feet (a)	5 feet (a)	5 feet (a)	(b) (c)	5 feet, 10 feet (c)	
Minimum square footage	1,400 s.f.	1,400 s.f.	1,400 s.f.	1,400 s.f.	NA	NA	NA
Maximum structure height	35 feet, or 2.5 stories	25 feet or two stories	25 feet or two stories	25 feet or two stories	49 feet or three stories	50 feet or three stories	NA
Maximum lot coverage	35%	35%	35%	35%	None	None	NA
Accessory structures (g)	NA	384 s.f.	384 s.f.	NA	NA	NA	NA

Footnotes to table:

(a) The required side yard abutting upon a street shall not be less than ten feet when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than 25 feet.

(b) No side yards are required along the interior side lot lines, except as otherwise specified by the Huron County adopted building code. On the exterior side yard, which borders on a residential district, there shall be provided a setback of at least ten feet on the side or residential street.

(c) No building shall be closer to the property line than the herein required side yard, except that no yard shall be required along the interior side lot lines when the property line is adjacent to like-use districts or to railroad rights-of-way.

(d) All districts: In determining the placement of a structure on a lot, the front building setback line shall be measured from the future right-of-way in accordance with the village's right-of-way plan as adopted. Lots having frontage on more than one road or body of water shall maintain a front building setback line on each road or body of water.

(e) No structure shall be built in the FEMA designed flood zone unless it meets FEMA floodproofing requirements and any state requirements or permits regarding the flood zone.

(f) When adopted in the future, structures within the wellhead protection zone must comply with the Village's Wellhead Protection Ordinance.

(g) Accessory structures other than buildings shall have a minimum front, side, and rear yard setback of ten feet.

(Ord. passed 11-16-2020)

## **GENERAL REGULATIONS**

### **§ 153.020 USE REGULATIONS.**

(A) *Accessory uses.* Nothing in this chapter shall be construed to prohibit the following accessory uses:

(1) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreational area.

(2) Buildings or structures necessary for the provision of essential services.

(3) Gardens, garden ornaments and usual landscape features within required yard space.

(4) Retaining walls.

(5) Public playgrounds.

(6) Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one and one-half ton rated capacity.

(7) Home occupations.

- (8) Use of premises as a voting place.
- (9) Storage sheds, playhouses, dog houses, detached garages and shelters for transit or school bus passengers.
- (10) Radio or television antennas or satellite dishes.
- (11) Swimming pools.
- (12) Front yard handicap access facilities in residential districts with proof of need.
- (13) Carports.

(B) *Storage, dumping of waste, junk, etc.*

(1) The use of land or water resources for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, ash shall not be permitted, except in such cases where a temporary permit is obtained from the Zoning Administrator, upon approval of the Planning Commission, after a public hearing and in accordance with Part 115 of the Michigan Natural Resources and Environmental Protection Act as amended. Such permit shall not exceed one year from the date of issuance and may be renewed on an annual basis only after approval is granted by the Planning Commission.

(2) *Bond/agreement.* An appropriate bond and agreement shall be required of the applicant to ensure compliance with the directives set forth by the Planning Commission. Such dumping or disposal shall not negatively affect the water table, or cause pollution of stagnant or running water in any area of the village or attract rodents, vectors or other nuisances so as to create health or safety problems to the natural environment and the inhabitants of the village. Nor shall the natural terrain be altered in any fashion to create safety or health hazards at the expiration date of the permit. The character of the land shall not be substantially altered so as to make it unusable for the uses for which it was originally zoned.

(C) *Temporary use permit.*

(1) For profit uses:

(a) A temporary use permit fee shall be established by the Village Council for all "for profit" temporary uses.

(b) The Zoning Administrator may issue temporary use permits for up to 60 days unless otherwise stated in these regulations, after determining these uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second temporary use permit may be issued by the Zoning Administrator at the end of a time limit if the applicant shows good cause for up to 30 additional days, not to exceed 90 days in one calendar year. The Zoning Administrator may attach the conditions and requirements deemed necessary to meet the intent of the provisions of this section.

(c) A scaled drawing shall be required with each permit application and shall show the location of sales outside the required setbacks for the district. The drawing must be signed by the owner of the parcel.

(d) Structures used for the sale or display of outdoor items shall not be used for human shelter overnight.

(e) Temporary uses, including display or sale of items shall not be located within the required yard or setback area.

(f) Adequate off-street parking shall be maintained at all times and shall not displace required off-street parking nor cause parking or traffic congestion on adjacent streets or properties.

(g) Temporary uses selling items for human consumption shall have access to hand washing and toilet facilities.

(h) Temporary signage shall be permitted as described in §§ 153.060 through 153.068.

(i) There shall be no external lighting of temporary structures abutting residential districts except lighting that is already present on the site.

(j) Temporary structures shall not have a permanent foundation, move in any way or become unattached due to wind. A temporary structure may not exceed 15 feet in height or 200 square feet in area. It may not be a trailer or semitrailer.

(k) Structures of any kind must be removed within three days of the expiration of the permit. Merchandise, signage, waste, debris and all equipment used on the site shall also be removed.

(l) An individual manufactured home or other temporary structure may be used as temporary living or working quarters for up to 90 days while a dwelling or structure is being constructed or reconstructed on the same premises.

(m) *Construction supplies to be used on the site.* The storage of building supplies and machinery; temporary storage buildings; the assembly of materials associated with a customary trade; and contractor, architect, and identification signs in connection with a construction project, may be authorized by the Huron County Building Department for a period of up to 12 months.

(2) *Nonprofit uses.*

(a) A nonprofit organization may be granted a temporary permit at no charge for outdoor/seasonal/temporary uses meeting the definition of a nonprofit organization as defined in § 153.011.

(b) The temporary use shall not exceed seven days within a 30 day period. A second temporary use permit may be issued by the Zoning Administrator at the end of a time limit if the applicant shows good cause for up to seven additional

consecutive days up to a maximum of 60 days per calendar year.

(c) A drawing of the site and description of activity shall be provided. All zoning code shall be complied with.

(d) All conditions listed for profit organizations in § 153.020(C)(1)(c) through (m).

(Ord. passed 11-16-2020)

#### **§ 153.021 DWELLING REGULATIONS.**

(A) *Standards.* The following standards shall be applied to each dwelling unit constructed or placed in the Village of Sebawaing:

(1) It complies with the minimum square footage requirements of §153.016 for the zone in which it is located.

(2) It has a minimum width across any section of 20 feet and complies in all respects with the Huron County adopted building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, and where the standards of construction are less stringent than those imposed by the Huron County adopted building code, then the more stringent village regulations shall apply.

(3) It is firmly attached to a permanent foundation, constructed on the site in accordance with the Huron County adopted building code and co-extensive with the perimeter of the building, which attachment shall also meet all Huron County applicable building codes and other state and federal regulations.

(4) It does not have exposed wheels, towing mechanism, undercarriage, or chassis.

(5) The dwelling is connected to a public sewer and water supply or to private facilities approved by the local health department.

(6) The dwelling contains a storage area either in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure being of standard construction similar to or of better quality than the principal dwelling. Standards for construction of structures for the storage or protection of autos must also be of similar or better quality than the principal dwelling and the same or lower height as the principal structure. Metal and fabric carports are not permitted. This does not pertain to agricultural uses. The storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than 15% of the minimum square footage requirement of § 153.016 for the zone in which the dwelling is located. However, in no case shall more than 200 square feet of storage area be required by this provision.

(7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling. Also, not less than two exterior doors, with one being in the front of the dwelling and the other being either at the rear or side of the dwelling, and with permanently-attached steps or ramps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires these steps or ramps.

(8) The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of the Huron County Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in the definition of **DWELLING** as well as the character of residential development outside of mobile home parks within 2,000 feet of the subject dwelling where the area is developed with dwellings to the extent of not less than 20% of the area, or where the area is not so developed, by the character of residential development outside of mobile home parks throughout the village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(9) The dwelling contains no additions or rooms or other areas except those which are constructed with similar materials, are similar in appearance, and have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.

(10) The dwelling complies with all pertinent Huron County building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended.

(11) The preceding standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by the state or federal law or otherwise specifically required in the code of the village pertaining to these parks.

(B) *Basement dwellings.* The use of a basement, or the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones, except as living quarters for priests, ministers, and their equivalent as provided by the Zoning Board of Appeals. This shall not prohibit a dwelling unit located partially below ground that has access to a hallway providing two remote means of egress to ground level.

(Ord. passed 11-16-2020)

#### **§ 153.022 GENERAL DEVELOPMENT REGULATIONS.**

(A) *Private roads.* Private roads are prohibited in the Village of Sebewaing.

(B) *Public nuisance, per se.* Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this section and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(C) *Reversion of rezoned area.* In the case of land which has been approved for a zoning change, construction on the parcel must begin within a period of one year from approval of the zone change. If construction does not commence within this period, the Planning Commission may initiate a rezoning to return the land to the previous zoning designation, or to another designation. The process for returning the land to its previous zoning designation must comply with the amendment process provided in this chapter.

(D) *Streets.* To provide for the public health and welfare through adequate light and ventilation and for the safety of persons and property in the use of the streets of the village, all public streets platted, laid out, or dedicated and accepted by the village shall have a right of way width of at least 66 feet.

(E) *Junk motor vehicles.* Motor vehicles, which are inoperable or not currently licensed shall be deemed to be junk or refuse and shall not be stored in any residential zone except within the confines of an enclosed building. If after two complaints and citations, or 30 days by the village Zoning Administrator, the material remains in violation of this chapter, the village may cause the violation to be removed, and bill the property owner. If the billing is not paid within 90 days it shall become a lien on the property, properly recorded at the county.

(F) *Parking of heavy trucks.* Please see village waiver.

(G) *Parking of licensed recreational equipment.* Parking of licensed recreational equipment outside of an enclosed structure, including travel trailers, campers, snowmobiles, boats, and similar items in any agricultural or residential zoning districts, must conform to required setbacks for accessory structures and to overall limitations for lot coverage. No recreational vehicles may be parked in commercial or industrial districts unless they are parked in conjunction with the parcel's principal use, such recreational vehicle sales or repair, or in a completely enclosed building.

(H) *Portable storage units.* Temporary portable storage units are allowed up to 30 days within a ninety-day period in residential districts. The unit must be located at least eight feet from the side lot line and five feet from the rear property line and outside the required front yard setback. A zoning permit is required for placement. Units are not permitted on vacant land or on the public right of way. Only one unit shall be permitted at a time on each parcel. Units may not exceed 130 square feet in size. Dumpsters are not regulated with this provision. See §§ 153.100 through 153.107.

(I) *Required area or space.*

(1) No lot, or lots in common ownership and no yard, court, parking area, or other space shall be divided, altered, or reduced to make its area dimensions less than the minimum required under this chapter, and the area or dimension shall not be further divided or reduced.

(2) Adjacent lots in common ownership shall be considered one lot for purposes of this chapter.

(3) Adjacent lots in a residentially zoned area with common ownership where one lot has a nonresidential structure located on it shall be combined to form one lot upon the sale of either lot. Lots with nonresidential structures in residentially zoned areas shall not be sold separately from a residential dwelling unit unless the nonresidential structure is demolished, and the lot is of sufficient size to be developed residentially.

(4) *Sebewaing River.* Any construction within 200 feet of each side of the center of the Sebewaing River (Saginaw Bay to the confluence of the State and Columbia drains) will require proper permits or letters indicating no jurisdiction from the following agencies:

Sebewaing River Intercounty Drain Board

Huron County Drain Commission

PO Box 270

417 South Hanselman Street

Bad Axe, MI 48413

Phone: 989-269-9320

US Army Corps of Engineers (both of the following offices must be contacted)

Chief of Regulatory Office

US Army Corps of Engineers

477 Michigan Ave., 6th Floor

Detroit, MI 48226

313-226-7732

Chief of Operations  
US Army Corps of Engineers  
477 Michigan Ave., 7th Floor  
Detroit, MI 48226  
313-226-5013

Michigan Department of Environment, Great Lakes, and Energy  
Water Resources Division  
401 Ketchum  
Bay City, MI 48708  
989-894-6200

Other permits that may be required include but are not limited to following agencies:

Huron County Building and Zoning  
Huron County Soil Erosion and Sedimentation  
250 E. Huron Ave.  
Bad Axe, MI 48413  
989-269-9269

(5) *Minimum lot frontage.* The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the front lot line equal to the required parcel width. Flag lots are not permitted. In the case of a cul-de-sac, parcel width is measured at the front yard setback line.

(6) *Access to a street.* Any parcel created after the effective date of this chapter, and in a commercial zoning district, or with access points to a street with curb and gutter, shall have a hard-surfaced approach to a public street. All parcels created after the effective date of this chapter shall have access to a public street.

(7) *Space used once.* Any yard or other open space provided around any building or structure for the purpose of complying with the provisions of this chapter shall not again be used as a yard or other required open space for another building or structure except where one is to be demolished upon completion of the other.

(J) *Required water supply and sanitary sewerage facilities.*

(1) *Water supply.* No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Huron County Health Department and applicable State agencies.

(2) *Sewage wastes.* No industrial sewage wastes shall be discharged into sewers that will cause a chemical reaction, either directly or indirectly with the materials to impair the strength of sewer structures; cause mechanical action that will damage the sewer structures; cause restriction of the capacity of sewer structures; cause unusual demands on the sewage treatment process; cause danger to public health and safety; or cause obnoxious conditions.

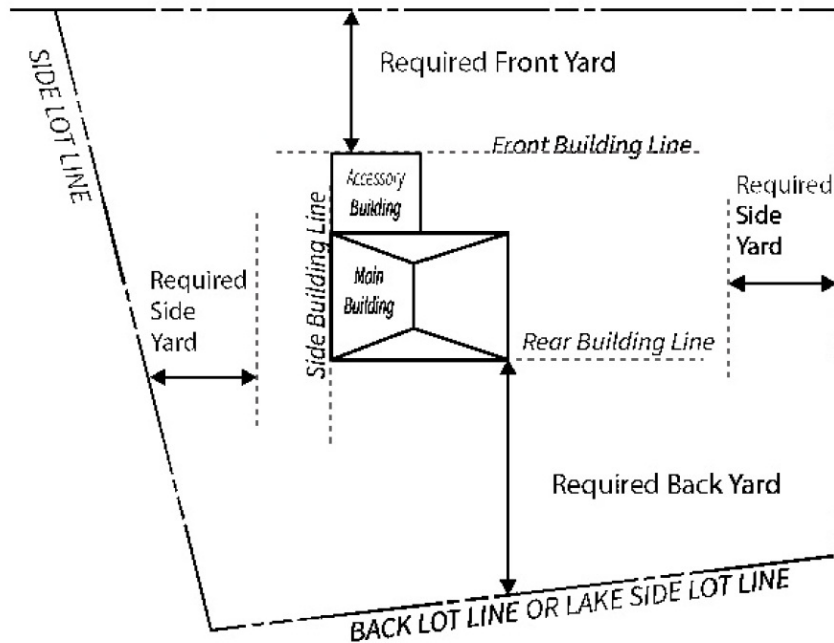
(K) *Fences, walls, and non-botanical screens.*

(1) Prior to construction, reconstruction or establishment of a fence, wall or screen regulated by this section, a permit shall be obtained from the Zoning Administrator.

(2) In all zoning districts, no fence, wall or hedge plantings shall exceed a height of four feet within street side yard or front yard setbacks of any street right-of-way line, except on a corner lot. Fences, walls or structural screens shall not exceed four feet in any front yard or six feet in any side or rear yard. Fences that enclose public or institutional uses, playgrounds or public landscaped areas, shall not exceed eight feet in height and shall not obstruct vision.

# Road Right of Way Boundaries

Yard Requirements are measured perpendicular to the building line to the closest point of the adjacent lot line. The building line is measured from the outmost part of the building. In this example, the front building line is determined by the overhang of the roof on the front porch and the required front yard setback is determined by the closest point to the road right of way and the front building line.



(3) On a corner lot, fences, walls or hedge planting cannot exceed a height of four feet in the street side yard setback unless all of the following conditions can be satisfied:

(a) Must begin at the back of the house or primary structure.

(b) Does not create a safety hazard.

(c) Houses or buildings on property adjacent to the rear of the subject parcel shall not face the same street as the street side yard in which the fence will be located.

(d) Shall not exceed a maximum of six feet from grade.

(4) On a through lot where the back yard faces an adjacent front yard the maximum height of a fence shall be four feet.

(5) Plant materials located within 30 feet of the pavement of a public right of way shall not obstruct visibility between a height of four feet and eight feet.

(6) Fences shall be located outside of the road right of way and inside all property lines. A property survey will be required prior to approval of a zoning permit for any construction or improvement on property located within ten feet of the property line, sidewalk edge or street right-of-way. Construction or improvements will include, but are not limited to, fences, landscaping and building improvements or construction.

(7) All fences shall be maintained in their upright condition. Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.

(8) Fences in the residential, commercial and industrial districts must be built with chain link, standard fence wood, plastic or metal such as wrought iron. Fences may not be built with scrap lumber, chicken wire, wire mesh, wood pallets or other non-standard fence materials not approved by the Zoning Administrator. Chain link fences shall not have slats within the links in the residential areas. Barbed wire, electrified components or similar fencing that is likely to cause injury shall not be used in any residential district.

(9) Fences shall not interfere with any public utility or easement to a utility.

(10) When the requested fence is to enclose a swimming pool, the maximum height permissible under this section shall be six feet. Permission to erect a fence to enclose a swimming pool on property zoned other than R-1 or R-2 at a height greater than six feet shall be granted only upon application to the Zoning Board of Appeals and after a hearing and favorable vote thereon.

(L) *Floodplain.* New construction in any FEMA designated floodplain is prohibited unless FEMA floodproofing standards are met. See Village FIRM map and FEMA Floodproofing Guidelines



(M) *Wellhead protection.* Uses within the wellhead protection zones must meet the village's Wellhead Protection Ordinance, when adopted.

(Ord. passed 11-16-2020)

### **§ 153.023 BUFFERING.**

The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rainwater runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut residential districts.

(A) The objectives of this approach are:

(1) To give the Planning Commission and the proponent as much opportunity to achieve the regulations by any suitable means.

(2) To encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.

(B) Buffers are required on commercial or industrial property on the side which abuts residentially zoned property. Buffers are required even when the adjacent lot is unimproved. A buffer will be required when any parcel used for commercial or industrial purposes is expanded by way of an addition or demolition or a special land use approval is requested, or a site plan review is requested. Buffers are not required on commercial lots that are already developed as such.

(C) A buffer may consist of both a physical distance separation and a physical sight, sound and odor separation as described in this chapter by a fence, wall, berm or screen.

(D) The Planning Commission shall determine the character of the buffer based on the following criteria:

(1) Traffic impact;

(2) Increased building and parking lot coverage;

(3) Increased outdoor sales, display and manufacturing area;

(4) Physical characteristics of the site and surrounding area such as topography, vegetation, etc.;

(5) Visual, noise and air pollution levels; and

(6) Health, safety and welfare of the village.

(Ord. passed 11-16-2020)

### **§ 153.024 STRUCTURAL REGULATIONS.**

(A) *Abandoned buildings and structures.* Any building or structure not in continuous use as defined by permitted, special land use, or nonconforming uses in any district for a period greater than six months shall be considered abandoned and come under the provisions of this chapter and other village codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once six months have passed, the building or structure shall have to meet all the current standards of all applicable village codes.

(B) *Accessory buildings/structures in any district.* No accessory building or structure may be built upon any lot on which there is no principal building. Accessory structures and buildings may not be inhabited. No accessory building (except for school bus shelters) shall be placed in any front or side yard or closer than ten feet to any other building. Accessory buildings include but are not limited to structures used for the uses listed under § 153.020(A).

(C) *Building and occupancy permits.*

(1) *Building permits required.* Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.

(2) *Prior building permits.* Any building permit issued prior to the effective date of this chapter shall be valid, even though not conforming to the provisions of this chapter, provided construction is commenced within 90 days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one year of the date of issuance.

(3) *Occupancy permit.* Upon completion of a structure and all required site improvements per approved site plan, and before moving into a building in any district, an occupancy permit is required.

(D) *Building site and storage requirements.*

(1) *Exterior lighting.* All lighting for parking areas or for the external illumination of building or for the illumination of signs shall be directed away from and shall be shielded from adjacent districts and shall also be arranged so to not adversely affect driver visibility on adjacent thoroughfares.

(2) *Corner clearance.* No fence, wall, shrubbery, sign or other obstruction to vision above the height of four feet from

the established street grades 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 30 feet from their point of intersection.

(3) *Storage of garbage.* All garbage and rubbish must be stored in closed containers or in a dumpster. Garbage may be stored in a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.

(E) *Connections to drainage system.* Surface drains, groundwater drains, and foundation or footing drains, shall be connected whenever possible to an enclosed storm sewer, but they shall not discharge to a sanitary sewer or private wastewater treatment plant.

(F) *Height and area zoning exceptions.* The height and area requirements of all zones shall be subject to the following exceptions:

(1) *Height.* Chimneys; cooling towers; elevator bulkhead; fire towers; gas tanks; grain elevators; stacks; stage towers or scenery lofts; flour mills; food processing plants; television antennas; refineries; tanks; water towers; radio towers; ornamental towers; monuments; cupolas; domes and spires; necessary mechanical appurtenances; and additions to existing buildings which now exceed the height limitations of the zone district may not exceed 50 feet.

(2) *Permitted yard encroachments.* The following items shall be considered to be accessory structures, even though they may be attached to a principal building and may project into required side or rear yards for the principal building.

(a) Open porches, paved terraces and patios, provided the following restrictions apply. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.

(b) The highest finished elevation of the paved area or porch is not over three feet above the average surrounding finished grade.

(c) If roofed, a porch is unenclosed, and the roof is no higher than one story. A roofed area may not exceed 10% of the required side or rear yard.

(d) If unroofed, paved areas or porches may have non-continuous windbreaks or walls not over six feet high and not enclosing more than ½ the perimeter of the paved area or porch.

(e) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and ½ feet.

(f) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five feet.

(g) Signs, as permitted in §§ 153.060 through 153.068.

(h) Handicap accessible facilities.

(G) *Restoring unsafe buildings.* Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator. Any such strengthening or restoring shall be in accordance with the Huron County adopted building code.

(H) *Roof and surface drainage.* If a building is equipped with gutters or other means for collection of roof water, the downspouts and/or roof water conductor pipes shall be discharged on unpaved ground or paved surface at a distance of at least three feet from the building wall. Further the grade line at the building wall shall be sloped away from the wall at the rate of at least one inch per foot, for a minimum of five feet. Where settlement of the ground has occurred at the building wall, then the property owner is required to add fill to correct the condition to conform with this requirement.

(I) *One dwelling per parcel.* See definition of **DWELLING** in § 153.011.

(J) *Site and building hazard and nuisance prevention.* 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 the area.

(1) *Dumping of hazardous/radioactive wastes.* Dumping of hazardous waste materials and/or nuclear wastes shall not be allowed within the village, except as permitted by current federal and state regulations.

(2) *Odor.* The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot line is prohibited.

(3) *Smoke, dust, dirt, and fly ash.* It shall be unlawful for any person, firm or corporation to permit the emission of any smoke, dust, dirt or fly ash from any source whatever which would impair an adequate supply of light and air to adjacent property or unreasonably diminish or impair established property values within the surrounding area or in any other respect unreasonably impair the public health, safety or comfort or welfare of the inhabitants of the village.

(4) *Open storage.* The open storage for junk, scrap or salvage, or other waste products, where the operations are for the conversion to saleable materials shall be screened from public view from a public street and from adjoining properties not of a similar nature by an enclosure consisting of an obscuring wall or fence not less than eight feet high.

(5) *Glare and radioactive materials.* Glare from any process (such as, or similar to, arc welding or acetylene-torch cutting) which emits harmful ultraviolet rays shall be performed in a manner as not to be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes shall not be emitted to exceed quantities established as safe by the United States Bureau of Standards when measured at the property line.

(6) *Fire and explosive hazards.*

(a) In the M Districts, the storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning as determined by the Fire Marshal is permitted subject to compliance with all other performance standards above mentioned.

(b) The storage, utilization or manufacture of materials, goods or products ranging from free to active burning to intense burning, as determined by the Fire Marshal is permitted subject to compliance with all other yard requirements and performance standards previously mentioned and providing the following conditions are met.

1. The 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 Huron County adopted building code.

2. All buildings or products shall be set back at least 40 feet from lot lines; or in lieu thereof, all 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 Public Act 207 of 1941, being M.C.L. §§ 29.1 et seq.

(Ord. passed 11-16-2020)

#### **§ 153.025 BLIGHT.**

(A) *Purpose.* It is the purpose of this chapter to prevent, reduce or eliminate blight or the potential blight in the village by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the village.

(B) *Causes of blight.*

(1) The building meets the definition of a dangerous building under M.C.L. § 125.539.

(2) And enforced under Michigan Compiled Laws M.C.L. §§ 125.540 through 125.541a as amended: Violations: Violations of blight and dangerous buildings will be noticed.

(3) It is hereby determined the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this chapter no person, firm, or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any premises in the Village of Sebewaing owned, leased, rented or occupied by such person, firm, or corporation as follows:

(a) The storage upon any premises of any junk automobile, except in a completely enclosed building. For the purpose of this chapter, the term **JUNK AUTOMOBILE** shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 60 days.

(b) The outdoor storage upon any premises of building materials unless a valid building permit has been issued by the appropriate authority not more than one year previously for construction upon said premises, and the materials are intended for use in connection with such construction. Building materials shall include but not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure; provided, outdoor storage of building materials which is not in violation of applicable zoning or safety regulations is permitted if said materials are kept out of view of the public and abutting premises; and provided further, all construction debris shall be removed from any premises within 30 days after occupancy thereof.

(c) The storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period of not to exceed 30 days. The term "junk" shall include parts of machinery or motor vehicles, unused household appliances stored in the open, remnants of wood, metal or other materials or other castoff material of any kind whether or not same could be put to any reasonable use.

(4) The existence of any vacant dwelling, garage, or other out-building unless the same is kept securely locked, windows kept glassed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals.

(5) The causes of blighting factors hereinbefore prohibited unless such uses of property are incidental to and necessary for the carrying on of any business or occupation lawfully being conducted upon the premises involved.

(6) In any area, the existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

(Ord. passed 11-16-2020)

## **NONCONFORMING USES AND BUILDINGS**

### **§ 153.030 INTENT.**

It is the intent of this subchapter to permit the continuation of any lawful use of building or land existing as of the effective date of this chapter. Nonconformance with the provisions of this chapter is not in the best interest of the village and should be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this chapter.

(Ord. passed 11-16-2020)

### **§ 153.031 HISTORIC PROPERTIES.**

Any nonconforming property in the village which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of the Michigan State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.

(Ord. passed 11-16-2020)

### **§ 153.032 LEGALITY OF NONCONFORMITIES.**

Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality:

(A) Illegal nonconformities are those that have been developed in conflict with zoning regulations.

(B) Legal nonconformities are those that meet each applicable criterion listed below. Note that temporary signs are not considered legal nonconforming structures.

(1) The nonconformity existed legally before the effective date of this chapter.

(2) The nonconformity complied with the district regulations of the previous zoning ordinance or existed legally through a special use permit or variance.

(3) *Nonconforming setback or lot size only.* The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way.

(4) *Nonconforming buildings or structures only.* The building or structure does not extend into a public right-of-way, or over a neighboring property line.

(Ord. passed 11-16-2020)

### **§ 153.033 LOSS OF LEGAL NONCONFORMING STATUS.**

If a nonconforming use of land or structure ceases for any reason for a period of one year or more, any reuse of the land or structure must conform to all requirements of this chapter.

(Ord. passed 11-16-2020)

### **§ 153.034 EXPANSION OF NONCONFORMITY PROHIBITED.**

No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. For example, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.

(Ord. passed 11-16-2020)

### **§ 153.035 REPAIR.**

Nothing in this chapter shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity. Residential structures undergoing repair for purposes of providing handicapped facilities are exempt from these requirements.

(Ord. passed 11-16-2020)

### **§ 153.036 CHANGING USES.**

The use of a lawful nonconforming building or structure may be changed only to another use that is less nonconforming. This use may or may not be a permitted use in that district. The determination of relative nonconformance of a proposed use with respect to the previous lawful nonconforming use shall be at the discretion of the Zoning Board of Appeals. The proposed use shall be subject to all the requirements applying to that use in the district, including parking, signage and all other aspects of the site. Where the use of a lawful nonconforming building or structure is changed to a less intensive lawful nonconforming use, it may not be changed back to the previous lawful nonconforming use or to another less intensive lawful nonconforming use.

(Ord. passed 11-16-2020)

#### **§ 153.037 RECONSTRUCTION AND RESTORATION.**

(A) Reconstruction or repair can result in a complete removal or teardown of a structure provided the reconstruction or restoration work does not increase the footprint of the existing structure.

(B) All such restoration must be started within a period of one year of the time of such damage and diligently pursued to completion. The Zoning Board of Appeals may extend the period of time for restoration of any such building or structure when a bona fide emergency renders it impossible to make the restoration of the building or structure within the required time period. No fee shall be charged for an appeal to the Zoning Board of Appeals under the provisions of this section. Any basements, large holes, etc. remaining on the site after removal of the structure shall be filled in and leveled within 90 days of removal of the structure.

(C) Residential structures in the commercial district are exempt from these requirements.

(D) Residential structures undergoing reconstruction or restoration for purposes of providing handicapped facilities are exempt from these requirements.

(Ord. passed 11-16-2020)

#### **§ 153.038 PLANS ALREADY FILED.**

In any case where plans and specifications for a building or structure, which would conform with the zoning regulations prior to the date of this chapter or any amendment thereof have been filed, and where a building permit for such building or structure has been issued and construction work started at the effective date of this chapter or amendment, such work may proceed, provided it is completed within one year.

(Ord. passed 11-16-2020)

#### **§ 153.039 DISTRICT CHANGES.**

Whenever changes occur in the boundaries of Zoning Districts, the provisions of this chapter shall apply to any uses or parcels that become nonconforming as a result of the boundary changes.

(Ord. passed 11-16-2020)

#### **§ 153.040 REGULATION OF NONCONFORMITIES.**

*Interpretation.* Should any question arise concerning the interpretation of any provision of the Regulation of Nonconformities Table (§ 153.043, Table 10 - Nonconforming Situations and Actions) or if a situation is encountered which was not anticipated by the Table, the question shall be submitted to the Zoning Board of Appeals for their interpretation, which shall be final.

(Ord. passed 11-16-2020)

#### **§ 153.041 NONCONFORMING LOTS.**

In any district where residential dwellings are permitted, a single-family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this chapter. Yard dimensions shall conform to the regulations for the district in which the lot is located. No existing conforming lots may be changed to nonconforming lots.

(Ord. passed 11-16-2020)

#### **§ 153.042 INVENTORY OF NONCONFORMITIES.**

The village Zoning Administrator is hereby required to establish and maintain an inventory of legal nonconformities known to exist in the Village of Sebawaing. This inventory should not list illegal nonconformities. Illegal nonconformities are violations of the chapter and should be kept in the active files of the Zoning Administrator. In theory, the inventory of legal nonconformities should only expand if a Zoning Board of Appeals action allowing the nonconformity is issued. All listed properties shall also be identified on a large-scale map of the village which shall be available for public inspection. Each listing in the inventory of nonconformities shall include the following information:

- (A) Date each parcel listed on inventory;
- (B) Parcel identification number;
- (C) Property address;
- (D) Current owner(s);
- (E) Property description;
- (F) Parcel dimensions;
- (G) Sketch with dimensions and setbacks of buildings, structures, and parking areas on the parcel;
- (H) Current zoning district; and

(I) Current use of property.

(Ord. passed 11-16-2020)

**§ 153.043 ELIMINATION OF NONCONFORMING USES BY ACQUISITION.**

In accordance with, P.A.110 of 2006, as amended, the Michigan Zoning Enabling Act, the Village Council may from time to time, acquire properties on which nonconforming uses or structures are located, by condemnation or otherwise, and may remove such uses or develop the property for a public use. The net cost of such acquisition may be made a special assessment against a benefit district or may be paid from other sources of revenue legally available to the village.

<b>Table 10 - Nonconforming Situations and Actions</b>					
<b>Type</b>	<b>If Discontinued for 6 Months</b>	<b>If Damaged More Than SEV</b>	<b>If Damaged Less Than SEV</b>	<b>Change in Use (including new building)</b>	<b>Remodeling, Maintenance, Code Work</b>
<b>Table 10 - Nonconforming Situations and Actions</b>					
<b>Type</b>	<b>If Discontinued for 6 Months</b>	<b>If Damaged More Than SEV</b>	<b>If Damaged Less Than SEV</b>	<b>Change in Use (including new building)</b>	<b>Remodeling, Maintenance, Code Work</b>
Illegal nonconforming parcel	NA	NA	NA	Not permitted unless use is conforming	Property must be kept in safe condition
Illegal nonconforming use of land	May not be resumed	NA	NA	Not permitted unless use becomes conforming	Property must be kept in safe condition
Illegal nonconforming use of building or structure	May not be resumed	Use must stop and may not be resumed	May repair but must reduce degree of nonconformance	Not permitted unless use becomes conforming	Permitted so long as use is not expanded
Illegal nonconforming dimensions or setback of building or structure	NA	Building must be rebuilt to fully comply with applicable district regulations	May repair but must reduce degree of nonconformance	New use and new building must adhere to ALL district regulations	Permitted, but may not create any greater degree of nonconformance
Legal nonconforming parcel	NA	NA	NA	Permitted, but requires a variance	Property must be kept in safe condition
Legal nonconforming use of land	May not be resumed	NA	NA	Permitted, but must reduce degree of nonconformance	Property must be kept in safe condition
Legal nonconforming use of building or structure	May not be resumed	May rebuild if all plans meet all OTHER district regulations	May repair to pre-damage status	Permitted, but must produce degree of nonconformance	Permitted so long as use is not expanded
Legal nonconforming dimensions or setback of building or structure	NA	May rebuild but must reduce degree of nonconformance	May repair to pre-damage status	Permitted, but requires a variance	Permitted, but may not create any greater degree of nonconformance

(Ord. passed 11-16-2020)

**PARKING AND ACCESS**

**§ 153.050 INTENT.**

This section is intended to provide efficient and safe access management and adequate parking area for specific uses as well as promote the efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

(Ord. passed 11-16-2020)

**§ 153.051 CONSTRUCTION AND DESIGN.**

Regulations in this section apply to all districts.

(A) *Application.* Any person desiring to establish or change a parking area shall submit plans to the Village Office and Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. Any curb cuts, entrances, exits, drainage, and design shall have the written approval of the Zoning Administrator with the comments of the Chief of Police and Department of Public Works Superintendent, shall be presented for site plan approval by the Planning Commission.

(B) *Standards.* The design and construction of parking areas shall conform to the following requirements:

(1) All spaces shall be laid out in the dimension of nine feet by 20 feet in size, or 180 square feet of space. This does not include access drives and aisles. Designated handicapped spaces must be 12 feet wide by 20 feet long.

(2) All spaces shall be provided adequate access by means of maneuvering lanes.

(3) *Handicapped spaces.* Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for disabled persons. Signs shall be located approximately six feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one foot in 12 feet and a width of not less than four feet shall be provided for wheelchair access. Parking spaces for the physically disabled shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

(4) *Required number of accessible spaces.* Source: [https://www.ada.gov/restriping\\_parking/restriping2015.html](https://www.ada.gov/restriping_parking/restriping2015.html)

<b>Table 11 - Required Number of Accessible Parking Spaces</b>	
<b>Total in Parking Lot</b>	<b>Required Number of Accessible Spaces</b>
<b>Table 11 - Required Number of Accessible Parking Spaces</b>	
<b>Total in Parking Lot</b>	<b>Required Number of Accessible Spaces</b>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 to 1,000	2% of total
Over 1,000	20, plus 1 for each 100 over 1,000

(5) There shall be a curb or curb stop provided wherever an off-street parking and loading area adjoins a public sidewalk right-of-way, or adjoining property line. The curb or curb stop shall be designed to prevent any portion of a vehicle from encroaching upon the sidewalk, right-of-way, or adjoining property.

(6) Any lighting used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises. All light poles and mounts shall be at a height of 15 feet or less.

(7) Each off-street parking driveway opening to a public street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the public street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a public street at a 90 degree angle.

(8) Each off-street parking driveway shall include an on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to at least 5% of the spaces in the parking area.

(9) All off-street parking driveways shall have a clear vision area unobstructed by accessory structures or plantings, within 20 feet of any public street right-of-way, for a sight distance of 50 feet along the near edge of the pavement in either direction.

(10) Except for parallel parking, all parking spaces shall be clearly marked with striping which shall be maintained.

(11) *Landscaping.* Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.

(12) Off-street parking areas shall be effectively screened on any side which abuts a residentially zoned district or

institutional use with a continuous and completely obscuring wall or fence not less than four feet in height and maintained in good condition.

(13) Access drives to and from a multifamily, commercial or industrial parking area and all other drives to structures or entrances to structures on the site shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed and approved by the Zoning Administrator and Department of Public Works Superintendent and in the instance M-25, the Michigan Department of Transportation.

(14) Any off-street parking area shall be surfaced with an asphalt, concrete, pavers, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.

(C) *Shared access.* The Planning Commission must require shared access between and among uses where feasible, excluding single family dwelling uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

(D) *Driveway closure.* Nonconforming driveways, per this chapter, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review.

(E) *Occupancy.* The occupancy of a building or any part of a building shall not change it from one use to a use in another classification unless the minimum parking requirements are provided for the new use. No building shall be enlarged if the enlargement requires additional parking space, unless the minimum requirements for off-street parking are provided.

(F) *Count toward requirement.* Parking spaces may count toward the requirement for a parcel if they are located on it or on an adjoining parcel where the farthest space is not over 500 feet from the nearest public entrance to the principal building, with a continuous paved walkway between the lot and entrance.

(G) *Traffic study.* The Planning Commission may request a traffic impact study of an applicant for site plan review if the project is located on M-25 or in any commercial or industrial zone.

(Ord. passed 11-16-2020)

#### **§ 153.052 RESIDENTIAL DISTRICTS.**

(A) Provisions shall be made for one usable off-street parking space for each dwelling unit, plus one for each bedroom over one, up to three spaces. Parking in residential zones is only permitted as an accessory use. In no case is it intended that parking or access drives to parking spaces or facilities be permitted as a principal use of any residentially zoned lot. Parking areas must be on an approved surface of asphalt or concrete.

(B) Apartments require two spaces per dwelling unit. Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles. Parking areas must be on an approved surface of asphalt or concrete. Dwelling units located above commercial uses shall provide one space per unit that may be in conjunction with the parking provided for the commercial use on the ground floor.

(C) For all institutional, public, or essential services in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent, under the same ownership.

(D) The parking areas shall not be permitted in any required front yard area, except in a defined driveway no wider than ten feet (excluding that portion of the drive leading to a garage or parking area), or the width of a garage serving the residence or site. However, in the case of a dwelling with a driveway leading to a garage or parking area, the drive may be used for parking. No driveway shall occupy more than 25% of a required front yard.

(E) No commercial repair work, commercial servicing, or selling of any kind except for periodic garage or yard sales shall be conducted on parking areas in residential districts, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited. No person shall park, place or otherwise store any item in public parks or alleys within the village limits.

(Ord. passed 11-16-2020)

#### **§ 153.053 COMMERCIAL DISTRICTS.**

Where parking space is required to be provided for any use, 10% of the capacity of any publicly owned off-street parking facilities located within two blocks may be deducted from the parking space required by this section, but the requirements of this section shall not be reduced by more than 40%.

(A) *Employee parking.* Employee parking shall consist of one parking space for every one employee on the largest shift. Handicapped parking shall be required in accordance with § 153.051(B) of this chapter.



(B) *Parking surface.* All parking shall be on an approved paved surface with the exception of parking for campgrounds, RV parks, cemeteries, parks and other outdoor recreational uses.

(C) *Access drives.* All access drives to and from a parking area and all other access drives to structures or entrances to structures on the site shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed and approved by the village staff and in the instance of Beck Street (M-25), the Michigan Department of Transportation.

(D) *Mixed-use developments.* In case of a situation where there is more than one use in a single structure, the following off-street parking regulations may apply:

<b>Uses per Structure</b>	<b>% of otherwise combined required parking</b>
2	80%
3	75%
4	70%
5 or more	65%
In no case shall less than 65% be allowed	

(E) *Bicycle parking.* If bicycle parking is provided, the racks must meet the following standards:

(1) The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle; and

(2) A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

(Ord. passed 11-16-2020)

**§ 153.054 INDUSTRIAL DISTRICTS.**

(A) Where parking space is required to be provided for any industrial use, 10% of the capacity of any publicly owned off-street parking facilities located within two blocks may be deducted from the parking space required by this section, but the industrial off-street parking requirements of this section shall not be reduced by more than 40%.

(B) Off-street parking facilities shall be located as specified in this section. For industrial uses, required parking shall be provided within 500 feet of the industrial building, which shall be measured from the nearest point of the parking facility to the nearest point of the building such facility is required to serve.

(C) Every parcel of land used as a public or private parking area in any "I" District shall be developed and maintained in accordance with the following requirements or other industrial property line, unless screened by a solid masonry wall.

(D) For every building, or part, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, goods display, wholesale store or warehouse, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises off-street loading spaces in relation to floor area as follows:

Up to 20,000 square feet	1 space
20,000 to 50,000 square feet	2 spaces
50,000 to 100,000 square feet	3 spaces
One additional space for each additional 100,000 square feet, or part thereof and each loading space shall be at least 12 feet in width, and 88 feet in length, and have a clearance of 14 feet above grade.	

(E) Vehicle service garages shall contain one parking space for each 500 square feet of building floor area.

(F) Employee parking shall consist of one parking space for every one employee on the most populated shift. Handicapped parking shall be required in accordance with § 153.051(B) of this chapter.

(G) In the case of a building, structure, or premises, the use of which is not specifically mentioned in §153.055, the provisions for a use which is mentioned and to which the use in question is similar, shall apply.

(H) In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply:

<b>Uses per Structure</b>	<b>% of otherwise combined required parking</b>
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2	80%
3	75%
4	70%
5 or more	65%
In no case shall less than 65% be allowed	

(I) *Parking surface.* All parking shall be on an approved paved surface, which can include pervious pavement, with the exception of parking for campgrounds, RV parks, cemeteries, parks and other outdoor recreational uses.

(J) Access drives to and from a parking area and all other access drives to structures or entrances to structures on the site shall be paved. Access drives are not part of the required parking area. Design and construction of access drives must be reviewed and approved by the Zoning Administrator and Department of Public Works Superintendent and in the instance of M-25, the Michigan Department of Transportation.

(Ord. passed 11-16-2020)

**§ 153.055 NUMBER OF PARKING SPACES REQUIRED.**

(A) Parking or storage of motor vehicles shall be provided for in all districts in connection with all industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses. In the case of a building, structure, or premises, the use of which is not specifically mentioned, the provisions for a use which is mentioned and to which the use in question is similar, shall apply. Handicapped parking shall be provided in accordance with § 153.51(B).

(B) In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply. The Planning Commission shall have the power to reduce parking further in the case of shared drives, shared parking or other circumstances where a reduction in parking will contribute to the safety, function or overall site design.

<i>Uses per Structure</i>	<i>% of otherwise combined required parking</i>
2	80%
3	75%
4	70%
5 or more	65%
In no case shall less than 65% be allowed	

In cases where there is a single specified use, the following regulations shall apply:

<i>Use</i>	<i>Required parking spaces</i>
Personal services	Two parking spaces for each chair or booth
Places of public assembly	One parking space for each three seats
Commercial recreation (outdoor)	25% of lot area, but in no case less than 10 parking spaces
Commercial recreational (indoor)	One parking space for each 100 square feet of building floor space

(Ord. passed 11-16-2020)

**SIGNS**

**§ 153.060 SIGNS.**

Any publicly displayed sign, symbol or notice on a premise to advertise the business there transacted or name of person or firm conducting the business on premises or directing to some other locale shall be regulated as follows.

(A) All plans for the erection of signs shall be submitted to the Village Council for review and approval.

(B) Prior to the erection of a sign in the right-of-way of a county, state or federal road, the sponsor of the project shall present the Zoning Board of Appeals with a letter from the proper governmental agency having jurisdiction indicating the sign does not impair the safety of the traffic movement using the right-of-way.

(Ord. passed 11-16-2020)

**§ 153.061 INTENT.**

These standards are adopted to:

- (A) Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents;
- (B) Preserve public health, safety, and welfare;
- (C) Minimize the adverse effects of signs on nearby public and private property;
- (D) Protect and enhance the scenic views and natural landscapes;
- (E) Avoid obstacles, distractions, adverse lighting and reflection, or traffic hazards, which impair a traveler's ability to see pedestrians, traffic signs, or vehicles;
- (F) Provide for the effectiveness of permitted signs;
- (G) Encourage appropriate plants and landscaping material;
- (H) Avoid excessive signage;
- (I) Promote the use of aesthetically pleasing sign materials and colors;
- (J) Enhance the effectiveness of necessary directional and warning signs; and
- (K) Require structurally safe signs.

(Ord. passed 11-16-2020)

**§ 153.062 PERMIT PROCEDURE.**

Prior to construction or establishment of any sign, except as otherwise specifically noted in this chapter, a permit shall be obtained from the village. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit.

(A) *Applications.* Application for a permit to construct or locate a permanent sign shall be obtained from the Village Zoning Administrator. The application shall include the following information.

- (1) Name, address, telephone number of the landowner, developer, or petitioner.
- (2) A map of the property at a scale of 1"=10' showing the location and type of existing structures on the site, property boundaries, location and type of structures on adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
- (3) An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
- (4) In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
- (5) The proposed dates of construction and completion of the sign.
- (6) Structural information necessary to comply with all Huron County adopted building codes.
- (7) In the case of a portable sign, the length of time the proposed sign will be on the site.
- (8) A fee shall be paid to the Village of Sebawaing for each sign permit. A schedule of fees shall be established and amended from time to time by the Village Council.

(B) *Portable/temporary.* All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than three days.

<b>Zoning District</b>	<b>Duration of Permit</b>	<b>Permits per Parcel</b>
Residential (non-profit)	14 days	2 per year
AG/RES (all other)	14 days	1 per year
Commercial	30 days	2 per year
Industrial	30 days	2 per year

(Ord. passed 11-16-2020)

**§ 153.063 EXEMPTIONS.**

(A) *Actions exempt from permitting.* The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.

(1) *Replacing copy.* The changing of the advertising copy of an approved painted or printed sign, where the sign structure does not change, or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

(2) *Maintenance.* Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

(B) *Signs exempt from permitting.* The following exempt signs are allowed in all zoning districts within the village. All exempt signs shall comply with setback provisions for the zoning district in which they are located.

(1) *Construction signs.* These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of 20 square feet. The signs shall be confined to the site of the construction and shall be removed no more than four days after the beginning of the intended use of the project.

(2) *Commercial rent/sale/lease.*

(a) One sign advertising parcels of land or building for rent, lease or sale, when located on land or building intended to be rented leased or sold; and

(b) Not exceeding 24 square feet in area, six feet in height in C and M zoning districts.

(3) *Small signs.* In the REC, AG, R-1, and R-2 zoning districts, one shall be no greater than six square feet or four feet in height. One sign is permitted without a permit, provided it is located within the required yard. In the C, MR, and M districts, signs and decorations smaller than one square foot are permitted. Flags or banners anchored to permanently mounted poles that are less than three square feet are permitted. Flags, banners and signs larger than this shall be treated as portable/temporary signs.

(4) *Crop identification.* Crop identification signs in the AG district.

(5) *Private traffic direction signs.* Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner.

(6) *Flags.* Two flags are allowed to be exempt from these regulations. If additional flags will be displayed no more than the time period allowed for a portable sign, the flag will be considered a portable sign and is subject to portable sign regulations. If the flag will be displayed more than the time period allowed for portable signs, the flag becomes a permanent sign and must be calculated into the total sign area allowed for a parcel.

(7) *Addresses.* Address numbers, nameplates, including apartment units and office suites) identifying the occupant or address of a parcel of land.

(8) *Vehicle signs.* Signs attached to legally licensed vehicles that are used upon the highways for transporting persons, goods or equipment.

(9) *Governmental signs.* Traffic or other municipal signs including, but not limited to, the following, legal notices, historic site designations, municipal facility directional signs, street or traffic signs, railroad crossing signs, danger and other emergency signs as may be approved by the Village Council or any federal, state or county agency having jurisdiction over the matter of the sign. Such signs may be located in any zoning district. However, all signs on governmental property on which a municipal building is located shall meet the C zoning district requirements stated herein.

(10) *Community special event.* Community special event signs approved by the Village Council.

(11) *Decorative signs.* Signs of a decorative nature, not used for any commercial purpose, provided that such signs shall be displayed for a period of not more than 60 consecutive days, nor more than 60 total days in any one year.

(Ord. passed 11-16-2020)

#### **§ 153.064 MEASUREMENT OF A SIGN.**

(A) Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color, forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower.

(B) Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four to determine the maximum permitted sign area.

(C) The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

(Ord. passed 11-16-2020)

**§ 153.065 TABLE OF SIGNS PERMITTED.**

<i>District</i>	<i>Type</i>	<i># per parcel</i>	<i>Size</i>	<i>Setback</i>	<i>Maximum</i>
<i>District</i>	<i>Type</i>	<i># per parcel</i>	<i>Size</i>	<i>Setback</i>	<i>Maximum</i>
Agricultural (AG)	Nondwelling use	1	32 sq. ft.	Within required yard	5 ft.
	Small sign	1	6 sq. ft.	Within required yard	4 ft.
	Wall sign	1	32 sq. ft.	Any wall	Any wall
	Portable/temporary	1	32 sq. ft.	Within required yard	5 ft.
	Integral sign	1	No limit	Any wall or roof	Any wall or roof
Single-Family and Multiple-Family Residential (R-1, R-2, MR)	Nondwelling use	1	32 sq. ft.	Within required yard	5 ft.
	Small sign	1	6 sq. ft.	Within required yard	4 ft.
	Integral sign	2	24 sq. ft. each	Within required yard	5 ft.
	Subdivision	2	24 sq. ft.	Within required yard	
	Portable/temporary	1	32 sq. ft.	Within required yard	5 ft.
Commercial (C)	Freestanding or monument	1	32 sq. ft.	Within required yard	10' at grade of lot line
	Wall	1	64 sq. ft. or 70% of any wall	Any wall facing a road	Height of highest eave
	Marquee/canopy	1	64 sq. ft. or 70% of any wall	On structure	Height of highest eave
	Portable/temporary	1	32 sq. ft.	Within required yard	5 ft.
	Street banner	See notes	See notes	See notes	NA
	Electronic message board	1	32 sq. ft.	Within required yard	10 ft.
Industrial (M)	Wall	1	64 sq. ft. or 70% of any wall facing a road	Any wall Within required yard	Any wall Height of highest eave
	Freestanding or monument	1	32 sq. ft.	Within required yard	10' at the grade of the lot line
	Roof	1	60 sq. ft.	Within required yard	Roofline
	Portable/temporary	1	32 sq. ft.	Within required yard	5 ft.
Recreation (REC)	Monument	1	32 sq. ft.	Within required yard	6' at the grade of the lot line

Notes to table:

(A) *Through lots.* In the case of through lots (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.

(B) *Corner lots.* In the case of a corner lot, situated on two or more streets, signs may be permitted on each street according to the regulations for individual signs in the table. If the property owner chooses to only have signage on one of the street frontages, additional bonus provisions will be applied to the sign on the street where the sign is located. Bonus provisions will be based on those available to the property owner had he chosen to locate the sign on the unsigned street

frontage.

(C) *Business center.* If there are three or more businesses located on the same parcel, the Planning Commission shall determine the allowable sign size at the site plan review stage.

(D) *Sign type.* No premises other than through or corner lots shall be permitted more than two signs of different types or more than one sign of any particular type.

(E) *Upper floor occupation.* Each business occupancy other than the ground floor shall be entitled to one additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first-floor business.

(F) *Additional building entrance.* One sign not exceeding four square feet may be permitted per additional building entrance, exit or service window.

(G) *Street banners.* Fabric signs suspended across public streets advertising a public entertainment or event. The location of each street banner must be specifically approved by the Huron County Road Commission or the Michigan Department of Transportation. A copy of the Road Commission or MDOT permit must be on file with the Zoning Administrator prior to displaying the banner. These signs may be displayed during the event being advertised and for no more than 14 days before and four days after it.

(H) *Political campaign signs.*

(1) Signs up to an area of six square feet for each parcel in the AG, RA-1, RA-2 and MR districts.

(2) Signs between six and 32 square feet require a temporary permit and are not exempt from the requirements.

(3) These signs must be removed no more than ten days after the election for which they were made.

(I) *Electronic message boards.* The message/symbol/picture change cycle of a changeable message sign shall be not less than 30 seconds per message/symbol/picture.

(J) *Nondwelling use signs.* In the AG, R-1, R-2, MR districts, only non-dwelling use signs may be illuminated.

(K) *Wall signs.* Signs constructed of fabric that are securely anchored to a building so that no portion of the sign moves, are maintained in good repair and meet all other provisions of this chapter are permitted. These signs are considered permanent signs and must be within the maximum square footage and placement allowed for such signs.

(Ord. passed 11-16-2020)

#### **§ 153.066 PROHIBITED SIGNS.**

Signs are prohibited that:

(A) Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.

(B) Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.

(C) Are not properly anchored or secured to a building or the ground.

(Ord. passed 11-16-2020)

#### **§ 153.067 ILLUMINATION.**

(A) There shall be no flashing, oscillating, or intermittent, illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections.

(B) All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least 150 feet from any residential use.

(C) The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

(D) In the AG, RA-1, RA-2, MR districts, only non-dwelling use signs may be illuminated.

(Ord. passed 11-16-2020)

#### **§ 153.068 NONCONFORMING SIGNS.**

(A) *Intent.* This chapter is intended to encourage the eventual elimination of signs which do not comply with the chapter. The elimination of non-conforming signs is as much a subject of health, safety, and welfare as is the prohibition of new signs in violation of this chapter. Therefore, this chapter attempts to realize the removal of non-conforming signs and to avoid any unreasonable invasion of established property rights.

(B) *Continuance.* A nonconforming sign may be continued during the useful life of the sign if it is maintained in good condition. It shall not, however, be replaced by another nonconforming sign. It may not be structurally altered so as to prolong the useful life of the sign. It may not be reestablished after damage or destruction is the Department determines that the estimated cost of reconstruction exceeds 50% of the estimated replacement costs.

(Ord. passed 11-16-2020)

#### **§ 153.069 CONSTRUCTION AND MAINTENANCE.**

(A) *Codes.* All signs shall conform to the latest edition of the applicable building and electrical codes.

(B) *Fastenings.* All signs must remain safe and secure during the period of use. All parts of the Signs, including bolts and cables, shall remain painted, and free of corrosion.

(C) *Fire escapes.* A sign may not obstruct a fire escape.

(D) *Identification.* All signs for which a permit is required shall identify the name and operating telephone number of the person responsible for the sign.

(E) *Responsibility for compliance.* The owner of the parcel on which a sign is placed and the person maintaining the sign are each fully responsible for the condition and the maintenance of the sign, and the area around the sign.

(Ord. passed 11-16-2020)

#### **§ 153.070 ABANDONED SIGNS.**

A sign or sign insert shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises and the village determines the sign is in a condition that is detrimental to the health, safety and welfare of the village. This may include structural deficiencies or poor maintenance. If the owner or lessee fails to remove it within 30 days of the termination of the business, or the property owner fails to provide the village with a permit request for a replacement sign within 180 days of the business no longer being conducted on the premises, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

(Ord. passed 11-16-2020)

### **SPECIAL USE PERMITS**

#### **§ 153.080 INTENT, PURPOSE, AND PROCESS.**

(A) *Intent.*

(1) The special uses that are designated for a particular zoning district are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole. It is the intent of this chapter to provide a set of procedures and standards for specific uses of land or structures that will allow practical latitude for land use and at the same time, promote the intent and purpose of this zoning chapter, and insure the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses.

(2) The Planning Commission shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this chapter.

(B) *Purpose.* This chapter provides procedures and standards for regulating activities identified as uses by special use permit for each zoning district. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.

(C) *Process.* Regulation of special uses may include up to three separate steps. First is the possibility of a rezoning being required to accommodate the special use. Second is the review of the site plan for the proposed use. And third is the decision of whether a special use permit will be granted.

(1) *Standards.* During the special use permit process, various considerations will be explored before approval of the site plan or the special use permit. Some of these are defined in this chapter as additional site plan review standards for various special uses. These standards are intended to reduce the impact of a special use on surrounding properties. They are minimum requirements that must always be met.

(2) *Conditions.* The Planning Commission may attach additional conditions to the approval of the site plan or the special use permit. These conditions must be based on requirements or concerns defined by this chapter.

(3) *Permanence.* Note that once a special use permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this chapter, have been violated. Otherwise, the special use permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this chapter does not provide for placement of any time limit on a special use permit, except the special use permit may expire or be revoked.

(Ord. passed 11-16-2020)

#### **§ 153.081 HOW A SPECIAL USE PERMIT IS REVIEWED.**

(A) *Submission of application.* The application package is to be submitted to the Village Zoning Administrator.

(1) *Contents.* The application package consists of a special use permit application form completed in full by the applicant, accompanied by a fee as established by the Village Council.

(2) *Application deadline.* The complete application package must be submitted to the Zoning Administrator at least 30 days before the Planning Commission meeting at which it will be considered.

(B) *Consideration of rezoning and special use permit.* In the event that allowance of a desired use requires both a rezoning (change in zoning district designation for the parcel) and a special use permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.

(1) *Separate.* The rezoning shall be considered separately and prior to the special use permit.

(2) *Procedures.* The chapter procedures for each decision shall be followed as specified. Any special use permit approval must be conditioned upon adoption of the rezoning by the Village Council, after submission to the County Planning Commission.

(3) *Standards.* All standards required by this chapter shall be observed for each action.

(4) *Public hearings.* The public shall be given the opportunity for input on both the rezoning and special use decisions. Thus, two separate public hearings shall be held at the same meeting.

(C) *Planning Commission review and hearing.* The special use permit application package shall be the subject of both a site plan review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the site plan review and special use permit considered at a single Planning Commission meeting, the following process occurs:

(1) *Public hearing on special use.* The Planning Commission shall hold a public hearing on the application as part of the meeting in which the special use permit is considered.

(a) *Notice.* A notice of public hearing shall be mailed to all parties specified in the Administration chapter and published in a newspaper of general circulation in the village not less than 15 days before the date of such hearing.

(b) *Delay at applicant's request.* If a site plan for a special use has been denied, the applicant may ask that the special use permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.

(2) *Site plan review.* The Planning Commission shall conduct a site plan review for the proposed use, using the procedure and standards presented in the site plan chapter and any specific standards identified for the special use by this chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.

(a) *Public input.* The site plan review may be completed before public input is heard on the question of granting the special use permit. This is because the site plan review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.

(b) *If the site plan is denied.* In the event the site plan is denied, consideration of the special use permit shall still occur, including the public hearing. The special use permit may still be approved with the condition that site plan approval must be obtained before the special use permit is valid.

(3) *Consideration of special use permit.* Following the close of the public hearing, consideration of the special use permit shall take place.

(a) *Open meeting.* Note the Open Meetings Act requires this vote to take place in an open public meeting.

(b) *Prompt decision.* In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the special use permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the special use permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.

(D) *Reapplication.* An application for a special use permit that has been denied, may not be resubmitted until one year after the date of denial has passed.

(E) *Terms of permit.* A special use permit consists of a permit that specifies the special use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a special use permit is discontinued for a period of one year, the special use permit shall expire. To reestablish the use after such expiration will require granting a new special use permit, starting with a new application.

(F) *Revocation.* The privilege of a special use permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in division (E) above, the permit remains valid as long as all of those conditions are met and is transferable from owner to owner or "runs with the land." However, the Planning Commission shall revoke any special use permit after it has been proven the permit conditions have been violated.

(1) *First notice.* The Zoning Administrator shall send written notice of a violation to the holder of the permit by certified mail. The notice shall state that correction must be made within 30 days or the Planning Commission will revoke the special



use permit and order the use to cease.

(2) *Considered nonconforming.* From the time the Zoning Administrator's notice of violation is issued, until compliance with all special use permit conditions is restored, the use in question shall be treated as an unacceptable nonconforming use.

(3) *Planning Commission action.* The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the special use permit at the next regular Planning Commission meeting, and revocation of the special use permit shall be considered then. The Planning Commission's meeting will usually take place before the 30 day period for the first notice has expired. In that case, the resolution to revoke the special use permit should be worded so it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.

(4) *Second notice and order.* After expiration of the 30 day period, the Zoning Administrator shall notify the permit holder by certified mail the special use permit has been revoked, and the use for which the permit was granted must cease within 60 days from the date of this second notice.

(5) *Enforcement of order.* Failure to comply with the order to cease an activity for which a special use permit has been revoked is a violation of this chapter, subject to a civil infraction.

(G) *Standards to consider when reviewing a special use permit.*

(1) Standards attached to site plan review. Before approving or denying a special use permit application, the Planning Commission reviews the site plan for said use, to establish all applicable standards are satisfied. The site plan review shall determine compliance with the applicable district regulations, the site plan review standards and any applicable standards from this chapter.

(2) *Additional conditions.* The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this chapter. These conditions may include but are not limited to changing the parking, lighting or building configuration to promote compatibility on the site. These may be defined during the site plan review process or during consideration of whether to grant the special use permit. All conditions attached to the approval of the site plan are also conditions of the special use permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself, communicated to the applicant in writing, and based directly on the intent of this chapter. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.

(3) *Enforcement of conditions.* The breach of any condition shall be cause for the Planning Commission to revoke a special use permit.

(Ord. passed 11-16-2020)

#### **§ 153.082 AGRICULTURAL BULK COLLECTION, STORAGE, DISTRIBUTION.**

(A) Each principal agribusiness use shall have frontage upon and access to a thoroughfare having a primary or greater classification.

(B) The minimum lot area shall be 90,000 square feet and the minimum lot width shall be 300 feet.

(C) A bulk collection, storage, distribution, and similar structure shall be located not less than 50 feet from any right-of-way line and not less than 50 feet from any side or rear property line.

(D) The total coverage of all main and accessory buildings shall not exceed 30% percent of the lot on which they are located.

(E) Noise or similar objectionable characteristics incidental to the activity shall not be discernible beyond 500 feet from the boundaries of the lot or premises from which the noise or objectionable characteristic is generated.

(Ord. passed 11-16-2020)

#### **§ 153.083 AUTOMOBILE BODY AND PAINT SHOPS, SERVICE AND REPAIR, QUICK OIL CHANGE .**

(A) The minimum lot area shall be 10,000 square feet for an automobile service station or repair garage.

(B) The minimum lot width shall be not less than 100 feet.

(C) An automobile service station building shall be located not less than 50 feet from any right-of-way line and not less than 30 feet from any side or rear lot line abutting residentially zoned property.

(D) All ingress and egress drives shall not be less than 15 feet in width.

(E) Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic

(F) The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

(G) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 30 feet from any lot line, and shall be arranged so motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

(H) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight-foot-high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding three days.

(I) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

(J) On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this chapter.

(Ord. passed 11-16-2020)

#### **§ 153.084 CEMETERIES.**

Public or private, when occupying a site of not less than 20 acres, provided that no building shall be closer than 50 feet from any property lines.

(Ord. passed 11-16-2020)

#### **§ 153.085 COMMERCIAL RECREATION, INDOOR AND OUTDOOR.**

(A) *Indoor commercial recreation.* Indoor commercial recreation uses included, but are not limited to: putt putt courses, batting cages, bowling alleys, ice or roller rinks, firearm ranges, indoor fields and racquet courts, golf courses, and athletic clubs.

(1) The sites shall be located on, or shall have principal access from a major thoroughfare or county primary road.

(2) The minimum site area shall be one acre.

(3) No building shall be located within 50 feet of a lot line of adjoining residentially planned, zoned, or currently being used for residential purposes.

(4) Whenever parking areas are adjacent to land in a R-1 or R-2 district, a minimum of a five foot high wall shall be provided along the side of the parking area adjacent to the residentially planned, zoned, or used land.

(5) Based on the nature of the use and nuisance potential to adjoining property owners, the Planning Commission and the Village Council may stipulate noise standards beyond those stipulated otherwise in this chapter.

(6) Operating hours for all uses shall be determined by the Planning Commission and the Village Council based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, from 7:00 a.m. to midnight.

(B) *Outdoor commercial recreation.* Outdoor Commercial recreation uses shall include, but may not be limited to: archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle track, off-road or mud bogging, amphitheater, amusement and water park, drive-in theater, air gun or survival games, amusement park, golf driving range, fairground, batting cages, ski slope, and skate board park.

(1) The site shall be located on, or shall take principal access from a major thoroughfare, or county primary road.

(2) All points of entrance or exit shall be no closer than 200 feet from the intersection of any two streets or highways.

(3) No drive shall be closer to another drive by less than 75 feet and the maximum number of drives shall be two.

(4) Minimum site area shall be based on the underlying district. However, the Planning Commission and the Village Council may increase the minimum required site area depending upon the described use and anticipated extraneous impacts on adjoining properties. Such an increase will be for the purpose of buffering, screening, and otherwise negating or limiting the potential nuisance to adjacent properties caused by noise, dust, odor and the like. To this end, the Planning Commission and the Village Council may require additional information concerning the proposed use and the potential for nuisance.

(5) No building or spectator seating area shall be located within 100 feet of a lot line of an adjoining residentially planned, zoned, or used property.

(6) A landscaped buffer strip of no less than 100 feet shall be provided along the property lines of all residentially planned, zoned, or used land. However, the Planning Commission and the Village Council may reduce such requirement by 50% if it is determined the potential for off-site nuisance is limited.

(7) Whenever parking areas are adjacent to a residential district or dwelling, a minimum of a five foot wall shall be provided along the side of the parking area adjacent to such land.

(8) Racetracks of any sort shall be enclosed around the entire periphery with an obscuring wall of at least eight feet in height.

(9) Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning

Commission and Village Council.

(10) Not more than 65% of the land area shall be covered by recreation uses.

(11) Central loudspeakers/ paging systems are prohibited within 200 feet of residentially planned, zoned, or used property. Such systems shall not be directed toward a residential area even if outside the 200 foot setback.

(12) Operating hours for all uses shall be determined by the Planning Commission and the Village Council based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, from 7:00 a.m. to midnight.

(Ord. passed 11-16-2020)

#### **§ 153.086 COTTAGE INDUSTRIES.**

(A) *Intent.* It is the intent of this chapter to provide for limited commercial and industrial uses in conjunction with a dwelling which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such limited commercial and industrial uses are known as cottage industries and are defined within this chapter.

(B) *Special use standards.*

(1) The particular uses conducted by the cottage industry, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.

(2) The use is environmentally sound regarding the project site and region.

(3) No additional service demands will be created by the use.

(C) *Specific standards.*

(1) Not more than three employees working on the premises in addition to the members of the family residing on the premises.

(2) The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes.

(3) Multiple uses may be permitted within the cottage industry. The total area occupied by all uses within the cottage industry, including storage, shall not exceed 1,500 square feet. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), except as specifically provided by the special use permit.

(4) One non-illuminated sign not exceeding eight square feet.

(5) The sale of merchandise not produced on the premises (except mail order only businesses) shall be incidental and accessory to the merchandise or service produced by the cottage industry and shall not be advertised in any manner.

(6) No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.

(7) No disabled, unlicensed or inoperable vehicles of any kind, including trailers, semi cabs or tractor-trailers shall be stored outside.

(8) All outside storage and other evidence of a cottage industry shall be screened from view from the road and all adjacent properties either by fencing, berming or vegetation.

(Ord. passed 11-16-2020)

#### **§ 153.087 DAY NURSERIES.**

(A) *Hours of operation.* All activities must take place between the hours of 7:00 a.m. and 6:00 p.m. Group day care homes with hours of operation other than these must apply to the Village Council.

(B) *License.* Proof of a valid Michigan day care license for a family or group home (for existing licensees) or completed application (for new licensees) is required prior to receiving a permit.

(C) *Parking.* Adequate off-street parking shall be maintained at all times and shall not cause parking or traffic congestion on the primary or adjacent streets or properties.

(D) *Fencing.* The outdoor play area must be protected from hazards, when necessary, by a fence or natural barrier that is at least four foot in height. For fence construction requirements, please see § 153.022. Must meet all State of Michigan licensing rules for child care centers. [https://www.michigan.gov/documents/lara/BCAL\\_PUB\\_8\\_3\\_16\\_523999\\_7.pdf](https://www.michigan.gov/documents/lara/BCAL_PUB_8_3_16_523999_7.pdf)

(E) *Signage.* One unlighted, wall-mounted sign not exceeding two square feet in area is permitted.

(Ord. passed 11-16-2020)

#### **§ 153.088 DRIVE-IN, DRIVE-THRU BUSINESS.**

(A) The main and accessory buildings shall be set back a minimum of 30 feet from any adjacent right-of-way line or

residential property line.

(B) Applicable off-street waiting areas shall be provided in accordance with parking and loading regulations.

(C) The subject property shall have access to an arterial or collector road.

(D) Exterior trash receptacles shall be provided and routinely emptied so as to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.

(E) All drive-thru window lanes shall be separated by curb from the parking lot's interior driveways.

(F) Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining properties.

(G) All exterior seating/play areas shall be completely enclosed by a three-foot-high fence.

(H) No part of the subject use shall be located within 200 feet of any residentially zoned land.

(Ord. passed 11-16-2020)

#### **§ 153.089 HIGH-INTENSITY USES, WASTE TREATMENT, AND DISPOSAL.**

(A) Standards in this section shall apply to all of the following uses. These uses are:

- (1) Solid waste transfer stations, processing, recycling facilities;
- (2) Salvage yard, resource recovery, junk yard;
- (3) Sewage treatment and disposal;
- (4) Concrete and asphalt plants; and
- (5) Bulk storage of refined petroleum products.

(B) *General.* All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this section are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.

(C) *Contractual agreements.* The provisions of this section are not intended to diminish or alter the enforceability or application of any separate contractual agreements between the village and any individual or company which owns a landfill or is involved with landfill operations.

(D) *Tree buffers for junkyards.* Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than 50 feet in width and may be natural vegetation or planted evergreens if the existing cover is destroyed.

(E) *No hazardous or toxic waste.* No hazardous or toxic wastes, as defined by the Michigan Department of Environment, Great Lakes, and Energy, may be deposited or stored by any use in this group.

(F) *Truck access.* Routes for truck movement to and from the site shall be identified by the Huron County Road Commission and the Village of Sebawaing. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.

(G) *Activity restrictions.* No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.

(H) *Fence requirements.* The storage of junk should be screened by a solid fence or wall at least eight feet in height. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.

(Ord. passed 11-16-2020)

#### **§ 153.090 INSTITUTIONS: RELIGIOUS, EDUCATIONAL, SOCIAL, HUMAN CARE, RETREATS, STATE LICENSED RESIDENTIAL CARE SEVEN THROUGH 20 PEOPLE.**

Institutions are subject to the following conditions:

(A) Direct ingress and egress shall be from a paved road unless determined to be unnecessary by the Planning Commission.

(B) The buildings on the site shall be set back from abutting properties zoned and used for residential use not less than 50 feet.

(C) Buildings of greater than the maximum height allowed in the zoning district that a religious institution is located in may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one foot of

building that exceeds the maximum height allowed.

(Ord. passed 11-16-2020)

#### **§ 153.091 KENNELS AND VETERINARY CLINICS.**

(A) All kennels shall be operated in conformance with all county and state regulations, permits being valid no longer than one year.

(B) For dog kennels, the minimum lot size shall be one-half acre for the first three dogs and an additional one-half acre for each three additional animals.

(C) Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than 30 feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

(D) Such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements, buffering).

(Ord. passed 11-16-2020)

#### **§ 153.092 LIGHT MANUFACTURING WITHIN THE BUILDING.**

(A) All activities related to the business must be contained within the building including storage of materials and products.

(B) The business may not create any noise, emissions, effluent, or other evidence of a manufacturing activity taking place within the building.

(Ord. passed 11-16-2020)

#### **§ 153.093 MANUFACTURED HOUSING PARK.**

(A) *Permitted uses.*

(1) Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this section.

(2) Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile home park residents.

(3) Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this section.

(4) Public service installation.

(B) *Internal roads.*

(1) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by an alley is prohibited.

(2) Dead end internal roads shall terminate with a paved turning radius of 50 feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area.

(3) A safe-sight distance of 250 feet shall be provided at intersections.

(4) Offsets at intersections, or intersections of more than two internal roads are prohibited.

(5) Internal roads shall have driving surfaces with widths not less than the following:

(a) No parking, 21 feet.

(b) Parallel parking, one side, 31 feet.

(c) Parallel parking, two sides, 41 feet.

(6) All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width of the pavement. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:

(a) All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth measured from the edge of the pavement of the public road into the community.

(b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.

(c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.

(d) Alternative designs that provide for adequate ingress and egress shall be approved by the Road Commission and Manufactured Housing Commission.

(7) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), which is adopted by reference in these rules and is available for inspection at the Michigan Department of Consumer and Industry Services, Bureau of Construction Codes.

(8) The community developer may use other suitable material of equal quality if approved by the department.

(9) A developer may install curbing on all internal roads. If curbing is used, it shall be constructed of concrete or asphalt.

(10) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within one hundred (100') feet of the entrance or before the first intersection, and shall be enforced in compliance with the requirements of 1949 PA 300, M.C.L. §§ 257.1 et seq.

(11) All internal roads may be clearly marked with appropriate traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.

(12) Internal roads shall be named and so identified by signs located at all internal road intersections and at public roads.

(13) Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.

(14) *Vehicle parking.*

(a) All home sites shall be provided with two parking spaces at the home site. Vehicle parking shall be in compliance with both of the following provisions:

1. The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 20 feet and the length shall not be less than 20 feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.

2. A parking space shall be hard surfaced.

(b) *Additional parking facilities.*

1. A minimum of one parking space for every three home sites shall be provided for visitor parking. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve. The 500 feet shall be measured along a road or sidewalk.

2. If parking bays are provided, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

(C) *Illumination.* All streets and sidewalk and areas open to travel by mobile home park residents shall be illuminated as follows:

(1) Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level in foot candles of an adjacent illuminated public thoroughfare.

(2) At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot-candles.

(3) All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot-candles.

(4) If a central park, mailbox, or park directory, or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.

(5) All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile home park.

(D) *Mobile home installation.* Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

(Ord. passed 11-16-2020)

#### **§ 153.094 MINISTORAGE.**

(A) *Minimum lot size.* The minimum lot size shall be one-half acre. The minimum lot width shall be 100 feet.

(B) *Construction.* Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of 15 feet, as measured from building front to building front.

(C) *Store inside.* All items shall be stored inside an enclosed facility.

(D) *Lighting.* Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.

(E) *Access.* All access aisles and entrances to the site shall be paved with asphalt or concrete with appropriate stormwater drainage. Where possible, access to individual units shall face the interior of the site to avoid perimeter traffic.

(Ord. passed 11-16-2020)

#### **§ 153.095 OUTDOOR SALES AND SERVICE, BODY SHOPS, TOWING, OTHER PERMANENT OUTDOOR USES.**

(A) The minimum lot area shall be 10,000 square feet for a body shop, automobile service station, or repair garage.

(B) The minimum lot width shall be not less than 100 feet.

(C) An automobile service station building shall be located not less than 50 feet from any right-of-way line and not less than 30 feet from any side or rear lot line abutting residentially zoned property.

(D) Ingress and egress drives shall not be less than 15 feet in width.

(E) Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic.

(F) The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

(G) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 30 feet from any lot line, and shall be arranged so motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

(H) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight-foot-high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding three days.

(I) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

(J) On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this chapter.

(Ord. passed 11-16-2020)

#### **§ 153.096 PLANNED UNIT DEVELOPMENT (PUD).**

(A) *Intent.* This section is intended to encourage innovation in land use patterns and variety in design for development of large parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.

(B) *Permitted uses and standards.*

(1) Dwelling units in detached, semi-detached, attached, or multiple-family dwellings or any combination thereof, along with customary accessory detached uses and structures are permitted in a PUD. Site condominium projects (Act 59 of 1978) established after the effective date of this chapter shall be designated as a PUD.

(2) Commercial uses, limited to those set forth in the commercial district of the Village of Sebawaing Zoning Ordinance and specifically approved by the Planning Commission, are permitted in the PUD, provided that such uses are designed to be compatible and harmoniously incorporated into the overall design of the PUD.

(3) Non-residential uses of a religious, cultural, or recreational character are permitted in a PUD provided they are compatibly and harmoniously incorporated into the overall design of the PUD.

(C) *Density and parcel coverage.* Minimum requirements set forth by the original district in which the proposed PUD is located shall act as a general guideline for the lot and yard regulations. To encourage flexibility and creativity consistent with the intent of PUD regulations, the village may permit specific departures from the requirements of the zoning ordinance for yards and lots as a part of the approval process. Any regulatory modification shall be approved through a finding by the Village Planning Commission; the deviation shall result in a higher quality of development than would be possible using conventional zoning methods.

(D) *Open space.*

(1) Required open space shall comprise no less than 40% of the total lot or parcel area. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may yard areas of individual residential lots be included. However, landscaped yard areas for multiple dwellings or nonresidential uses may be included. Areas covered with buildings, streets, parking lots, driveways and other paved surfaces are not considered open space.

(2) Development in dedicated open space areas may include a recreational trail, picnic area, children's play area,

greenway, farm or linear park, but any structures constructed incidental to such uses shall not exceed, in the aggregate, 10% of the required open space area.

(3) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the village, such as: recorded deed restrictions, restrictive covenants conservation easements, plat dedication, or other legal means that runs with the land. Such conveyance shall assure the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall indicate the proposed allowable use(s) of the dedicated open space. The village may require the inclusion of open space restrictions that prohibit the following:

- (a) Activity that may cause risk of soil erosion or threaten any living plant material;
- (b) Cutting or removal of live plant material except for removal of dying or diseased vegetation;
- (c) Use of motorized off-road vehicles;
- (d) Cutting, filling or removal of vegetation from wetland areas;
- (e) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

(E) *Failure to maintain open space.*

(1) If the developer fails to maintain the common open space in reasonable order and condition in accordance with the plan, the Planning Commission may serve written notice upon such organization or upon the residents of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be remedied within 30 days and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice.

(2) At the hearing the Planning Commission may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in the modifications are not remedied within the 30 days or any extension, the village, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain it for a period of one year. The entry and maintenance shall not vest in the public any right to use the common open space, except when the open space is voluntarily dedicated to the public by the owners.

(3) Before the expiration of the organization responsible for the maintenance of the common open space, a public hearing shall be scheduled upon notice to such organization or to the residents of the planned unit development, to be held by the Planning Commission at which hearing the organization or the residents of the planned unit development shall show cause why the maintenance by the village shall not, at the election of the Planning Commission continue for a succeeding year. If the Planning Commission determines the organization is not ready or willing or able to maintain the common open space in a good, clean, and safe condition, the Village Council, in its discretion may continue to maintain the open space, subject to a similar hearing and determination in the next succeeding year.

(4) The cost of such maintenance by the village shall be proportionally assessed against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on the properties. The village, at the time of entering upon the common open space for the purposes of maintenance, shall file a notice of the lien in the office of the county recorded upon the properties affected by the lien within the planned unit development.

(F) *Environmental standards.* Environmental design criteria in a PUD shall include the following: the preservation of trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks. If animal or plant habitats of significant value exist on the site, the village, as a condition of approval, may require the PUD plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

(Ord. passed 11-16-2020)

#### **§ 153.097 PUBLICLY OWNED BUILDINGS, PUBLIC UTILITY TRANSFORMER STATIONS, AND SUBSTATIONS.**

(A) All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.

(B) Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material. On residential lots, electrical, gas and cable boxes shall be located behind the front line of the principal structure in the side or rear yard and in some cases may be required to be fenced for safety.

(C) All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

(Ord. passed 11-16-2020)

#### **§ 153.098 RECREATIONAL VEHICLE PARK, CAMPGROUND.**

(A) *Occupancy.* Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short-term housing or shelter arrangements.



(B) *Regulatory compliance required.* RV parks or campgrounds must maintain compliance with all regulations of the Huron County Health Department and the Michigan Department of Natural Resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this chapter.

(C) *Greenbelt, fence and setback.* The entire perimeter of any RV park or campground shall be enclosed by a fence at least four feet high. Further, there shall be a greenbelt planting strip not less than 15 feet wide around the entire site. Said greenbelt shall contain at least one straight or staggered row of deciduous or evergreen trees, spaced not more than 20 feet apart and at least two rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six feet planted not more than six feet apart. All individual campsites are to be setback at least 75 feet from any street right-of-way or neighboring property line.

(D) *Personal care facilities.* Each RV park or campground shall include men's and women's restroom and bathing facilities in all weather, heated structures. These facilities shall include adequate water outlets, washbasins, toilets, showers and waste containers. These facilities shall be provided uniformly throughout the park at a ratio not less than one toilet and sink for each eight camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.

(E) *Individual campsite requirements.* Each RV parking site or campsite shall be a minimum of 1,200 square feet in area and shall include the following amenities; an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, unless in a specified metal fire ring in a specified location. Metal trash container with a lid and volume of at least two cubic feet which shall be emptied daily by park personnel to the solid waste facility and a gravel or hard surfaced parking area of at least 200 square feet.

(Ord. passed 11-16-2020)

### **§ 153.099 SEXUALLY ORIENTED BUSINESS AND ADULT MEDIA STORES.**

(A) *Intent.* There are some uses that because of their very nature are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to ensure these adverse effects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.

(B) *Distance restrictions.*

(1) No adult bookstore or entertainment use shall be located within 1,000 feet of a religious institution, school, public park, noncommercial public assembly facility or public office building.

(2) The site shall not be adjacent to or within 500 feet of any residential area or residential zone.

(3) The site shall not be within 1,000 feet of any other adult business use.

(C) *Window displays.* Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of any adult uses, are limited to a single sign and all such displays shall be part of specific approvals for all the use/activity. Any alteration to the above media shall be approved by the Planning Commission.

(D) *Layout.* The site layout, setback, structures and overall appearance and function of the use shall be compatible with adjacent uses.

(E) *Parking and lighting.* All parking shall be situated in the front yard, adjacent to and visible from a public road and shall be lighted. All entrances and exits to the structure shall be lighted during the hours of operation.

(Ord. passed 11-16-2020)

### **§ 153.100 SHORT TERM RENTALS.**

(A) The maximum occupancy will be based on two adult people per bedroom.

(B) The dwelling unit must meet all Huron County adopted residential building, health department, and safety codes. The operator shall provide ample off-street parking to accommodate occupant's vehicles.

(C) The appearance of the dwelling shall not conflict with the residential character of the neighborhood.

(D) The structures shall be properly maintained, and kept in good repair, in order the use in no way detracts from the general appearance of the neighborhood.

(E) All garbage must be kept in a closed container and disposed of on a regular weekly schedule.

(F) No sign shall be posted to advertise the availability of the short term residential rental unit to the public.

(G) This applies to rentals of residential property for any time period under six months, these regulations apply.

(H) Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.

(Ord. passed 11-16-2020)

### § 153.101 TEMPORARY INDOOR AND OUTDOOR USES.

(A) *Exempt activities.* School fundraising activities are exempt from the special use permit requirements of this section. Private garage and yard sales, as defined in this chapter, in the AG or any business district are exempt from the special use permits requirements of this section.

(B) *Evidence of ownership or permission.* Evidence of ownership, lease, or permission for use of any site for which a temporary permit or approval is sought, must accompany all permit requests.

(C) *Length of permit.* A temporary permit may be granted by the Planning Commission for a maximum of three consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one month following the expiration of the previous permit. The total time period for all temporary permits granted to one proponent shall not exceed six months in one calendar year.

(D) *Structures - outdoor uses.* Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:

- (1) It is no larger than 150 square feet;
- (2) There is no foundation;
- (3) No portion of the structure may become unattached or move as a result of wind;
- (4) It is anchored to withstand 30 pounds per square foot wind stress factor; and
- (5) Structures of any kind must be removed prior to expiration of the permit.

(E) *Structures - indoor uses.* Structures for the display of indoor sales items are allowed provided they are not used for human shelter. One structure for sales items is allowed under the following conditions:

- (1) There is no foundation;
- (2) No portion of the structure may become unattached or move as a result of wind;
- (3) It is anchored to withstand 30 pounds per square foot wind stress factor; and
- (4) Structures of any kind must be removed prior to expiration of the permit.

(F) *Uses requiring an official site plan and Planning Commission review.* If the use is for greater than five days, within a 180 day period, a site plan must be submitted to the Planning Commission, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with chapter requirements. This site plan may be an addition to the original plan for the property. Any violations of the temporary use are the responsibility of the owner of the property on which it is located.

(1) *Overnight residing on temporary site prohibited.* The temporary site may not be occupied for more than 12 hours per day. In no event shall overnight occupation be permitted.

(2) *Sanitary facilities.* Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.

(3) *Display of goods.* Display and sale of goods may not be within the required yards for the zoning district.

(G) *Uses not requiring an official site plan or Planning Commission approval.* Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of **NONPROFIT ORGANIZATIONS**, in § 153.011, may be granted temporary use permits by the Zoning Administrator, at no cost to the organization if:

- (1) The use is for five days or less within a 180 day period;
- (2) A drawing of the site and description of activity is provided;
- (3) No structures for display, sale or storage remain on the site other than during the hours of operation;
- (4) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use;
- (5) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined; and
- (6) The temporary use location must meet all yard requirements of the zone in which it is located.

(Ord. passed 11-16-2020)

### § 153.102 WIND POWER.

Please see the Michigan Guidelines for Wind Energy Systems as amended for siting principles.

(A) *Definitions.* As used in this section:

**AMBIENT.** Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

**ANSI.** American National Standards Institute.

**dB(A).** The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

**DECIBEL.** The unit of measure used to express the magnitude of sound pressure and sound intensity.

**IEC.** International Electrotechnical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

**ISO.** International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

**ONSITE USE WIND ENERGY SYSTEMS.** An onsite use wind energy system is intended to primarily serve the needs of the consumer.

**ROTOR.** An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

**SCADA TOWER.** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

**SHADOW FLICKER.** Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

**SOUND PRESSURE.** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

**SOUND PRESSURE LEVEL.** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

**UTILITY GRID WIND ENERGY SYSTEMS.** A utility grid wind energy system is designed and built to provide electricity to the electric utility grid.

**WIND ENERGY SYSTEM.** A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

**WIND SITE ASSESSMENT.** An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

(B) *Onsite use wind energy systems.* An onsite use wind energy system is intended to primarily serve the needs of the consumer. An onsite use wind energy system with a tower higher than 65 feet shall be considered a special land use. Onsite use wind energy systems with no towers or towers 65 feet or less shall be a permitted use in all zoning classifications where structures of any sort are allowed subject to the following requirements. Anemometer towers more than 65 feet in height used to conduct a wind site assessment for possible installation of an onsite use wind energy system shall also be a special land use. Prior to the installation of an onsite use wind energy system with a tower higher than 20 meters, an application for a special land use permit shall be filed with the local government that will include:

(1) Applicant identification;

(2) A site plan;

(3) Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been met; and

(4) Proof of the applicant's public liability insurance.

(C) *Construction of on site use wind energy systems.*

(1) *Property setback.* The distance between an on site use wind energy system and the owner's property lines shall be at least 1 ½ times the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be at least 1½ times the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines.

(2) *Sound pressure level.* On-site use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe windstorms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus five dB(A).

(3) *Construction codes, towers, and interconnection standards.* On-site use wind energy systems, including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport

Zoning Act (Public Act 23 of 1950, M.C.L. §§ 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, M.C.L. §§ 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected onsite use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

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

(D) *Wind site assessment for utility grid wind energy systems.* Prior to construction of a utility grid wind energy system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Installation of anemometer towers also known as meteorological or "Met" towers shall be considered a special land use. Prior to the installation of the tower, an application for a special land use permit shall be filed with the local government that will include:

(1) Applicant identification;

(2) A site plan;

(3) A copy of that portion of the applicant's lease with the landowner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment; and

(4) Proof of the applicant's public liability insurance. The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

(E) *Utility grid wind energy systems.* A utility grid wind energy system is designed and built to provide electricity to the electric utility grid. Utility grid wind energy systems shall be considered a special land use. Prior to the installation of a utility grid wind energy system, an application for a special land use permit shall be filed with the local government and shall include the following:

(1) *Applicant identification.* Applicant name, address, and contact information.

(2) *Project description.* A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.

(3) *Site plan.* The site plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The site plan shall include:

(a) The project area boundaries;

(b) The location, height, and dimensions of all existing and proposed structures and fencing;

(c) The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state-maintained road;

(d) Existing topography;

(e) Water bodies, waterways, wetlands, and drainage channels; and

(f) All new infrastructure above ground related to the project.

(4) *Insurance.* Proof of the applicant's public liability insurance.

(5) *Consent documents.* Copies of any written waivers from neighboring property owners.

(6) *Sound pressure level.* Copy of the modeling and analysis report.

(7) *Certifications.* Certification that the applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for should be provided at time of the application.

(8) *Visual impact.* Visual simulations of how the completed project will look from four viewable angles.

(9) *Environmental impact.* Copy of the environmental impact analysis.

(10) *Avian and wildlife impact.* Copy of the avian and wildlife impact analysis.

(11) *Shadow flicker.* Copy of the shadow flicker analysis.

(12) *Manufacturers' material safety data sheet(s).* Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.

(13) *Decommissioning.* Copy of the decommissioning plan.

(14) *Complaint resolution.* Description of the complaint resolution process.

(15) An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the local government. This schedule shall be based on the cost of the application review and may be adjusted from time to time.

(F) The utility grid wind energy system project shall meet the following standards and requirements:

(1) *Overlay zone.* If the site of the proposed project is subject to an overlay zone, the proposed project shall meet or exceed the applicable standards in the overlay zone.

(2) *Property setback.*

(a) The distance between a utility grid wind energy system and the property lines of adjacent non-leased properties shall be at least one rotor radius away from the unleased property line unless otherwise agreed upon by the abutting property owners of the leased and unleased property line.

(b) The distance between a utility grid wind energy system and the property lines of adjacent leased properties may be zero.

(c) Where property is leased on both sides of a public right of way, a wind energy system may be placed no closer than one rotor radius from the closest edge of the right of way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

(d) The distance between a utility grid wind energy system and a dwelling unit shall be at least 1,000 feet.

(3) SCADA (supervisory control and data acquisition) or meteorological (Met) towers shall also comply with the property setback requirement. The setback shall be at least the height of the SCADA or Met tower. An operations and maintenance office building, a substation, or ancillary equipment shall comply with any property setback requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the setback requirements applicable to public utilities.

(4) *Sound pressure level.*

(a) The sound pressure level generated by a utility grid wind energy system shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

(b) As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the utility grid wind energy system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 60 days of the commercial operation of the project.

(5) *Construction codes, towers, and interconnection standards.* Utility grid wind energy systems including towers shall comply with all applicable state construction and electrical codes and Huron County adopted building permit requirements. Utility grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, M.C.L. §§ 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, M.C.L. §§ 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

(6) *Safety.* All utility grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or operations and maintenance office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

(7) *Visual impact.* Utility grid wind energy system projects shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.

(8) *Environmental impact.*

(a) The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

(b) The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after

mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. §§ 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (M.C.L. §§ 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (M.C.L. §§ 324.9101 et seq.), Part 301 Inland Lakes and Streams (M.C.L. §§ 324.30101 et seq.), Part 303 Wetlands (M.C.L. §§ 324.30301 et seq.), Part 323 Shoreland Protection and Management (M.C.L. §§ 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (M.C.L. §§ 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (M.C.L. §§ 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads damaged by the construction of the utility grid wind energy system.

(9) *Avian and wildlife impact.* The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

(a) Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

(b) At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

(c) The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

(10) *Electromagnetic interference.* No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

(11) *Shadow flicker.* The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

(12) *Decommissioning.* The applicant shall submit a decommissioning plan. The plan shall include:

- (a) The anticipated life of the project;
- (b) The estimated decommissioning costs net of salvage value in current dollars;
- (c) The method of ensuring that funds will be available for decommissioning and restoration; and
- (d) The anticipated manner in which the project will be decommissioned, and the site restored.

(13) *Complaint resolution.* The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

(Ord. passed 11-16-2020)

### **§ 153.103 WIRELESS COMMUNICATION FACILITIES.**

(A) *Intent and purpose.* The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will:

- (1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the village;
- (2) Minimize adverse visual effects of towers through design and siting standards;
- (3) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements; and

(4) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.

(B) *District regulations.* A wireless communication facility shall require a Huron County adopted building permit in all

instances and may be permitted as follows:

(1) *All districts.* A wireless service facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided the installation of the new facility does not increase the height of the existing structure except as provided in the height regulations in this chapter. Such installations shall be permitted by right in all zoning districts and be permitted through village staff review.

(2) Towers in residentially and agriculturally zoned areas are only allowed if they are:

(a) Towers supporting amateur radio antennas and conforming to all applicable provisions of this chapter shall be allowed in the rear yard of parcels.

(b) Towers supporting commercial antennas and conforming to all applicable provisions of this chapter shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this chapter:

(c) Church sites, when camouflaged as steeples or bell towers;

(d) Park sites, when compatible with the nature of the park; and,

(e) Government, school, utility and institutional sites, according to the statement of priority of users and minimum requirements for use of village owned properties.

(f) Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the village staff provided the antennas meet the requirements of this chapter after submittal of a final site plan and a report prepared by a licensed professional engineer, surveyor or architect indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

(3) Towers in agriculturally, commercially or industrially zoned areas are allowed by right if they qualify as towers allowed by right in residentially zoned areas.

(4) Newly constructed towers in agriculturally, commercially or industrially zoned areas are allowed by special use permit under the following situations:

(a) The Planning Commission finds the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one and one half mile radius of the proposed tower location due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.

4. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

(C) *Colocation.*

(1) Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a special use permit for a wireless service facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

(a) A survey of all existing structures that may be feasible sites for co-locating wireless service facilities;

(b) Contact with all the other licensed carriers for commercial mobile radio services operating in the village; and

(c) Sharing information necessary to determine if colocation is feasible under the design configuration most accommodating to colocation.

(2) In the event that colocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the village. The village may retain a technical expert in the field of RF engineering to verify if colocation at the site is not feasible or is feasible given the design configuration most accommodating to colocation. The cost for such a technical expert will be at the expense of the applicant. The village may deny a special use permit to an applicant that has not demonstrated a good faith effort to provide for colocation.

(D) *Tower setbacks.* Towers shall conform with each of the following minimum setbacks requirements:

(1) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.

(2) Towers shall not be located between a principal structure and a public street, with the following exceptions:

- (a) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street; and
- (b) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.

(3) A tower's location in relation to a public street varied, at the discretion of the village Planning Commission to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

(4) Towers and associated structures, including fencing, may not be constructed within 500 feet of a dwelling unit, except where they are being co-located on existing towers or structures.

(E) *Tower height.* In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed 200 feet except as granted by the Zoning Board of Appeals.

(F) *Tower lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

(G) *Signs and advertising.* The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.

(H) *Abandoned or unused towers or portions of towers.* Abandoned or unused towers or portions of towers shall be removed as follows:

(1) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the village and the costs of removal assessed against the property.

(2) Unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.

(I) *Interference with public safety telecommunications.* No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the [word missing] at least ten calendar days in advance of such changes and allow the village to monitor interference levels during the testing process.

(J) *Modifications.* A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a special use permit when the following events apply:

(1) The applicant and/or co-applicant wants to alter the terms of the special use permit by changing the wireless service facility in one or more of the following ways:

- (a) Change in the number of facilities permitted on the site; and
- (b) Change in the technology used for the wireless service facility.

(2) The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

(Ord. passed 11-16-2020)

## **SITE PLAN REVIEW**

### **§ 153.110 INTENT.**

Before a building permit is issued, a site plan shall be submitted to the Planning Commission for review and approval. In addition, site plans are required for all new developments and substantial modifications. Before granting approval, the Planning Commission shall ascertain that all provisions of this chapter are complied with and that the proposed location and arrangement of buildings, accesses, parking areas, walkways, yards, open areas, and other improvements produce no potential health, safety, or protection hazards, and the arrangement of buildings and structures will provide convenience for the intended occupants or utilization by the public, will be harmonious with development on adjacent properties, and preserve historic structures.

(Ord. passed 11-16-2020)

### **§ 153.111 SCOPE.**

(A) A site plan is required for:



- (1) All construction in the MR, C, and M districts; and
  - (2) Expansion, remodeling, or enlargement of existing buildings with a State or National Register Historic designation or determined to be historic in nature per this chapter. See § 153.011.
- (B) The following newly built buildings, structures, or uses shall be exempt from site plan review and procedures.
- (1) Single- or two-family homes under separate ownership on an individual and separate lot for each home and including accessory uses.
  - (2) Expansion, remodeling, or enlargement of existing buildings, provided these projects are less than 1,000 square feet in the:
    - (a) MR - Multiple Family Residential District;
    - (b) C - Commercial District; or
    - (c) M - Industrial District.
  - (3) Projects greater than 1,000 square feet must have a site plan review by the Planning Commission.
  - (4) On premises advertising signs providing they conform to this chapter.

(Ord. passed 11-16-2020)

### **§ 153.112 APPLICATION PROCEDURE.**

Requests for site plan review shall be made on a site plan review form using the site plan checklist provided for in the developer packet supplied by the village. The components of the site plan checklist shall be completed before the site plan is reviewed by the Planning Commission. The developer packet outlines specific requirements for submittal. Incomplete site plans or site plans on land not reviewed and approved by the assessor, as portrayed on the site plan, will not be accepted for review. All site plans must be stamped by a licensed professional engineer, architect, landscape architect or surveyor.

(Ord. passed 11-16-2020)

### **§ 153.113 ACTION ON APPLICATION AND PLANS.**

(A) *Review of a site plan outside of a plat.*

(1) The Zoning Administrator shall record the date of the receipt of the application and plans, and shall transmit copies to the Planning Commission, the Village Zoning Administrator, the Village Engineer, the Police Chief and Fire Chief, and copies to the other affected Village Departments and professionals as the village deems necessary. It is strongly advised that all applicants discuss their site plan with the village staff prior to review by the Planning Commission.

(2) (a) Where it is evident to the Zoning Administrator, professional consultants or the Planning Commission that the proposed use will have an impact upon any public facility, right-of-way or easement, the applicant shall submit the site plan to the appropriate state, county or local agency(s) that has an impact upon, or will be impacted by, the proposed land use and shall request the appropriate agency(s) to review the proposed land use and submit a written response to the Zoning Administrator or Planning Commission describing the potential impact of the project and the agency's recommendations for approval, disapproval or modifications.

(b) The village and/or Planning Commission may request a traffic impact analysis in cases where the location, nature of the use or specific circumstances indicate traffic and/or access management issues require professional analysis. This impact study shall be at the expense of the applicant. Permits for driveways, obtained prior to official approval of a site plan by the Planning Commission shall not constitute approval for construction and are subject to approval by the Planning Commission.

(3) A public meeting shall be scheduled by the Planning Commission for a review of the application and plans as well as reviewing the recommendations of village staff and professionals. Members of the Planning Commission shall be delivered copies of the application and plans prior to the public meeting for their preliminary information and study. The meeting shall be scheduled not more than 40 days following the date of the receipt of the plans and application by the Zoning Administrator.

(4) The applicant shall be notified of the date, time and place of the public meeting on their application not less than 15 days prior to that date.

(5) Following the public meeting, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this section and the criteria contained herein. Any required modification or alteration shall be stated in writing, together with the reasons for the modification, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the modifications have been included in the proposed plans for the applicant. The decision of the Planning Commission shall be made within 40 days of receipt of the application by the Zoning Administrator. If the decision is not made within the 40 day period, the appeal shall be considered approved.

(6) Two copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the village records for future review and/or enforcement. Each copy shall be signed and dated by the Chairperson of the Planning Commission for identification of the final, approved plans, as well as signed and dated by the applicant. If any variances from the zoning chapter have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the village records as a part of the plan/design and delivered to the applicant for their information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.

(B) *Process for review of a plat.* A plat shall be reviewed in the same manner as a site plan and as described in this chapter, except that a plat shall be submitted for review at two separate stages in the development of the plat and in accordance with the Subdivision Control Act of 1967, as amended, P.A. 288:

(1) *The tentative preliminary plat.* This plat shall be submitted showing all aspects of the plat as required for site plans, including any additional information requested by the Planning Commission. Following approval of the tentative preliminary plat, a preliminary plat shall be submitted.

(2) The preliminary plat shall be considered the final site plan for the development. Prior to approval of a preliminary plat, the applicant shall present written approval from the Huron County Road Commission, the Michigan Department of Environment, Great Lakes, and Energy, and the Huron County Drain Commissioner. The tentative and preliminary plats may be reviewed and approved simultaneously at the discretion of village staff if all requirements of the zoning ordinance have been satisfied and there are no outstanding issues that would prevent a combined review.

(3) The final plat is under the jurisdiction of the Huron County Plat Review Board. <https://www.co.huron.mi.us/clerks-office>.

(Ord. passed 11-16-2020)

#### **§ 153.114 CRITERIA FOR REVIEW.**

In reviewing the application and site plan and approving, disapproving, or modifying the plan, the Planning Commission shall be governed by the following general standards, in addition to any other site plan standards contained in any other area of this chapter. The site plan review form has all detailed requirements.

(A) *Vehicular and pedestrian circulation.* There is a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to ensure safety. Ensure a pedestrian and non-motorized circulation system is provided that promotes the connectivity of sidewalks throughout the village and which meets the standards set in the village sidewalk ordinance, when adopted.

(B) *Natural features.* As many natural features of the landscape shall be retained as possible where they furnish a barrier screen, or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.

(C) *Drainage.* Adequate provision has been made for stormwater drainage on or from the site. In the case of residential developments, rear lot drainage is required. Sheet drainage is not permitted on any developments in any district. A drainage plan will be required. Green infrastructure shall be employed on any new development where possible.

(D) *Adverse effects of development.* Any adverse effects of the proposed development and activities emanating from which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways.

(E) *Historic nature.* The preservation of historic structures involves two basic concerns: slowing the rate at which historic material is lost and maintaining historic character. Site plan requirements to preserve the historic nature of a structure shall be limited to actions that fulfill these two concerns.

(F) *Layout.* The layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.

(G) *Land division ordinance.* The site plan must comply with all provisions of the zoning ordinance. However, this would not preclude the applicant from applying for an appropriate variance with the Zoning Board of Appeals. The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance, only with the understanding that without the variance the site plan is disapproved.

(H) *Shared access.* The Planning Commission must require shared access between and among uses where feasible, excluding single-family dwelling uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. A new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

(I) *Off-street waiting space.* Where off-street waiting space is required, the following regulations shall apply:

(1) An off-street waiting space is defined as an area with a minimum width of nine feet and a minimum length of 20 feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district. Uses occupied or built for the purpose of serving customers in their vehicles by a service window or

similar arrangements, off-street waiting spaces shall be provided as follows:

- (a) Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- (b) Drive-through lanes shall have a minimum centerline radius of 25 feet.
- (c) Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
- (d) No space shall be located closer than 50 feet to any lot in any residential district, unless wholly within a completely enclosed building or enclosed on all sides facing residential zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six feet in height.

(Ord. passed 11-16-2020)

#### **§ 153.115 UTILITIES.**

Utility lines serving newly constructed structures shall be buried. This includes gas, electrical, sewer, water, cable and fiber optics. In the case of utilities being built in the FEMA floodplain, installation must follow FEMA Floodproofing Guidelines, and any state requirements or permits regarding the flood zone. Refer to the Village of Sebawaing's Code of Ordinances, Title V - Public Works for full guidelines.

(Ord. passed 11-16-2020)

#### **§ 153.116 AMENDMENT TO SITE PLAN.**

A proposed amendment, modification, or alteration to a previously approved site plan may be submitted to the Planning Commission for review in the same manner as the original application was submitted or reviewed.

(Ord. passed 11-1-2020)

#### **§ 153.117 PERFORMANCE BOND.**

The Planning Commission shall have the right and authority to require the developer to file with the Zoning Administrator at the time of application for a building permit, a performance agreement in a form approved by the Zoning Administrator to ensure the development of those portions of the site that will be dedicated to the village for public use, including streets and utility easements, in accordance with the approved site plan, conditioned upon the proper construction and development. A performance bond may also be required in instances where the Planning Commission determines the nature of the project is such the activity being approved by the site plan could cause substantial negative impact on the safety, aesthetics or function of the infrastructure of the village in the event the activity/construction or change to the land was not completed as planned. This agreement shall continue for the duration of the construction and development of the site.

(Ord. passed 11-16-2020)

### **ZONING BOARD OF APPEALS**

#### **§ 153.120 ESTABLISHMENT.**

The Village Council, exercising the authority of P.A.110 of 2006, as amended, the Michigan Zoning Enabling Act, hereby provides a Zoning Board of Appeals (ZBA) be established. Upon adoption of this chapter, the ZBA established under the terms of the previous zoning ordinance shall remain in office, including all members thereof.

(Ord. passed 11-16-2020)

#### **§ 153.121 MEMBERSHIP.**

Members of the ZBA shall be the members of the Village Council. Each member shall serve on the ZBA for the same term upon which the member serves on the Village Council. The Council member who also serves on the Planning Commission may not participate in ZBA cases unless the issue being considered at the ZBA has not been presented to the Planning Commission prior to being heard at the ZBA. Pursuant to § 125.3601 Item 2 of P.A.110 of 2006, as amended, the Michigan Zoning Enabling Act.

(Ord. passed 11-16-2020)

#### **§ 153.122 TERMS OF OFFICE.**

Terms shall be the same term upon which the member serves on the Village Council. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term. A Village ZBA shall not conduct business unless a majority of the regular members of the ZBA is present.

(Ord. passed 11-16-2020)

#### **§ 153.123 BOARD OF APPEALS PROCEDURES.**

(A) *Meetings.* Meetings shall be held at the call of the chairperson and at such times as the ZBA may determine. A simple majority of the membership shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the ZBA shall be open to the public. The ZBA may declare any meeting, or part of any meeting, a

study meeting to pursue matters of business without comment or interruption from the public in attendance.

(B) *Records.* Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Village Clerk and shall be public records.

(C) *Rules of procedure.* The ZBA shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.

(D) *Majority vote.* The concurring vote of a majority of the membership of the ZBA shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.

(E) *Conflict of interest.* A member of the ZBA shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

(Ord. passed 11-16-2020)

#### **§ 153.124 APPEALS, METHOD FOR TAKING.**

(A) Any appeal from a ruling of the Zoning Administrator or body concerning the enforcement of the provisions of this chapter shall be made to the ZBA within ten days after the date of the Zoning Administrator's decision which is the basis of the appeal. Any appeal shall be in writing on standard forms. The Zoning Administrator shall transmit to the Board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken. Any appeal to the ZBA shall be accompanied with a payment of a fee established by resolution of the Village Council to cover costs of processing such appeal.

(B) Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the village. Any party may appear in person or by agent or by attorney at a hearing considering their request or appeal.

(C) An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this chapter; except the Zoning Administrator may certify to the ZBA after the notice of the appeal shall have been filed with him or her that for reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the ZBA, or, on application to the Circuit Court when due cause can be shown.

(Ord. passed 11-16-2020)

#### **§ 153.125 DECISIONS.**

The ZBA shall return a decision upon each case within 30 days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the ZBA shall not take effect until the expiration of five days after the date of said decision, unless the ZBA certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No zoning permit authorized by such a decision shall be issued until the decision has taken effect.

(Ord. passed 11-16-2020)

#### **§ 153.126 DUTIES.**

The Sebawaing ZBA shall have the power to act on those matters where this chapter provides for an administrative review, interpretation, or variance as defined in this section. The ZBA shall not have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this chapter.

(A) *Review.* The ZBA shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Administrator, or by any other official in administering or enforcing any provisions of this chapter.

(B) *Interpretation.* The ZBA, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this chapter as follows:

- (1) So as to carry out the intent and purposes of this chapter;
- (2) To determine the precise location of the boundary lines between zoning districts; or
- (3) To classify a use which is not specifically mentioned as part of the use regulations of any zoning district, so it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

(C) *Variations.* The ZBA may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations as specified in this chapter provided all the conditions listed are satisfied.

(1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

(2) The variance will do substantial justice to the applicant, as well as to other property owners.

(3) The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.

(4) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

(5) The problem and resulting need for the variance has been created by strict compliance with the zoning ordinance, not by the applicant or the applicant's predecessors.

(D) *Rules for granting variances.* The following rules shall be applied in the granting of variances.

(1) In granting a variance, the ZBA may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variances apply. The breach of any such conditions shall automatically invalidate the permit granted.

(2) Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within six months after the granting of the variance.

(3) No application for a variance which has been denied wholly or in part by the ZBA shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the ZBA to be valid.

(4) In authorizing any variance, the ZBA may require a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.

(5) The ZBA may not create a nonconforming use or a use that is more nonconforming than the current nonconforming use. In the same way the ZBA may not create a nonconforming lot or parcel or a lot or parcel that is more nonconforming than the current nonconforming use or create a nonconforming parcel from a conforming parcel.

(Ord. passed 11-16-2020)

#### **§ 153.127 LIMITATIONS.**

The ZBA, notwithstanding any provisions to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this chapter, nor to prohibit a use which is permitted in this chapter, nor may it determine the validity of this chapter.

(Ord. passed 11-16-2020)

### **ADMINISTRATION**

#### **§ 153.130 SAVINGS CLAUSE.**

This chapter shall not affect any pending litigation, civil or criminal, founded or growing out of any ordinance or resolution, order or permit, and shall not affect any rights, claims, privileges, immunities or causes of action of the village of, or any other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, permit, order, or policy repealed by this chapter.

(Ord. passed 11-16-2020)

#### **§ 153.131 VALIDITY AND SEVERABILITY.**

It is the intent of the Village Council in adopting this chapter that all provisions shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the village and other persons affected by this chapter. Should any provision of this chapter be held to be unconstitutional, invalid, or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this chapter, it being the intent of the village of that such remaining provisions of this chapter shall stand and remain in effect notwithstanding the invalidity of any other provisions.

(Ord. passed 11-16-2020)

#### **§ 153.132 EFFECTIVE DATE.**

This chapter shall take effect 30 days after publication.

(Ord. passed 11-16-2020)

#### **§ 153.133 ADMINISTRATIVE OFFICIALS.**

Except as otherwise provided in this chapter, the Zoning Administrator shall administer and enforce this chapter, including the receiving of applications, the inspection of premises, and the issuing of permits.

(Ord. passed 11-16-2020)

#### **§ 153.134 OCCUPANCY.**

It shall be unlawful to use or permit the use of any structure or premises hereafter altered or erected, until the Zoning

Administrator has inspected the premises and approved the same for occupancy.

(Ord. passed 11-16-2020)

### **§ 153.135 VIOLATIONS AND ENFORCEMENT.**

No person, entity, group, or association shall violate or fail to comply with any of the provisions of this chapter or any lawful order of the Zoning Administrator, building inspector, or other authorized village official made or issued to enforce this chapter.

(A) *Civil infraction.* Unless otherwise explicitly stated, any violation of any provision of this chapter shall be a municipal civil infraction. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this chapter and any omission or failure to act where the act is required by this chapter. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(B) *Penalties.* The sanction for any violation of this chapter shall be a civil fine of not less than \$100 nor more than \$500, plus any costs, damages, expenses, other relief, and other sanctions, as authorized and permitted under Chapter 87 of Public Act No. 236 of 1961 (M.C.L. §§ 600.8701 et seq.) and as authorized and permitted by and/or under other applicable laws.

(C) *Public nuisance.* Any violation of this chapter shall also be deemed a public nuisance and may be abated by injunctive or other equitable relief pursuant to law. The imposition of a penalty does not prevent injunctive relief or civil enforcement.

(D) *Authorized officials.* The zoning inspector or their deputies, any duly appointed village code enforcement officer, all police officers of the village, and any other person expressly authorized by Village Council are hereby authorized to issue municipal civil infraction citations and notices for violations of this chapter.

(Ord. passed 11-16-2020)

### **§ 153.136 PEOPLE INVOLVED IN THE ZONING PROCESS.**

The provisions of this chapter shall be carried out by the Village of Sebawaing Planning Commission, the Zoning Board of Appeals, the Village Council, and the Village Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

(A) *Zoning Administrator.* The Village of Sebawaing Council, with the recommendation of the Planning Commission, shall employ a Zoning Administrator to carry out day to day administration and enforcement of this chapter. 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 administration and enforcement of this chapter. 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 chapter.

(1) *Accept and record applications, issue and record permits.* All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this chapter have been met regarding any application, the Zoning Administrator shall issue a zoning permit 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 12 - Review Process). The Zoning Administrator shall maintain a record of all applications and related zoning permits, including documentation for each.

(2) *Issue written denial.* When any application for a zoning permit 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 chapter.

(4) *Inspections.* The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this chapter.

(5) *Record nonconforming uses.* The Zoning Administrator shall record all nonconforming uses existing at the effective date of this chapter.

(6) *Record special uses.* The Zoning Administrator shall keep a record of all special use permits issued under the terms of this chapter.

(7) *Record interpretations of chapter.* The Zoning Administrator shall maintain a concise record of all interpretations of this chapter rendered by the Zoning Board of Appeals. This record shall be consulted whenever questions arise concerning interpretation of any provision of this chapter to determine whether any applicable precedents have been set.

(8) *Public information.* The Zoning Administrator shall respond to inquiries and dispense information or copies of this chapter to make the public aware of and familiar with the provisions of this chapter. Public awareness and acceptance of the zoning ordinance will help to maintain compliance with it.

(9) *Respond to complaints.* The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this chapter 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.

(10) *May not change ordinance.* Under no circumstances is the Zoning Administrator permitted to make changes to the ordinance upon which this chapter is based, or to vary the terms of this chapter.

(B) *Planning Commission.*

(1) *Membership.* The Planning Commission shall be composed of five members, appointed by the Village President with the approval of the Village Council.

(2) *Terms of office.* The term of service for each member shall be three years. Rotation of membership is encouraged.

(3) *Rules of procedure.* The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice-chairperson, and Secretary.

(4) *Meetings.* The Planning Commission shall meet at least four times each year, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.

(5) *Per diem or expenses.* Members of the Planning Commission may be compensated for their services as provided by the Village Council. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.

(6) *Development plan.* The Planning Commissions shall make and adopt a basic plan as a guide for the development of unincorporated areas of the village. Plan contents, adoption, amendment, approval by the county planning commission, hearing and publication shall be according to P.A.110 of 2006, as amended, the Michigan Zoning Enabling Act.

(7) *Zoning ordinance.* The zoning ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.

(8) *Administration and enforcement.* The Planning Commission shall be responsible for the following administrative and enforcement activities under this chapter:

(a) *Site plan approval.* The Planning Commission shall review site plans and issue its approval, conditional approval or denial of same.

(b) *Special use permits.* The Planning Commission shall conduct a public hearing on any application for a special use permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a special use permit.

(c) *Rezoning or amendment.* The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this chapter. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Village Council. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Village Council approval.

(Ord. passed 11-16-2020)

## **§ 153.137 ADMINISTRATIVE PROCESSES.**

(A) *Zoning permit required.* The issuance of a zoning permit signifies compliance with the requirements of this chapter. A zoning permit must be obtained from the Zoning Administrator before any of the following activities may legally take place.

(1) Occupancy and use of vacant land (including parking lot construction).

(2) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a building permit by the Huron County Building and Zoning Office. (A zoning permit must be obtained before a building permit may be issued.) When erected at the same time as the principal building, accessory buildings shall not require a separate zoning permit.

(3) Any use of land or a building that would be identified as a use by special use permit in the district regulations.

(4) Any change of a nonconforming use or building.

(B) *Application for zoning permit.* Application for a zoning permit shall be made prior to construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material.

(1) *Application form.* Applicants for a zoning permit shall submit a zoning application form with all requested information completely filled in.

(2) *Property information.* The zoning application form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel in the Village Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.

(3) *Plot plan.* The zoning application form must also be accompanied by a plot plan drawn at size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed buildings or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this chapter.

(C) *Application review process.* On submission of an application for a zoning permit, the Zoning Administrator will review the application material as described by Table 12 - Review Process that accompanies this subchapter. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a zoning permit. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of their options, based on the information in the Review Process Table. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a zoning permit. The review will address each question identified by the Review Process Table in order, moving through each column in the question from left to right.

(D) *Record maintained.* The Zoning Administrator shall keep a record of each application for a zoning permit which has been submitted, including the disposition of each one. This record shall be a public record, open for inspection upon request.

(E) *Validity of zoning permit.* A zoning permit remains in effect for a period of one year from the date it is issued. By that time, the activity authorized by the zoning permit must have begun. This means that any use of land or of an existing building must be underway, or a building permit for any new construction must have been issued and construction commenced. The validity of a zoning permit may be extended by the Zoning Administrator not more than one time, for a period not to exceed one additional year. Said extension must be requested in writing by the permit holder before the expiration of the initial permit period.

(F) *Voiding of zoning permit.* If the permit holder fails to initiate the activity authorized by the zoning permit by the end of the one year extension, the zoning permit is automatically null and void. Any additional rights associated with the zoning permit which have been granted by the Planning Commission or the Zoning Board of Appeals, such as special use permits or variances, expire together with the zoning permit.

(G) *Performance guarantee.* Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the village which were to be covered by the guarantee. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

(H) *Reissuance.* Reissuance of a zoning permit which has expired requires a new zoning application form to be filed with the Zoning Administrator and processed without consideration of any previous action.

(Ord. passed 11-16-2020)

**§ 153.138 AMENDMENT.**

(A) *Amendment.* Village Council may amend. The regulations and provisions stated in the text of this chapter and the boundaries of zoning districts shown on the zoning district map may be amended, supplemented, or changed by ordinance by the Village Council in accordance with the applicable enabling legislation of the state.

(B) *Initiation of amendments.* Proposals for amendments, supplements, or changes may be initiated by the Village Council of its own action, by the Planning Commission, or by petition of one or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.

(C) *Amendment procedure.*

(1) *Petition to Zoning Administrator and payment of fee.* Each petition by one 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.

(2) *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.

(3) *Public hearing.* Before voting on any proposed amendment to this chapter, the Planning Commission shall conduct a public hearing, with notice being given as specified by P.A.110 of 2006, as amended, the Michigan Zoning Enabling Act.

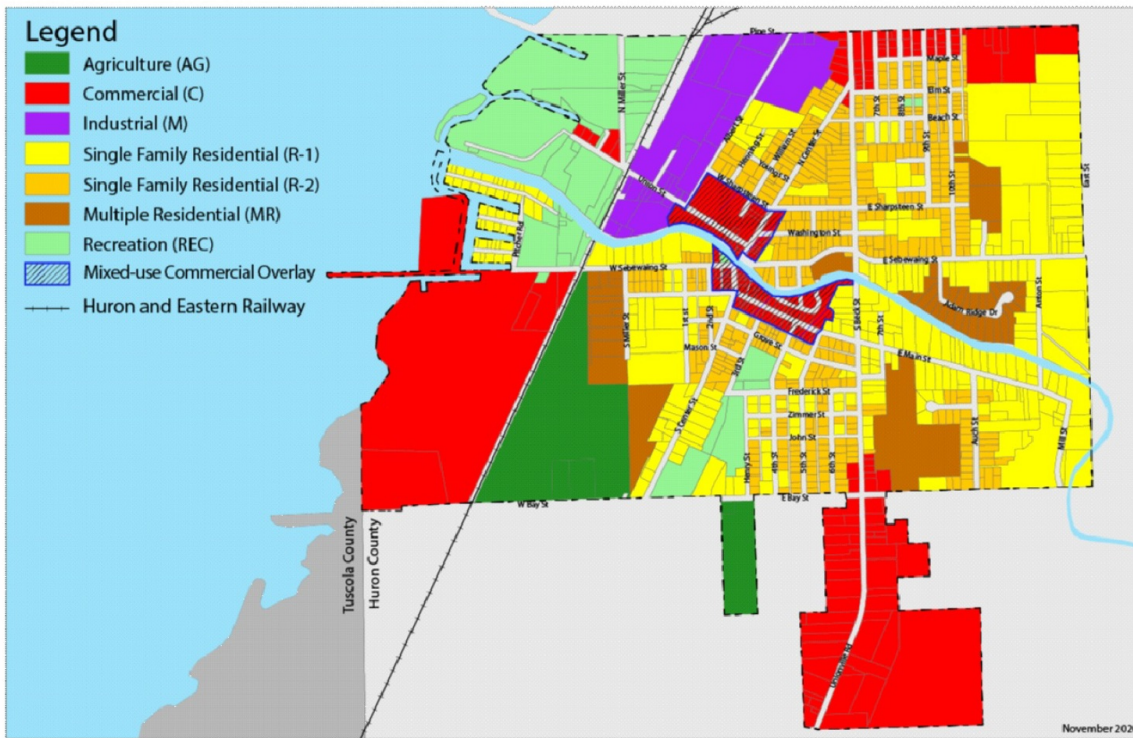
<b>Table 12 - Review Process</b>					
<b>Type of Action</b>	<b>Parties Who May Initiate Action</b>	<b>Body Making Decision</b>	<b>Public Hearing Required?</b>	<b>Published Notice(s) and Mailed Notice to Owners and Occupants Within 300'</b>	<b>Body to Which Applicant May Appeal a Denial</b>
<b>Table 12 - Review Process</b>					



<b>Type of Action</b>	<b>Parties Who May Initiate Action</b>	<b>Body Making Decision</b>	<b>Public Hearing Required?</b>	<b>Published Notice(s) and Mailed Notice to Owners and Occupants Within 300'</b>	<b>Body to Which Applicant May Appeal a Denial</b>
Variance	Applicant or Administrator	Zoning Board of Appeals	Yes	Once, between 5-15 days before date	Circuit Court only
Interpretation	Applicant or Administrator	Zoning Board of Appeals	Yes	Once, between 5-15 days before date	Circuit Court only
Appeal of Administrative Decision	Any aggrieved party or State, County, Village officer, or dept.	Zoning Board of Appeals	Yes	Once, between 5-15 days before date	Circuit Court only
Site Plan Approval	Applicant or Administrator	Planning Commission	No	Not required	Planning Commission after 1 year, or Village Council
Special Use Permit	Applicant or Administrator	Planning Commission	Yes	Once, between 5-15 days before date	Planning Commission after 1 year, or Circuit Court
Planned Unit Development	Applicant or Administrator	Planning Commission	Yes	Once, between 5-15 days before date	Planning Commission or after 1 year, Circuit Court
Rezoning	Applicant, Planning Commission or Village Council	Planning Commission recommends to Village Council	Yes, if requested by any party	Once, between 5-15 days before date. No notice to residents required	Planning Commission after 1 year, Circuit Court
Zoning Ordinance or Zoning Map Text Change	Applicant, Planning Commission or Village Council	Planning Commission recommends to Village Council	Yes, if requested by any party	Once, between 5-15 days before date. No notice to residents required	Planning Commission after 1 year, Circuit Court
Development Plan or Map Change	Applicant, Planning Commission or Village Council	Planning Commission recommends to Village Council	Yes	See P.A. 110 of 2006 as amended for requirements. No notice to residents required	Planning Commission after 1 year or Circuit Court

(Ord. passed 11-16-2020)

**APPENDIX A: VILLAGE STREET MAP**



(Ord. passed 2-24-1 972; Ord. passed 7-7-19 75; Ord. passed 7-18-1 977; Ord. passed 4-3-19 78; Ord. passed 8-7-19 78; Ord. passed 9-6-19 78; Ord. passed 8-4-19 80; Ord. passed 9-8-19 82; Ord. passed 10-4-1 982; Ord. passed 4-18-1983; Ord. passed 5-7-1984; Ord. passed 6-18-1984; Ord. passed 12-17-1984; Ord. passed 11-15-1985; Ord. passed 6-16-1986; Ord. passed 7-21-1986; Ord. passed 9-9-1987; Ord. passed 3-4-1991; Ord. passed 11-16-2020)