

# TITLE XV: LAND USAGE

Chapter

- 150. GENERAL PROVISIONS
- 151. BUILDING REGULATIONS
- 152. SUBDIVISION CONTROL
- 153. ZONING CODE

## CHAPTER 150: GENERAL PROVISIONS

Section

### *Unsafe Buildings*

- 150.01 Definition
- 150.02 Notice to owner
- 150.03 Posting of signs
- 150.04 Village's right to demolish
- 150.05 Costs

### *Swimming Pool Fences*

- 150.20 Swimming pool fence required
- 150.21 Building Inspector's duties
- 150.22 Offenses
- 150.23 Effective date
  
- 150.99 Penalty

## UNSAFE BUILDINGS

### § 150.01 DEFINITION.

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

**UNSAFE BUILDINGS.** All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in existing use are a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment are hereby defined as **UNSAFE BUILDINGS**, and all the buildings are hereby declared to be public nuisances. All **UNSAFE BUILDINGS** shall be demolished or removed.

(Ord. 49, passed 9-14-1970) Penalty, see § 150.99

### § 150.02 NOTICE TO OWNER.

(A) The Building Inspector shall inspect any building that is reported unsafe as defined in this subchapter, and if the building is found to be unsafe, a notice shall be given to the owner thereof stating the defects of the building. This notice may require the owner or person in charge of the building or premises, within five days, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all the work shall be completed within 90 days from date of notice, unless otherwise stipulated by the Building Inspector. If necessary, the notice also shall require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the Building Inspector.

(B) Proper service of the notice shall be by personal service upon the owner of record, if he or she shall be found within the village limits. If he or she is not found within the village limits, the service may be made upon the owner by registered mail or certified mail; provided, that if the service is by registered or certified mail, the designated period within which the owner or person in charge is required to comply with the order of the Building Inspector shall begin as of the date he or she receives the notice.

(Ord. 49, passed 9-14-1970) Penalty, see § 150.99

### § 150.03 POSTING OF SIGNS.

(A) The Building Inspector shall cause to be posted at each entrance to the building a notice to read:

"DO NOT ENTER, UNSAFE TO OCCUPY, BUILDING DEPARTMENT, VILLAGE OF WEBBERVILLE."

(B) The notice shall remain posted until the required repairs, demolition, or removal are completed.

(C) The notice shall not be removed without written permission of the Building Inspector, and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

(Ord. 49, passed 9-14-1970) Penalty, see § 150.99

#### **§ 150.04 VILLAGE'S RIGHT TO DEMOLISH.**

In case the owner shall fail, neglect, or refuse to comply with the notice to repair, or to demolish and remove, the building or structure or portion thereof, the owner of the building may be prosecuted as a violator of the provisions of this subchapter, and the Village Council may cause the same to be done or order the Building Inspector to proceed with the work specified in the notice.

(Ord. 49, passed 9-14-1970; Ord. 80, passed 4-7-1980)

#### **§ 150.05 COSTS.**

All costs and expenses incurred under § 150.04 shall be paid out of the village treasury and charged upon the lot or premises and collected as a special assessment thereon, or the costs and expenses may be recovered by the village in a suit at law against the owner or occupant of any such lot or premises.

(Ord. 49, passed 9-14-1970; Ord. 80, passed 4-7-1980)

### **SWIMMING POOL FENCES**

#### **§ 150.20 SWIMMING POOL FENCE REQUIRED.**

Every swimming pool in the village shall be completely surrounded by a fence or wall not less than six feet in height, which shall be constructed as to not have openings, holes, or gaps larger than four inches in any dimension, except for doors and gates; and if a picket fence is erected and maintained, the horizontal dimension shall not exceed four inches. A dwelling house or accessory building may be used as part of the enclosure. All gates or doors opening through the enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door or any dwelling which forms part of the enclosure need not be so equipped. This requirement shall be applicable to all new swimming pools which have a depth of 18 inches or more of water at any point and shall apply to all existing pools which have a depth of 18 inches or more of water at any point. No person in possession of land within the village, either as owner, proprietor, possessor, lessee, tenant, licensee, or renter, upon which is situated a swimming pool having a depth of 18 inches or more of water at any point shall fail to provide and maintain the fence or wall as herein provided within 20 days after the effective date of this subchapter.

(Ord. 51, passed 8-2-1971) Penalty, see § 150.99

#### **§ 150.21 BUILDING INSPECTOR'S DUTIES.**

The Building Inspector shall inspect or cause to be inspected all pools within the village at the times as he or she may deem necessary to carry out the intent of this subchapter. Before a newly constructed pool may be used, notice of completion of the fence shall be given to the Building Inspector, who shall then inspect the fence, and if the fence is satisfactory, he or she shall so notify the owner or the lessee. The Building Inspector or his or her duly authorized agents are hereby authorized to enter upon any premises in the village, private, semi-private, or public, at the times as he or she may deem necessary, to require the owner, proprietor, possessor, lessee, tenant, licensee, or renter to comply with the requirements of this subchapter. A notice of any and all defects shall be given to the person in charge of the pool, a copy of which shall be posted on the premises, and a copy furnished to the village. The notice shall constitute a suspension of the use of the pool.

(Ord. 51, passed 8-2-1971)

#### **§ 150.22 OFFENSES.**

Any person who fails to maintain the fence or wall surrounding a swimming pool in accordance with the requirements of this subchapter, or who fails to keep the gate or door in the fence or wall securely closed at all times when the gate or door is not in actual use or keep the swimming pool so that the swimming pool is inaccessible to children, when not in use, shall be guilty of a misdemeanor and punished in accordance with the laws of the state.

(Ord. 51, passed 8-2-1971) Penalty, see § 150.99

#### **§ 150.23 EFFECTIVE DATE.**

This subchapter shall take effect 30 days from date of enactment.

(Ord. 51, passed 8-2-1971)

#### **§ 150.99 PENALTY.**

The fees and/or penalties charged in connection with this chapter shall be set by a resolution of the Village Council on an annual basis.

## CHAPTER 151: BUILDING REGULATIONS

### Section

#### *Adopted Codes*

- 151.01 International Property Maintenance Code
- 151.02 State Construction Code
- 151.03 Village Design Standards
- 151.04 Floodplain management provisions of State Construction Code

#### *Administration*

- 151.20 Construction Board of Appeals
  
- 151.99 Penalty

### ADOPTED CODES

#### § 151.01 INTERNATIONAL PROPERTY MAINTENANCE CODE.

(A) A certain document, three copies of which are on file in the office of the Village Clerk, marked and designated as the International Property Maintenance Code, as published by the International Code Council, Inc., is adopted along with all future amendments and revisions to the code, as the Property Maintenance Code of the village; for the control of buildings and structures as provided; and each and all of the regulations, provisions, penalties, conditions, and terms of the Property Maintenance Code are referred to, adopted, and made a part, as if fully set out in this section, with the additions, deletions, and changes, if any, prescribed in division (B) below.

(B) The following sections are revised.

(1) *Section 101.1. Title.* "These regulations shall be known as the Property Maintenance Code of the Village of Webberville, referred to as "this code"."

(2) *Section 103.6. Fees.* "The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be the same as those established by the Village Council for the Building Code."

(3) *Section 303.14. Insect screens.* "During the period from March 1 to December 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition."

(4) *Section 602.3. Heat supply.* "Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 1 to maintain a temperature of not less than 65 degrees F (18 degrees C) in all habitable rooms, bathrooms, and toilet rooms. Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code."

(5) *Section 602.4. Occupiable work spaces.* "Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 1 to maintain a temperature of not less than 65 degrees F (18 degrees C) during the period the spaces are occupied. Exceptions: 1. Processing, storage and operation areas that require cooling or special temperature conditions. 2. Areas in which persons are primarily engaged in vigorous physical activities."

(C) Nothing in this section or in the Property Maintenance Code adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action already acquired or existing, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this section.

(D) The Village Clerk shall certify to the adoption of this section, and cause the same to be published as required by law; and this section shall take effect and be in force from and after its publication and posting.

(Ord. 176, passed 2-17-2003)

#### § 151.02 STATE CONSTRUCTION CODE.

(A) *Code adopted.* Pursuant to the provisions of the Stille-DeRossett-Hale Single State Construction Code Act, Public Act No. 230 of 1972 (M.C.L. A. § 125.1501 *et seq.*), the Michigan State Construction Code is hereby adopted by reference.

(B) *References in code.* References in the Michigan State Construction Code to "State" and "Michigan" shall mean the State of Michigan; references to "municipality" shall mean the Village of Webberville; references to "local ordinances" shall mean ordinances of

the Village of Webberville and references to “building officials” shall mean Building Director, Building Official, Building Inspector, or the deputy of the Village of Webberville.

(C) *Administration and enforcement of state construction code act and code.* The village assumes and shall be responsible for administering and enforcing the single state construction code act, Public Act No. 230 of 1972 (M.C.L.A. § 125.1501 *et seq.*), and state construction code prepared and promulgated as provided in that Act (referred to in this chapter as the state construction code and act within the boundaries of the village).

(D) *Code appendix enforced.* Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the Village Building Official within the village.

(E) *Enforcing agency.* The Village Building Department, its Building Director, its Chief Building Inspector, building officials, inspectors, administrative, plan review and inspection personnel and consultants, enforcement officers and personnel and consultants of the Village Building Department that perform acts or provide services in the administration and enforcement of the state construction code and act, are hereby designated as the enforcing agency to discharge the responsibility of the village to administer and enforce the state construction code and act.

(F) *Village Council review.* The Village Council shall conduct the review for permit issuance pursuant to Section G104 of the state construction code Appendix G for any proposed development in the village within the flood hazard areas delineated on the flood insurance study (FIS) and flood insurance rate maps (FIRMS) set forth in this section. The Village Council review will focus on whether development in the floodplain should be permitted pursuant to Sections G301 through G701 of Appendix G based on compliance with state construction code requirements. The Village Building Official shall review and approve the building plans pursuant to the state construction code as part of the building permit issuance. Applications for variances from decisions made by the Village Council shall be made to the Village Zoning Board of Appeals pursuant to Section G105 of Appendix G. Applications for variances from decisions made by the Village Building Official shall be made to the Village Construction Board of Appeals pursuant to Section G105 of Appendix G.

(G) *Fees.* Permit, contractor registration and inspection fees for enforcement of the state construction code shall be as currently established or as hereafter adopted by resolution of the Village Council from time to time.

(H) *Construction Board of Appeals.* A village Construction Board of Appeals shall be created and consist of three members who shall be appointed by the Village Council for two-year terms. The Construction Board of Appeals is granted the powers and duties set forth in Public Act No. 230 of 1972, being M.C.L.A. § 125.1501 *et seq.*

(I) *Violations.* Any person erecting, using, moving, demolishing, occupying or maintaining any building or structure in violation of state construction code or causing, permitting or suffering any such violation to be committed, shall be responsible for a municipal civil infraction, subject to the penalties set forth below. In addition, any building or structure erected, used, moved, demolished, occupied or maintained in violation of this section is hereby declared to be a nuisance per se. Upon application to a court of competent jurisdiction, the court may order the nuisance abated or the violation, or threatened violation restrained or enjoined.

(1) *Fines.* The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance:

(a) *First offense.* The civil fine for a first offense violation shall be in an amount of \$75, plus costs and other sanctions, for each offense.

(b) *Repeat offense.* The civil fine for any offense which is a repeat offense shall be in an amount of \$150, plus costs and other sanctions for each offense.

(2) *Enforcement.* In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation, of this section.

(3) *Continuing offense.* Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.

(4) *Remedies not exclusive.* In addition to any remedies provided for by this section, any equitable or other remedies available may be sought.

(a) The judge or magistrate shall be authorized to impose costs, damages and expenses as provided by law.

(b) A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

(J) *Repeal.* All ordinances inconsistent with the provisions of this section are hereby repealed.

(K) *Effective date.* This section shall become effective upon publication.

(Ord. 222, passed 5-14-2013)

**Statutory reference:**

*State Construction Board of Appeals, see M.C.L.A. § 125.1514*

**Cross-reference:**

**§ 151.03 VILLAGE DESIGN STANDARDS.**

(A) *Village design standards.* All public improvements, whether performed by the village or its designee or the owner or developer of any property in the village, shall be designed and constructed in accordance with the following provisions of the *Village Design Standards for the Village of Webberville, Ingham County, Michigan, May 14, 2008*, prepared by Ledy Design Group the terms of which are specifically incorporated by reference as if restated in their entirety:

<i>Section</i>	<i>Page</i>
<i>Section</i>	<i>Page</i>
General information and general construction requirements	1-1 to 1-5
Sanitary sewer systems	2-1 to 2-10
Sanitary force mains and lift stations	3-1 to 3-8
Water main	4-1 to 4-11
Storm water management	5-1 to 5-2
Special provisions	6-1 to 6-9
Streets and roadways	7-1 to 7-10
Soil erosion and sedimentation control	8-1 to 8-2
Sample municipal agreement	9-1 to 9-9
Standard construction details	10-1 to 10-11

(B) *Effective date.* This section shall take effect immediately upon publication.

(C) *Driveway approaches.* Section VII of the Village of Webberville Design Standards is amended to read as follows:

4. **Driveway Approaches** - All driveway approaches between the curb and gutter or edge of pavement and the right-of-way shall be concrete or bituminous. Concrete driveway approaches for residential sections shall be six inches (6”) thick and ten inches (10”) thick for commercial driveways. Bituminous driveways shall conform to the pavement cross sections for road design. The maximum grade on driveway approaches shall be ten percent (10%) and the minimum grade shall be one-half percent (0.50%) unless site conditions dictate otherwise.

A driveway culvert may be required as site conditions dictate. Driveway culverts shall meet the requirements of the Ingham County Road Commission.

A separate permit for driveway approaches must be obtained from the Village prior to commencing construction. All elements of the driveway permit shall be adhered to.

A. Residential Driveways:

- i. The number of residential driveways that may be permitted shall be determined as follows:
  - a. One residential driveway for each platted lot.
  - b. One residential driveway for each unplatted residential property with less than 100 feet of frontage.
  - c. Additional driveways may be permitted by special request for property with more than 100 feet of frontage provided that the driveways are at least 45 feet apart edge to edge.
  - d. Corner lots may have access points on more than one street subject to the appropriate setback criteria.
- ii. Residential driveways shall be a minimum of ten feet (10’) to a maximum of twenty-four feet (24’) in width.
- iii. Residential driveways must be a minimum of five feet (5’) from any side lot line and shall be set back a minimum distance of twenty-five feet (25’) from any street intersection measured from the closest point of the driveway approach to the closest right-of-way line of the intersecting street.
- iv. The dimensions of a residential driveway shall conform to Exhibit 1 and Exhibit 2 included in Section X of these standards.

B. Commercial Driveways:

Requirements for commercial driveways shall conform to the requirements described in the Ingham County Road Commission “Rules, Standards and Procedures for Driveways, Banners and Parades Upon or Over Ingham County Road Commission Right-of-Way.”

(Ord. 204, passed 10-20-2008; Ord. 208, passed 11-9-2009) Penalty, see § 151.99

**§ 151.04 FLOODPLAIN MANAGEMENT PROVISIONS OF STATE CONSTRUCTION CODE.**

(A) *Agency designated.* Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the State Bureau of Construction Codes is hereby designated as the enforcing

agency to discharge the responsibility of the Village of Webberville under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The State Bureau of Construction Codes assumes responsibility for the administration and enforcement of said act throughout the corporate limits of the community adopting this section.

(B) *Code Appendix enforced.* Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Village of Webberville.

(C) *Designation of regulated flood prone hazard areas.* The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled "Ingham County, Michigan (all jurisdictions)" and dated 8/16/11 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26065C; 0212D, 0215D, 0216D, 0217D and 0220D dated 8/16/11 are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

(Ord. 215, passed 8-8-2011)

## **ADMINISTRATION**

### **§ 151.20 CONSTRUCTION BOARD OF APPEALS.**

(A) *Creation.* A Village of Webberville Construction Board of Appeals shall be created and consist of three members who shall be appointed by the Village Council for two-year terms.

(B) *Powers and duties.* The Construction Board of Appeals is granted the powers and duties set forth in Public Act No. 230 of 1972, being M.C.L.A. § 125.1501 *et seq.*

(C) *Compensation.* All members of the Construction Board of Appeals shall serve as such with compensation as established by resolution of the Village Council.

(Ord. 223, passed 5-14-2013)

### **§ 151.99 PENALTY.**

(A) *Generally.* The fees and/or penalties charged in connection with this chapter shall be set by a resolution of the Village Council on an annual basis.

(B) *Design standards.* The violation of any provision of § 151.03 shall constitute a misdemeanor. Any person who violates any provision of § 151.03, upon conviction thereof, shall be fined not more than \$500 or imprisoned for not more than 30 days or both. Each day any violation continues shall be considered a separate offense. The penalties shall be in addition to any civil remedies available to the village to compel compliance or restrain any violation of § 151.03 for the village.

(Ord. 204, passed 10-20-2008)

## **CHAPTER 152: SUBDIVISION CONTROL**

---

### Section

- 152.01 Title
- 152.02 Purpose
- 152.03 Scope
- 152.04 Preliminary plat
- 152.05 Tentative approval of preliminary plat
- 152.06 Final approval of preliminary plat
- 152.07 Preparation of final plat and submission to Village Clerk
- 152.08 Council approval or rejection of final plat
- 152.09 Street, alley, and road requirements
- 152.10 Subdivision design standards
- 152.11 Public improvement requirements
- 152.12 Guarantee of completion of required improvements
- 152.13 Fees
- 152.14 Public review and inspection fees
- 152.15 Effective date

**§ 152.01 TITLE.**

This chapter shall be known and may be cited as the "Village of Webberville Subdivision Control Ordinance."

(Ord. 111, passed 3-7-1988)

**§ 152.02 PURPOSE.**

The purpose of this chapter is to regulate and control the subdivision of land within the village, pursuant to the Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended.

(Ord. 111, passed 3-7-1988)

**§ 152.03 SCOPE.**

This chapter applies to any lot or lots forming a part of a subdivision proposed to be created and recorded by or after the effective date of this chapter. It shall not apply to any lot or lots forming a part of a subdivision created and approved prior to the effective date of this chapter except for further division of existing lots.

(Ord. 111, passed 3-7-1988)

**§ 152.04 PRELIMINARY PLAT.**

(A) *Generally.* Before making or submitting a final plat for approval, the proprietor shall make a preliminary plat and submit copies to the Village Clerk in the manner provided in division (B) below.

(B) *Specifically.*

(1) The preliminary plat shall show the name, location, and position of the subdivision and the subdivision plan and layout in sufficient detail on a topographic map to enable a determination of whether the subdivision meets all village requirements for lots, streets, roads, and highways, including drainage and floodplains.

(2) The preliminary plat shall be drawn to a scale of not more than 200 feet to one inch and may be an original drawing or reproduction on unbacked paper. It shall contain proper identification of the parcel of land to be divided, the name of the plat and proposed division of the land, the name and address of the proprietor, and the name, address, and seal of the surveyor who prepared it, all legibly printed or typewritten. Additional preliminary land development plans may be made by other qualified persons to assist approving authorities to visualize the type and scope of the development planned.

(3) The proprietor may request that a preapplication review meeting take place by submitting a written request to the chairperson of the county plat board and submitting copies of a concept plan for the preliminary plat to the municipality and to each officer or agency entitled to review the preliminary plat under M.C.L.A. §§ 560.113 to 560.118. A preapplication review meeting shall take place not later than 30 days after the written request and concept plan are received. The meeting shall be attended by the proprietor, representatives of each officer or agency entitled to review the preliminary plat under M.C.L.A. §§ 560.113, 560.114, and 560.118, and a representative of the municipality. Representatives of each agency entitled to review the preliminary plat under M.C.L.A. §§ 560.115 to 560.117 shall be informed of the meeting and may attend. The purpose of the meeting is to conduct an informal review of the proprietor's concept plan for the preliminary plat.

(Ord. 111, passed 3-7-1988)

**§ 152.05 TENTATIVE APPROVAL OF PRELIMINARY PLAT.**

(A) The Village Council, within 90 days from the date of filing the preliminary plat with the Village Clerk, shall tentatively approve and note its approval on the copy of the preliminary plat to be returned to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval. The Village Council may refer the proposed plat to the Downtown Development Authority for its review and comment or a committee appointed by the Village Council for that purpose and may hold a public hearing on approval of the preliminary plat.

(B) The Village Council may require the submission of the following as it deems necessary:

(1) A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for later development;

(2) Preliminary engineering plans for streets; water, sanitary, and storm sewers; sidewalks; and other required public improvements in detail sufficient to enable the Village Council to make a preliminary determination of conformance of the proposed improvements to applicable village regulations and standards;

(3) A statement of intended use of the proposed plat; and/or

(4) Copies, as required, of any proposed protective covenants and deed restrictions.

(C) Tentative approval under this section shall confer upon the proprietor for a period of one year from the date, approval of lot sizes, lot orientation, and street layout. The tentative approval may be extended if applied for by the proprietor and granted by the governing

body in writing.

(Ord. 111, passed 3-7-1988)

#### **§ 152.06 FINAL APPROVAL OF PRELIMINARY PLAT.**

(A) The proprietor shall:

(1) Submit a preliminary plat to all authorities as required by §§ 112 through 119 of the Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293;

(2) Submit a list of all the authorities to the Village Clerk certifying that the list shows all authorities required to be so notified; and

(3) Submit all approved copies to the Village Clerk after all necessary approvals have been secured.

(B) The Village Council, after receipt of the necessary approved copies of the preliminary plat, shall:

(1) Consider and review the preliminary plat at its next meeting or within 20 days from the date of submission and approve it if the proprietor has met all conditions laid down for approval of the preliminary plat;

(2) Instruct the Clerk to promptly notify the proprietor of approval or rejection, in writing, and if rejected, to give the reasons; and

(3) Instruct the Clerk to note all proceedings in the minutes of the meeting, which minutes shall be open for inspection.

(C) Final approval of the preliminary plat under this section shall confer upon the proprietor for a period of two years from the date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted, will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the Village Council in writing. Written notice of the extension shall be sent by the Village Council to the other approving authorities.

(Ord. 111, passed 3-7-1988)

#### **§ 152.07 PREPARATION OF FINAL PLAT AND SUBMISSION TO VILLAGE CLERK.**

(A) Following final approval of the preliminary plat by the Village Council, the proprietor shall cause to be made and prepared a final plat and survey in accordance with §§ 131 through 165 of the Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended.

(B) When the final plat has been approved by the Drain Commissioner and the County Road Commissioners, if necessary, the proprietor shall submit all copies of the plat to the Village Clerk, together with the filing fee required by § 152.13.

(Ord. 111, passed 3-7-1988)

#### **§ 152.08 COUNCIL APPROVAL OR REJECTION OF FINAL PLAT.**

(A) At its next regular meeting or a meeting called within 20 days of the date of submission, the Village Council shall:

(1) Approve the plat if it conforms to all of the provisions of the Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, and this chapter and instruct the Village Clerk to certify on the plat to the Village Council's approval, showing the date of the Council approval, the approval of the Health Department, when required, and the date thereof as shown on the approved preliminary plat; or

(2) Reject the plat and instruct the Village Clerk to give the reasons in writing as set forth in the minutes of the meeting and return the plat to the proprietor.

(B) The Village Council shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection.

(C) When approved by the Village Council, the Village Clerk shall promptly forward all copies of the plat to the Clerk of the Ingham County Plat Board, together with the filing and recording fee collected pursuant to § 152.13.

(Ord. 111, passed 3-7-1988)

#### **§ 152.09 STREET, ALLEY, AND ROAD REQUIREMENTS.**

(A) The Village Council may require the following as a condition for approval of a final plat for all public and private streets, alleys, and roads in its jurisdiction:

(1) Conformance to the general plans, requirements, and all other provisions contained in § 151.03;

(2) Installation of bridges and culverts where it deems necessary;

(3) Submission of complete plans for grading, drainage, and construction to be prepared and sealed by a civil engineer registered in the state; and/or

(4) Completion of all required improvements relative to streets, alleys, or roads or a deposit by the proprietor with the Village Clerk in the form of cash, certified check, or irrevocable bank letter of credit, whichever the proprietor selects, or a performance surety bond acceptable to the Village Council, in an amount sufficient to ensure completion within the time specified.



(B) As a condition of approval of the final plat, the Village Council may require a deposit to be made in the same manner as provided in division (A)(4) above to ensure performance of any of the obligations of the proprietor to make required improvements.

(C) The Village Council shall rebate to the proprietor as the work progresses, amounts of any cash deposits equal to the ratio of the work completed to the entire project.

(D) The Village Council shall:

(1) Reject any plat which is isolated from or which isolates other lands from existing public streets unless suitable access is provided;

(2) Reject any plat showing a street or road named duplicating one already in use in the village except in continuing a street or road; and

(3) Reject any plat showing the name of a new street, alley, or road that is so similar to the one already in existence in the village, that permitting the use in the subdivision may be confusing for purposes of assessing, mail delivery, and locating by the public.

(Ord. 111, passed 3-7-1988)

#### **§ 152.10 SUBDIVISION DESIGN STANDARDS.**

Where applicable, the proposed subdivision and final plat shall fully comply with the following:

(A) The Village Zoning Ordinance, Ordinance No. 55, enacted 4-8-1974;

(B) Section 151.03 of this code;

(C) The Village Water System Ordinance, Ordinance No. 30, enacted 8-19-1957;

(D) The Village Wastewater Ordinance, Ordinance No. 43, enacted 5-12-1969; and

(E) Section 186 of the Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, unless modified by any of the above.

(Ord. 111, passed 3-7-1988) Penalty, see § 152.99

#### **§ 152.11 PUBLIC IMPROVEMENT REQUIREMENTS.**

(A) *Water supply.*

(1) *Accessible water supply.* Where a public water supply system is accessible to the subdivision, provisions shall be made by the proprietor to supply each lot in the subdivision with water from the public supply by means of a water supply system which meets current village specifications and the provisions, where applicable, of this code.

(2) *Nonaccessible water supply.* Where a public water supply system is not accessible to the subdivision by reason of absence of feeder mains, the proprietor shall bear the cost of installation of a new feeder main from the source of supply to the subdivision in accordance with the current village specifications or in accordance with an agreement entered into between the village and the proprietor.

(B) *Sanitary sewer system.*

(1) *Accessible sewer system.* Where a public sanitary sewer system is reasonably accessible, each lot within the subdivision shall be provided with a connection. All connections shall be subject to the approval of the Village Engineer and all materials used in the system shall meet current village specifications.

(2) *Nonaccessible sewer system.* In the event that a public sanitary sewer is not reasonably accessible to the subdivision, the proprietor shall pay the cost of extending the sanitary sewer lines from the area platted to the nearest public sanitary sewer trunk line of capacity adequate to carry the additional flow. In addition, the proprietor shall install public sanitary sewer facilities within the platted area in accordance with the current village specifications.

(C) *Storm drainage system.*

(1) *Accessible public drainage system.* Where a storm drain is reasonably accessible, each lot within the subdivided area shall be provided with a connection. All connections shall be subject to the approval of the Village Engineer and all materials used in the system shall meet current Village or County Drain Commissioner's specifications.

(2) *Nonaccessible public drainage system.* In the event that a public storm drain is not reasonably accessible to the subdivision, at the option of the Village Council, the proprietor shall pay the cost of extending the storm sewer lines from the area platted to the nearest public storm sewer trunk of a size adequate to carry the additional flow and install public storm drainage facilities within the platted area in accordance with current village specifications or, may submit for Village Council approval, an independent storm drainage system specifically designed for the proposed subdivision sufficient to adequately carry any additional flow caused by the proposed development approved by the County Drain Commissioner.

(D) *Optional public improvements.* The Village Council may, at its option, require the proprietor to make provisions for the following public improvements.

(1) *Underground wiring.* If required, this shall include provisions requiring that all electrical, cable television, and telephone wiring shall be installed entirely underground within private easements, public ways, or other public or quasi-public utility rights-of-way in the

subdivision.

(2) *Street lighting.* Where required, provisions shall be made for the installation of street lighting adequate to comply with the village street lighting plan or optional street lighting of a kind and quality approved by the Village Council or its designee.

(3) *Sidewalks and crosswalks.* When required by the Village Council, provisions shall be made by the proprietor for the installation and construction of concrete sidewalks and crosswalks in the subdivision in accordance with applicable provisions of § 151.03.

(Ord. 111, passed 3-7-1988) Penalty, see § 152.99

#### **§ 152.12 GUARANTEE OF COMPLETION OF REQUIRED IMPROVEMENTS.**

(A) The Council may require all improvements and facilities to be completed before approval of the final plat. If the improvements and facilities are not required to be completed by the Village Council, before approval, the final plat shall be accompanied by a contract between the proprietor and the Village Council for completion of all required improvements and facilities, and the contract shall be recorded and referred to on the plat.

(B) In lieu of actual installation of public improvements required by the Village Council, the proprietor may elect to provide a financial guarantee of performance in the same manner specified in § 152.09(A)(4).

(C) The proprietor may elect to install or cause to be installed prior to the approval of the final plat, all or part of the required public improvements. In that case, the proprietor shall, at the time of final plat approval, provide financial security for any remaining public improvements.

(D) In the event the proprietor fails to complete any required public improvements within the specified time, the Village Council may proceed to have the work completed and reimburse itself for the cost of doing so and proceeding against the security posted pursuant to division (B) above.

(Ord. 111, passed 3-7-1988)

#### **§ 152.13 FEES.**

(A) The schedule of fees for the review of plans and plats shall be established by resolution of the Village Council in accordance with Public Act 288 of 1967, § 246(1), being M.C.L.A. §§ 560.101 through 560.293, as amended. A proprietor submitting a plan or plat for approval shall be required to deposit the established fees with the Village Clerk and, until the fee is paid, the plan or plat shall not be considered or reviewed.

(B) Fees shall be established for the following.

(1) *Tentative approval of preliminary plat.* The proprietor shall pay the established village filing fee plus the established fee per lot when a preliminary plat is submitted for tentative approval pursuant to § 152.05.

(2) *Final approval of preliminary plat.* The proprietor shall pay the established village filing fee plus the established fee per lot when a preliminary plat is submitted for final approval pursuant to § 152.06.

(3) *Approval of final plats.* The proprietor shall pay the following fees when a final plat is submitted for approval pursuant to § 152.08:

(a) *Village filing and review fee.* The established village filing and review fee plus the established fee per lot;

(b) *Recording fee.* A fee of \$20 pursuant to § 241 of the Land Division Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, which shall be known as the filing and recording fee and which shall be forwarded by the Village Clerk to the Plat Board upon approval by the Village Council of the final plat; and

(c) *Inspection and review fees.* All charges for village inspection of public improvements and review fees specified in § 152.14.

(Ord. 111, passed 3-7-1988)

#### **§ 152.14 PUBLIC REVIEW AND INSPECTION FEES.**

(A) *Engineering review.* A proprietor submitting a plan or plat for approval shall submit final engineering plans and specifications for all public improvements required to be made and which are to be part of the respective village system to the Village Engineer for approval. In addition to these plans, the proprietor shall submit, in writing, an estimate of the cost of construction and shall deposit with the Village Clerk the sum of 1% of this estimate to cover the costs incurred by the village to review these plans and specifications. The Village Clerk shall place this sum in an escrow account in the name of the proprietor and the amount shall be applied toward the costs incurred by the village for the engineering review with the excess, if any, to be refunded to the proprietor or the shortage, if any, paid by the proprietor prior to final plat approval.

(B) *Inspection of improvements.* Prior to starting work on any public improvement required to be made in the subdivision which requires inspection by the village, the proprietor shall deposit a sum equal to 4% of the cost of construction to cover the costs incurred by the village or its designee to inspect the public improvements. The Village Clerk shall place this sum in an escrow account in the name of the proprietor and the amount shall be applied toward the costs incurred by the village for the engineering review with the excess, if any, to be refunded to the proprietor or the shortage, if any, paid by the proprietor prior to final plat approval.

(Ord. 111, passed 3-7-1988)

**§ 152.15 EFFECTIVE DATE.**

This chapter shall take effect 20 days after publication.

(Ord. 111, passed 3-7-1988)

**§ 152.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(Ord. 111, passed 3-7-1988)

---

**CHAPTER 153: ZONING CODE**

---

Section

*General Provisions*

- 153.001 Short title
- 153.002 Purposes
- 153.003 Definitions
- 153.004 Severability
- 153.005 Effective date

*Administration and Enforcement*

- 153.020 Administration
- 153.021 Enforcement

*Zoning Board of Appeals*

- 153.035 Creation and membership
- 153.036 Organization and procedures
- 153.037 Appeals
- 153.038 Duties and powers
- 153.039 Essential services
- 153.040 Bond for compliance

*Zoning Districts; Zoning Map; Schedule of Regulations*

- 153.055 General provisions
- 153.056 R-1A District, One-Family Low Density Residential
- 153.057 (Reserved)
- 153.058 R-1B District, Medium Density Residential
- 153.059 R-M1 District, Multiple-Family Residential
- 153.060 B-1 District, Local Business
- 153.061 B-2 District, General Business
- 153.062 M-1 District, Industrial
- 153.063 (Reserved)
- 153.064 VC District, Village Core Mixed Use
- 153.065 HC-1 District, Highway Commercial
- 153.066 Schedule of regulations
- 153.067 Exceptions to the schedule of regulations

*Supplementary Regulations*

- 153.080 Miscellaneous regulations

- 153.081 Supplementary use regulations
- 153.082 Supplementary area regulations
- 153.083 Signage
- 153.084 Supplementary height regulations
- 153.085 Floodplain regulations
- 153.086 Nonconforming uses
- 153.087 Site plan approval process
- 153.088 Performance guarantees
- 153.089 Professional review of proposed development

***Off-Street Parking and Loading Regulations***

- 153.100 Off-street parking requirements
- 153.101 Loading requirements

***Uses Authorized by Special Use Permit***

- 153.115 General standards and requirements
- 153.116 Planned unit developments
- 153.117 Institutional structures and uses
- 153.118 Private noncommercial recreation areas
- 153.119 State-licensed day care facilities
- 153.120 Funeral homes and mortuaries
- 153.121 Mobile home park developments
- 153.122 Gasoline service stations, auto repair garages, and truck stops
- 153.123 (Reserved)
- 153.124 Customary home occupations
- 153.125 Miscellaneous special uses
- 153.126 Accessory retail/restaurants in the M-1 District
- 153.127 Wireless telecommunications facilities
- 153.128 Solar energy facilities
- 153.129 Wind energy facilities
- 153.130 Golf courses and country clubs
- 153.131 Group housing developments
- 153.132 Drive-throughs
- 153.133 Junk yards
- 153.134 Extractive uses

***Amendments***

- 153.140 Village Council may amend
- 153.141 Initiation of amendments
- 153.142 Amendment procedure
- 153.143 Rezoning with conditions

***Planning Commission***

- 153.155 Creation
- 153.156 Membership
- 153.157 Professional review and assistance

- 153.158 Training
- 153.159 Members, appointment and terms
- 153.160 Removal from office
- 153.161 Membership; vacancies
- 153.162 First appointment to Commission
- 153.163 Compensation
- 153.164 Meetings
- 153.165 Powers and duties
- 153.166 Meetings; records
  
- 153.999 Penalty

## GENERAL PROVISIONS

### § 153.001 SHORT TITLE.

This chapter shall be known as the "Zoning Ordinance of the Village of Webberville."

(Ord. 146, passed 3-2-1998)

### § 153.002 PURPOSES.

It is the purpose of this chapter to promote the safety, health, morals, convenience, and general welfare; to encourage the use of lands and natural resources in the village in accordance with their character, adaptability, and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to lessen congestion on the public streets and highways; to provide for safe and efficient provision of sewerage and drainage, water supply and distribution, and educational, recreational, and the expenditure of funds for public facilities and services by establishing herein standards for physical development in accordance with the objectives and policies contained in the Future Land Use Plan for the village; and to provide for the enforcement of those standards.

(Ord. 146, passed 3-2-1998; Ord. 163, passed 6-4-2001)

### § 153.003 DEFINITIONS.

(A) *Rules applying to the text.* For the purpose of this chapter, certain rules of construction apply to the text as follows.

- (1) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The word **PERSON** includes a corporation or firm as well as an individual.
- (3) The word **BUILDING** includes the word **STRUCTURE**.
- (4) The word **LOT** includes the words **PLOT**, **TRACT**, or **PARCEL**.
- (5) The term **SHALL** is always mandatory and not discretionary; the word **MAY** is permissive.
- (6) The word **USED** or **OCCUPIED** as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (7) Any word or term not interpreted or defined by this chapter shall be used with a meaning of common or standard utilization.

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

**ACCESSORY BUILDING.** A subordinate building or structure on the same lot with a principal or main building, or the part of the main building occupied by or devoted exclusively to an accessory use.

**ACCESSORY USE.** A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

**ADULT BOOKSTORE.** An establishment that has, as a substantial portion of its stock in trade and offers for sale, for any form of consideration, any one or more of the following:

- (a) Books, magazines, periodicals, or other printed matter, or photographs, films, movies, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or
- (b) Instruments, devices, or paraphernalia designed for use as part of, or in connection with, specified sexual activities.

**ADULT ENTERTAINMENT ESTABLISHMENTS.** Adult bookstores, adult motion picture theaters, massage parlors, and live nude performances, as defined in M.C.L.A. § 117.4i(e).

**ADULT MOTION PICTURE THEATER.** An establishment where, for any form of consideration, films, motion pictures, videos, slides, or other photographic reproductions are shown and in which a substantial portion of the total presentation is devoted to the showing of material characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities.

**ALLEY.** Any dedicated public way other than a street which provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

**ALTERATIONS.** Any modification, addition, or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another.

**APARTMENT.** A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple dwelling intended or designed for use as a residence by a single-family.

**APARTMENT, GARDEN.** A group of two or more multiple dwelling buildings, not over two stories in height, located on the same lot, that offer each dwelling unit direct access to an open yard area.

**APARTMENT HOUSE.** See **DWELLING, MULTIPLE-FAMILY**.

**AUTO COURT.** See **MOTEL**.

**AWNING, CANOPY OR MARQUEE.** A suspended, permanent structure, attached to a building that extends from the building face toward or into the street right-of-way. Projections outside the property lines or into the street right-of-way shall only be approved in compliance with the provisions of the ordinance. The portion of the structure containing a message shall be considered as part of the allowable wall signage.

**BASEMENT.** A story having part, but not more than one-half, of its height below finished grade. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes.

**BOARD.** The Village Board of Appeals.

**BOARDING HOUSE.** A building, other than a hotel, where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more persons.

**BUILDING.** Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property.

**BUILDING AREA.** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

**BUILDING, FRONT LINE OF.** The line or face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps.

**BUILDING, HEIGHT OF.** The vertical distance measured from the mean elevation of the finished grade line of the ground about the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING LINES.** A line defining the minimum front, side, and rear yard requirements, outside of which no building or structure may be located.

**BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is located.

**CAMPGROUND.** The uses and activities which take place on a lot or parcel of land for vacation, resort or recreation purposes in accordance with Public Act 368 of 1978, being the Michigan Public Health Code (M.C.L.A. § 333.1101), as administered by the county, district or state public health departments, or successor agencies, including sites offered for the purpose of camping in tents, recreation vehicles or travel trailers for which a fee may or may not be charged for use of a site. **CAMPGROUND** does not include a seasonal mobile home park licensed under the Mobile Home Commission Act, Public Act 96 of 1987, as amended.

**CANOPY.** See **AWNING**.

**CELLAR.** A story having more than one-half of its height below the average finished level of the adjoining ground. A **CELLAR** shall not be counted as a story for purposes of height measurement.

**CERTIFICATE OF OCCUPANCY.** A statement signed by the Zoning Administrator setting forth either that a building or structure complies with this chapter or that a building, structure, or parcel of land may lawfully be employed for specified uses, or both.

**CLINIC.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

**CLUBS.** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandising, vending, or commercial activities, except as required incidentally for the membership and purpose of the club.

**COMMON LAND.** A parcel or parcels of land, together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

**CONVALESCENT OR NURSING HOME.** A building wherein infirm, aged, or incapacitated persons are furnished shelter, care, food, lodging, and needed attention for a compensation.

**COURT.** An unoccupied open space, other than a yard, on the same lot with a building which is bounded on two or more sides by the walls of the building.

**COURT, CLOSED.** A court enclosed on all sides by exterior walls of a building, or enclosed on all sides by a combination of exterior building walls and freestanding walls.

**COURT, OUTER.** A court enclosed on not more than three sides by exterior walls of a building or by a combination of exterior walls and freestanding walls, with one side or end open to a street, alley, or yard.

**COVERAGE.** The percent of the plot or lot covered by the building area.

**DENSITY.** The number of dwelling units residing upon or to be developed upon a net acre of land.

**DISTRICT.** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, and height limitations.

**DORMITORY.** A building, or portion thereof, used for housing purposes under the supervision of a college, university, or other institutions.

**DWELLING.** A building which is occupied wholly as the home, residence or sleeping place by one or more human beings, either permanently or transiently, excluding any garage space, tents, portable buildings, complying with the following standards:

(a) It complies with the minimum square footage requirements of this chapter for the district in which it is located.

(b) It has a minimum width for at least 75% of the floor area across any section of not less than 20 feet.

(c) It is firmly attached to a permanent foundation constructed on the site in accordance with the State of Michigan Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code.

(d) Any dwelling transported to a site is required to have any wheels, axles, towing hitches, or other appurtenances used for towing removed promptly upon placing the dwelling upon its foundation.

(e) It complies with all pertinent building and fire codes. In the case of a mobile home, all construction, plumbing and electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the *Mobile Home Construction and Safety Standards* as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. § 3280, and as from time to time such standards may be amended.

(f) The foregoing standards shall not apply to a mobile home located in a state licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in the ordinance of the village pertaining to the parks.

**DWELLING, MOBILE HOME.** A dwelling unit manufactured in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheel chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this zoning ordinance and installed in accordance with all of the other requirements of this chapter and the construction code specified for dwellings, when located outside of a licensed mobile home park.

**DWELLING, MODULAR, MANUFACTURED HOUSING UNIT or PREFABRICATED.** A pre-manufactured dwelling, consisting of an assembly of materials and products intended to comprise all or part of such dwelling, and which is assembled at other than its use location, except for incorporation with similar units at the use location for the formulation of a single structure, and which complies with the related sections of the Michigan Construction Code. A modular home shall exceed 20 feet in width.

**DWELLING, MULTIPLE-FAMILY.** A building, or portion thereof, used or designed to contain separate living units for three or more families, but which may have joint services or facilities or both.

**DWELLING, ROW HOUSE OR TOWNHOUSE.** Three or more one-family dwelling units, each having access on the first floor to the ground and with common walls separating the dwelling units.

**DWELLING, SINGLE-FAMILY.** A detached building designed for or occupied exclusively by one family.

**DWELLING, TWO-FAMILY.** A detached or semi-detached building designed for or occupied exclusively by two families living independently of each other.

**DWELLING UNIT.** A building, or portion thereof, designed exclusively for residential occupancy by one family and having cooking facilities.

**ERECTING.** The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.

**ESSENTIAL SERVICES.** The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, or telephone transmission or distribution system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by the

public utilities, departments, or commissions.

**FAMILY.** An individual, or two or more persons occupying a premises and living as a single, nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use. Any domestic employees residing on the premises shall be considered as part of the **FAMILY**.

**FARM.** Any parcel of land containing at least ten acres which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products. It includes necessary farm structures within prescribed property boundaries and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables, and dog kennels.

**FLOODPLAIN.** Areas subject to inundation by the highest expected flood water level.

**FLOOR AREA.** Sum of the gross horizontal areas of the floors of a building or dwelling unit, measured from the exterior faces of the exterior walls, or from the center line of walls separating dwelling units.

**GARAGE, PARKING.** A structure or series of structures for the temporary storage or parking of motor vehicles, having no public shop or service connected therewith.

**GARAGE, PRIVATE.** An accessory building or an accessory portion of a principal building designed or used solely for the storage of noncommercial motor vehicles, boats, house trailers, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**GASOLINE SERVICE STATION.** Any area of land, including any structure or structures thereon, that is used or designed for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. For the purpose of this chapter, this term shall also mean any area or structure used or designed for polishing, greasing, washing, dry cleaning, spraying (but not including painting), or otherwise cleaning or servicing the motor vehicles.

**GRADE, FINISHED.** The completed surfaces of lawns, walks, and roads brought to grades, as shown on official plans or designs related thereto.

**GROUP HOUSING.** A residential development involving the ultimate construction of a group of dwelling units, including a combination of one-family, two-family, or multiple-family dwellings on a lot, parcel, or tract of land, or on a combination of lots under one ownership, and containing common services or facilities.

**GUEST UNIT.** A room or group of rooms occupied, arranged, or designed for occupancy by one or more guests for compensation.

**HOME OCCUPATION.** An accessory use of a service or professional character conducted within a dwelling by the family residents thereof, which is clearly secondary and incidental to the use of the dwelling for living purposes and does not change the character thereof.

**HOTEL.** A building in which the rooms are occupied or designed as temporary abiding places for individuals who are lodged with or without meals and in which there are more than ten sleeping rooms served only by a general kitchen and dining facility located within the building.

**JUNK YARD.** Any land or building over 200 square feet in area used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles or machinery, or parts thereof.

**KENNEL.** Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. **KENNEL** shall also mean the keeping of five dogs, cats, and/or other household pets over the age of six months.

**LINE, STREET.** The dividing line between a street right-of-way and a lot.

**LODGING HOUSE.** A building in which three or more rooms are rented and in which no table board is furnished, but not exceeding five persons.

**LOT.** Land occupied or to be occupied by a building, structure, land use, or group of buildings, together with the open spaces or yards as are required under this chapter and having its principal frontage upon a street.

**LOT, CORNER.** A lot which has at least two contiguous sides abutting upon a street for their full length.

**LOT, DEPTH OF.** The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINE.** The lines bounding a lot as herein described.

**LOT OF RECORD.** A lot which is part of a subdivision, the map of which has been recorded in the office of the County Register of Deeds or a lot described by metes and bounds, the deed to which has been recorded in the office of the County Register of Deeds.

**LOT, WIDTH OF.** The width measured along the front lot line or street line.

**MAJOR THOROUGHFARE.** A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property, and which has been classified as such upon the Future Land Use Plan of the village.

**MARQUEE.** See **AWNING**.



**MASSAGE PARLOR.** An establishment or place primarily in the business of providing massage services and is not a myotherapy establishment regulated by this chapter.

**MINOR STREET.** A public way, the principal use or function of which is to give access to abutting properties.

**MOBILE HOME.** A dwelling unit manufactured in one or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed mobile home park, meets the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD), and installed in accordance with the zoning ordinance and construction code.

**MOBILE HOME PARK.** For the purpose of this chapter a specifically designated parcel of land constructed and designed to accommodate three or more mobile homes for residential dwelling use, and complies with the requirements of, the Mobile Home Commission Act, Public Act 96 of 1987 as amended, M.C.L.A. § 125.2301 and the provisions of this chapter.

**MOBILE HOME, SITE, SPACE or PAD.** Specified area of ground within a mobile home park intended for the location of one mobile home.

**MOTEL.** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term **MOTEL** shall include buildings designated as **AUTO COURTS, TOURIST COURTS, MOTOR COURTS, MOTOR HOTEL,** and similar appellations which are designed as integrated units of individual rooms under common ownership.

**NONCONFORMING USE.** A building, structure, or use of land existing at the time of enactment of this chapter and which does not conform to the regulations of the district or zone in which it is situated.

**OPEN SPACE.** Any unoccupied space open to the sky on the same lot with a building.

**PLAN, GENERAL DEVELOPMENT.** An adopted statement of policy by the Planning Commission relative to the agreed-upon desirable physical pattern of future community development, consisting of a series of maps, charts, and written material that represents a sound conception of how the community should grow in order to bring about the very best community living conditions.

**PLANNED UNIT DEVELOPMENT.** A land area which has both individual building sites and common property, such as a park, and which is designed and developed under one owner or organized group as a separate neighborhood or community unit.

**PLANNING COMMISSION.** The Village Planning Commission.

**PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department, or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation, or water.

**RECREATION, PRIVATE.** A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or the public, consisting primarily of human-made structures and/or other artificial apparatus which are necessary to or form the basis for the use.

**RECREATION, PUBLIC.** Any recreational space or structure owned by the public or any space and structure or combination thereof privately owned, and publicly used consisting primarily of the utilization of natural physical features as the basis for the use. (Structures and artificial apparatus being secondary to the primary outdoor use.)

**RIGHT-OF-WAY.** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities.

**ROOMING HOUSE.** A building where lodging only is provided for compensation.

**SECONDARY THOROUGHFARE.** A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary use or function the provision of access to abutting property, and which has been classified as such upon the General Development Plan of the village.

**SIGN.** Any structure or part thereof or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Except signs not exceeding one square foot in area bearing only property numbers, post box numbers or names of occupants of the premises.

**SIGN, ABANDONED.** A sign which no longer advertises or identifies a business, leaser, owner or activity conducted upon or product available on the premises where such sign is displayed.

**SIGN, ACCESSORY.** A sign which is accessory to the principal use of the premises.

**SIGN, AREA.** The surface of the structure used to convey the message exclusive of the necessary supports or any appurtenances required by the Building Code. The area of open sign structures, consisting of letters or symbols without a solid surface in-between, shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.

**SIGN, AWNING, CANOPY OR MARQUEE.** A sign attached to a rigid and permanent awning, canopy or marquee projecting from

the front face of the building.

**SIGN, BILLBOARD.** A sign, including advertising structures, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes, as defined and regulated by 1972 P.A. 106, as amended.

**SIGN, BULLETIN BOARD.** A sign related to a school, government entity, recreational facility, church or other religious institution, which identifies activities or events to take place involving the patrons of such specific use.

**SIGN, FREE STANDING.** A sign supported by a structure independent of any other structure.

**SIGN, HEIGHT OF.** The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent ground grade upon which it is located.

**SIGN, IDENTIFICATION.** A sign which carries only the name of the firm, the major enterprise of the principal product or service offered for sale on the premises, or a combination of these things, only to identify location of the premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.

**SIGN, ILLUMINATED.** A sign lighted by the use of any man-made illumination.

**SIGN, MESSAGE CENTER.** An illuminated sign with characters, numbers, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. The display lighting is generally LED-type, and the message is programmable.

**SIGN, MOBILE.** Any sign not permanently attached to the ground or a building.

**SIGN, NON-ACCESSORY.** A sign which is not accessory to the principal use of the premises on which it is located, or which refers to any activity which is located on other premises.

**SIGN, NON-ILLUMINATED.** A sign only visible under natural light conditions.

**SIGN, OFF-PREMISES.** A sign other than an on-site sign.

**SIGN, ON-SITE - (ON-PREMISES SIGN).** A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where located.

**SIGN, PROJECTING.** A sign affixed to any building or structure other than an awning, canopy or marquee, that projects in such a way that the message is not parallel to the wall to which it is attached.

**SIGN, SANDWICH BOARD.** An advertising sign constructed in a manner as to form an "A" or tent-like shape, which is moveable and not secured to the ground or surface upon which it is located.

**SIGN, SEQUENTIAL ILLUMINATION.** A sign with characters, numbers, letters or illustrations that are illuminated individually in a progressive sequence.

**SIGN, TEMPORARY.** A sign that is intended to be displayed for a limited period of time.

**SIGN, TOURIST-ORIENTED DIRECTIONAL.** A sign used to provide motorists with advanced notice of a tourist-oriented activity, as defined and regulated by 1996 P.A. 299, as amended.

**SIGN, WALL.** A sign attached to or erected against the wall of a building with the face in a plane parallel to the plane of the building wall.

**SIGN, WINDOW.** A sign installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

**SITE, NET AREA.** The total area within the property lines of a project or development, excluding streets.

**SPECIFIED ANATOMICAL AREAS.** Any one or more of the following:

(a) Less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the aureola; or

(b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** Any one or more of the following:

(a) The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) Human sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, or sodomy;

(c) Human masturbation, actual or simulated;

(d) Human excretory functions as part of, or as related to, any of the activities described above; and

(e) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to any of the activities described above.

**STABLE, PRIVATE.** An accessory building in which horses are kept for private use and not for hire, remuneration, or sale.

**STORY.** The portion of a building included between the surface of any floor 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.

**STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which space not more than two-thirds of the floor area is finished off for use. A **HALF STORY** containing independent apartments or living quarters shall be counted as a full story.

**STORY, HEIGHT OF.** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joints.

**STREET.** A public thoroughfare which affords the principal means of access to abutting property.

**STREET LINE.** The legal line of demarcation between a street and abutting land.

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**SUBSTANTIAL PORTION.** A use or activity accounting for more than 5% of any one or more of the following: stock in trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.

**TENT SITE.** See **CAMPGROUND.**

**TRAILER CAMP.** See **CAMPGROUND.**

**TRAILER COACH.** See **MOBILE HOME.**

**TRAILER PARK.** See **MOBILE HOME PARK.**

**TRAVEL TRAILER.** A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck-mounted campers but does not include mobile homes.

**USE.** The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

**VARIANCE.** A variance is a relaxation of the terms of this chapter where the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

**YARD.** An open space on the same lot with a building, unoccupied, and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

**YARD, FRONT.** A yard extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use.

**YARD, REAR.** An open space on the same lot with a main building unoccupied except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot or the center line of the alley, if there be an alley, and the rear line of the building.

**YARD, SIDE.** An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front line or a rear line shall be deemed a side line.

**ZONING ADMINISTRATOR.** Appointed officer of the Village Council to effect proper administration of this chapter.

**ZONING PERMIT.** Permit required for any change in use of land or structure in accordance with the provisions of this chapter.

(Ord. 146, passed 3-2-1998; Ord. 153, passed 5-3-1999; Ord. 206, passed 8-24-2009; Ord. 230, passed 12-9-2014)

#### **§ 153.004 SEVERABILITY.**

This chapter and the various subchapters, sections, and divisions thereof are hereby declared to be severable. If any part, sentence, paragraph, divisions, section, clause, or subchapter is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this chapter shall not be affected thereby. If any part, sentence, paragraph, division, section, clause, or subchapter is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of the portion of this chapter to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance grading permit, zoning compliance permit, certificate of occupancy, site plan approval or designation of nonconformance, it shall be conclusively presumed that the authorizing officer or body considered the condition or limitation necessary to carry out the spirit and purpose of this chapter or the requirement of some provision hereof and to protect the public health, safety, and welfare and that the officer or Board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

(Ord. 146, passed 3-2-1998)

## § 153.005 EFFECTIVE DATE.

This chapter shall become effective 3-9-1998.

(Ord. 146, passed 3-2-1998)

## ADMINISTRATION AND ENFORCEMENT

### § 153.020 ADMINISTRATION.

(A) *Administration.* The provisions of this chapter shall be administered by the Village Council in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 through 125.3702, and other applicable law. The Village Council shall designate or employ a Zoning Administrator to act as its officer to offer the proper administration of this chapter. The term of employment, rate of compensation, and other conditions of employment shall be established by the Village Council. For the purpose of this chapter, the Zoning Administrator shall have the powers of a police officer in the enforcement of the terms hereof within the village limits. All applications for zoning permits shall be submitted to the Zoning Administrator, who may issue zoning permits and certificates of occupancy when all applicable provisions of this chapter have been complied with. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out his or her duties in the enforcement of this chapter. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this chapter for the purpose of carrying out the provisions of § 153.086. Under no circumstances is the Zoning Administrator permitted to make changes in this chapter nor to vary the terms of this chapter in carrying out his or her duties.

(B) *Zoning permits.* The following shall apply in the issuance of any permit.

(1) *Requirements for.* Exclusive of farm service buildings, the excavation for any building or structure shall not be commenced; erection of, addition to, alteration of, or moving of any building or structure shall not be undertaken; or any land shall not be used, or an existing use of land shall not be changed to a use of a different type or class, until a building permit or a certificate of occupancy has been secured from the Village Clerk. Except upon a written order of the Board of Appeals, no such building permit or certificate of occupancy shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this chapter.

(2) *Application requirements.* There shall be submitted with all applications for zoning permits one copy of a site layout or plat plan, drawn to scale, showing:

- (a) The location, shape, area, and dimension of the lot;
- (b) The location, dimensions, height, and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot;
- (c) The intended uses;
- (d) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users;
- (e) The yard, open space, and parking space dimensions; and
- (f) Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this chapter.

(3) *Voiding of permit.* Any permit granted under this section shall become null and void after one year from the date of granting the permit unless the development proposed shall have passed its first building inspection. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of the voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten days before the voidance is effective.

(4) *Inspection.* The development or usage proposed by any zoning permit shall be subject to two zoning inspections; one inspection before construction begins, and the other before occupancy occurs. It shall be the duty of the permit holder to notify the Zoning Administrator regarding times of inspection. Failure of the permit holder to make proper requests for inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.

(5) *Fees.* Fees for inspection and the issuance of permits or certificates required under this chapter shall be collected by the Village Clerk in advance of issuance. The amount of the fees shall be established by the Village Council and shall cover the cost of inspection and supervision resulting from the enforcement of this chapter.

(C) *Certificate of occupancy.* No land shall be occupied or used, and no building shall be used or changed in use, until a certificate of occupancy shall have been issued by the Zoning Administrator, stating that the building and its proposed use complies with the provisions of this chapter.

(1) *Certificates for existing buildings.* Certificates of occupancy may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that the buildings, structures, or parts thereof, or the uses of land, are in conformity with the provisions of this chapter.

(2) *Certificates for nonconforming uses.* Any use or occupancy of any land or building not specifically permitted in its particular zoning district shall require the issuance of a certificate of occupancy for continued use. The certificate shall indicate the authorized use, the authority by which it is permitted, and any limiting conditions to the use.

(3) *Application for certificates.* Application for certificates of occupancy shall be made at the time of application for building

permit or, in the case of existing buildings or uses of land, by application in writing to the Village Clerk. A certificate of occupancy applied for coincidentally with an application for a building permit shall be issued at the completion of the final inspection, and in the case of existing buildings or uses of land a certificate of occupancy shall be issued within ten days after the receipt of the application if the building, structure, or use of land is in accordance with the provisions of this chapter. If the certificate is refused for cause, the applicant shall be notified of the refusal in writing within the aforesaid ten-day period.

(4) *Records of certificates.* A record of all certificates issued shall be kept on file in the office of the Village Clerk and copies shall be furnished at cost upon the request of any person having a proprietary or tenancy interest in the property involved.

(Ord. 146, passed 3-2-1998) Penalty, see § 153.999

### **§ 153.021 ENFORCEMENT.**

(A) *Violations.* The Zoning Administrator shall enforce the provisions of this chapter. Violations of any provisions of this chapter are declared to be nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this chapter observed or communicated to Police and Fire Department employees or to any village officials shall be reported to the Zoning Administrator.

(1) *Inspection of violation.* The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this chapter.

(2) *Correction period.* All violations shall be corrected within a period of 30 days after the order to correct is issued or the longer period of time, not to exceed six months, as the Zoning Administrator shall permit. A violation not corrected within this period shall be subject to further enforcement by the Zoning Administrator and/or the Ordinance Officer as provided within this code.

(3) *Cumulative rights and remedies.* The right and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(B) *Conflicting regulations.* In the interpretation, application, and enforcement of the provisions of this chapter, whenever any one of the provisions or limitations imposed or required by the provisions of this chapter shall govern, provided that whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of the other law or ordinance shall govern.

(Ord. 146, passed 3-2-1998; Ord. 221, passed 3-11-2013) Penalty, see § 153.999

## **ZONING BOARD OF APPEALS**

### **§ 153.035 CREATION AND MEMBERSHIP.**

(A) *Establishment.* There is hereby established a Village Zoning Board of Appeals in accordance with Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 through 125.3702, as amended. The Board of Appeals shall perform its duties and exercise its powers as provided by Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 through 125.3702, as amended, and in such a way that the objectives of this chapter may be equitably achieved, that there shall be provided a means for competent interpretation and controlled flexibility in the application of this chapter, and that the health, safety, and welfare of the public be secured, and that substantial justice be secured.

(B) *Membership; terms of office.* The legislative body of the village may act as or appoint a Zoning Board of Appeals. In the event that the legislative body appoints, the Zoning Board of Appeals must consist of not less than five members, each to be appointed for a term of three years: provided, that appointments for the first year shall be for a period of one, two, and three years respectively, so as nearly as may be to provide for the appointment of an equal number each year, depending on the number of members, thereafter each member to hold office for the full three-year period. Members of the Zoning Board of Appeals shall be removed by the Village Council for nonfeasance, malfeasance, and misfeasance of office.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)

### **§ 153.036 ORGANIZATION AND PROCEDURES.**

(A) *Rules of procedure.* The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meeting and carry out its function. The Board shall choose its own Chairperson, and in his or her absence, an Acting Chairperson.

(B) *Meetings.* Meetings shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All meetings by the Board shall be open to the public.

(C) *Records.* Minutes shall be recorded of all proceedings which shall contain evidence and date relevant to every case considered together with the votes of the members and the final disposition of each case. The minutes shall be filed in the office of the Village Clerk and shall be made available to the general public. The Village Clerk shall act as Secretary to the Board of Appeals and all records of the Board's action shall be taken and recorded under his or her direction.

(D) *Counsel.* The Village Attorney shall act as legal counsel for the Board and shall be present at all meetings upon request by the Board. The Board may also request a review and opinion from the Village Planner.

(E) *Hearings.* The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to all persons to whom any real property within 300 feet of the premises in question shall be addressed, the notice to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Zoning Board of Appeals may reverse or affirm,

wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make the order, requirement, decision, or determination as in his or her opinion ought to be made in the premises and to that end shall have all powers of the officer from whom the appeal is taken.

(F) *Decisions.* The Board of Appeals shall return a decision case within 120 days after a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. Any decision of the Board shall not become final until the expiration of five days from the date of entry of the order, unless the Board shall find the immediate effect of the order is necessary for the preservation of property or personal rights and shall so certify on the record.

(G) *Majority vote.* The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which they are required to pass under this chapter or to effect any variation in this chapter.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)

#### **§ 153.037 APPEALS.**

(A) *Filing of appeals.* Appeals to the Zoning Board of Appeals may be made by any person aggrieved, or by any officer, department, or board of the village. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this chapter may be made to the Zoning Board of Appeals within ten days after the date of the mailing of the Zoning Administrator's decision. The appeal shall be filed with the Secretary of the Board of Appeals and with the Zoning Administrator, and shall specify the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from was taken.

(B) *Stay.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Zoning Board of Appeals after notice of appeal has been filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by court of record.

(C) *Fees.* A fee as established by the Village Council shall be paid to the Secretary of the Board of Appeals at the time of filing application with the Board. The purpose of the fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board in connection with the appeal.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)

#### **§ 153.038 DUTIES AND POWERS.**

(A) *Generally.* The Village Board of Appeals shall not have the power to alter or change the zoning district classification of any property, not to make any change in the terms or intent of this chapter, but does have power to act on those matters where this chapter provides for an administrative review, interpretation, variance, or exception as defined in this section.

(B) *Review.* The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Building Inspector or by any other official in administering or enforcing any provisions of this chapter.

(C) *Interpretation.* The Board shall have the power to:

- (1) Interpret, upon request, the provisions of this chapter in such a way as to carry out the intent and purpose of this chapter;
- (2) Determine the precise location of the boundary lines between zoning districts;
- (3) Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district; and
- (4) Determine the off-street parking and loading space requirements or any use not specifically mentioned in §§ 153.100 and 153.101.

(D) *Variations.* The Board shall have the power to authorize, upon an appeal, specific variances from the requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, provided all of the basic conditions listed herein and any one of the special conditions listed thereafter can be satisfied. The Board shall not have the power to grant "use variances" or allow a use in a zoning district that is not permitted in that district.

(1) *Basic conditions.* That any variance granted from this chapter:

- (a) Will not be contrary to the public interest or to the intent and purpose of this chapter.
- (b) Shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a conditional use permit or a temporary use permit is required.
- (c) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- (d) Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for the conditions reasonably practical.
- (e) Will relate only to property that is under control of the applicant.

(2) *Special conditions.* When all of the foregoing basic conditions can be satisfied, a variance may be granted when any one of the following special conditions can be clearly demonstrated:

(a) Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this chapter. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land;

(b) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. The circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this chapter; and/or

(c) Where the variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

(3) *Rules.* The following rules shall be applied in the granting of variances.

(a) The Board may specify, in writing, the conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of this chapter. The breach of any such condition shall automatically invalidate the permit granted.

(b) Each variance granted under the provisions of this chapter shall become null and void, unless:

1. The construction authorized by the variance or permit has been commenced within six months after the granting of the variance; and/or

2. The occupancy of land, premises, or buildings authorized by the variance has taken place within one year after the granting of the variance.

(c) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)

#### **§ 153.039 ESSENTIAL SERVICES.**

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

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)

#### **§ 153.040 BOND FOR COMPLIANCE.**

In authorizing any variance, or in granting any conditional, temporary, or special approval permits, the Village Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications, and conditions imposed with the grant of variance or permit and to insure the discontinuance of a temporary use by a stipulated time.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)

### **ZONING DISTRICTS; ZONING MAP; SCHEDULE OF REGULATIONS**

#### **§ 153.055 GENERAL PROVISIONS.**

(A) *Districts established.* For the purposes of this chapter, the village is hereby divided into the following districts:

- (1) R-1A One-Family Low Density Residential;
- (2) R-1B Medium Density Residential;
- (3) R-M1 Multiple-Family Residential;
- (4) B-1 Local Business;
- (5) B-2 General Business;
- (6) VC Village Core Mixed Use; and
- (7) M-1 Industrial.

(B) *Official Zoning Map.* The boundaries of these districts are hereby defined and established as shown on a map entitled "Zoning District Map of the Village of Webberville, Ingham County, Michigan, as amended November, 2014," which accompanies the ordinance codified in this chapter, and which map, with all explanatory matter thereon, is hereby made a part of this chapter. The Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk, and bearing the following words: "This is to certify that this is the Official Zoning Map referred to in Article V, Section 5.1.2 of the Village of Webberville Zoning Ordinance adopted on December 9, 2014." If, in accordance with the provisions of this chapter, changes are made in district boundaries or other

matter portrayed on the Official Zoning Map, the changes shall not be considered final, and zoning permits shall not be issued, until changes have been made within seven normal working days after the effective date of the ordinance amendment. Each map change shall be accompanied by a reference number on the map which shall refer to the official action of the Village Council. Two copies of the Official Zoning Map are to be maintained and kept up-to-date, one in the Village Clerk's or Village Treasurer's office, and one in the Zoning Administrator's office.

(C) *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Official Zoning Map, the following rules shall apply.

- (1) Boundaries indicated as approximately following the streets or highways, the center lines of the streets or highways shall be construed to be the boundaries.
- (2) Boundaries indicated as approximately following lot lines shall be construed as following the lot lines.
- (3) Boundaries indicated as approximately following village boundary lines shall be construed as following the village boundary lines.
- (4) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at the distance therefrom as indicated on the Official Zoning Map. If no distance is given, the dimension shall be determined by the use of the scale shown on the Official Zoning Map.
- (6) Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow the shorelines, and in the event of change in the shorelines shall be construed as moving with the actual shorelines, boundaries indicated as approximately following the thread of streams, canals, or other bodies of water shall be construed to follow the threads.
- (7) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Village Board of Appeals after recommendation from the Village Planning Commission.

(D) *Scope of regulations.* No building or structure, or part thereof, shall hereafter be erected, moved, constructed, or altered, and no new use or change in use shall be made, unless in conformity with the provisions of this chapter and with the regulations specified for the district in which it is located.

(1) The regulations applying to each district include specific limitations on the use of land and structure, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot that can be covered by each structure.

(2) The Zoning Administrator shall have the power to classify a use which is not specifically mentioned as "permitted" or "permitted by special use permit" in a particular zoning district by determining that it is generally similar to the other uses permitted in that district.

(E) *Zoning of vacated areas.* Whenever any street, alley, or other public way within the village shall have been vacated by official public action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining the street, alley, or public way, the lands formerly within the vacated street, alley, or public way shall automatically and without further action of the Village Council, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this chapter for the adjoining lands.

(F) *District requirements.* All buildings and uses in any district shall be subject, where applicable, to the provisions of §§ 153.080 through 153.089, 153.100, and 153.101.

(G) *Categories within zone districts.* In order to ensure all possible benefits and protection for the zone districts in this chapter, the land uses have been classified into two categories:

- (1) *Uses permitted by right.* The primary uses and structures specified for which the zone district has been established; and
- (2) *Uses permitted by special use permit.* Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zone district, but could present potential injurious effects upon the primary uses and structures within the zone district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All the proposed uses shall be subject to a public hearing following review as provided in §§ 153.115 through 153.134.

(H) The table below shows an overview of the uses permitted in each zoning district. P = "Permitted" and S = "Permitted by Special Use Permit." An empty box indicates that the use is not permitted in that Zoning District.

<i>Table of Permitted Uses and Special Uses by Zoning District</i>									
<i>Use</i>	<i>R-1A</i>	<i>R-1 B</i>	<i>R-M 1</i>	<i>B-1</i>	<i>B-2</i>	<i>VC</i>	<i>HC</i>	<i>M-1</i>	<i>Additional Information</i>
<i>Table of Permitted Uses and Special Uses by Zoning District</i>									
<i>Use</i>	<i>R-1A</i>	<i>R-1 B</i>	<i>R-M 1</i>	<i>B-1</i>	<i>B-2</i>	<i>VC</i>	<i>HC</i>	<i>M-1</i>	<i>Additional Information</i>
Residential Uses									



Existing Single Family Dwellings	P	P	P	P	P	P	P		
New Single Family Dwellings	P	P	P						
Two-family dwellings		P	P			P			
Multiple-family dwellings			P	S*	S*	P			*In existing structures only
Dwelling Units in Accessory Structures	P	P	P						
State Licensed Day Care Facilities	S	S	S	P	P	P	P		§ 153.119
Lodging or Boarding Houses with up to Four Non-Transient Roomers			P						
Mobile Home Parks			S						
Group Housing Developments			S						§ 153.131
Commercial Uses									
Retail Businesses				P	P	P	P		
Personal Service Businesses				P	P	P	P		
Retail Food Establishments				P	P	P	P		
Restaurants and Bars (all types)				P	P	P	P		
Dry Cleaning				P	P	P	P		
Professional Offices				P	P	P	P		
Gas Stations				S	S	S	P		
Home Occupations	S	S	S						
Golf Courses/ Country Clubs	S	S	S	P	P	P	P		§ 153.130
Commercial Recreation Facilities				P	P	P	P		§ 153.125(B)(3)
Banks				P	P	P	P		
Funeral Homes				P	P	P	P		
Printing and Copying Services				P	P	P	P		
Indoor Fitness Centers				P	P	P	P		
Drive-Throughs (all types)				S	S		P		
Auto Servicing and Repair				S	S		P		
Hotels and Motels				S	S	S	P		
Car Washes				S	P	S	P		
Public Assembly Buildings (including movie theaters and auditoriums)					P		P		

Building Supply/ Lawn and Garden Stores					P		P		
Self Storage					S		P		
Automobile Dealerships					P		P		
Open Air Businesses					S		S		
Drive-in theaters					S		S		§ 153.125(B)(3)
Adult Uses					S		S		§ 153.125(B)(4)
Truck Stops							S		
RV Campgrounds							S		
Industrial Uses									
Manufacturing Uses					S*			P	*When all output is sold on the premises
Warehousing and Commercial Storage								P	
Contractor's Establishment (non- retail)								P	
Truck or Freight Terminal								P	
Utilities								P	
Power Plants (non- solar or wind)								S	
Outdoor Storage								S	
Junk Yards								S	§ 153.133
Extractive Uses								S	§ 153.134
Sewage Treatment								S	§ 153.125(B)(1)
Incinerators								S	§ 153.125(B)(2)
Public/Community Uses									
Public Parks and Recreational Facilities	P	P	P	P	P	P	P	P	
Cemeteries	P	P	P	P	P	P		P	§ 153.056(B)(8)
Religious Institutions	S	S	P	P	P	P			§ 153.117
Schools, Public or Private	S	S	P	P	P	P			§ 153.117
Public Buildings	S	S	P	P	P	P		P	§ 153.117
Hospitals and Clinics	S	S	P	P	P	P			§ 153.117
Veterinary Clinics				P	P	P			
Kennels					S			S	
Temporary Outdoor Uses				P	P	P			
Other Uses									
Private Swimming Pools	P	P	P						

Temporary Buildings (during construction of a permanent building)	P	P	P	P	P	P			
Parking lots (on lots with no other uses)	S	S	S	S	S	S	S	S	
Agricultural Uses	S	S	S					S	Prohibited in all districts on lots smaller than one acre
Existing Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	§ 153.127
New Wireless Telecommunications Facilities	S	S	S	S	S	S	S	P	
Solar Energy Facilities	P*	P*	P*	P*	P*	P*	P*	P	*As accessory uses only § 153.128
Wind Energy Facilities	S*	S*	S*	S*	S*	S*	S*	S	*As accessory uses only § 153.129
Advertising Structures					S		S		

(Ord. 146, passed 3-2-1998; Ord. 157, passed 1-8-2001; Ord. 193, passed 11-20-2006; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

**§ 153.056 R-1A DISTRICT, ONE-FAMILY LOW DENSITY RESIDENTIAL.**

(A) *Intent and purpose.* This section establishes the R-1A One-Family Low Density Residential District to encourage the development of single-family residential homes, and protect the existing single-family homes in the village. This district includes existing low density one-family properties as well as areas within which the development appears both likely and desirable. In order to avoid intrusion of undesirable uses and to foster all possible benefits for a continued high quality residential environment, all land and structure uses in this district, as well as other residential districts in this chapter, have been classified into two categories: those uses permitted by right, and those uses permitted by special permit. The latter classification has been established to facilitate the inclusion within the district of certain nonresidential uses that have been generally accepted as reasonably compatible with one-family neighborhoods, but that present potential injurious effects upon residential and other property unless authorized under specific and controlled conditions.

(B) *Use permitted by right.*

(1) *One-family dwelling.*

(2) *Customary accessory uses and buildings,* provided those uses and buildings are incidental to the principal use and do not include any activity conducted as a business. Any accessory building or use shall be located on the same lot with the principal building. Accessory uses shall include the following:

(a) *Living quarters* as part of an accessory garage.

(b) *Private swimming pools,* provided, that whenever an unenclosed swimming pool is constructed, the pool shall be provided with a protective fence six feet in height and entry shall be provided by means of a controllable gate.

(c) *Solar energy facilities* accessory to a residential use and intended to produce electricity primarily for the lot they are located on, subject to the standards in § 153.128.

(d) *Additional supplementary uses,* including accessory buildings, as stipulated in § 153.081.

(3) *Public parks and recreation facilities.*

(4) *Temporary buildings,* for uses incidental to construction work. The buildings shall be removed upon the completion or abandonment of the construction work or within the period of one year, whichever is the lesser time period.

(5) *Railroad right-of-way,* including all necessary trackage, switches, and operating devices, but excluding storage, marshaling yards, freight yards, or sidings.

(6) Modifications and co-locations on existing *wireless telecommunications facilities,* subject to the standards in § 153.127.

(7) *Private non-commercial recreation areas,* subject to the standards in § 153.118.

(8) *Cemeteries,* public or private, subject to the following conditions:

(a) The site shall be no less than 20 acres and shall be so designed as to provide all ingress and egress directly onto or from a

major thoroughfare, as classified on the Comprehensive Development Plan of the village;

(b) The location of proposed service roads, entrances, and driveways shall be so designed in relationship to the major thoroughfare that pedestrian and vehicular traffic safety is encouraged; and

(C) *Uses permitted by special use permit.* The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the sections cited, are complied with:

(1) *Institutions for human care.* Hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institutions, refer to § 153.117.

(2) *Religious institutions.* Churches, convents, parsonages, and other housing for religious personnel, provided that the standards in § 153.117 are met.

(3) *Educational and social institutions.* Public or private elementary and secondary schools, institutions for higher education, and centers for social activities, refer to § 153.117.

(4) *Public buildings and public service installations.* Publicly-owned and operated buildings, including libraries, public utility buildings and structures, telephone exchange buildings, transformer stations and substations, refer to § 153.117.

(5) *Customary home occupations.* Subject to the provisions of § 153.124.

(6) *Golf courses and country clubs.* Subject to the provisions of § 153.130.

(7) *State licensed day care facilities.*

(8) *Parking lots* on lots with no other uses.

(9) *Wind energy facilities,* when accessory to a residential use and designed to provide electricity primarily to the lot they are located on, subject to the standards in § 153.128.

(10) *New wireless telecommunications facilities,* subject to the standards in § 153.127.

(11) *Extractive uses,* provided that the standards of § 153.134 are met and the Planning Commission determines that off-site negative impacts will be minimal.

(12) *Agricultural uses,* as listed below, provided that the lot in question is one acre or greater in area.

(a) Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agricultural enterprises along with accessory uses incidental to the above.

(b) Raising and keeping of small animals, such as poultry, rabbits and goats.

(c) Raising and keeping of livestock, such as cattle, hogs, horses, and ponies may be conducted on a lot of less than ten acres, provided that all the raising and keeping shall be for the use or consumption by the occupants of the premises.

(d) General and specialized farms including the raising and keeping for profit of cattle, hogs, horses, ponies, sheep, and similar livestock upon a lot having an area of not less than ten acres.

(e) Public and private conservation areas and structures for the conservation of water, soils, open space, forest, and wildlife resources.

(f) Public areas, such as forest preserves, game refuges, forest type recreation parks, and similar public uses of low density character.

(g) Customary home occupations as specified for R-1A Districts, see § 153.124.

(h) Roadside stands and other retail establishments selling products grown on the premises upon which the stand is located, provided that contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one parking space for each 15 square feet of roadside stand floor area and provided further that all of the requirements for accessory buildings contained in § 153.081(B) shall be met.

(i) Supplementary uses, such as customary accessory uses and buildings incidental to an agricultural use that has received a special use permit. The following accessory uses may be permitted:

1. The storage of not more than one unoccupied travel trailer upon each lot or parcel; and

2. The killing and dressing of poultry and animals produced upon the premises.

(j) Riding stables and livestock auction yards.

(k) Raising of fur bearing animals for profit.

(l) Veterinary hospitals, clinics, and kennels.

(m) Seasonal labor housing complexes associated with agricultural enterprises, provided that the units are maintained in safe and sanitary condition with inside water and sanitary sewage disposal facilities and that the structures are occupied no more than eight months in any 12-month period.

(n) Sawmills.

(o) Sod farms.

(p) Grain and seed elevators and sales, and cold storage for cooperative and/or wholesale agricultural products.

(D) *Area and bulk requirements.* See § 153.066, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.057 (RESERVED)**

#### **§ 153.058 R-1B DISTRICT, MEDIUM DENSITY RESIDENTIAL.**

(A) *Intent and purpose.* This district is intended to provide for a diverse residential environment whereby both single-family and two-family dwellings can be accommodated side by side. It provides for a mixture of these two housing types and thereby offers a greater choice in living environments. The district also includes areas within the village which presently have, or will have within a reasonable future period, public water and sewer facilities.

(B) *Uses permitted by right.*

- (1) All uses permitted by right in R-1A Districts, subject to all the restrictions specified therefor; and
- (2) Two-family dwellings.

(C) *Uses permitted by special use permit.* The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the sections cited, are complied with:

- (1) All special uses permitted in R-1A Districts, subject to all the restrictions specified therefor.

(D) *Area and bulk requirements.* See § 153.066, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.059 R-M1 DISTRICT, MULTIPLE-FAMILY RESIDENTIAL.**

(A) *Intent and purpose.* This district is provided to accommodate a mixture of housing types, to permit boarding and lodging houses under specified maximum capacities, and to serve the limited needs for garden apartments, townhouses, row houses, or other group housing facilities similar in character and density. This district also includes areas within the village which presently have public water and sewer facilities.

(B) *Uses permitted by right.*

- (1) All uses permitted by right in the R-1B Residential District.
- (2) *Multiple-family dwellings.*
- (3) *Lodging houses*, provided that not more than four non-transient roomers are accommodated in one dwelling and that the dwelling is occupied by a resident family.
- (4) *Boarding houses*, provided, that not more than four nontransient persons are accommodated for the serving of meals.
- (5) *Institutions for human care*, such as hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institutions subject to the specifications of § 153.117.
- (6) *Religious institutions*, such as churches, convents, parsonages, and other housing for religious personnel subject to the specifications of § 153.117.
- (7) *Educational and social institutions*, subject to the specifications of § 153.117.
- (8) *Public buildings and public service institutions*, subject to the specifications of § 153.117.

(C) *Uses permitted by special use permit.* The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the sections cited, are complied with:

- (1) All uses permitted by special use permit in the R-1B Residential District subject to all the restrictions specified therefor, except those uses listed as permitted uses in division (B) of this section;
- (2) *Mobile home park developments*, refer to § 153.121; and
- (3) *Group housing developments*, including those types of residential housing customarily known as garden apartments, terrace apartments, townhouses, row housing units, and other housing structures of similar character, provided that the standards of § 153.121 are met.

(D) *Area and bulk requirements.* See § 153.066 limiting the height and bulk of building, the minimum size of lot permitted, and providing minimum yard setback requirements.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

**§ 153.060 B-1 DISTRICT, LOCAL BUSINESS.**

(A) *Intent and purpose.* The Local Business Districts are designed to provide convenient, day-to-day retail shopping and service facilities for persons residing in adjacent residential areas with a minimum impact upon surrounding residential development.

(B) *Uses permitted by right.* All of the following uses must be conducted wholly in a permanent, fully enclosed building:

(1) *Retail food establishments.* Which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises. Foodstuffs may be prepared or manufactured on the premises as an accessory activity.

(2) *Other retail businesses.* Such as (but not limited to) drug, variety, second-hand stores, dry goods, clothing, notions, music, book, pet shops, or hardware stores which supply commodities on the premises.

(3) *Personal service establishments.* Which perform services on the premises, such as (but not limited to) barber or beauty shops, repair shops for shoes, radio, television, jewelry, self-service laundries, and photographic studios.

(4) *Offices.* Such as offices of doctors, dentists, accountants, lawyers, businesses, etc.

(5) *Banks.*

(6) *Restaurants and bars.* Including all establishments which provide prepared food and drink for carryout or consumption on the premises. Outdoor dining shall be permitted, except that outdoor dining on public property (such as the sidewalk) shall require the approval of the Village Council. A clear path at least five feet wide must be maintained on all village sidewalks at all times.

(7) *Public buildings.* Such as post offices, libraries, or similar public office buildings.

(8) *Fur and dry cleaning establishments.* Provided, that nonflammable and odorless cleaning fluid or solvent is used, and that all dry cleaning is limited to that material and clothing picked up over the counter of the premises.

(9) *Temporary outdoor uses.* Such as sidewalk sales displays, Christmas tree sales lots, revival tents, or other quasi-civic activities may be permitted on a temporary basis without a public hearing by the Board of Appeals, provided, that the permit shall not be issued for more than 30 days in any one year.

(10) *Existing single-family houses.* Single-family houses existing prior to June 1, 2013 shall be considered permitted uses in B-1 and B-2 districts. If destroyed by an act outside the control of the property owner, they may be rebuilt within the footprint of the original building, provided that construction commences within 18 months of the destruction of the original structure.

(11) Modifications and co-locations on existing *wireless telecommunications facilities*, subject to the standards in § 153.127.

(12) *Solar energy facilities* accessory to a permitted use or approved special use and intended to produce electricity primarily for the lot they are located on, subject to the standards in § 153.128.

(13) *Institutions for human care.* Hospitals, clinics, sanitariums, nursing or convalescent homes, homes for the aged, philanthropic and charitable institutions, refer to § 153.117.

(14) *Veterinary clinics.*

(15) *Funeral homes and mortuaries.*

(16) *Printing and copying services*, such as document creation and reproduction, and including businesses that also ship packages.

(17) *Religious institutions.* Churches, convents, parsonages, and other housing for religious personnel, provided that the standards in § 153.117 are met.

(18) *Educational and social institutions.* Public or private elementary and secondary schools, institutions for higher education, and centers for social activities, refer to § 153.117.

(19) *Public buildings and public service installations.* Publicly-owned and operated buildings, including libraries, public utility buildings and structures, telephone exchange buildings, transformer stations and substations, refer to § 153.117.

(20) *Golf courses and country clubs.* Subject to the provisions of § 153.130.

(21) *Commercial recreation facilities*, including (but not limited to) go karts, mini-golf, bowling, arcades, laser tag, swimming pool clubs, community recreation centers, and other recreation activities.

(22) *Indoor fitness centers*, including facilities with weights, indoor sports facilities such as tennis or basketball, and studios for dance, yoga, martial arts, and other indoor exercise.

(23) *Public buildings and public service installations.* Such as post offices, libraries, similar public office buildings, and public utility offices.

(24) *State licensed day care facilities.*

(25) *Temporary buildings*, for uses incidental to construction work. The buildings shall be removed upon the completion or abandonment of the construction work or within the period of one year, whichever is the lesser time period.

(26) *Public parks and recreation facilities.*

(27) *Cemeteries*, public or private, subject to the following conditions:

(a) The site shall be no less than 20 acres and shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare, as classified on the Comprehensive Development Plan of the village.

(b) The location of proposed service roads, entrances, and driveways shall be so designed in relationship to the major thoroughfare that pedestrian and vehicular traffic safety is encouraged.

(C) *Uses permitted by special use permit.* The following uses of land and structures may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements, as outlined in the sections cited, are complied with:

(1) *Gasoline service stations.* Subject to the requirements of § 153.122.

(2) *Residential uses.* Including multi-family dwellings, in existing structures.

(3) *Wind energy facilities*, when accessory to a permitted use or approved special use and designed to provide electricity primarily to the lot they are located on, subject to the standards in § 153.129.

(4) *Drive-throughs* for food service, banking, or other product or service, provided that the standards of § 153.132 are met.

(5) *Auto servicing and repair garages.* Subject to the requirements of § 153.122.

(6) *Car washes.*

(7) *Parking lots* on lots with no other uses.

(8) *New wireless telecommunications facilities*, subject to the standards in § 153.127.

(9) *Hotels and motels*, such as motor hotel, hotel, and transient lodging facilities (but not including trailer camps or tent sites), including "Bed and Breakfasts."

(10) *Extractive uses*, provided that the standards of § 153.134 are met and the Planning Commission determines that off-site negative impacts will be minimal.

(D) *Area and bulk requirements.* See § 153.066 linking the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.

(Ord. 144, passed 7-7-1997; Ord. 146, passed 3-2-1998; Ord. 219, passed 3-11-2013; Ord. 226, passed 7-9-2013; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.061 B-2 DISTRICT, GENERAL BUSINESS.**

(A) *Intent and purpose.* These districts are designed to cater to the needs of a larger consumer population than is served by the local business districts and, typically, accommodates those retail and business activities that serve the whole community. The activities require land and structure uses that generate large volumes of pedestrian and vehicular traffic. It is the purpose of these regulations to recognize those retail establishments presently existing within the village and to permit a wide variety of business enterprise types which cannot practicably be incorporated into local business districts.

(B) *Uses permitted by right.* Unless otherwise indicated, all of the following uses within this district must be wholly conducted within a permanent, fully enclosed building, except utility structures not usually so enclosed:

(1) All use permitted by right in the B-1 District.

(2) *Public assembly buildings*, including theaters, auditoriums, churches, clubs, and lodges.

(3) *Building supply, lawn and garden, and home improvement stores*, including lumber yards.

(4) *Automobile dealerships for new or used automobiles.*

(5) *Car washes.* Provided that the site development requirements for gasoline service stations in § 153.122 are met.

(C) *Uses permitted by special use permit.* The following uses may be permitted under the provisions of §§ 153.115 through 153.126:

(1) All uses permitted by special use in the B-1 district.

(2) *Manufacturing and processing establishments* selling their entire output at retail on the premises, provided that no more than five persons shall be employed at any time in the publication, repair, and other processing of goods.

(3) *Kennels.*

(4) *Advertising structures*, as provided in § 153.083.

(5) *Freezer locker* for retail business.

(6) *Self storage facilities.*

(7) *Open air business uses*, such as retail sales of plant material not grown on the site, sales of lawn furniture, playground equipment, and garden supplies.

(8) *Drive-in theaters*, provided the site development requirements of § 153.125(B)(3) are met.

(9) *Adult entertainment establishments*, provided the conditions and requirements set forth in § 153.125(B)(4) are met.

(D) *Site development requirements.*

(1) *General use requirements.* No use in this district shall produce any noise, objectionable odor, smoke, fumes, heat, glare, or vibration at its lot lines so as to be detrimental to the health, safety, and welfare of the village.

(a) *Signs.* Signs identifying any of the permitted uses within this district shall be in accordance with the requirements as specified in § 153.083.

(b) *Off-street parking and loading requirements.* Shall be provided as specified in §§ 153.100 and 153.101. When all frontage on one side of the street within a block is zoned B-2 General Business and when two or more existing business structures are set back for the purpose of providing suitable parking in front, then new construction on adjacent lots shall conform to that setback insofar as practical so that a joint functional parking facility can be created, otherwise parking shall be provided at the side or rear yards. When the parking areas abut a street or residential lot, parking facilities shall be screened by an obscuring fence or wall at least four feet in height and shall be appropriately painted and landscaped, subject to the review and approval of the Zoning Administrator.

(E) *Area and bulk requirements.* See § 153.066 limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.

(Ord. 96, passed 9-10-1984; Ord. 144, passed 7-7-1997; Ord. 103, passed 5-5-1986; Ord. 146, passed 3-2-1998; Ord. 153, passed 5-3-1999; Ord. 221, passed 3-11-2013; Ord. 226, passed 7-9-2013; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

### **§ 153.062 M-1 DISTRICT, LIMITED INDUSTRIAL.**

(A) *Intent and purpose.* This district is intended to accommodate industrial uses, commercial storage, and related activities. The M-1 Districts are established to permit the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material such as pharmaceuticals, hardware and cutlery, tool and die, gauge, and machine shops. It is also intended to permit industrial and commercial uses which meet the performance standards of this section. Commercial establishments engaged in limited retail sales and service establishments which are of a limited nature are permitted subject to a special use permit. It is intended to prohibit residential uses and intensive retail enterprises as being incompatible with the primary uses permitted.

(B) *Required information for site plan submission.* Before a building permit for a use within this district shall be issued, the owners or lessee shall submit the following material to the Zoning Administrator for review and approval:

(1) A site plan of the property showing the location of all present and proposed buildings, drives, parking areas, waste disposal fields, landscaping, plant materials, screening fences or walls, and other construction features which shall be proposed. The site plan shall meet the submittal and approval standards and be processed according to the procedures of § 153.087.

(2) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation.

(3) Engineering and architectural plans for:

(a) The treatment and disposal of sewage and industrial waste or unusable byproducts; and

(b) The proposed handling of any excess traffic congestion, noise, glare, air pollution, water pollution, fire or safety hazards, or emission of potentially harmful or obnoxious matter or radiation.

(4) The proposed number of shifts to be worked and the maximum number of employees on each shift.

(C) *Uses permitted.* In this district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, structurally altered, or enlarged, except for the following uses:

(1) *Manufacturing uses*, including any production, processing, clearing, testing, repair, storage, and distribution of materials, goods, foodstuffs, and other semi-finished or finished products from previously prepared material, provided that the requirements specified in division (F) of this section are met.

(2) *Warehousing and storage uses.*

(3) *Trade or industrial schools.*

(4) *Public utility installations and buildings.*

(5) *Truck or rail freight terminal.*

(6) *Contractor's establishment* not engaging in retail activities on the site.

(7) *Wireless telecommunications facilities*, subject to the standards in § 153.127.

(8) *Solar energy facilities* accessory to a permitted use or approved special use and intended to produce electricity primarily for the lot they are located on, subject to the standards in § 153.128.

(9) *Storage facilities* for building materials, sand, gravel, stone, lumber, and contractor's equipment.



(10) *Temporary buildings*, for uses incidental to construction work. The buildings shall be removed upon the completion or abandonment of the construction work or within the period of one year, whichever is the lesser time period.

(11) *Public parks and recreation facilities*.

(12) *Accessory uses* clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use, such as:

(a) Incidental offices for management and materials control.

(b) Restaurant or cafeteria facilities for employees.

(c) Caretaker's residence if situated upon a portion of the lot complying with all of the requirements of the residential districts.

(13) *Cemeteries*, public or private, subject to the following conditions:

(a) The site shall be no less than 20 acres and shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare, as classified on the Comprehensive Development Plan of the village.

(b) The location of proposed service roads, entrances, and driveways shall be so designed in relationship to the major thoroughfare that pedestrian and vehicular traffic safety is encouraged.

(D) *Uses permitted by special use permit*. The following uses of land and structures in the M-1 Zone may be permitted by the application for and the issuance of a special use permit when specified procedures and requirements as outlined in § 153.115 are complied with:

(1) *Heating and electric power generating plants*, other than solar or wind facilities.

(2) *Outdoor storage*, provided that any activity in which materials being processed or stored are located, transported, or treated outside of a building, the use shall be provided with an obscuring, permanently maintained fence or wall no lower than six feet high. Outdoor storage shall not be permitted in a front yard.

(3) *Junk yards*, providing the requirements of § 153.133 are met.

(4) *Parking lots* on lots with no other uses.

(5) *Wind energy facilities*, when accessory to a residential use and designed to provide electricity primarily to the lot they are located on, subject to the standards in § 153.129.

(6) *Extractive uses*, provided that the standards of § 153.134 are met and the Planning Commission determines that off-site negative impacts will be minimal.

(7) *Sewage treatment*, provided that the standards of § 153.125(B)(2) are met.

(8) *Incinerators*, provided that the standards of § 153.125(B)(1) are met.

(9) *Accessory retail or restaurant/bar*, as described in § 153.126.

(10) *Agricultural uses*, as listed below, provided that the lot in question is one acre or greater in area.

(a) Field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries, and similar agricultural enterprises along with accessory uses incidental to the above.

(b) Raising and keeping of small animals, such as poultry, rabbits and goats.

(c) Raising and keeping of livestock, such as cattle, hogs, horses, and ponies may be conducted on a lot of less than ten acres, provided that all the raising and keeping shall be for the use or consumption by the occupants of the premises.

(d) General and specialized farms including the raising and keeping for profit of cattle, hogs, horses, ponies, sheep, and similar livestock upon a lot having an area of not less than ten acres.

(e) Public and private conservation areas and structures for the conservation of water, soils, open space, forest, and wildlife resources.

(f) Public areas, such as forest preserves, game refuges, forest type recreation parks, and similar public uses of low density character.

(g) Customary home occupations as specified for R-1A Districts, § 153.124.

(h) Roadside stands and other retail establishments selling products grown on the premises upon which the stand is located, provided that contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one parking space for each 15 square feet of roadside stand floor area and provided further that all of the requirements for accessory buildings contained in § 153.081(B) shall be met.

(i) Supplementary uses, such as customary accessory uses and buildings incidental to an agricultural use that has received a special use permit. The following accessory uses may be permitted:

1. The storage of not more than one unoccupied travel trailer upon each lot or parcel.

2. The killing and dressing of poultry and animals produced upon the premises.

(j) Riding stables and livestock auction yards.

(k) Raising of fur bearing animals for profit.

(l) Veterinary hospitals, clinics, and kennels.

(m) Seasonal labor housing complexes associated with agricultural enterprises, provided that the units are maintained in safe and sanitary condition with inside water and sanitary sewage disposal facilities and that the structures are occupied no more than eight months in any 12-month period.

(n) Sawmills.

(o) Sod farms.

(p) Grain and seed elevators and sales, and cold storage for cooperative and/or wholesale agricultural products.

(E) *Use requirements.*

(1) Noise emanating from a use in this district shall not exceed the level of ordinary average street traffic noise. Noise shall not exceed 80 decibels as measured at the property line.

(2) Uses in this district shall conform to the following standards:

(a) Emit no obnoxious, toxic, or corrosive fumes or gases which are deleterious to the public health, safety, or general welfare.

(b) Emit no smoke, odorous gases, or other odorous matter in the quantities as to be offensive to health, safety, and general welfare at or beyond any boundary of the use of the parcel, for the purpose of grading the density of smoke, the shade or appearance of smoke which is equal to but not darker than No. 1 of the Ringlemann Chart, as published and used by the United States Bureau of Mines, may be emitted for a period not exceeding four minutes to any 30 minutes.

(c) Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior or subsequent to processing.

(d) Produce no heat or glare detrimental to the health, safety, and general welfare at or beyond the lot boundaries.

(e) Produce no physical vibrations to such an extent to be detrimental to the health, safety and general welfare at or beyond the lot boundaries.

(f) Discharge no radioactive materials that exceed quantities established by the U.S. Bureau of Standards.

(g) Does not include in the manufacturing process any production or storage of any material designed for use as an explosive, nor in the use of any such material in production.

(F) *Area and bulk requirements.* See § 153.066 limiting the height and bulk of buildings, the minimum size lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.

(Ord. 146, passed 3-2-1998; Ord. 163, passed 6-4-2001; Ord. 202, passed 4-21-2008; Ord. 212, passed 4-11-2011; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

### **§ 153.063 (RESERVED)**

### **§ 153.064 VC DISTRICT, VILLAGE CORE MIXED USE.**

(A) *Intent and purpose.* The Village Core Mixed Use is established as a district in which a wide variety of land uses are permitted, provided that they conform to the dimension requirements and design features of a traditional, walkable downtown. The mix of uses permitted is designed to create a vibrant downtown that promotes a high quality image for the village and improves quality of life for all residents.

(B) *Uses permitted.* In this district, no building, structure, or land shall be used and no building or structure shall be hereafter erected, structurally altered, or enlarged, except for the following uses:

(1) All uses permitted in the B-1 district.

(2) Residential dwelling units, in the following circumstances:

(a) On the second story (and above) of retail buildings, provided they meet the minimum room size requirements of the Michigan Construction Code and the following standards:

1. Accessory dwelling units shall not be located on the ground floor or street level of the building. Private entrances, mailbox clusters, garages, and similar service areas for the accessory dwellings may be located on the ground floor or street level of the building.

2. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one accessory dwelling unit in a building, such entrances may be provided from a common hallway.

(b) In two-family or multiple family residential structures meeting the dimensional requirements of the VC district.

(c) In single-family homes existing prior to January 1, 2015, which may be subdivided provided that all dwelling units meet the

minimum room size requirements of the Michigan Construction Code.

(C) *Uses permitted by special use permit.* The following uses are permitted in this district subject to obtaining a special use permit as provided in Article XIX.

- (1) *Motels, hotels* and other lodging facilities.
- (2) *Theaters* and other places of assembly.
- (3) *Gasoline service stations.* Subject to the requirements of § 153.122.
- (4) *Car washes.*
- (5) *Parking lots* on lots with no other uses.
- (6) *Wind energy facilities,* when accessory to a residential use and designed to provide electricity primarily to the lot they are located on, subject to the standards in § 153.129.
- (7) *New wireless telecommunications facilities,* subject to the standards in § 153.127.

(D) *Area and bulk requirements.* See § 153.066 limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.

(Ord. 96, passed 9-10-1984; Ord. 144, passed 7-7-1997; Ord. 103, passed 5-5-1986; Ord. 146, passed 3-2-1998; Ord. 153, passed 5-3-1999; Ord. 221, passed 3-11-2013; Ord. 226, passed 7-9-2013; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

### **§ 153.065 HC-1 DISTRICT, HIGHWAY COMMERCIAL.**

(A) *Intent and purpose.* The Highway Commercial District is designed to provide services and accommodations to motorists and for certain specialized commercial uses, which require direct access to motor vehicle traffic and generate a large volume of traffic. It is the purpose of these regulations in this district to recognize the value of preserving a central business district in the village while encouraging the development of compatible business uses in the Highway Commercial District which generate traffic of a nature inappropriate to the Local or General Business Districts.

(B) *Uses permitted by right.*

- (1) All uses permitted by right in the B-1 and/or B-2 districts.
- (2) *Gasoline service stations.* Subject to the requirements of § 153.122.
- (3) *Wind energy facilities,* when accessory to a permitted use or approved special use and designed to provide electricity primarily to the lot they are located on, subject to the standards in § 153.129.
- (4) *Drive-throughs* for food service, banking, or other product or service, provided that the standards of § 153.132 are met.
- (5) *Auto servicing and repair garages.* Subject to the requirements of § 153.122.
- (6) *Hotels and motels,* such as motor hotel, hotel, and transient lodging facilities (but not including trailer camps or tent sites), including "Bed and Breakfasts."
- (7) *Self-storage facilities.*

(C) *Uses permitted by special use permit.* The following uses of land and structures may be permitted in any Highway Commercial District upon the application for and issuance of a special use permit, when all the procedural requirements specified in § 153.115 are satisfied, together with any applicable requirements as outlined in the particular section cited:

- (1) *Truck stops and truck terminals.* Subject to the specific provisions contained in § 153.122.
- (2) *Travel trailer parks, recreational vehicle campgrounds.* Provided the further requirements of § 153.121(E) are followed.
- (3) *Parking lots* on lots with no other uses.
- (4) *Wind energy facilities,* when accessory to a residential use and designed to provide electricity primarily to the lot they are located on, subject to the standards in § 153.129.
- (5) *New wireless telecommunications facilities,* subject to the standards in § 153.127.
- (6) *Manufacturing and processing establishments* selling their entire output at retail on the premises, provided that no more than five persons shall be employed at any time in the publication, repair, and other processing of goods.
- (7) *Kennels.*
- (8) *Advertising structures,* as provided in § 153.081.
- (9) *Open air business uses,* such as retail sales of plant material not grown on the site, sales of lawn furniture, playground equipment, and garden supplies.
- (10) *Drive-in theaters,* provided the site development requirements of § 153.125(B)(3) are met.
- (11) *Adult entertainment establishments,* provided the conditions and requirements set forth in § 153.125(B)(4) are met.

(12) *Extractive uses*, provided that the standards of § 153.134 are met and the Planning Commission determines that off-site negative impacts will be minimal.

(D) *Site development requirements.*

(1) *General use requirements.* No use in this district shall produce any noise, objectionable odors, smoke fumes, heat, glare or vibration at or beyond the lot line so as to be detrimental to the health, safety and welfare of the village.

(2) *Signs.* Signs identifying any of the permitted uses within this district shall be in accordance with the requirements as specified in § 153.083.

(3) *Off-street parking and loading requirements.* Shall be provided as specified in § 153.100.

(4) *Location.* The proposed site shall have at least one property line on a major thoroughfare.

(5) *Driveways.* No site shall have more than two drives. Drives shall be a minimum of 20 feet wide and the middle of the drive shall not be located within 150 feet from the center line of an existing drive.

(6) *Area and bulk requirements.* See § 153.066, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.

(Ord. 103, passed 5-5-1986; Ord. 219, passed 3-11-2013; Ord. 230, passed 12-9-2014)

**§ 153.066 SCHEDULE OF REGULATIONS.**

<i>Schedule of Regulations</i>								
<i>Use</i>	<i>R-1A</i>	<i>R-1B</i>	<i>R-M1</i>	<i>B-1</i>	<i>B-2</i>	<i>VC</i>	<i>HC</i>	<i>M-1</i>
<i>Schedule of Regulations</i>								
<i>Use</i>	<i>R-1A</i>	<i>R-1B</i>	<i>R-M1</i>	<i>B-1</i>	<i>B-2</i>	<i>VC</i>	<i>HC</i>	<i>M-1</i>
Minimum Lot Dimensions								
Area (in Square Feet)	8,000	8,000	4,000	3,000	5,000	None	22,500	None
Width (in Feet)	60 (a)	60 (a)	60 (a)	100	50	None	150	None
Maximum Building Height								
Stories	2.5	2.5	3	2	2.5	4	2.5	None
Feet	35	35	35	28	35	50	35	75
Minimum Setbacks (in feet)								
Front	10	10	20	20	20	None	50	50
Side (each)	10 (b)	10 (b)	10 (b)	10 (b)	10 (b)	(b) (g)	10 (b)	(f)
Rear	30	30	30	40	40	10	20	(f)
Maximum Setbacks (in feet)								
Front	None	None	None	None	None	(h)	None	None
Side	None	None	None	None	None	(b) (g)	None	None
Rear	None	None	None	None	None	None	None	None
Minimum Floor Area per Unit								
In Square Feet	1,000	1,000	(c)	(c)	(c)	(c)	N/A	N/A
Maximum Lot Coverage								
Percentage Covered by Structures	35%	35%	None	None	None	None	None	None

**NOTES TO SCHEDULE OF REGULATIONS:**

(a) In the case where a curvilinear street pattern produces irregularly shaped lots with nonparallel side lot lines, a lesser frontage width at the street line may be permitted, provided that the lot width at the building line is equal to the specified lot width for that district.

(b) Except in the case of a corner lot where the side yard requirement shall be the same as the front yard requirement.

(c) For each dwelling unit in a multiple-family dwelling: 350 square feet for 1 room, 550 square feet for 2 rooms, 750 square feet for 3

rooms, and an average of 200 square feet for each room in excess of 3 rooms.

(d) Except that any building within 100 feet of a residential district shall not exceed 15 feet in height.

(e) Structures for agricultural operations may be permitted up to 75 feet in height.

(f) Side and rear yards shall be 10% of the lot width and depth respectively, but need not exceed 40 feet each, except where a lot in this district abuts a lot in any residential district. No building in the M-1 district shall be closer than 100 feet to the property line of the residential district lot.

(g) Equal to the side setback of the principle structure on the lot immediately abutting the lot line in question.

(h) The maximum front setback in the VC district shall be determined by averaging the front setbacks of the principle buildings on the block of the lot in question.

(Ord. 230, passed 12-9-2014)

### **§ 153.067 EXCEPTIONS TO THE SCHEDULE OF REGULATIONS.**

(A) *Side yard reduction.* For residential lots adjoining an alley, the least width of a required side yard may be measured to the centerline of that alley, provided that no building shall be erected closer than five feet to the nearest alley right-of-way line.

(B) *Rear yard reduction.* When a lot of record in any residential district has a depth of less than 115 feet prior to the effective date of this chapter, the rear yard may be reduced to 20 feet. When there is a public alley at the rear of a lot upon which the lot abuts for its full width, measurements of the depth of the rear yard may be made to the centerline of the alley.

(C) *Permitted yard encroachments.*

(1) Paved terraces, patios, and uncovered porches shall not be subject to yard requirements, provided:

(a) The paved area is unroofed and without the walls, parapets, or other forms of solid, continuous enclosure that so link the paved area to the principal building that an enclosed area is formed which appears functionally a part of the principal building.

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

(c) No portion of any paved area is closer than five feet from any lot line. The paved areas may have an open railing or fence not over three feet high and may have noncontinuous windbreaks or visual screen fences or walls not over six feet high and not enclosing more than one-half the perimeter of the paved area.

(2) Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area a distance not to exceed eight feet, provided:

(a) The porch is unenclosed, no higher than one story, and is erected on piers.

(b) The porch shall not be closer than eight feet at any point to any side or rear lot line.

(c) No building shall have more than one porch in any one yard.

(3) Enclosed porches, either one-story, two-story, or an unenclosed porch having solid foundations and capable of being enclosed shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

(4) Special structural elements, such as cornices, sills, beltcourses, chimneys, gutters, eaves, pilasters and similar structural features may project into any yard up to a maximum of two and one-half feet.

(5) Fire escapes, outside stairways, and balconies, if of open construction, may project into the yard area up to a maximum of five feet.

(Ord. 230, passed 12-9-2014)

## **SUPPLEMENTARY REGULATIONS**

### **§ 153.080 MISCELLANEOUS REGULATIONS.**

(A) *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 that construction is commenced within 90 days after the date of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one year after the issuance of the building permit.

(B) *Access to a street.* Any lot of record created after the effective date of this chapter shall have frontage on a public street, except in the case of an officially approved group housing development as provided in § 153.059. Any one lot of record created before the effective date of this chapter without any frontage on a public street shall not be occupied without access provided by an easement or other right-of-way no less than 20 feet wide.

(C) *Rear dwelling prohibited.* No building in the rear of and on the same lot with a principal building shall be used for residential purposes except for watchpeople, caretakers, and domestic employees whose employment functions are related to the functions of the principal building, provided that all other requirements of this chapter are satisfied.

(D) *Dwelling standards.* All dwellings shall comply with the minimum square footage requirements of this chapter for the district in which it is located, and have a core living area with a minimum dimension of 20 feet by 20 feet within the principal portion of the building having exterior wall construction, unless otherwise provided.

(E) *Required water supply and sanitary sewerage facilities.* After the effective date of this chapter, no structure shall be erected, altered, or moved upon a lot or premise and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excrete and domestic, commercial, and industrial wastes. All the installations and facilities shall conform with the minimum requirements of the County Health Department and the State Health Department.

(F) *Sidewalks.* All new construction, and all alterations to a site requiring site plan approval, shall trigger a requirement for the applicant to construct a sidewalk along all adjacent public rights-of-way that do not contain a sidewalk. This provision may be waived by the Planning Commission.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)

#### **§ 153.081 SUPPLEMENTARY USE REGULATIONS.**

(A) *Uses of structures for temporary dwelling.* No structure shall be used for dwelling purposes that does not meet the State of Michigan Building Code requirements for a dwelling unit.

(B) *Accessory buildings.* Authorized accessory buildings may be erected as a part of the principal building or may be connected to it by a roofed-over porch, patio, breezeway, or similar structure, or they may be completely detached. If attached to the principal building, an accessory building shall be made structurally a part of it and shall comply in all respects with the requirements applicable to the principal building. An accessory building not attached and not made a part of the principal building, as provided in the preceding statement, shall not be nearer than ten feet from any other separate structure on the same lot.

(1) *Accessory uses and garages.* In residential districts, the number of motor vehicles for which structural space may be provided as accessory to an authorized use shall not exceed the following:

(a) R-1A residential districts, four motor vehicles, one of which may be a commercial vehicle not exceeding one-ton rated capacity, and one and one-half tons if the residence is part of an agricultural operation.

(b) R-1B residential districts, three motor vehicles, one of which may be a commercial vehicle not exceeding one-ton rated capacity, and for each 5,000 square feet by which the lot exceeds the minimum lot area required, space for one additional motor vehicle may be provided.

(c) R-M1 districts and group housing developments, two motor vehicles for one-family and two-family dwellings and for each family or household group housed in a multiple-family dwelling structure, but not more than one of these two motor vehicles may be a commercial vehicle not exceeding one ton rated capacity. Space in a garage accessory to a multiple-family residence or a motel shall be rented only to occupants of the dwelling.

(d) A parking area of ten feet by 20 feet shall be considered as adequate storage space for each authorized motor vehicle. Additional space may be provided in a garage for uses incidental to a garage function or for hobby workshops and storage areas.

(2) *Lot coverage.* The total lot coverage of accessory buildings shall not exceed 15% in the R-1A and R-1B districts and 30% in all other districts.

(3) *Setbacks.* The required setbacks for accessory structures shall be as follows, for all zoning districts.

(a) In a front yard. No accessory building shall project into any front yard. For corner lots, the secondary street frontage shall be considered a side yard.

(b) In a side or rear yard. No accessory building, including detached garages, shall be closer than four feet to a side or rear lot line.

(C) *Fences, walls, and screens.*

(1) No fence, wall, or structural screen, other than plant materials, shall be erected higher than eight feet on any residential property in the village.

(2) Fences in the front yard of any property shall not exceed three feet in height, shall be decorative in nature, and shall be constructed of wood, vinyl, or decorative metal. Chain link fences are prohibited in front yards.

(3) No fence, hedge, or other screen planting shall extend into the public-right-of-way.

(4) No hedge or other screen planting or other plant material shall exceed a height of three feet in any residential front yard within the front yard.

(D) *Trash dumpsters.*

(1) *Location.* Dumpsters shall be permitted in the side or rear yard, provided that:

(a) No dumpster shall extend closer to the front of the lot than any portion of the principal structure.

(b) The dumpster shall not encroach on a required parking space.

(c) The dumpster must be clearly accessible to servicing vehicles.

(2) *Concrete pad.* Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three feet in front of the dumpster enclosure.

(3) *Enclosure.* Dumpsters shall be enclosed on three sides with a permanent wall or fence, not less than six feet in height or at least six inches above the height of the enclosed dumpster, whichever is taller. The fourth side of the dumpster screening shall be equipped with an opaque, lockable, gate that is the same height as the enclosure around the other three sides. The minimum standards described above may be exceeded. Attractive materials such as brick are encouraged.

(4) *Site plan requirements.* The location and method of screening of dumpsters shall be shown on all site plans and approved by the Planning Commission. Shared dumpsters used by multiple businesses are permitted.

(E) *Lighting.*

(1) *Light fixture design.*

(a) Overhead light poles may not exceed 25 feet in height.

(b) Exterior light sources greater than five feet high from grade shall be fully shielded and directed downward at a 90 degree angle. Single-family residences shall be exempt from this requirement.

(2) *Maximum light intensity.*

(a) The maximum intensity of light anywhere on a site may not exceed 20 footcandles.

(b) The maximum light spillage from private property onto a public right-of-way shall be one footcandle.

(c) The maximum light spillage from one property onto another shall be 0.5 footcandles.

(3) *Exceptions.* Temporary lighting, such as holiday decorations, construction lighting, and emergency lighting shall be exempt from the above requirements, provided that the light source in question does not remain in place for more than 60 days.

(4) *Waivers.* The Planning Commission may modify or waive any or all of the above requirements based on the specific conditions of a site, provided that negative impacts on surrounding properties are minimal.

(F) *Landscaping.*

(1) *Landscaping adjacent to the right-of-way.*

(a) *Street trees.* Properties in the B-1, B-2, M-1, RM-1, and VC districts must have one tree per 50 feet of road frontage. The required trees may be located in the right-of-way if necessary due to the design of the site, but shall be maintained by the adjacent private property owner.

(b) *Sidewalks.* Sidewalks must be installed along all road frontages where they do not currently exist.

(c) *Pavement adjacent to the right-of-way.* In the event that a paved parking lot abuts the right-of-way line, a five-foot wide greenbelt planted with a continuous, three-foot-high hedge of evergreen shrubs, must be added to physically separate the parking lot from the right-of-way. The greenbelt must be installed along the entire frontage of the parking lot, except for driveway entrances.

(2) *Landscaping within parking lots.* Parking lots with greater than 20 spaces must provide landscaped islands to channelize traffic flow and reduce the amount of non-permeable surface. Parking lot islands shall meet the following requirements:

(a) Landscaped islands shall occupy at least 5% of the total parking lot area.

(b) Each landscaped island shall be at least 100 square feet.

(c) Each landscaped island shall contain one tree.

(3) *Landscaping between Residential and Non-Residential Districts.* Where a B-1, B-2, M-1,

or VC district abuts, or is immediately across a public right-of-way from, an R-1A, R-1B, or RM-1 district, one of the following options must be constructed along the property line:

(a) A six-foot high opaque wall constructed of brick or vinyl.

(b) A continuous hedge of evergreen trees, at least six feet high.

(c) A landscaped buffer zone at least 20 feet wide along the entire length of the property line, containing one tree and three shrubs per 15 feet of length.

(4) *Waivers.* The Planning Commission may modify or waive any or all of the above requirements based on the specific conditions of a site, provided that negative impacts on surrounding properties are minimal.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

## **§ 153.082 SUPPLEMENTARY AREA REGULATIONS.**

(A) *Exception to required lot area for residential districts.* Any residential lot created and recorded prior to the effective date of this

chapter may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided:

- (1) That the other requirements of the district are met.
- (2) That no adjacent land or lot is owned by the owner of the lot in question.
- (3) That no lot shall be so reduced in area that the required open spaces will be smaller than those established as a minimum for the district in which the lot is located.
- (4) That any lot so excepted shall be no less than 50 feet in width at the street line.

(B) *Lot area can be allocated once.* No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for the construction of a proposed or the alteration of an existing building.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

### **§ 153.083 SIGNAGE.**

All signs and sign structures, in the district noted, are subject to the following:

(A) *Permit required.* All signs, except those otherwise noted, shall require issuance of a permit by the Zoning Administrator who shall review each application for compliance with this section. Each application for permit shall include detailed plans and specifications for each sign and shall include the type, size, location and illumination of each, and such other information deemed necessary to determine compliance with the provisions of this section.

(B) *Sign area.* Sign area shall be calculated as the entire area within an imaginary rectangle enclosing the extreme limits of the sign structure, regardless of the shape of the sign (excluding all necessary supports or uprights on which the sign is placed.)

(1) *R-1A and R1-B Residential Districts.* The following signs are allowed:

(a) One free standing non-illuminated sign announcing a home occupation or professional service not to exceed six square feet in sign area (not including support posts) and four feet in height (including support posts).

(b) One non-illuminated sign or structure advertising a recorded subdivision or development not to exceed 50 square feet and placed no closer than 25 feet to any street line.

(2) *R-M1 multiple and group housing developments.* The following signs are allowed:

(a) All signs permitted in R-1A and R-1B districts.

(b) One free standing or attached sign or structure identifying the development which shall not exceed 24 square feet in area and which may be illuminated, provided that the source of light is not visible.

(3) *B-1 Local Business District, B-2 General Business District, and VC Village Core Mixed Use District.* The following signs are allowed:

(a) A total of four signs (either wall signs or freestanding signs) for each property or building containing one or more approved business establishments. Buildings on corner lots shall be permitted to have two additional signs. Buildings containing more than four businesses shall be permitted one additional sign for each additional business.

(b) All light sources and immediately adjacent reflecting surfaces shall be shielded from view, and no flashing lights or animated devices shall be permitted. For the purposes of this section, the image or text on an electronic message board sign shall not change more frequently than every six seconds, and a sequential illumination sign shall not change more frequently than every three seconds.

(c) Wall signs shall be subject to the following requirements:

1. No wall sign shall extend farther than 12 inches from the face of the wall to which it is attached, provided, however, that where a sign extends over a public sidewalk more than three inches from the face of the wall, the bottom of the sign shall not be closer than eight feet to the ground or sidewalk level below the sign.

2. The maximum width of any sign shall not exceed 90% of the width of the facade to which it is attached.

3. The total sign area of all signs permitted on the face of any wall shall not exceed 20% of the area of the face of the wall upon which such sign or signs are attached, inclusive of windows and doorways. Signs may be attached to any face of the building.

(d) Freestanding signs. One of the permitted signs may be a freestanding sign when the building is set back at least 25 feet from the front lot line, subject to the following requirements:

1. No part of such sign shall be located closer than ten feet from any street line adjacent to the premises.

2. The area of such sign shall not exceed 32 square feet per side.

3. Such sign shall not be closer to any side lot line than a distance equal to its height.

4. The height of all such signs shall be limited to eight feet in height.

5. The base of a freestanding sign must have the same width as the sign itself, and may not exceed two feet in height. The base of a freestanding sign must be made of materials designed to match the principal building on the site. Pylon signs are not permitted.



(e) Sandwich board signs shall not exceed six square feet on each side, with a maximum height of 42 inches, subject to the following requirements:

1. Such signs may be located in the right-of-way but must be immediately in front of the business being advertised.
2. The sign location shall not reduce the passable area of the sidewalk below five feet, and shall not obstruct any door, including vehicle doors, windows or fire escapes, and shall not obstruct pedestrian or vehicular traffic.
3. Such sign shall not be illuminated, nor shall it contain moving parts or have balloons, streamers, pennants or similar adornments attached to it.
4. Such sign shall be placed only during the regular hours of operation of the associated business on the premises, and shall be stored within a completely enclosed building when not in use.
5. The village retains the right to remove such sign for municipal purposes related to snow removal, traffic issues, utility maintenance and the like.
6. Signs shall be stable and self-supporting. It is the responsibility of the sign owner to remove the sign during inclement weather, such as wind, rain or snow. No such sign shall be placed when there is a snow accumulation on the sidewalk. The village accepts no liability for any injury or damage caused by a sandwich board sign.

7. Such signs shall require a permit, but do not count as one of the signs permitted by division (B)(3)(a) of this section.

(f) Off-premise signs of the type attached to a pedestrian bench or other similar public structure are permitted, but shall require a permit.

(g) Awnings, canopies, or marquees, with or without signage, may be permitted, provided:

1. Signs shall be located on the vertical surfaces of the structure or covering.
2. Any signs on an awning, canopy, or marquee shall be counted as one of the signs permitted by division (B)(3)(a) of this section, and shall be considered a wall sign for purposes of calculating the total allowable square footage of wall signage for the site.
3. The awning shall not extend more than eight feet from the wall to which it is attached.
4. The awning shall extend no closer than two feet to the curb line of the adjacent street.
5. The awning, including any valence or fringe features, shall hang no less than eight feet above the highest point on the ground (including stairs or thresholds) underneath it.
6. The applicant must obtain a sign permit for the sign and a building permit for the installation.

(h) Projecting signs not exceeding 20 square feet in area are permitted to project from the front building face, provided:

1. No sign may project a distance in excess of six feet from the wall to which it is attached, and no closer than two feet to the curb line of the adjacent street.
2. No sign shall be hung less than eight feet above the ground or sidewalk level below it.
3. A projecting sign shall be counted as one of the signs permitted by division (B)(3)(a) of this section.
4. The top of the sign may not extend more than six feet above the height of the roof line.

(4) *HC-1 Highway Commercial Districts.* The following signs are allowed:

(a) All signs permitted in the B-1, B-2, and VC districts.

(b) Advertising structures permitted under the Highway Advertising Act, M.C.L.A. 252.301.

(c) Freestanding signs. One of the permitted signs may be a freestanding sign when the building is set back at least 25 feet from all street lines adjacent to the premises, subject to the following requirements:

1. No part of such sign shall be located closer than ten feet from any street line adjacent to the premises.
2. The area of such sign shall not exceed 32 square feet per side.
3. Such sign shall not be closer to any side lot line than a distance equal to its height.
4. The height of all such signs shall be limited to the height of the building to which it is related, but in no case shall the sign exceed 25 feet in height.
5. Pylon signs are permitted, provided that the sign is structurally sound.

(5) *M-1 Industrial District.* The following signs are allowed:

(a) Any sign permitted in any residential, agricultural, or business districts and subject to the same requirements for those districts.

(b) Advertising structures permitted under the Highway Advertising Act, M.C.L.A. 252.301.

(6) *For organizations and institutions.* In any zoning district, one sign per lot is permitted for churches, schools, clubs, associations, and institutions serving as identification and/or bulletin boards not to exceed 20 square feet in area which may be placed flat against the

wall of a building or may be freestanding, provided that it shall be no closer to any property line than ten feet. The sign may be illuminated, providing the source of light is not visible.

(7) *Tourist-oriented directional signs.* The village may permit tourist-oriented directional signs, as defined by M.C.L.A. 247.401, within its jurisdictional boundaries, as provided by and pursuant to M.C.L.A. 247.403(7), with the following conditions.

(a) An operator of a tourist-oriented activity who wishes to participate in a directional sign program under Public Act 299 of 1996, as amended, and is applying for a sign that would reside within the boundaries of the village in accordance with the provisions of Public Act 299 of 1996, 2, being M.C.L.A. 247.402, shall submit the application for review by the Village Council or its designee.

(b) The Village Council or its designee may approve or reject the placement of any tourist-oriented directional sign within its jurisdictional boundaries under the provisions of this chapter.

(c) The Village Council may appoint a designee by resolution to approve or reject the placement of any tourist-oriented directional sign within its jurisdictional boundaries under the provisions of this chapter.

(8) *Prohibited signs.* The following signs are not allowed in any zoning district:

(a) Off-premises advertising signs other than those specifically permitted in this chapter.

(b) Signs which are illegal under state or local law regulation or ordinance.

(c) Signs or sign structures which are obsolete, not clean or in good repair, and which pose a hazard to the general public.

(d) Signs not securely affixed to a substantial, permanent structure or foundation, on the premises.

(e) Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with or resemble any official traffic sign, signal, or device.

(f) Signs which are erected or maintained upon trees, painted or drawn upon rock, or other natural features.

(g) Signs which project above the cornice or roof line of the related use, except as otherwise noted.

(h) Signs which are not consistent with the standards in this chapter.

(9) *Permitted signs without permit.* The sign types listed in this section are permitted without permit in all districts, subject to the following requirements:

(a) Signs advertising the sale or rental of the premises on which the sign is located. Such signs shall be removed within seven days of the property sale, lease or rental.

(b) Directional signs used for community service announcements, real estate open houses or auction sales, shall be displayed on the day of the event or sale only.

(c) Identification or directional signs for garage and yard sales are permitted for up to three consecutive days during a sale, and shall be removed immediately after the sale.

(d) Political signs supporting or opposing a political candidate, party or ballot issue. Such signs shall not be in place for more than 30 days prior to the associated election date, and shall be removed within ten days following the election.

(e) Window signs are permitted when attached to the inside of a window or door of a building containing an approved business, provided that the total window sign area shall not exceed 25% of the total glass area of the window or door to which it is attached. Such signs shall not require a permit, and do not count as a sign permitted by division (B)(3)(a) of this section.

(Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.084 SUPPLEMENTARY HEIGHT REGULATIONS.**

(A) *Permitted exceptions: structural appurtenances.* The following kinds of structural appurtenances shall be permitted to exceed the height limitations for uses and the following permitted exceptions may be authorized only when all of the following conditions can be satisfied. No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or for commercial enterprise. Any structural exception to height limitations shall be erected only to the height as may be necessary to accomplish the purpose it is intended to serve, so as not to become a hazard to aviation. If the roof area of the structural elements permitted to exceed the height limitations exceed 20% of the gross roof area, they shall be considered as integral parts of the whole structure, and thereby shall not be eligible for permission to exceed height limitations:

(1) Ornamental in purpose, such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, and monuments.

(2) Appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevators and stairwells, penthouses, ventilators, bulkheads, radio towers, masts, aerials, television antennas, fire and hose towers, and cooling towers.

(3) Commercial freestanding towers, when not attached to a building or structure, shall be constructed under applicable state and federal regulations of the Planning Commission.

(4) Freestanding towers, such as TV or radio towers intended primarily to serve the occupants of the main structure, shall not exceed one and one-half the structural height limitation for structures in that district.

(5) Wireless telecommunications towers (see § 153.127).

(B) *Permitted exceptions: residential districts.* There shall be no exceptions permitted for residential structures. However, certain nonresidential structures in residential districts may be permitted to exceed height limitations as described above.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.085 FLOODPLAIN REGULATIONS.**

(A) *Intent and purpose.* The purpose of these regulations is to protect those areas of the village which are subject to predictable flooding in the floodplain areas of the major rivers, their branches and tributaries within the village, so that the reservoir capacity shall not be reduced, thereby creating danger to areas previously not so endangered in time of high water, or to impede, retard, accelerate, or change the direction of the flow or carrying capacity of the river valley or to otherwise increase the possibility of flood. The regulations, while permitting reasonable use of the properties, will help to protect human life, prevent or minimize material and economic losses, and reduce the cost to the public in time of emergency, through public aid and relief efforts occasioned by the unwise occupancy of the flood areas. All land included in the floodplain area shall be subject to the requirements specified herein, in addition to the normal zoning district requirements in which the land shall be located.

(B) *Floodplain areas.* The floodplain areas within the village shall be those delineated as the "100 year flood plain" on the official map produced by the Federal Emergency Management Agency (FEMA).

(C) *Permitted principal uses.* Notwithstanding any other provisions of this chapter, no building or structure shall be erected, converted, or structurally altered, and no land and/or structure shall be used within the boundaries of the 100 year flood plain, except for one or more of the following uses:

(1) Open space uses, such as farms, truck gardens, nurseries, parks, playgrounds, golf courses, preserves, bridle trails, nature paths, private or commercial recreation, and other similar open uses.

(2) Off-street parking uses, provided that all parking shall be at grade level and in conformance with the provisions of §§ 153.100 and 153.101.

(3) Yard and setback areas required for any district within the floodplain areas may be included within the floodplain areas. However, the elevation of the lowest floor designed or intended for human habitation shall be at least three feet above the established floodplain.

(D) *Uses permitted by special use permit.* Permitted use of land and structures in the relevant Zoning District may be permitted within the delineated flood plain by the application for and the issuance of a special use permit with specified procedures and requirements, as outlined and shall be subject to an engineering finding by the Village Engineer that the requirements of this section are satisfied, provided that the use pattern and the structures proposed to accomplish the use shall:

(1) Be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water. The design may be accomplished by the use of piles, stilts, cantilevering, or other such construction methods which will place the desired building and structures above the determined flood elevation in a safe manner so that the foundation and structural supports of buildings and structures will withstand the anticipated level, volume, and velocity of the flood waters and coincidentally minimize the impending of the natural free flow of the flood waters.

(2) All buildings constructed under the special use permits shall have a minimum first floor elevation of not less than three feet above the established floodplain.

(3) Dumping or backfilling in the floodplain areas with any material in any manner shall be prohibited unless through compensating excavation and shaping of the floodplain, provided the flow and natural impoundment capacity of the floodplain will be maintained or improved so that no significant or measurable change in flow or reduction in impoundment capacity of the floodplain would thereby result.

(4) Utilities, roads, and railroads may be permitted, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety and welfare.

(5) Under no circumstances shall the village incur any liability whatsoever for the granting of any use or building in floodplain areas.

(E) *Data submission.* Prior to the issuance of a building permit for structures on/or adjacent to floodplain areas, the Zoning Administrator shall require the applicant for the permit to submit topographic data, engineering studies, proposed site plans, or other similar data needed to determine the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All the required data shall be prepared by a registered professional civil engineer.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.086 NONCONFORMING USES.**

(A) *Intent and purpose.* It is the intent of this chapter to permit the continuance of a lawful use of any building or land existing at the effective date of this chapter, although the use of land or structures may not conform with the provisions of this chapter. It is also recognized that the uses are incompatible with permitted uses in the districts involved and it is the purpose of this chapter not to encourage the survival of these nonconforming uses and structures. Further, it is the intent of this chapter that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within the village shall be subject to the conditions and requirements set forth in this section.

(B) *Structural changes or enlargement.* The building or land use that is nonconforming shall not be structurally changed, altered, or enlarged unless the resultant changed, altered, or enlarged building or use conforms to the provisions of this chapter for the district in which it is located. A basement, cellar, garage, or any incompletely constructed structure in use as a dwelling on the effective date of this chapter may be used as a dwelling following the date, however, owners are encouraged to bring the structures to a state of completion in conformance with the regulations of this chapter relative to dwellings in the district in which the structure is located. If a change of ownership occurs, the structure shall be deemed a nonconforming use and shall be immediately discontinued. If a vacancy in such a structure occurs, the provisions of division (E) of this section shall apply.

(C) *Repair of nonconforming buildings.* Nothing in this chapter shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, and wear, provided that the repair does not exceed an aggregate cost of 30% of the assessed value of the building, unless the subject building is changed by the repair to a conforming use.

(D) *Reconstruction and restoration.* Any lawful nonconforming use damaged by fire, explosion, an act of God, or by other causes, may be restored, rebuilt, or repaired, provided that the restoration does not exceed 50% of its assessed value, exclusive of foundations.

(E) *Discontinuance or abandonment.* Whenever a nonconforming use has been discontinued for six consecutive months, or for 18 months during any three-year period, the discontinuance shall be considered conclusive evidence of an intention to abandonment. The nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this chapter.

(F) *Changing uses.* If no structural alterations are made, the Zoning Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, the use shall not revert or be changed back to a nonconforming or less conforming use.

(G) *Prior construction approval.* Nothing in this chapter shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this chapter, provided that construction is commenced within 90 days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one year after the issuance of the building permit.

(H) *Termination of nonconforming land uses.* The nonconforming uses of land existing at the effective date of this chapter where no building is located may be continued, provided that the nonconforming land use shall be terminated and converted to conform with the provisions of this chapter within three years after the effective date of this chapter, and provided further, that the nonconforming land use shall not in any way be expanded or extended during this three-year interval, either on the same property or adjoining property.

(I) *Illegal nonconforming uses.* Nonconforming uses of buildings or land existing at the effective date of this chapter established without a building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this chapter shall be declared illegal, nonconforming uses and shall be discontinued within a period of three years following the effective date of this chapter, subject to the review and approval of the Zoning Administrator.

(J) *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

(K) *Elimination of nonconforming uses.* In accordance with Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. 125.3101 through 125.3702, as amended, the Village Council may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove the uses or may be used by the village for a public use. The net cost of the acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

## **§ 153.087 SITE PLAN APPROVAL PROCESS.**

(A) *Intent and purpose.* The Village Council finds that commercial, industrial, multi-family, and certain other uses in the village have a substantial impact upon the character of the community, and upon traffic, utilities, and property values all affecting the public health, safety, and general welfare. In order to foster the attractiveness of the community and to enhance and preserve its desirability as a place to live and to work, preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning and better serve the public health, safety, and general welfare, it is determined that site plans for the uses shall be required and reviewed according to the provisions of this section.

(B) *Site plan review.*

(1) *Uses subject to site plan review.* Except as provided in division (B)(2) of this section, no nonresidential principal building shall be erected, moved, externally altered, added to, or have any change in use which would affect its approved off-street parking, loading, landscaping, or signage, and no building or land shall be used nor any building, grading, or occupancy permit shall be issued except in accordance with a site plan approved under this section. Specifically, site plan review shall apply to all new construction, including building additions and accessory uses, for the following:

(a) All uses permitted by right in the following districts:

1. Commercial (B-1, B-2, and HC);
2. Mixed use (VC);
3. Industrial (M-1); and

4. Multiple-family (R-M1).

(b) Special land uses in all districts, and as reviewed pursuant to the requirements of §§ 153.115 through 153.134.

(c) All planned unit developments.

(d) All platted subdivisions developed pursuant to the Land Division Act, Public Act 288 of 1967, being M.C.L.A. 560.101 through 560.293, as amended.

(e) All site condo, condominium subdivisions, and other condominium projects developed pursuant to the Condominium Act (M.C.L.A. 559.101 et seq.).

(f) All developments in wetlands and 100-year floodplains, including single-family homes, for which a permit is required by the Michigan Department of Environmental Quality.

(g) For any other use or development for which the submission of a site plan is required by this chapter.

(2) *Exceptions.* The site plan review requirements of this section do not apply to single-family homes and associated accessory structures unless they fall under a category in division (B)(1) of this section.

(3) *Administrative review.* The site plan review requirements of this section may be waived in whole or in part in favor of administrative review and approval by the Zoning Administrator for projects which have limited potential of causing serious impacts on the land in question, the neighboring properties, or the community as a whole. The Zoning Administrator may seek the input of the Village Planner, the Village Engineer, and others as necessary prior to any administrative approval. The Zoning Administrator shall report all administrative review actions each month to the Village Council with detailed information as to the nature of the application and the criteria upon which the decision to approve the application administratively was made.

(C) *Reviewing authority.* Site plans shall be reviewed and approved, approved with conditions, or disapproved by the Zoning Administrator or Planning Commission as provided in this section. The authority shall include review by the Zoning Administrator, special committees, or other outside experts and other public agencies, in accordance with procedures, requirements, and standards of this chapter.

(D) *Conceptual development site plan review.* Applicants are encouraged to submit a conceptual development site plan for review by the Zoning Administrator and Village Planner. The intent of the conceptual site plan review is to minimize errors, miscalculations, or misconceptions prior to the submission for preliminary site plan review. This procedure is intended to be for informational purposes only and shall not necessarily bear directly upon later reviews. Proposed new construction on parcels of land which are undeveloped or are to be redeveloped, or which will be developed in phases, are especially encouraged to seek this review prior to the submission for preliminary site plan review. The purpose of this is to indicate the general design and layout of the project and to demonstrate the ability to be approved as a site plan before substantial sums of money have been spent on design work.

(E) *Site plan review procedures.* Applications requiring site plan review shall follow the following process:

(1) Applications for site plan review shall be submitted to the Village Zoning Administrator.

(2) The Zoning Administrator, Village Planner, Village Engineer, and others at the request of the Planning Commission shall review the site plan and submit written comments to the Planning Commission. The Planning Commission shall approve, approve with conditions, or deny the site plan, based on compliance of the site plan with this chapter. If denied, reasons for the denial shall be cited. If approved, the applicant may submit an application for the necessary building permits.

(3) Applications for site plan approval for all projects (minor and major) shall consist of the following, unless waived by the Zoning Administrator when the information would serve no substantially beneficial purpose:

(a) An application form and appropriate fee as adopted by the Planning Commission.

(b) Ten reproducible copies of the site plan, no larger than 11 inches by 17 inches, with an appropriate text and graphic scale, shall be submitted with the application.

(c) Legal description, lot line dimensions and bearings, tax parcel number(s), certificate of survey, and address of the site.

(d) Proof of ownership, name and address of property owner of record and the developer. Include telephone and fax numbers.

(e) Existing development:

1. Zoning and property information:

a. Zoning district of site and all adjacent property;

b. Land use of the site and adjacent property;

c. Proposed use of site; and

d. Lot area, in acres and/or square feet, excluding existing road rights-of-way as well as that in proposed rights-of-way.

2. Existing deed restrictions, if any.

3. Location and outline of all existing development on the site, such as buildings, drives, parking areas, wells, septic tanks, drain fields, utilities, poles, ditches, underground storage tanks, above-ground storage areas, and the like. Include the location of any existing floor drains.

4. Location, width, and purpose of existing easements.
5. Location of adjacent buildings, drives and parking areas.

(f) Proposed development:

1. Ground floor and total floor area to be constructed.
2. Floor coverage ratio (ground floor area/lot area).
3. Floor area ratio (total floor area divided by net lot area).
4. Number and types of dwelling units by number of bedrooms and density for residential projects.
5. Building height, in feet and number of floors.
6. Number and type of buildings.
7. Required yards and transition strips (delineated on the plan).
8. Number of parking spaces required and provided with supporting calculations.
9. Size of parking spaces and parking lot aisles.
10. Amount of recreational and open space facilities to be provided.
11. Proposed deed restrictions, if any.
12. Proposed construction and completion dates.
13. Projected number of employees by shift.

(g) General proposed utility layout for sanitary sewer, water, lighting, and storm water systems.

(h) Location and screening of trash storage areas.

(i) The location of any floor drains in proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.

(j) The location and elevations of existing water courses and water bodies, including county drains and manmade surface drainageways, floodplains, and wetlands.

(k) Location of existing and proposed public water mains, public and private drinking water wells, monitoring wells, irrigation wells, test wells, or wells used for industrial processes.

(l) Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the Village Fire Chief (include CAS numbers). (CAS number = Chemical Abstract Service Number. This is a unique number for every chemical established by a Columbus, Ohio, organization which indexes information published in Chemical Abstracts by the American Chemical Society).

(m) Description and location for any proposed above-ground and below-ground storage facilities.

(n) Descriptions of type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting materials.

(o) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure.

(p) Existing topography, at two-foot contour intervals.

(q) Location and type of natural features on or adjacent to the site, such as woods, streams, marshes, wetlands, fence rows, individual trees of six inches or larger caliper when not located in a woods, 100-year flood hazard area depicted in plan view.

(r) Soils information, for sites utilizing onsite septic tanks and drainfields, location and extent of soils that are unbuildable in their natural state because of organic content or water table.

(s) Location and overall dimensions of existing structures and drives.

(t) Surface type and width of streets adjacent to site, and surface elevations of existing street at the intersection of each proposed driveway or street.

(u) Existing utilities serving the site location, size, inverts, fire hydrants, gatewells, manholes, and catch basins, location and elevations of ditches, culverts, and bridges adjacent to the site, location of utility poles and lines, and location and size of natural gas lines and appurtenances.

(v) Completion of the environmental permits checklist on the form provided by the Zoning Administrator.

(F) Approval of the site plan is valid for a period of one year. If a final site plan for a major development project, or any phase of a major development project, has not been submitted during that period, the approval of the preliminary site plan shall be void. Preliminary

site plans which expire shall be required to be resubmitted and be processed as original applications.

(G) The Planning Commission may refer the site plan to a special committee or to the Downtown Development Authority for additional review and recommendation prior to final review.

(H) *Other requirements:*

(1) For uses having frontage and/or access on a regional arterial, the number, design and location of access driveways and other provisions for vehicular circulation shall comply with the requirements of the State Department of Transportation or the County Road Commission as applicable.

(2) Landscaping, fences, screens, landscape buffers, and greenbelts shall be provided and designed in accordance with the provisions of § 153.081(F).

(3) All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

(4) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter.

(5) The site plan shall provide reasonable visual and sound privacy for all dwelling units. Fences, walks, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.

(6) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.

(7) A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as sidewalks, crosswalks, crossing signals, and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas and other uses which generate a considerable amount of pedestrian traffic.

(8) The arrangement of public or common ways for vehicle and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that required in the standards of the County Road Commission.

(9) All streets shall be developed in accordance with Chapter 152 and County Road Commission specifications.

(10) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. All on-site storm drainage facilities shall be developed in accordance with the specifications of the County Drain Commissioner's office and/or the Village Engineer, as applicable.

(11) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

(12) Properties abutting streets which have right-of-way deficiencies, shall provide additional right-of-way to the appropriate agency as determined by the Village Council. The additional right-of-way shall be provided to the appropriate agency via written documentation prior to final site plan approval by the Zoning Administrator.

(13) Safe, suitable, and adequate access shall be provided. The following factors shall be considered when determining whether safe and adequate access exists:

(a) Generally developments generating more than 500 trips per day shall be required to

provide a second access point. Trip generation estimates shall be based upon equations/rates provided in the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

(b) Topography and natural features surrounding the subject parcel shall be considered.

(c) The provision of outlots, stub streets, and the like which may facilitate future access.

(d) The likelihood of adjacent properties being developed in the near future such that they could be connected to the subject parcel.

(e) Proximity to emergency services.

(f) The adequacy of the proposed street intersection in terms of sight distances, spacing, slope, and the like.

(14) The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.

(15) Stormwater detention, retention, transport, and drainage facilities shall, insofar as feasible, be designed to use or enhance the natural stormwater system on-site, including the storage and filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Stormwater facilities shall be designed so as not to cause flooding or the potential for

pollution of surface or groundwater, on-site or off-site.

(16) General purpose floor drains shall be connected to a public sewer system or an on-site holding tank (not a septic system) in accordance with state, county and municipal requirements, unless a groundwater discharge permit has been obtained from the State Department of Environmental Quality. General purpose floor drains which discharge to groundwater are generally prohibited.

(17) Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of the materials to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.

(18) Secondary containment facilities shall be provided for above-ground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Above-ground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains, or other means, directly or indirectly into a sewer system, or to the waters of the state (including groundwater).

(19) Underground storage tanks shall be registered, installed, operated, maintained, closed, or removed in accordance with regulations of the State Department of Environmental Quality.

(20) Above-ground storage tanks shall be certified, installed, operated, maintained, closed, or removed in accordance with regulations of the State Department of Environmental Quality.

(21) Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the State Department of Agriculture.

(22) Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the State Department of Environmental Quality and the County Health Department.

(23) State and federal requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct and indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from appropriate state, county, and local agencies.

(I) *Validity of final site plans.*

(1) Approval of final site plan is valid for a period of one year. If actual physical construction of a substantial nature of the improvements included in the approved site plan have not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be void.

(2) Upon written application, filed prior to the termination of the one-year site plan review/approval period, the Village Council may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. The extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within, but not to exceed, one-year extension.

(J) *Conformance prior to site plan approval.* Prior to approving a site plan, the Planning Commission shall require that the site plan conform to this chapter, as amended.

(K) *Conditions of approval.*

(1) As part of an approval to any site plan, the Zoning Administrator or Planning Commission may impose the conditions or limitations as in its judgment may be necessary for the protection of the public health, safety, and general welfare as provided by appropriate standards in this chapter.

(2) The conditions shall be related to and ensure that the site plan review requirements of division (F) of this section are met.

(3) Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of the property.

(4) A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved.

(5) A record of the decision of the Zoning Administrator, and of the Planning Commission, the reason for the decision reached, and any conditions attached to that decision shall be kept and made part of the minutes of the Planning Commission.

(6) The Zoning Administrator shall make periodic investigations of development for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission or Zoning Administrator, whichever had final review/approval authority, to initiate a violation notice and enforcement action to gain compliance with the approved site plan. Any action to terminate site plan approval shall follow a hearing, of which the applicant or owner shall be given advance notice by certified mail.

(L) *Amendments to approved site plans.*

(1) Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan. The Zoning Administrator shall have the power to approve amendments to approved site plans, unless one of the following applies, in which case the Planning Commission shall approve the revised site plan.



- (a) The addition of land to the legal description of the original site plan approval;
- (b) The establishment of another use or uses;
- (c) The addition of more sales or service area, or the addition of dwelling units; and/or
- (d) An expansion or increase in intensity of use.

(2) *Appeal.*

- (a) An appeal of a Zoning Administrator's decision site plan shall be to the Zoning Board of Appeals.
- (b) An appeal of a Zoning Board of Appeals decision shall be to the County Circuit Court.

(Ord. 163, passed 6-4-2001; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

**§ 153.088 PERFORMANCE GUARANTEES.**

(A) *Generally.* The Zoning Administrator, Planning Commission, Village Council, or Zoning Board of Appeals may require the posting of a performance guarantee to assure the completion of improvements or actions such as roadways, utilities, fencing, or drainage, considered necessary to protect natural resources or the health, safety, and welfare of the residents of the village. The proof of guarantee must be deposited with the Village Treasurer at the time of permit issuance.

(B) *Specifically.*

(1) The performance guarantee can be one or a combination of the following arrangements as allowed by the Zoning Administrator, Planning Commission, Village Council, or Zoning Board of Appeals:

- (a) A performance or surety bond. The bonds shall list the time period in which the improvements are to be completed and shall be with an acceptable bonding company authorized to do business in the state.
- (b) A cash deposit or certified check to be held by the Village Treasurer. The escrow account shall be for the time period estimated necessary to complete the required improvements.
- (c) An irrevocable letter of credit issued by a bank authorized to do business in the state.
- (d) The amount of the performance guarantees shall be determined by the Zoning Administrator, Planning Commission, Village Council, or Zoning Board of Appeals.
- (e) Cash deposits shall be rebated or released to the proprietor in amounts equal to the ratio of completed and accepted improvements to the entire guaranteed improvements.
- (f) Performance guarantees may not be required for improvements guaranteed pursuant to the Land Division Act, Public Act 288 of 1967, being M.C.L.A. 560.101 through 560.293, as amended.

(Ord. 163, passed 6-4-2001; Ord. 230, passed 12-9-2014)

**§ 153.089 PROFESSIONAL REVIEW OF PROPOSED DEVELOPMENT.**

(A) *Generally.* Any application for site plan approval, a special use permit, planned unit development, variance, or other use or activity requiring a permit under this chapter above the following threshold, may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required by either the Zoning Administrator or the Planning Commission for any development project unless waived by the Zoning Administrator or Village Council. Waiver shall be based on a written conclusion that there is no substantial information or analysis benefit to accrue as a result of the application of this section. An escrow fee may be requested to obtain a professional review of any other project which may, in the discretion of the Zoning Administrator or Village Council, create an identifiable and potentially negative impact on public infrastructure or services, or on adjacent properties, and, because of which, professional input is desired before a decision to approve, deny, or approve with conditions is made.

(B) *Specifically.*

(1) The escrow shall be used to pay professional review expenses of engineers, community planners, and other professionals whose expertise the village values to review the proposed application and/or site plan of an applicant. Professional review will result in a report to the village indicating the extent of conformance or nonconformance with this chapter and to identify any problems which may create a threat to public health, safety, or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the village and a copy of the statement of expenses for the professional services rendered.

(2) No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the Village Clerk. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

(3) If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or other permit issued by the village in response to the applicants request.

(4) Disputes on the costs of professional reviews may be resolved by an arbitrator satisfactory to both parties.

## OFF-STREET PARKING AND LOADING REGULATIONS

### § 153.100 OFF-STREET PARKING REQUIREMENTS.

(A) *Intent of parking provisions.* It is the intent of this chapter that off-street parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the use of occupants, employees, and patrons of each building and premise constructed, altered, or enlarged after the effective date of this chapter.

(B) *Definition.* The term **FLOOR AREA**, as applied to offices, merchandising, or service types of uses, shall mean the gross floor area used or intended to be used for services to the public as customers, patrons, clients, patients, or tenants, including those areas occupied for fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, for housing of mechanical equipment integral with the building, for maintenance facilities, or for those areas where customers, patients, clients, salespeople, and the general public are denied access. **FLOOR AREA** shall be measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

(C) *Fractional spaces.* When units of measurement determining the number of required parking spaces result in a fractional space, the number of spaces required shall be rounded up to the nearest whole number.

(D) *Waiver of parking requirements.* The Planning Commission may modify or waive all or a portion of the requirements of this chapter based on the specific needs of the site, provided that negative impacts on neighboring properties are minimal.

(E) *Requirements for a use not mentioned.* In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is mentioned and which the Planning Commission determines is most similar to the use not listed shall apply.

(F) *Use of parking areas.* No commercial repair work, servicing, or selling of any kind shall be conducted on any parking area. Required parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.

(1) No charge shall be made for customers, employees, or other visitors utilizing the parking facilities.

(2) No advertising sign shall be erected on required parking areas except that not more than one directional sign at each point of ingress or egress may be erected which may also bear the name of the enterprise the lot is intended to serve. The signs shall not exceed 20 square feet in area and shall not project beyond the property line of the premises.

(G) *Building additions or other increases in floor area.* Additional parking shall be provided and maintained in proper ratio to any increased floor area or building use capacity.

(H) *Joint use of parking areas.* The joint use of parking facilities by two or more uses is recommended and may be granted by the Planning Commission whenever the use is practical and satisfactory to each of the uses intended to be served and when all requirements for location, design, and construction can be satisfied.

(1) *Computing capacities.* In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of the off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements at the discretion of the Planning Commission.

(2) *Record of agreement.* A copy of an agreement between joint users shall be filed with the application for a building permit and recorded with the County Register of Deeds. The agreement shall include a guarantee for continued use of the parking facility for each party to the joint use.

(I) *Parking space requirements.* The number of required off-street parking spaces in all districts for every residential, recreational, institutional, cultural, business, and industrial use shall be provided in accordance with the following minimum requirements. The maximum number of parking spaces permitted shall be 1.5 times the minimum.

(1) Two-family dwellings - two spaces for each family.

(2) Multiple-dwellings unit - 1.5 spaces for each dwelling.

(3) Boarding and lodging houses, fraternities, private clubs - one space for each bedroom.

(4) Hotels/motels - one space for each guest room plus one space for each employee.

(5) Convalescent home, convents, or similar use - one space for each four beds plus one space for each employee in the largest shift.

(6) Hospitals, sanitariums, patient beds - one space for every three beds plus one space for each employee in the largest shift.

(7) Clinics - four spaces for each doctor plus one space for each other employee.

(8) Auditoriums (incidental to schools), churches, theaters, buildings of similar use with fixed seats - one space for every two seats plus one space for each employee in the largest shift.

(9) Auditoriums (other than incidental to schools), lodge halls, meeting halls, community centers, or buildings of similar use without fixed seats - one space for every four persons of legal capacity.

(10) Elementary and junior high schools - one space for every employee, including administrators and teachers.

- (11) High schools and colleges - one space for every employee, including administrators and teachers, plus one space for every five students.
- (12) Libraries, museums, and post offices - two spaces for every 500 square feet of floor area plus one space for every employee in the largest shift.
- (13) Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses - one space for every two people in the maximum capacity.
- (14) Golf courses open to the general public except miniature or par three courses - four spaces for each one golf hole plus one space for each employee in the largest shift.
- (15) Stadiums and sports arenas - one space for every two seats.
- (16) Dance halls, pool and billiard rooms, exhibition halls, roller rinks - one space for each 100 square feet of floor area.
- (17) Bowling alleys - three spaces for each alley plus one space for every employee in the largest shift.
- (18) Miniature or par three golf courses - three spaces for each one golf hole plus one space for each employee in the largest shift.
- (19) Professional offices and banks - one space for every 200 square feet of floor area.
- (20) General offices - one space for every 200 square feet of floor area.
- (21) Clothing, furniture, appliance, hardware, automobile, machinery sales, shoe repair, personal services (other than beauty and barber shops), wholesale sales - one space for every 200 square feet of floor area.
- (22) Barber shops and beauty parlors - two spaces for each beauty and/or barber shop chair.
- (23) Supermarkets, self-service food store - one space for every 100 square feet of floor area.
- (24) Restaurants, cafeterias, taverns, bars - one space for every 75 square feet of floor area plus one space for every three seats.
- (25) Automobile service and repair garages, gasoline filling, and service stations - 1.5 spaces for each repair and service stall plus one space for each employee in the largest shift.
- (26) Drive-in restaurants - one space for every order station, plus one non-order station space for every employee in the largest shift.
- (27) Drive-in, restaurants and other drive-in businesses - stacking space for five cars between the sidewalk area and the service window, plus one space for every 75 square feet plus one space for every three seats.
- (28) Retail stores, except as otherwise specified herein - one space for every 150 square feet of floor area.
- (29) Funeral homes and mortuaries - one parking space for every 50 square feet of floor area in slumber rooms, chapels, and assembly rooms.
- (30) Warehouses, wholesale stores - one space for every 800 square feet of floor area, plus one space for every employee in the largest shift.
- (31) Industrial or manufacturing establishments, including research and testing laboratories, creameries, bottling works, printing and engraving shops - one space for every employee in the largest shift or one space for every 800 square feet of gross floor area, whichever is greater.

(J) *Location of parking areas.* Required parking shall be provided on the premises or within 1,000 feet measured from the nearest point of the parking area to the nearest point of the building.

(K) *Site plan review.* Whenever four or more vehicles are required for a given use under the requirements of this section, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator before a building permit can be issued. The plans and specifications should show the location, basis of capacity calculation, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other detailed feature essential to the complete design and construction of the parking area.

(L) *Site development requirements.* All off-street parking areas shall be designed, constructed, and maintained in accordance with the following standards and requirements.

(1) A minimum area of 180 square feet shall be provided for each vehicle parking space, each space shall be definitely designated and reserved for parking purposes exclusive of space requirements for adequate ingress and egress. Each space shall have a minimum width of nine feet and a minimum length of 20 feet.

(2) Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

(3) Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.

(a) Except for parking space provided on single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than 20 feet wide and so located as to secure the most appropriate development of the individual property.

(b) Each entrance to and exit from any off-street parking area shall be at least 25 feet from any adjacent lot within a residential district and at least 50 feet from any intersection.

(4) Each vehicle parking space within an off-street parking area shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows.

- (a) For right-angle parking patterns 75 to 90 degrees, the maneuvering lane width shall be 20 feet.
- (b) For parking patterns 54 to 74 degrees, the maneuvering lane width shall be 15 feet.
- (c) For parking patterns 30 to 53 degrees, the maneuvering lane width shall be 12 feet.

(d) All maneuvering lane widths shall permit one-way traffic movement, except for the 90-degree pattern which may provide for two-way traffic movement.

(5) Parking areas with a capacity of four or more vehicles shall be surfaced with a material that shall provide a durable, smooth, and dustless surface, and shall be graded and provided with adequate drainage facilities to dispose of all collected surface water.

(6) Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation. The lighting shall not exceed an intensity of five foot-candles, nor shall it be less than one and one-half foot-candles. All lighting shall be so arranged so as to reflect light away from any residential property adjacent and any adjacent road or street so the light will not interfere with traffic.

(7) Where a parking area with a capacity of four or more vehicles abuts a residential district or public right-of-way in a residential district, a buffer strip at least ten feet wide shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of structural or plant materials no less than four feet in height and spaced so as to effectively screen the parking area from the residential area.

(Ord. 146, passed 3-2-1998; Ord. 163, passed 6-4-2001; Ord. 225, passed 7-9-2013; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

**§ 153.101 LOADING REQUIREMENTS.**

(A) *Intent and purpose.* In order to prevent undue interference with public use of streets and alleys every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.

(B) *Additional to parking space.* Loading space required under this section shall be provided as area additional to off-street parking space as required under § 153.100 and shall not be considered as supplying off-street parking space.

(C) *Space requirements.* There shall be provided adequate space for standing, loading, and unloading services not less than 12 feet in width, 25 feet in length, and 14 feet in height, open or enclosed, for all uses indicated in division (A) of this section, for uses listed in the following table, or for similar uses similarly involving the receipt or distribution by vehicles of materials or merchandise.

<i>Loading Spaces</i>	
<i>Floor Area</i>	<i>Number of Spaces</i>
<i>Loading Spaces</i>	
<i>Floor Area</i>	<i>Number of Spaces</i>
Commercial/Retail/Office	
Each 20,000 square feet or fraction thereof	1 space
Hotels	
Each 20,000 square feet or fraction thereof	1 space
Wholesale and Storage	
First 2,000 square feet	None
Next 50,000 square feet or fraction thereof	1 space
Each additional 100,000 square feet or fraction thereof	1 space
Manufacturing	
Each 20,000 square feet or fraction thereof	1 space
Funeral Homes	
First 5,000 square feet or fraction thereof	1 space
Each additional 10,000 square feet or fraction thereof	1 space

Hospitals/Medical Clinics	
First 10,000 square feet or fraction thereof	None
Next 100,000 square feet or fraction thereof	1 space
Each additional 200,000 square feet or fraction thereof	1 space
Schools/Churches	
For each building	1 space
Other Uses	
For each building over 5,000 square feet	1 space

(D) *Access.* Access to a truck standing, loading and unloading space shall be provided from a public street or alley and the space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

(E) *Site requirements.* Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets. Where off-street loading space adjoins or abuts a lot or premises used for residential, educational, recreational, or religious purposes, or abuts a residential district, there shall be provided a masonry wall or solid fence not less than six feet in height between the off-street loading space and the uses.

(Ord. 146, passed 3-2-1998; Ord. 225, passed 7-9-2013; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

## USES AUTHORIZED BY SPECIAL USE PERMIT

### § 153.115 GENERAL STANDARDS AND REQUIREMENTS.

(A) *Intent and purpose.* Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, 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, on one hand, practical latitude for the investor or developer, but that will, at the same time, maintain sound provisions for the protection of the health, safety, convenience, and general welfare of village inhabitants. In order to provide controllable and reasonable flexibility, this subchapter permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a special use permit. By such a procedure, the Planning Commission has the opportunity to impose conditions and safeguards upon each use which is deemed necessary for the protection of the public welfare. The following sections, together with previous references in other subchapters, designate specific uses that require a special use permit and, in addition, specify the procedures and standards which must be met before such a permit can be issued.

(B) *Permit procedures.* An application for a special use permit for any land or structure use permitted under this subchapter shall be submitted and processed under the following procedures.

(1) *Submission of application.* Any application shall be submitted through the Village Clerk on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Village Council to cover costs of processing the application. No part of any fee shall be refundable.

(2) *Data required.* Every application shall be accompanied by the following information and data:

(a) The special form supplied by the Village Clerk, filled out in full by the applicant, including a statement of supporting evidence concerning the required findings specified in division (3) below; and

(b) A site plan that conforms with the requirements of § 153.087.

(3) *Planning Commission review and hearing.* The application, along with all required data, shall be transmitted to the Planning Commission for review. The Planning Commission may appoint a special committee to review the application and make recommendations relative thereto. After review, the Planning Commission shall hold a public hearing upon every application after at least one publication in a newspaper of general circulation in the village at least 15 days prior to the date of the hearing. The notice shall indicate the place, time, and purpose of the hearing.

(4) *Planning Commission approval or disapproval.* Following the public hearing provided for above, the Planning Commission shall consider the special use permit application. This may occur at the same meeting. The Planning Commission thereupon shall approve or disapprove the application or refer the application elsewhere for further study. No special use permit shall be issued by the Village Clerk unless the same shall have been approved by the Planning Commission.

(5) *Permit expiration.* A special use permit issued under this section shall be valid for a period of one year from the date of the issuance of the permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one-year period, the Zoning Administrator shall notify the applicant in writing of the expiration or the revocation of the permit.

(6) *Revocation.* The Planning Commission shall have the authority to revoke any special use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable requirements in this subchapter. After a revocation notice has been given, the use for which the permit was granted must cease within 60 days.

(7) *Reapplication.* No application for a special use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one year or more from the date of the denial, except on the grounds of newly-discovered evidence or proof of changed conditions.

(C) *Basis for determinations.* Before making a recommendation on a special use permit application, the Planning Commission shall establish beyond a reasonable doubt that the following general standards, as well as the specific standards outlined in each applicable section of this subchapter, shall be satisfied.

(1) *General standards.* The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:

(a) Be harmonious with and in accordance with the general principles and proposals of the Future Land Use Plan of the village.

(b) Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

(c) Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

(d) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

(e) Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

(f) Be consistent with the intent and purposes of the zoning district in which it is proposed to locate the use.

(g) Will not involve uses which will adversely and substantially impact the economic viability of the Central Business District as a whole and individual uses and business both present and future located therein.

(2) *Conditions and safeguards.* The Planning Commission may impose the additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this chapter will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.

(3) *Specific requirements.* The general standards and requirements of this section are basic to all uses authorized by special use permit. The specific and detailed requirements set forth in the following sections relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

(Ord. 103, passed 5-5-1986; Ord. 146, passed 3-2-1998; Ord. 163, passed 6-4-2001; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.116 PLANNED UNIT DEVELOPMENTS.**

(A) *Authorization.* The intent of planned unit developments is to allow flexibility in zoning approvals, in order to ensure high-quality development. Under a planned unit development, the village may waive any zoning provision, but, in exchange, may require improvements above and beyond the zoning requirements. A planned unit development agreement shall be agreed upon by the applicant and the village, and shall become the governing zoning document for the lot(s) in question. Planned unit developments may be approved in any zoning district.

(B) *Objectives.* The following objectives shall be considered in reviewing any application for a planned unit development:

(1) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.

(2) To encourage the provision of open space and the development of recreational facilities within new development.

(3) To encourage developers to use a more creative and imaginative approach in the design of new development.

(4) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles.

(5) To encourage variety in the physical development pattern of the village by providing a mixture of building types.

(C) *Qualifying conditions.* Any application for a planned unit development shall meet the following conditions to qualify for consideration as a planned unit development.

(1) The planned unit development site shall be under the control of one owner or group of owners, and shall be capable of being planned and developed as one integral unit.

(2) Public water and sewer facilities shall be available or shall be provided as part of the site development.

(3) The proposed planned unit development shall meet the standards for the approval of special land uses in § 153.115(C)(1).

(D) *Uses that may be permitted.* Any use may be permitted in a planned unit development. The permitted uses within the PUD shall be explicitly stated in the PUD agreement. The village retains the right to deny a planned unit development based on a finding that the

proposed uses are inappropriate with the surroundings. The village may also require that some uses be removed from a mixed-use PUD prior to approval.

(E) *Approval procedure.* The procedure for approving planned unit developments shall be as follows:

(1) *Preliminary staff review meeting.* The Zoning Administrator, Village Planner, and Village Engineer, and other village officials as necessary shall meet with the applicant for PUD approval and shall develop a mutually agreeable draft PUD agreement. The draft PUD agreement shall include a site plan meeting the requirements of § 153.087.

(2) *Planning Commission review and hearing.* The site plan and draft PUD agreement, along with all required information, shall be transmitted to the Planning Commission for review. The Planning Commission may appoint a special committee to review the application and make recommendations relative thereto. After review, the Planning Commission shall hold a public hearing after at least one publication in a newspaper of general circulation in the village at least 15 days prior to the date of the hearing. The notice shall indicate the place, time, and purpose of the hearing.

(3) *Planning Commission recommendation.* Following the public hearing provided for above, the Planning Commission shall consider the PUD application. This may take place at the same meeting as the public hearing. The Planning Commission thereupon shall recommend approval or denial of the application to the Village Council or refer the application elsewhere for further study.

(4) *Village Council approval or denial.* Following the Planning Commission action provided for above, the Village Council shall consider the PUD application at its next regular meeting. The Village Council thereupon shall approve or disapprove the application. No PUD approval shall be issued by the Village Clerk unless the same shall have been approved by the Village Council.

(Ord. 230, passed 12-9-2014)

### **§ 153.117 INSTITUTIONAL STRUCTURES AND USES.**

(A) *Site location principles.* The following principles shall be utilized to evaluate the proposed location of any institutional use in any zoning district where the use is permitted by right or by special use. These principles are alterable, depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the district in which the use is proposed to be located.

(1) Any institutional structure or use in a residential district should, preferably, be located at the edge of the district, abutting either a business or industrial district or adjacent to a public open space.

(2) Motor vehicle entrance should be made on a major thoroughfare or as immediately accessible from a major thoroughfare as to avoid the impact of traffic generated by the institutional use upon a residential area.

(3) Site locations should be preferred that offer natural or manmade barriers that would lessen the effect of the intrusion of the institutional use into a residential area.

(B) *Site development requirements.* The following standards shall apply to the uses listed below:

(1) *Hospitals.*

(a) The proposed site shall be at least ten acres in area.

(b) The proposed site shall have at least one property line abutting a major thoroughfare. All ingress and egress to the off-street parking area (for guests, employees, and staff) shall be directly from the major thoroughfare.

(c) No more than 25% of the gross site shall be covered by buildings.

(d) Ambulance and delivery areas shall be obscured from all residential view by a solid masonry wall six feet in height. Access to and from the delivery and ambulance area shall be directly from a major thoroughfare.

(e) All signs shall be in accordance with the schedule outlined in § 153.083.

(f) Off-street parking space shall be provided in accordance with the schedule outlined in § 153.100, and off-street loading in conformance with § 153.101.

(2) *Churches.*

(a) The proposed site shall be at least one acre in size plus one-half acre per 100 seats in the main auditorium.

(b) The proposed site shall be so located as to have at least one property line on a major or secondary thoroughfare. All ingress and egress to the site shall be directly onto the thoroughfares or a marginal access service drive thereof.

(c) All signs shall be in accordance with the schedule outlined in § 153.083.

(d) Off-street parking space shall be provided in accordance with the schedule outlined in § 153.100.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

### **§ 153.118 PRIVATE NON-COMMERCIAL RECREATION AREAS.**

(A) *Authorization.* As urban development utilizes more and more land area within the village, there is created an increasing need and demand for recreational facilities to serve a concentration of urban dwellings. In order to accommodate the demand, and to encourage private development of recreational facilities within close proximity to the residences they serve, this section permits the construction of

certain types of nonprofit, noncommercial recreation facilities within residential districts. These uses may be authorized by the issuance of a special use permit when all of the procedures and applicable requirements stated in § 153.115 and the additional requirements of this section can be complied with.

(B) *Uses that may be permitted.* Private community swimming pools, community recreation centers, tennis courts, and other noncommercial recreation facilities may be authorized, provided the facilities are to be constructed, maintained, and operated by an incorporated, nonprofit club or organization with a specified limitation of members and, provided further, that the recreation facilities shall be operated for the exclusive use of organization members and their guests. Any use permitted herein shall not be permitted on a lot or group of lots of record.

(C) *Site development requirements.* The following requirements for site development, together with any other applicable requirements of this chapter, shall be complied with:

(1) *Minimum site size.* One acre with a minimum width of 150 feet.

(2) *Site location.* In those instances where the proposed site is intended to serve club or organization members who reside beyond the immediate neighborhood or subdivision in which the proposed site is located, the site shall be located on a major thoroughfare and all ingress and egress for the site shall be provided directly from the major thoroughfare.

(3) *Yards.* Front, side, and rear yards shall be at least 30 feet, except on those sides adjacent to nonresidential districts wherein it shall be ten feet. All yards shall be appropriately landscaped in trees, shrubs, and grass. No structures or parking areas shall be permitted in the yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.

(4) *Off-street parking.* Off-street parking shall be provided in conformance with the schedule outlined in § 153.100. Prior to the issuance of a special use permit for any use permitted in this section, a certified copy of the bylaws of the nonprofit organization shall be filed with the Planning Commission in order to establish the membership involved for computing the off-street parking requirements.

(5) *Swimming pool.* Whenever an unenclosed swimming pool is constructed under this section, the pool shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate.

(6) *Lighting.* No lighting shall have a visible source of illumination unless the lighting is necessary to carry on particular recreation pursuits. All lighting shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.119 STATE-LICENSED DAY CARE FACILITIES.**

(A) *Authorization.* In order to facilitate the care of preschool children within a desirable home environment, this section provides standards for nursery schools and child care centers. These standards shall apply to all state-licensed day care facilities, regardless of whether special use approval is required in the applicable zoning district or not.

(B) *Site development requirements.* The following requirement for site development, together with any other applicable requirements of this chapter, shall be complied with:

(1) *Minimum site size.* Nine thousand square feet with 75-foot lot width, provided that no more than four children shall be kept on the premises in addition to the children of the foster family. For each child not a member of the family in excess of four, there shall be provided 200 square feet of lot area in addition to the base figure of 9,000 square feet.

(2) *Off-street parking.* Shall be provided in conformance with § 153.100.

(3) *Signs.* As provided in § 153.083.

(4) *Play areas.* There shall be provided on the site a usable outdoor play area at the rate of 75 square feet for each child not a member of the family, exclusive of required front yard, required side yard along a street, and of driveways and parking areas. The play area shall be fenced for safety and shall be screened from any adjoining residential land by suitable plant material.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.120 FUNERAL HOMES AND MORTUARIES.**

(A) *Authorization.* Because funeral homes and mortuaries perform special and necessary services to urban populations, and in recognition of the unique locational and site development characteristics of these functions, the following standards apply:

(B) *Site development requirements.* The following requirements for site development, together with any other applicable requirements of this chapter, shall be complied with:

(1) *Minimum site size.* One acre site with a minimum width of 150 feet.

(2) *Site location.* The proposed site shall front upon a major thoroughfare. All ingress and egress points to the site shall be directly from the thoroughfare.

(3) *Appearance.* All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to any other buildings within the immediate vicinity of the proposed site.

(4) *Signs.* As provided in § 153.083.



(5) *Off-street parking.* Off-street parking shall be provided in conformance with the schedule outlined in § 153.100. Adequate off-street assembly area for vehicles used in funeral processions shall be provided in addition to any required off-street parking area.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.121 MOBILE HOME PARK DEVELOPMENTS.**

(A) *Authorization.* The relatively transient and nonpermanent housing characteristics of the modern mobile home require carefully planned site facilities which are designed for the unique group living needs of the mobile home dweller. Mobile home or trailer park developments have been provided in many urban areas in response to this need. Mobile home park developments have special characteristics which require full consideration of their locational needs, their site layout and design, their demand upon community services, and their relationship to and effect upon surrounding uses of land. All of the procedures and applicable requirements stated in § 153.115 and the additional requirements of this section shall be complied with.

(B) *Uses that may be permitted.* Any mobile home development may include any or all of the following uses, provided that a plan of the proposed development is approved by the state in accordance with M.C.L.A. 125.2301 et seq., as amended, and provided further that the development plan can meet the standards of this section:

(1) Mobile homes, trailers, trailer coaches, or similar vehicles designed for occupancy as a dwelling as defined in § 153.003.

(2) Accessory buildings required for normal operation of the mobile home development. The uses as stores, mechanical dispensers, equipment storage, coin-operated laundry and dry cleaning facilities may be permitted, provided that the uses:

(a) Shall not occupy more than 10% of total site.

(b) Shall be subordinate to the residential use and character of the park.

(c) Shall be located, designed, and intended to serve the trade or service needs of persons residing in the park.

(d) One permanent building for conducting the operation and maintenance of mobile home park developments. A caretaker's residence may be provided within or in addition to the permanent building.

(e) The following signs pertaining exclusively to the mobile home park are permitted.

1. One freestanding, illuminated (but not flashing or moving) sign may be located near one entrance on each street upon which the mobile home park fronts according to the following.

a. On major roads as designated by the Planning Commission, the sign shall not be larger than 25 square feet in size.

b. On all other streets the maximum permitted size shall be 12 square feet.

2. Signs shall not exceed ten feet in height.

3. Signs shall be located so as not to obstruct visibility of pedestrians or motorists, within or without the mobile home park.

4. Signs purely for traffic regulation and direction within the mobile home park may be utilized as required.

(f) The off-street parking requirements shall be accomplished by providing group parking facilities within 300 feet of all mobile home lots they are intended to serve and may be of a bay-type design. All parking areas shall be of paved material, subject to the approval of the Village Street Commission. No parking shall be permitted on any street or access lane. Additional parking, equal to one space for four mobile homes, shall be provided for overflow visitor parking, storage of park equipment and any tenant vehicles, boats, or mobile homes temporarily out of service. No visitor vehicles shall be permitted to be parked or stored within any required open space between mobile homes or any drive or street within the mobile home park.

(C) *Site development requirements.* The following requirements for site development, together with any other applicable requirements of the state, M.C.L.A. 125.2301 et seq., as amended, shall be complied with. A complete copy of the plans and specifications filed as required under M.C.L.A. 125.2301 et seq., as amended, shall be filed with the Zoning Administrator at the time of application for a special use permit. If any of the requirements of this chapter are less than those in the state act, the state requirements shall prevail. No mobile home park shall be maintained, operated or conducted without an annual license from the State Department of Health. The County Health Department and/or the Village Zoning Administrator may make an inspection of construction at any appropriate time to determine compliance to approved plans and specifications and any test data, records, or other information necessary for the determination shall be provided by the park owner.

(1) *Site size.* A 20-acre site accessible to a major thoroughfare shall be the minimum site size. A maximum mobile home site size shall be based on the allowable maximum of 150 mobile home site spaces plus other applicable mobile home park space requirements.

(2) *Site location.* The proposed site shall be accessible to a major thoroughfare. All ingress and egress to the site shall be provided from the thoroughfare. The major road shall be paved and of sufficient design capacity as required by the Village Street Commission to safely and effectively handle any increased traffic which has or will be generated by the mobile home park. If the major road does not meet the required standards of the Village Street Commission, the developer of the mobile home park shall pay the costs of the necessary improvements before a special use permit is granted.

(3) *Site yard dimensions.* All buildings and mobile homes within the mobile home park site shall be no closer than 50 feet from any public street line and no closer than 50 feet from any side or rear property line of the mobile home park site. The setback space shall be occupied by plant materials and appropriately landscaped.

(4) *Site screening.* An obscuring structural fence or wall at least four feet but not more than six feet in height shall be erected and

used in combination with plant material to effectively screen the mobile home park site from surrounding uses. The plans and specifications for the mobile home park development shall include the proposed arrangements of the plantings and/or screening structures which shall be subject to the approval of the Planning Commission.

(5) *Site access.* All developments shall be provided with at least two points of entrance or exit from the mobile home park and the ingress and egress shall be paved to a minimum width of 36 feet. The entrance or exit drives or roadways shall be located no closer than 200 feet from the intersection of any two public roads.

(6) *Space requirements.* The minimum lot area or premises used or occupied by each mobile home shall be 4,500 square feet, exclusive of park drives, parking area, service facilities, and required recreation areas and the lot shall not be less than 45 feet in width.

(7) *Yard requirements.* There shall be a minimum side yard of 20 feet at any entry side of a mobile home and a minimum side yard of 12 feet at the non-entry side and 15 feet for corner lots. There shall be a minimum of ten feet between the ends of the mobile home and the rear lot lines. Expandable rooms, enclosed patios, or other structural appurtenances shall be included in determining the mobile home stand or concrete apron area. Patios and individual storage facilities shall be disregarded when determining yard widths. The edge of any internal paved street shall be deemed a site boundary line.

(8) *Setback.* No mobile home shall be located closer than 15 feet to any private street or roadway, nor shall it be located closer than 50 feet to any public right-of-way, or closer than 50 feet to any park boundary line.

(9) *Park roads.* Each mobile home lot or premises shall have access to a park driveway, roadway, or street which shall be paved to a minimum width of 24 feet and have a cross-section as approved by the Village Street Commission, provided that no parking shall be permitted on the roadway. No park shall provide or have direct access through any recorded single-family subdivision. The required paving width for the streets, roadways, or driveways may be adjusted if a one-way street pattern is proposed as part of the proposed site development. The one-way street shall be paved to a minimum width of 20 feet, provided no parking shall be permitted on the roadway.

(10) *Walks and curbs.* A 30-inch wide concrete walk shall be provided from the entrance of each mobile home to common walks. Common walks shall be four feet in width and shall provide access to all required service facilities within the mobile home park. Curbing shall also be provided and may be in the form of a one-piece curb, gutter, and sidewalk installation, where applicable.

(11) *Mobile home lot improvements.* A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy any minimum yard area or minimum distance as prescribed herein.

(a) Each mobile home site shall be provided with a minimum stand consisting of a solid concrete apron ten feet wide by 50 feet long. The concrete apron shall be constructed of reinforced concrete to a depth of four inches and shall be at least equal in area and dimension of the mobile home occupying the site.

(b) An outdoor patio area of not less than 180 square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.

(c) Each mobile home shall be supported on jacks or blocks uniformly throughout the mobile home park.

(d) Skirting shall be provided by the park or by the tenants uniformly throughout the park. The skirting will be of no less than 26-gauge metal and attachable to the concrete apron so as to prevent entrance of rodents and insects. One access door shall be permitted and screen vents shall be installed to permit cross ventilation.

(e) Tie-down facilities will also be incorporated into the concrete apron so that guy lines shall be installed under the mobile home at sufficient intervals to prevent upheaval of mobile homes during severe winds and storms.

(12) *Building height.* No building or structure shall exceed 15 feet in height, except that the one permanent building for conducting the business operation and for recreation center shall not exceed one and one-half stories or 20 feet in height. One central TV tower to service the mobile home park may also exceed this height restriction.

(13) *Lighting.* No spot or flood lights shall be used for lighting or advertising purposes. No other lighting for identification or advertising purposes shall have a visible source of illumination. No lighting shall shine on adjacent properties. All other lighting shall be in accordance with M.C.L.A. 125.2301 et seq., as amended.

(14) *Play areas.* Exclusive of other yard and open space requirements of this section, there shall be provided a usable outdoor play area at the rate of 75 square feet for each mobile home space in the mobile home park. The open space shall contain a minimum area of 12,000 square feet and should be developed and maintained by the management to provide for recreation for the children of the mobile home park.

(15) *Fuel tanks.* All fuel oil and all gas tanks shall be provided by the park and furnished to each site underground only. All tanks shall be of an approved type to comply with building code standards and shall be equipped with vent pipes and with fused valves.

(16) *Plumbing, water supply, and sewerage disposal.*

(a) Plumbing fixtures shall be connected to a public sanitary sewer or approved sewerage disposal system and shall meet the requirements of the County Health Department and the State Plumbing Code.

(b) The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, accidental damage, or from creating any type of nuisance or health hazard. If unsafe health conditions are present in either the water or sanitary sewer or disposal system, the special use permit will automatically be terminated upon the recommendation of the County Health Department.

(c) Running water from a public or state tested and approved water supply shall be piped to each mobile home and shall be adequately protected from frost. Municipal water shall be utilized if available and accessible.

(17) *Tenant storage.*

(a) Unless provided in current mobile home models, storage facilities shall be provided on the lot, or in compounds located within reasonable distance, generally not more than 100 feet from each stand. Storage cabinets shall provide a minimum of 90 cubic feet and shall not exceed 35 square feet in floor measurement.

(b) Storage facilities shall be designed in a manner that will enhance the appearance of the park and shall be constructed of suitable weather resistant materials appropriate under the use and maintenance contemplated.

(c) Storage of goods and articles underneath any mobile home or out of doors at any mobile home site shall be prohibited.

(18) *Recreation areas.* Exclusive of other yard and open space requirements of this section, common usable recreation space of at least 100 square feet per mobile home site in the park with a minimum area of 8,000 square feet, shall be developed and maintained by the management. The area or areas shall not be less than 100 feet in its smallest dimension and no further than 500 feet from any mobile home site served. An indoor area or recreation center shall be provided for inside recreation activities.

(19) *Fire regulations.* The mobile home park shall be subject to the rules and regulations of the State Fire Marshal.

(20) *Television antennas.* Every mobile home park shall construct a central television antenna with service to each mobile home site provided by underground wiring. Individual antennas on mobile homes shall be prohibited.

(21) *Fire hydrants.* Fire hydrants shall be provided and so spaced that no mobile home site is further than 400 feet from the hydrant.

(22) *Electricity, lighting, telephones, oil, and gas.* All wiring for electricity, lighting, and telephone connections shall be placed underground, as shall gas and oil lines. Street and yard lights shall be so placed and sufficient in number to permit the safe movement of vehicles and pedestrians at night.

(23) *Refuse and garbage.* All refuse and garbage shall be collected at least once weekly. Where public service is not available, the service shall be provided by the park. Central refuse incinerators may be permitted, subject to the review of the Zoning Administrator.

(24) *Storm shelter.* In addition to aforementioned accessory uses, there shall be provided an area within an enclosed structure, below grade, to be used as a fallout, storm or tornado shelter, and of sufficient size to accommodate the entire resident population of the park. The facility may or may not be in conjunction with the recreation building or mobile home park office building.

(25) *Mobile home sales.* The sale of mobile homes shall be permitted by individual owners, this shall not be construed, however, to allow the general sales of mobile homes as a dealership or franchise.

(26) *Occupancy.* No permit for occupying any completed mobile dwelling unit site shall be granted until all basic elements such as utilities, parking, access, drives, walkways, and all appurtenances such as landscaping, recreation areas, and swimming pools indicated on the approved plan have been inspected and approved or a performance bond equal to the estimated cost of these items has been posted. Further, no mobile dwelling unit shall occupy any site until at least 50% of the sites are prepared and approved for use.

(D) *Planned mobile home unit developments.* It is the purpose of this section to allow for an entirely new concept of mobile home development. Under the provisions of this chapter, mobile home parks may be so designed to allow for a cluster type of mobile home grouping with the clusters separated from each other by common open space and housing units developed with related recreational space such as golf courses, swimming pools, private parks, community centers, and other recreational facilities. It is also the intent of this section to allow the developer to use a more creative and imaginative design for mobile home parks, to preserve unusual natural features of the site, and to utilize excess or generally unusable land to bypass unusual natural obstacles, thereby reducing overall development costs of the project. All provisions of this section shall prevail, except as provided herein.

(1) Parks designed to provide a cluster type arrangement may reduce the lot size abutting on common open space by 10%, provided the reduced area be equally dedicated as common open space.

(2) The portion of the lot to be reduced shall be the rear yard, which may be reduced to two feet. The front and side yard setbacks shall remain uniform throughout the development.

(E) *Campgrounds.* Campgrounds for the accommodation only of travel trailers, self-propelled homes, or vehicles designed primarily for living or sleeping or used to carry units so designed with or without tents or tent trailers and operated on a seasonal basis between May 1 and December 1. The campground shall be subject to the requirements of the State Department of Health.

(1) No campground shall be located except with direct access to a county, state, or federal highway, with a minimum lot width of not less than 50 feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district or shall require movement of traffic from the campground through a residential district.

(2) The minimum lot area per campground shall be three acres, with a maximum of 20 acres.

(3) Spaces in campgrounds may be used by travel trailers provided they meet any additional laws and ordinances of the state and the county and shall be rented by the day or week only, and an occupant of the space shall remain in the same campground for a period of not more than 30 days.

(4) Management headquarters, recreational facilities, toilets, showers, laundry facilities, and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses in any district in which campgrounds are allowed, provided

that:

(a) The establishments and the parking area primarily related to their operations shall not occupy more than 10% of the area of the campground.

(b) The establishments shall be restricted in their use to occupants of the campground.

(c) The establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the campground.

(5) No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any freeway, expressway, or collector street, or within 25 feet of the right-of-way of any minor street.

(6) In addition to meeting the above requirements, the campground site plan shall be subject to the review and approval of the Mid-Michigan Health Department.

(7) Campgrounds shall be permitted in existing or proposed mobile home parks, subject to the provisions provided herein.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

### **§ 153.122 GASOLINE SERVICE STATIONS, AUTO REPAIR GARAGES, AND TRUCK STOPS.**

(A) *Authorization.* Facilities to serve motor vehicles are of considerable importance within urbanizing areas where the basic mode of transportation is by private automobile. To meet the demands of location and space for this type of retail facility requires careful planning to properly integrate the service station function into the pattern of other commercial and retail activities serving the community. Because the integration requires special considerations relating to location, site layout, storage facilities, traffic safety, and compatibility with surrounding uses of land, the following standards must be met.

(B) *Objectives.* It is the intent of this section to exercise a measure of control over service station buildings and their sites and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this section are to:

(1) Promote the type of development which will be compatible with other land use activities located in areas where service stations will be constructed.

(2) Control those aspects of service station design, site layout and operation which may, unless regulated, be damaging to surrounding uses of land.

(3) Minimize the traffic congestion and safety hazards which are inherent in service station activity.

(C) *Site development requirements.* The following requirements for site development, together with any other applicable requirements of this chapter, shall be complied with:

(1) *Minimum site size.* Fifteen thousand square feet with a minimum width of 150 feet.

(2) *Site location.* The proposed site shall have at least one property line on a major or secondary thoroughfare.

(3) *Canopy setback.* A canopy may be installed over gas station pump islands. The canopy shall be considered an accessory structure, subject to the standards of § 153.081(B), except that the following shall take precedence over the requirements of that section:

(a) The required setbacks for the canopy shall be half of the required setbacks for the principal structure in the Zoning District, from all lot lines.

(b) Canopies may be located in the front yard.

(4) *Access drives.* No more than two driveway approaches shall be permitted directly from any major or secondary thoroughfare, nor more than one driveway approach from any minor street, each of which shall not exceed 35 feet in width at the property line.

(a) If the service station site fronts on two or more streets, the driveways shall be located as far from the street intersection as practicable, but no less than 50 feet.

(b) No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line, as extended to the curb or pavement, or within 20 feet of any exterior (corner) lot lines as extended.

(c) Any two driveways giving access to a single street should be separated by an island with a minimum dimension of 20 feet at both the right-of-way line and the curb or edge of the pavement.

(5) *Curbing and paving.* A raised curb of at least six inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.

(6) *Signs.* As provided in § 153.083, provided that no signs, whether permanent or temporary, shall be permitted within the public right-of-way.

(7) *Off-street parking.* Off-street parking shall be provided in conformance with the schedule outlined in § 153.100.

(8) *Lighting.* Exterior lighting shall be so arranged so that it is deflected away from adjacent properties.

(Ord. 103, passed 5-5-1986; Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

**§ 153.123 (RESERVED).**

**§ 153.124 CUSTOMARY HOME OCCUPATIONS.**

(A) *Authorization.* It is the intent of this section to provide the Planning Commission with a framework of regulatory standards to be utilized as a basis for approving or disapproving home occupations.

(B) *Uses that may be permitted.* Customary home occupations may be carried on in residential structures under the following conditions:

(1) No more than one-half of the floor area of one story of the dwelling is devoted to the use.

(2) No outdoor activities are carried on in connection with the use, and that no more than one employee, other than the occupants of the dwelling, is engaged in the activities.

(3) No manufacturing or commercial storage uses may be considered home occupations. Offices for online sales are permitted, but in-person retail uses are prohibited.

(4) There shall be no external evidence of the occupations or uses except a small announcement or identification sign in accordance with § 153.083.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

**§ 153.125 MISCELLANEOUS SPECIAL USES.**

(A) *Authorization.* Because of particular functional and other inherent characteristics, certain land and structure uses have a high potential of being injurious to surrounding properties by depreciating the quality and value of the property. Many of these uses may also be injurious to the village as a whole unless they are controlled by minimum standards of construction and operation. It is the intent of this section to provide a framework of regulatory standards which can be utilized by the Planning Commission as a basis for approving or disapproving certain special uses which may be permitted by the issuance of a special use permit within the particular zone districts cited.

(B) *Site development requirements.* A special use permit shall not be issued for the occupancy or use of a structure or parcel of land, or for the erection, reconstruction, or alteration of a structure unless complying with the following site development requirements. Without limiting the powers of the Planning Commission in any other section of this chapter, the Planning Commission shall have the authority to revoke any special use permit when, after reasonable warning, the operators of any use permitted under this section fail to comply with any of the requirements stipulated.

(1) *Incinerators and sanitary fills.*

(a) All uses shall be established and maintained in accordance with all applicable state statutes.

(b) All active uses shall be enclosed by a fence six feet or more in height for the entire periphery of the property. Fences shall be adequate to prevent trespass and shall be placed no closer than 50 feet to the top or bottom of any slope.

(c) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form.

(d) The Planning Commission shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to minimize traffic hazards, and to prevent encroachment of traffic or the byproducts of traffic (such as dust and noise), upon adjacent properties.

(e) All permitted installations shall be maintained in a neat, orderly condition as to prevent injury to any single property, any individual, or to the village in general.

(2) *Sewage treatment and disposal installations.*

(a) All uses shall be established and maintained in accordance with all applicable state statutes. If any of the requirements of this division (B)(2) are less than those in applicable state statutes, the state requirements shall prevail.

(b) All operations shall be completely enclosed by a wire-link fence not less than six feet high.

(c) All operations and structures shall be surrounded on all sides by a transition strip at least 200 feet in width within which grass, plant materials, and structural screens shall be placed to minimize the appearance and odors of the installation. The Planning Commission shall approve all treatment of transition strips.

(3) *Drive-in theaters, race tracks, temporary and transient amusement enterprises, golf driving ranges, and miniature golf courses (i.e. commercial recreation facilities).*

(a) All sites shall be located on a major thoroughfare. All traffic ingress or egress shall be from the thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the major thoroughfare.

(b) All points of entrance or exit for motor vehicles shall be located no closer than 100 feet from the intersection of any two street(s) or highway(s).

(c) Golf driving ranges shall provide the safety screening as deemed reasonable and necessary by the Planning Commission to

protect the safety and welfare of adjacent areas.

(d) Race tracks and drive-in theaters shall be enclosed for their full periphery with an obscuring screen fence at least six feet in height. Fences shall be of sound construction, painted or otherwise finished neatly, attractively, and inconspicuously.

(e) Drive-in theater ticket gates shall be provided in accordance with the following ratios: one ticket gate for 300-car capacity theaters, two ticket gates for 600-car capacity theaters, three ticket gates for 800-car capacity theaters, four ticket gates for 1,000-car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least 30% of the vehicular capacity of the theater.

(f) Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of the view from any major thoroughfare. The picture screen tower shall not exceed 65 feet in height.

(g) For drive-in theaters, no more than two advertising signs not exceeding in aggregate more than 500 square feet shall be permitted. The signs shall only advertise the business and shall be so located as not to obstruct traffic or vision upon any public street. In no event is any one sign to exceed 250 square feet.

(4) *Adult entertainment establishments.* The proposed use shall only be allowed if:

(a) There are no other adult entertainment establishments within a 1,000 foot radius.

(b) There are no schools, libraries, churches, or public parks within a 500 foot radius of the proposed adult entertainment establishment.

(c) Nude entertainers and material depicting nudity may not be visible through the windows of the establishment.

(Ord. 230, passed 12-9-2014)

#### **§ 153.126 ACCESSORY RETAIL/RESTAURANTS IN THE M-1 DISTRICT.**

(A) *Authorization.* In recognition of the various accessory uses that have been found compatible and reasonably harmonious with industrial uses operated within the M-1 District, the village may authorize the construction, maintenance, and operation of accessory uses in certain areas within the industrial zoning district as specified in this section by the issuance of a special use permit. The permit shall not be issued unless all procedures and applicable requirements stated in § 153.115, together with the additional requirements of this section, can be complied with.

(B) *Accessory uses that may be permitted.* The following land and structure uses may be permitted on property within areas of the M-1 District:

(1) Retail sales of products related to the approved primary industrial use of the property, provided that items for sale must contain, or be related to, the materials or products originated or processed on the subject premises.

(2) Restaurants and/or brew pubs which provide for consumption on the premises. Restaurant uses in the M-1 District shall also be subject to the following:

(a) Shall not include a drive-in or drive-through component.

(b) No dancing or entertainment shall be permitted.

(c) Restaurants operated as an accessory use to the approved primary industrial use of the property shall meet all requirements of the M-1 District.

(Ord. 202, passed 4-21-2008; Ord. 230, passed 12-9-2014) Penalty, see § 153.999

#### **§ 153.127 WIRELESS TELECOMMUNICATIONS FACILITIES.**

(A) *Existing wireless telecommunications facilities.* The following shall apply to wireless telecommunications facilities constructed before January 1, 2015:

(1) No Planning Commission or Village Council approval shall be required for co-locations or modifications. The Zoning Administrator shall review all applications for compliance with this chapter, with input from the Village Planner or Village Engineer as necessary. The following standards shall apply to co-locations and modifications:

(a) All ground equipment must be enclosed by an opaque fence at least as tall as the tallest structure within the compound, not including the tower.

(b) The facility must be accessible from a public right-of-way via a driveway meeting the standards of this chapter.

(c) All RF emissions signage required by the FCC must be posted. All other FCC standards must be met.

(d) A structural report, signed by a licensed structural engineer, must be submitted. The report must show clearly that the tower is structurally sound and can safely carry the weight of all proposed new antennas.

(B) *New wireless telecommunications facilities.* The following shall apply to wireless telecommunications facilities constructed after January 1, 2015:

(1) The applicant must submit a report showing that all co-location opportunities nearby have been considered and that a new tower is necessary for one of the following reasons:

(a) Coverage would not be sufficient from any existing site.

(b) None of the potential co-location sites have towers that are structurally sound enough to carry the additional equipment.

(2) All ground equipment must be enclosed by an opaque fence at least as tall as the tallest structure within the compound, not including the tower.

(3) The facility must be accessible from a public right-of-way via a driveway meeting the standards of this chapter.

(4) All RF emissions signage required by the FCC must be posted. All other FCC standards must be met.

(5) A fall zone equal to the height of the tower must be maintained between the tower and the nearest structure outside the proposed compound.

(6) The building height standards for the zoning district in question shall not apply to towers for wireless telecommunications facilities. However, the tower shall be the lowest possible height to provide the necessary service coverage.

(Ord. 230, passed 12-9-2014)

### **§ 153.128 SOLAR ENERGY FACILITIES.**

The following standards shall apply to solar energy facilities.

(A) Solar energy facilities in the M-1 District must be approved by the Planning Commission through the site plan approval process described in § 153.087, and must meet the following standards:

(1) A report must be submitted to the village stating that the solar resources on the site are sufficient to achieve the goals of the solar energy facility.

(2) The setback and lot coverage standards for the M-1 district must be maintained.

(3) Sufficient access must be provided to the solar array to provide for maintenance.

(4) Screening landscaping or fencing as described in § 153.081(F)(3) must be provided along all lot lines, regardless of the abutting zoning district.

(B) Solar energy facilities in all other zoning districts must be approved by the Planning Commission through the special use approval process described in § 153.115, and must meet the following standards:

(1) The solar energy facility must be accessory to a permitted use the zoning district.

(2) A report must be submitted to the village stating that the solar resources on the site are sufficient to achieve the goals of the solar energy facility.

(3) The solar energy facility must be designed to provide electricity primarily for the principal use on the property.

(4) The solar energy facility shall be considered an accessory structure, subject to the provisions of § 153.081(B), unless the solar array is located on the roof of the principal structure. If the solar array is located on the roof of another accessory structure, it shall be considered part of that accessory structure.

(5) Sufficient access must be provided to the solar array to provide for maintenance.

(6) The solar energy facility must be screened from view from ground level of all adjacent properties, unless the solar energy facility is located on the roof of the principal structure or another accessory structure on the lot.

(Ord. 230, passed 12-9-2014)

### **§ 153.129 WIND ENERGY FACILITIES.**

Wind energy facilities in all zoning districts must be approved by the Planning Commission through the special use approval process described in § 153.115, and must meet the following standards:

(A) The wind energy facility must be accessory to a permitted use the zoning district, except in the M-1 district, where the wind energy facility may be the principal use.

(B) The wind energy facility must be designed to provide electricity primarily for the principal use on the property, except in the M-1 district.

(C) The setback and lot coverage standards for the zoning district in questions must be maintained.

(D) Sufficient access must be provided to the wind energy facility to provide for maintenance.

(E) A "fall zone" equal to the height of the windmill must be maintained between the windmill and any other structure.

(F) The building height standards for the zoning district in question shall not apply to towers for wind energy facilities. However, the windmill shall be the lowest possible height to produce the needed energy for the principal use on the property, except in the M-1 district, where it shall be the lowest possible height needed to produce the desired amount of electricity.

(Ord. 230, passed 12-9-2014)

### § 153.130 GOLF COURSES AND COUNTRY CLUBS.

The following standards shall apply to golf courses and country clubs.

(A) The site area shall be 50 acres or more and shall be so designed as to provide all ingress and egress directly onto or from a major arterial.

(B) A site plan of the proposed development shall be reviewed and approved by the Planning Commission. The site plan shall indicate the location of service roads, entrances, driveways, and parking areas and shall be so designed in relationship to the major arterial that pedestrian and vehicular traffic safety is encouraged.

(C) Development features shall be shown on the site plans, including the principal and accessory buildings, structures, and parking areas, and shall be so located as to minimize any possible adverse effects upon adjacent property. All principal or accessory buildings and parking areas shall be not less than 200 feet from any property line of abutting residentially zoned lands.

(D) The minimum number of off-street parking spaces shall be provided as required in § 153.100, including additional spaces which may be required for each accessory use, such as a restaurant or bar.

(E) Whenever a swimming pool is to be provided, the pool shall be located at least 100 feet from abutting residentially zoned property lines and shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate.

(F) All lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

(Ord. 230, passed 12-9-2014)

### § 153.131 GROUP HOUSING DEVELOPMENTS.

The following standards apply to group housing developments, including those types of residential housing customarily known as garden apartments, terrace apartments, townhouses, row housing units, and other housing structures of similar character.

(A) Two or more residential buildings of similar or different character may be built upon one lot or parcel of land when a site plan is submitted to and approved by the Planning Commission and when the following site development requirements have been complied with:

(1) The proposed project must be serviced by public or semi-private water, sanitary sewer, and storm sewer systems.

(2) *Minimum site area.* No group housing development shall be authorized with a gross site area of less than two acres.

(3) *Minimum lot area.* No group housing development shall be established on a lot or parcel having a width less than 150 feet, provided, however, that for group housing the average lot area per family or dwelling unit shall not be less than 2,500 square feet.

(4) *Maximum lot coverage.* Not more than 35% of the net area within property lines within a group housing project, including accessory buildings, shall be covered by buildings.

(5) *Yards and other open space.*

(a) *Between buildings.* The minimum horizontal distance between buildings (front to front, rear to rear, or front to rear) shall be 50 feet for buildings one story in height. This distance shall be increased by no less than five feet for every story added. The minimum distance between buildings may be decreased by as much as ten feet toward one end if it is increased by a similar distance at the other and consistent modifications are permitted by the Village Planning Commission to accommodate plans which are not conventional in their outline or in their relation to other buildings.

(b) *Between ends of buildings.* The horizontal distance between ends of buildings shall be 20 feet or more for one or two story buildings. These distances shall be increased by not less than five feet for every story added.

(c) *Closed courts.* No closed courts shall be permitted. However, open arcades or garden walls not over six feet in height shall not be deemed enclosing features.

(d) *Yard dimensions.* For buildings up to 35 feet in height, no building shall be closer than 25 feet to any street, 35 feet to any rear property line, or 20 feet to an interior side property line. For each one foot of building height above 35 feet, one foot shall be added to required front, side, and rear yards.

(e) *Other dimensions.* No dwelling unit in a group housing development shall be closer to a street or private access drive than 25 feet, or shall be further from a street or private access drive than 150 feet.

(f) *Usable open space.* A minimum usable open space area of 100 square feet per dwelling unit shall be provided within group housing developments. The open space shall be provided at ground level, unoccupied by principal or accessory buildings, and available to all occupants of the group housing development. Each open space so provided shall have a minimum total area of 1,200 square feet and shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking or loading space, but shall be usable for greenery, drying yards, recreational space, and other leisure activity normally carried on outdoors.

(6) *Signs.* Shall be in accordance with requirements specified in § 153.081.

(7) *Off-street parking space.* Shall be provided as specified in § 153.100.

(8) *Private streets.* Private streets or private access drives may be permitted within group housing developments, provided, that the



following minimum requirements are met:

(a) All streets, roadways, or private access drives will be paved to a minimum width of 20 feet when parking is prohibited. Additional widths for streets may be required by the Planning Commission based upon the particular density and building relationship of the proposed group housing development.

(b) No dead-end street or roadway shall serve more than 75 families as a means of vehicular access.

(c) Suitable turning facilities shall be provided for vehicles at the terminus of all dead end streets or roadways. A minimum radius of 50 feet shall be required for all turnarounds and additional width may be required by the Village Planning Commission after consideration of the vehicular needs of a particular group housing development proposal.

(d) Satisfactory arrangements have been made with the Planning Commission regarding the maintenance and repair of streets, roadways, or access drives.

(Ord. 230, passed 12-9-2014)

#### **§ 153.132 DRIVE-THROUGHS.**

The following standards apply to drive-throughs, regardless of the product or service being offered at the drive-through.

(A) Service may be in automobiles or outdoors, but all other activities shall be carried on within a building.

(B) Ingress and egress points shall be located at least 50 feet from the intersection of any two streets.

(C) All lighting shall be shielded from adjacent residential districts.

(D) All motor vehicle parking and standing areas shall be provided and improved in accordance with the requirements stated in § 153.100.

(Ord. 230, passed 12-9-2014)

#### **§ 153.133 JUNK YARDS.**

The following standards apply to junk yards:

(A) All uses shall be established and maintained in accordance with all applicable state statutes. If any of the requirements of this chapter are less than those in applicable state statutes, the state requirements shall prevail.

(B) The site shall be a minimum of one acre in size.

(C) An obscuring fence or wall at least eight feet in height shall be provided around the entire periphery of the site to screen the site from surrounding property. The fence or wall shall be of sound construction, painted, and otherwise finished neatly and inconspicuously.

(D) All activities shall be confined within the fenced in area. There shall be no piling of material above the height of the fence or wall, except that movable 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.

(E) All fenced in area shall be set back at least 100 feet from any front street or property line. The front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. The spacing and type of plant materials to be determined by the Planning Commission.

(F) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

(G) Whenever the installation abuts upon property within a residential or agricultural district, a transition strip of at least 200 feet in width shall be provided between the fenced in area and the property within a residential or agricultural district. The strip shall contain plant materials or grass and structural screens of a type approved by the Planning Commission.

(Ord. 230, passed 12-9-2014)

#### **§ 153.134 EXTRACTIVE USES.**

Excavation of soils and minerals. The excavation of peat, muck, sand, gravel, clay, shale, or other natural mineral deposit, including the quarrying of rock minerals, but except crude oil, may be authorized in the M-1 district by the Planning Commission by the issuance of a special use permit, provided that the following requirements are met:

(A) The applicant must provide the village with an acceptable plan for the reclamation of the excavation site at the end of its useful life. In addition to the plan required in § 153.115, the applicant shall submit plans and proposals for the reuse of the property after completion of excavation. As a minimum, the plans are to provide rehabilitation of the excavated area so that the proposed site, when rehabilitated, shall be in a condition of being lacking in hazards and be inconspicuous and blend into the natural ground form of the area. The plans shall include a contour plan.

(B) The village may require off-site community benefits as conditions of the special use approval, provided that they are directly related to the negative impacts of the quarry.

(C) All uses shall be established and maintained in accordance with all applicable state statutes. If any of the requirements of this

chapter are less than those in applicable state statutes, the state requirements shall prevail.

(D) The applicant shall file with the Planning Commission a performance bond in the amount as the Village Engineer shall deem sufficient to ensure completion of the work following excavation pursuant to the conditions as set forth in § 153.115.

(E) All uses shall be enclosed by a fence, adequate to prevent trespass and eight feet in height, and for the entire periphery of the excavation area. The top of the slope of the excavation shall not be closer than 50 feet from the property line.

(F) No slope shall exceed an angle with the horizontal of 45 degrees.

(G) All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration.

(H) The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.

(I) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, any individual, or to the village in general.

(J) Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. The measures may include, when considered necessary, limitations upon the practice of stockpiling of excavated materials on the site.

(K) When excavation and removal operations are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three-one (horizontal-vertical). A layer of arable topsoil, of a quality approved by the Village Engineer, shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of four inches in accordance with an approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.

(L) All areas within any single development shall be rehabilitated as they are worked out or abandoned so that they shall comply with the rehabilitation plan as approved by the issuance of the special use permit.

(M) Any extension of quarrying operations beyond the property lines actually quarried at the effective date of this chapter shall be considered as a new operation and shall require a special use permit. Any extension of an approved quarrying operation that was not included in the original special use permit shall require another special use permit.

(N) All existing pits at the effective date of this chapter shall be inspected by the Zoning Administrator to determine the nature and extent of nonconformity. The uses found to be nonconforming shall be so recorded and newly-excavated areas shall conform to the provisions of this chapter and rehabilitation of the presently operated nonconforming pit shall be made conforming as required through the issuance of a special use permit within one year of the inspection by the Zoning Administrator.

(Ord. 230, passed 12-9-2014)

## AMENDMENTS

### § 153.140 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 Districts Map of the village may be amended, supplemented, or changed by the Village Council in accordance with Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. 125.3101 through 125.3702, as amended.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)

### § 153.141 INITIATION OF AMENDMENTS.

Proposals for amendments, supplements, or changes may be initiated by the Village Council on its own motion or by petition of one or more owners of property to be affected by the proposed amendment.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)

### § 153.142 AMENDMENT PROCEDURE.

(A) *Petition.* Each petition by one or more owners for an amendment shall be submitted by application to the Village Clerk on a standard form provided. A fee as established by the Village Council shall be paid at the time of application to cover costs of necessary advertising for public hearing, for the use of a standard amendment sign, and investigation of the amendment request. No part of the fee shall be returnable to a petitioner. The Village Clerk shall transmit the application to the Planning Commission.

(B) *Public hearing.* After deliberations on any proposal, the Planning Commission shall conduct a public hearing before any regulations shall become effective. Not less than 15-days notice of the time and place of the public hearing shall first be published in an official paper or paper of general circulation in the village and not less than 15-days notice of the time and place of the public hearing shall first be given by registered United States mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected, and a hearing be granted any person interested at the time and place specified.

(C) *Planning Commission recommendation.* Following the public hearing, the Planning Commission shall issue a recommendation to the Village Council on whether to approve or deny the application.

(D) *Village Council action.* Based on the Planning Commission's recommendation, the Village Council shall take action on the rezoning application, either approving it or denying it.

(E) *Resubmittal.* No application for a rezoning which has been denied by the Village Council shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Village Council to be valid.

(Ord. 85, passed 2-2-1981; Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)

### **§ 153.143 REZONING WITH CONDITIONS.**

The village recognizes that, under certain instances, it may be to the village's and the landowner's advantage to consider rezoning of certain lands if the application is accompanied by a site plan and subject to certain conditions. Accordingly, it is the intent of this section to provide a conditional rezoning option to landowners in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

(A) *Eligibility.* An applicant shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. To be eligible for review as a conditional rezoning, the applicant must own the land in question or must have an interest in the property such as a lease or an agreement in principle to purchase the property. If the applicant is not the landowner, they must submit written consent from the landowner for the property to be the subject of the application. The applicant shall, as part of an application for rezoning of land to a new zoning district classification, voluntarily offer certain site-specific regulations or conditions that are equally or more restrictive than the regulations of this chapter for the proposed zoning district.

(B) *Application requirements.* A conditional rezoning amendment shall be initiated by submission of a complete application and site plan to the village, along with the required fee established by Village Council.

(1) *General information.* In the case of any amendment to the official Zoning Map, the following information shall accompany the application and fee:

(a) A legal description and street address of the subject land, together with a survey and location map identifying the subject land in relation to surrounding properties.

(b) The name, address, and contact information (phone, email, etc.) of the applicant.

(c) The name and address of the landowner, and a statement of the applicant's interest in the subject land, if not the owner in fee simple title.

(d) Written consent by the landowner for the property to be the subject of the application.

(e) The existing and proposed zoning district designation of the subject land and surrounding properties.

(f) A written description of how the requested amendment meets the criteria stated in this section.

(2) *Additional information for a conditional rezoning application.* The conditional rezoning application shall include the following additional information:

(a) Conditional rezoning site plan. The applicant shall provide a conditional rezoning site plan, including all required information in Section 9.1.5. The site plan shall be approved or denied along with the conditional rezoning.

(b) Rezoning conditions. The applicant, subject to the following, shall propose rezoning conditions in writing. Such rezoning conditions shall not:

1. Authorize uses or development of greater intensity or density than are permitted in the district proposed by the rezoning.

2. Authorize uses or development expressly or implicitly prohibited in the district proposed by the rezoning.

(D) *Review and approval procedures.* The review and approval process shall be the same as for rezoning amendments without conditions, as described in § 153.142.

(E) *Conditional rezoning agreement.* The applicant shall prepare a proposed conditional rezoning agreement. The proposed agreement shall incorporate the conditional rezoning plan proposed by the applicant, and shall set forth the rezoning conditions and any other terms mutually agreed upon by the parties relative to the land subject to the proposed conditional rezoning.

(1) *Contents and terms.* A conditional rezoning agreement shall include the following terms:

(a) Agreement and acknowledgment that the conditional rezoning was proposed by the applicant to induce the village to grant the rezoning, and that the village relied upon such proposal and would not have granted the rezoning but for the terms in the conditional rezoning agreement.

(b) Agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal laws and constitution, and that the conditional rezoning agreement is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the village.

(c) Agreement and understanding that the land in question shall not be developed or used in a manner that is inconsistent with the conditional rezoning plan and conditional rezoning agreement.

(d) Agreement and understanding that the approval and conditional rezoning agreement shall be binding for an agreed upon

amount of time, or inure to the benefit of the landowner and the village, and their respective heirs, successors, assigns, and transferees in perpetuity.

(e) Agreement and understanding that, if a conditional zoning becomes void in the manner provided in this section, no development shall be undertaken or permits for development issued until the underlying zoning district classification of the land has been re-established by resolution of the Village Council.

(f) Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.

(2) *Effective date and recording of conditional rezoning agreement.* A conditional rezoning shall become effective following both publication in the manner provided by law and recording of the conditional rezoning agreement with the Oakland County Register of Deeds office by the applicant with proof of recording given to the Clerk's Office.

(3) *Amendment of conditional rezoning agreement.* Amendment of a conditional rezoning agreement shall be proposed, reviewed, and approved in the same manner as a new conditional rezoning application.

(4) *Expiration of conditional rezoning agreement.* The conditional rezoning approval shall expire following a period of one year from the effective date of the rezoning unless:

(a) Approved development of the land commences within such one year period and proceeds diligently and in good faith as required by ordinance to completion; or

(b) The rezoning is extended for good cause by the Village Council as provided for in Section 9.8.8.I, Extension of Conditional Rezoning Approval.

(F) *Approval criteria.* The applicant shall have the burden of demonstrating that the following requirements and standards are met by the conditional rezoning plan, rezoning conditions, and conditional rezoning agreement:

(1) *Enhancement of the project area.* The Planning Commission shall determine that approval of the conditional rezoning shall:

(a) Accomplish the integration of the proposed land development project with the characteristics of the project area; and

(b) Result in an enhancement of the project area that would be unlikely to be achieved or would not be assured without the use of conditional rezoning.

(2) *In the public interest.*

(a) The Planning Commission shall determine that, in considering the site specific land use proposed by the applicant, sufficient conditions have been included in the conditional rezoning plan and conditional rezoning agreement so that the public interest would be served by granting the conditional rezoning.

(b) In determining whether approval of a proposal would be in the public interest, the benefits that would be reasonably expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles and factors.

(3) *Other amendment considerations.* In considering a conditional rezoning amendment, the Planning Commission and Village Council shall also consider the following factors:

(a) Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.

(b) Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with the site's physical, geological, hydrological, and other environmental features, including potential ground water contamination.

(c) Compatibility of all potential uses allowed in the zoning district(s) under the proposed conditional rezoning with surrounding uses, densities, and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(d) Capacity of available utilities and public services to accommodate all potential uses allowed in the zoning district(s) under the proposed conditional rezoning without compromising the health, safety, and welfare of village residents or burdening the village or Ingham County with unplanned capital improvement costs or other unplanned public expenses.

(e) Capability of the road system to safely and efficiently accommodate the expected traffic generated by all potential uses allowed in the zoning district(s) under the proposed conditional rezoning.

(f) The apparent demand for the types of potential uses allowed in the zoning district(s) under the proposed conditional rezoning in relation to the amount of land currently zoned and available in the village and surrounding communities to accommodate the demand.

(g) The boundaries of the proposed zoning district(s) in relationship to the surrounding area and the scale of future development on the site.

(h) The requested conditional rezoning will not create an isolated or incompatible zone in the area.

(i) Other factors deemed appropriate by the Village Council.

(G) *Zoning district designation.* If approved, the zoning classification of the rezoned land shall consist of the district to which the land has been rezoned accompanied by a reference to "CR" (Conditional Rezoning). For example, the Official Zoning Map designation for a conditional rezoning to the B-2 District would be "B-2/CR."

(H) *Re-application.* Whenever a conditional rezoning application has been rejected by the Village Council, a new application may be submitted, provided at least one of the following conditions is met:

- (1) There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- (2) New or additional information is available that was not available at the time of the review.
- (3) The new application is materially different from the prior application.
- (4) At least 365 days have passed since the rejection of the previous application.

(I) *Extension of conditional rezoning approval.* In the event that a bona fide development has not commenced within two years from the effective date of the rezoning, the conditional rezoning and conditional rezoning agreement shall be void and of no effect.

(1) The Village Council may approve one extension of up to 365 calendar days, upon written request by the applicant or landowner received by the Village Clerk before the two year time limit expires.

(2) The applicant for an extension shall show good cause why the extension should be granted.

(J) *Revert to former zoning.* If the conditional zoning becomes void and of no effect, then by automatic reverter set forth in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, the land shall revert to its former zoning classification, which shall be confirmed by resolution of the Village Council.

(K) *Change in use or ownership.* Any change in use or ownership on a site subject to a conditional rezoning agreement shall require Planning Commission review and approval to confirm that the site will still be in compliance with the approved conditional rezoning agreement. This approval shall be in addition to any other approval required for the proposed changes on the site.

(Ord. 230, passed 12-9-2014)

## **PLANNING COMMISSION**

### **§ 153.155 CREATION.**

There shall be a Village of Webberville Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. 125.3801 et seq., hereinafter referred to as the Commission with the powers and duties as therein set forth and as hereinafter provided and staffed Planning Department. This subchapter shall be officially known and described as the Village of Webberville Planning Commission Ordinance.

(Ord. 205 passed, 2-9-2009; Ord. 230, passed 12-9-2014)

### **§ 153.156 MEMBERSHIP.**

(A) The Commission shall consist of five members appointed by the Village President subject to approval by the Village Council. To be qualified to be a member and remain a member of the Commission, the individual shall meet the following qualifications:

- (1) Shall be a qualified elector of the village, except one non-qualified elector may be a member of the Commission.
- (2) Shall not be a declared candidate for any political office.
- (3) After an individual's first appointment and before reappointment shall have attended training for Commission members, pursuant to § 153.158 below, unless waived by a majority vote of the Planning Commission.
- (4) Shall meet the conditions provided for each individual member in sections of this subchapter, except the geographical location of the individual's residency may be considered optional.

(B) Members shall be appointed for three-year terms. However when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of all Commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of all Commission members continue to expire each year.

(C) The membership shall be representative of the important segments of the of community, such as the economic, governmental, educational, and social development of the village, in accordance with the major interests as they exist in the village, listed for example purposes as follows:

- (1) Agriculture.
- (2) Natural resources.
- (3) Recreation.
- (4) Education.

- (5) Public health.
- (6) Government.
- (7) Transportation.
- (8) Industry.
- (9) Commerce.

(D) The membership shall also be representative of the entire geography of the village to the extent practicable, and as a secondary consideration to the representation of the major interests.

(Ord. 205, passed 2-9-2009; Ord. 230, passed 12-9-2014)

#### **§ 153.157 PROFESSIONAL REVIEW AND ASSISTANCE.**

(A) The Commission may request professional reviews and assistance from village staff and consultants, including, but not limited to, the following:

- (1) Village Planner.
- (2) Village Clerk.
- (3) Village Attorney.
- (4) Village Engineer.
- (5) Zoning Administrator.
- (6) Department of Public Works.
- (7) Fire Department.
- (8) Ingham County Sheriff.

(Ord. 205, passed 2-9-2009; Ord. 230, passed 12-9-2014)

#### **§ 153.158 TRAINING.**

Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Village of Webberville budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this section shall deem a member who has not had training from finishing his or her term of office unless the member resigns or is removed by action of the Webberville Village Council.

(Ord. 205, passed 2-9-2009; Ord. 230, passed 12-9-2014)

#### **§ 153.159 MEMBERS, APPOINTMENT AND TERMS.**

The Village Clerk annually shall determine which members terms of office expire in that year and shall notify the Village President of such expirations.

(Ord. 205, passed 2-9-2009; Ord. 230, passed 12-9-2014)

#### **§ 153.160 REMOVAL FROM OFFICE.**

(A) The Village Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.

(B) The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Village Council.

(Ord. 205, passed 2-9-2009; Ord. 230, passed 12-9-2014)

#### **§ 153.161 MEMBERSHIP; VACANCIES.**

The Village Council shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

(Ord. 205, passed 2-9-2009; Ord. 230, passed 12-9-2014)

#### **§ 153.162 FIRST APPOINTMENT TO COMMISSION.**

The Village Council shall appoint all members of the Commission as specified in § 153.156 in the first instance as soon as practicable after the effective date of this subchapter.

(Ord. 205, passed 2-9-2009; Ord. 230, passed 12-9-2014)

### **§ 153.163 COMPENSATION.**

All members of the Planning Commission shall serve as such with compensation as established by resolution of the Village Council.  
(Ord. 205, passed 2-9-2009; Ord. 230, passed 12-9-2014)

### **§ 153.164 MEETINGS.**

(A) The Commission shall meet at least once every quarter and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.

(B) The affirmative vote of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

(Ord. 205, passed 2-9-2009; Ord. 230, passed 12-9-2014)

### **§ 153.165 POWERS AND DUTIES.**

(A) The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. 125.3801 et seq., and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L.A. 125.3101 et seq.).

(B) The Village Council hereby reserves the authority to approve the Master Plan and amendments thereto.

(C) *Temporary permits.* The Planning Commission shall be the authority to permit temporary structures for dwelling purposes, including trailer coaches, subject to the following procedures and limitations:

(1) An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the Board on a special form used exclusively for that purpose.

(2) The Board shall give due notice to the applicant and to all property owners within 300 feet of the property affected at least five days before the hearing will be held on the application.

(3) A temporary permit shall not be granted unless the Board finds adequate evidence that the proposed location of use will not be detrimental to property in the immediate vicinity, and that the proposed water supply and sanitary facilities have been approved by the County Health Department.

(4) The Board may impose any reasonable conditions, including setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.

(5) The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific time limit not to exceed six months. No permit shall be transferable to any other owner or occupant.

(Ord. 230, passed 12-9-2014)

### **§ 153.166 MEETINGS; RECORDS.**

The Commission shall adopt bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

(Ord. 205, passed 2-9-2009; Ord. 230, passed 12-9-2014)

### **§ 153.999 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(Ord. 146, passed 3-2-1998; Ord. 230, passed 12-9-2014)