

CHAPTER 153: ZONING

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GENERAL PROVISIONS

§ 153.001 SHORT TITLE.

This chapter shall be known as the “Zoning Ordinance of the Village of Pewamo” or “this chapter”.
(Ord., § 1.1, passed 8-5-1991)

§ 153.002 PURPOSE.

It is the purpose of this chapter to promote safety, health, morals, convenience and general welfare; to encourage the use of lands and natural resources within the village in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration population; to reduce hazards and to lessen congestion on the public streets and highways; to facilitate the adequate provision of streets and highways, sewage and drainage, water supply and distribution, educational and recreational facilities 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 herein; and to provide for the enforcement of such standards.

(Ord., § 1.2, passed 8-5-1991)

§ 153.003 SCOPE.

Where this chapter imposes greater restrictions than those imposed by other laws or ordinances or by private restrictions placed upon property by covenant, deed or other private agreements, the provisions of this chapter shall prevail.

(Ord., § 1.3, passed 8-5-1991)

§ 153.004 DEFINITIONS.

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

ACCESSORY USE. A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

ALTERATION. 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 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.

AS-BUILT PLANS. Revised construction plans in accordance with all approved field changes.

BASEMENT. The portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.

BERM. A lineal earthen mound of variable height and width, used as visual relief or transitional area between different land uses.

BREEZEWAY. Any structure connecting the principal dwelling unit with a freestanding accessory building.

BUFFER. A strip or parcel of land, privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment. Also referred to as a **GREENBELT**.

BUILDABLE AREA. The area on a lot or parcel exclusive of minimum yard requirements on which structures could be placed, provided maximum lot coverage requirements are not exceeded.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls.

BUILDING, ACCESSORY. A building subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which may or may not be attached to the main structure.

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. The line that faces the building nearest the front line of the lot, which includes enclosed porches but not steps.

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

BUILDING INSPECTOR. See "Zoning Administrator or Official".

BUILDING OFFICIAL. See "Zoning Administrator or Official".

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

CAR WASH, AUTOMATIC. An establishment providing facilities for the mechanical washing or waxing of automobiles. Such service to be provided without labor to the customer and, should it offer gasoline for sale, all requirements pertaining to gasoline service stations must be met.

CELLAR. A story having more than 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. Also, a **CELLAR** shall not be used as a separate business or for habitation.

CHURCH. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, maintained and controlled by a religious body organized to sustain public worship.

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

CLUB. 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 merchandise, vending or commercial activities except as required incidentally for the membership and purpose of the **CLUB**.

COMPREHENSIVE DEVELOPMENT PLAN. An adopted statement of policy by the Village Planning Commission for the physical pattern of future development within the village. Said Plan may consist of maps, data, charts and other descriptive materials.

CONVALESCENT HOME. Includes rest and nursing homes, convalescent homes and boarding homes for the aged; established to render nursing care for chronic or convalescent patients, but excludes facilities for care of active or violent patients, epileptics, alcoholics, senile psychotics or drug addicts.

COVERAGE. The percentage of the plat or lot covered by the building area.

DEDICATION. The intentional appropriation of land by the owner to public use.

DENSITY. The number of dwelling units situated on or to be developed on a net acre of land.

DEVELOPER. A natural person, firm, association, partnership, corporation or combination of any of them which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

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.

DWELLING. A building or portion thereof, designed or used exclusively for residential purposes.

DWELLING, MULTIPLE-FAMILY. A building containing three or more dwelling units; an apartment house.

DWELLING, ONE-FAMILY (SINGLE-FAMILY). A detached building containing not more than one dwelling unit.

DWELLING, TWO-FAMILY. A building containing not more than two separate dwelling units; a duplex.

DWELLING UNIT. A building, or portion thereof, designed for residential occupancy by not more than one family and having cooking facilities.

ERECTED. 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, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, 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 with but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities, departments or commissions or for the public health or safety or general welfare.

FAMILY. An individual, or two or more persons related by blood, marriage or adoption, or a group not to exceed two persons not related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit with single kitchen facilities, and distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or similar dwelling for group use.

FARM. Any parcel of land, containing at least 20 acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. Includes necessary **FARM** structures within prescribed property boundaries and the storage of equipment used. Excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

FENCE. An accessory structure intended for use as a barrier to property ingress or egress, a screen from objectionable vista, noise and/or for decorative use.

FLOOR AREA. The total enclosed **FLOOR AREA** of a structure used for residential purposes, excluding the **FLOOR AREA** of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways and porches. For manufacturing, business or commercial activities which, in the case of the latter, includes customer facilities, showcase facilities and sales facilities.

FLOOR AREA, GROSS. The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the foundation. Unenclosed porches, courtyards or patios, whether covered or uncovered shall not be considered as a part of the **GROSS FLOOR AREA** unless used for commercial purposes such as nursery beds or sales of outdoor equipment.

FLOOR AREA, USABLE. For purposes of computing parking requirements, the area to be used for the sale of merchandise or services, or to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of **USABLE FLOOR AREA**. Measurements of **USABLE FLOOR AREA** shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FRONTAGE. The length of the front property line of the lot, lots or tract of land abutting a public street, road or highway.

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 portion of a main building designed or used primarily for the storage of 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 building or premises used for the dispensing, sale or offering for sale at retail of any motor fuels, oils or lubricants. Also permitted are the sales and service of minor motor vehicle repairs such as tires, batteries, plugs, points, minor motor tune-ups, generators, starters, radiator and other hoses, fan belts and the replacement of small parts which are carried as stock for sale.

GROSS ACRES (as used in density computations). The total land area under the control of a developer or property owner.

GROUP HOUSING. A residential development involving the ultimate construction of two or more one-family, two-family or multiple-family dwellings or combination of multiple and two-family, or one-family dwellings on a lot, parcel or tract of land, or on a combination of lots under one ownership.

HOME OCCUPATION. An occupation customarily engaged in by residents in their own dwelling and incidental to the principal use, including instruction in crafts and fine arts.

HOSPITAL. Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two or more non-related persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or a convalescent home, as previously defined.

HOSPITAL, ANIMAL. A profit or nonprofit institution which maintains and operates facilities for the care and treatment of animals of any size.

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

IMPROVEMENTS. Any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, utilities, bridges, slips, waterways, lakes, bays, canals and other appropriate items, with appurtenant construction.

INDUSTRIAL DEVELOPMENT. A planned industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement and safety lane roadway improvements, where necessary.

JUNK. Miscellaneous dry solid waste material resulting from housekeeping, mercantile and manufacturing enterprises and offices, including but not limited to scrap metals, rubber and paper, abandoned, wrecked, unlicensed and inoperable automobiles and motor vehicles, rags, bottles, cans and comparable items.

JUNK YARD. A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used clothing, used furniture and household equipment, used cars in operable condition, used or salvaged materials as of manufacturing operations, but not to be used as a dump.

KENNEL. Any lot or premises used for the sale, boarding or breeding of dogs, cats and/or other household pets over the age of six months. Also the keeping of live dogs, cats or other household pets of the mammal group over the age of six months.

LIGHTING, SOURCE OF. The source of light shall refer to the light bulb or filament which is exposed or visible through clear materials. Exposed mercury vapor lamps or neon lamps shall be considered a direct **SOURCE OF LIGHT**.

LIVESTOCK. Animals such as horses, cattle, sheep, goats and swine.

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

LOT. Land occupied or to be occupied by a building and its accessory buildings, or by any other single activity permitted herein, together with such open spaces as are required under this chapter and having its principal frontage upon a street. A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

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

LOT, CORNER. A lot situated at the junction of two or more streets, or where the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with lot lines, other than street lines, forms an angle of 135 degrees or less. In the event that any street line

is a curve at its point of intersection with a lot line other than a street line, the tangent to the curve at that point shall be considered the direction of the street line. Any portion of a **CORNER LOT** whose nearest frontage is more than 100 feet from the point of intersection of the two street lines or of the two tangents shall be subject to the regulations applicable to either a through lot or an interior lot.

LOT COVERAGE. The percentage of a lot covered by the building area.

LOT, DEPTH OF. The average horizontal distance between the front lot line and the rear lot line.

LOT, FRONT OF. The side or sides of an interior or through lot which abuts a street. In a corner lot, the side or sides abutting either street may be considered as the front lot line, provided that the side selected as the front has the required minimum lot frontage and setback areas. A lot front shall also be evidenced by the street frontage that a structure is addressed to.

LOT, FRONTAGE. The portion of a lot extending along a street line. In odd-shaped or triangular-shaped lots the length of the **FRONTAGE** may be reduced to not less than one-half of any minimum frontage herein required, and the actual length of the street line shall not be less than 50 feet.

LOT LINE. The lines bounding a lot.

LOT OF RECORD. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Registrar of Deeds in this county, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds in the county.

LOT, OUT. When included within the boundary of a recorded plat, a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

LOT, WIDTH OF. The average horizontal width measured at right angles to the lot depth.

MANUFACTURED HOME. A dwelling unit prefabricated in part or total and transported to the building site for assembly as a permanent or temporary dwelling.

MARKET VALUE. The price that the structure can be expected to bring when sold in a given market.

MOBILE HOME. A structure, transportable in one or more sections which is built on a chassis and designed to be used as a dwelling or any other use when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems in the structure which has a title. The term **MOBILE HOME** shall not include pickup campers, travel trailers, converted buses or tent trailers. A double-wide, if built on a chassis to be towed, shall be considered a **MOBILE HOME**. If a double-wide is built on a permanent foundation and is without its own chassis to be towed, it shall be considered a conventional dwelling.

MOBILE HOME PAD. The part of a mobile home site designed for the placement of a mobile home, appurtenant structures or additions, including expandable rooms, enclosed patios, garages or structural additions.

MOBILE HOME PARK. A parcel or tract of land under the control of a person where three or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

MODULAR HOUSING UNIT. A unit constructed solely within a factory in various sized modules which are then transported by truck, or other removable undercarriage, to the site where they are assembled on permanent foundations, to form single-family dwellings which are either attached (in rows or clusters), stacked or detached.

MOTEL. A building or group of buildings, not more than two stories in height, detached or in connected units, used as individual sleeping or dwelling units for transient occupancy. Includes auto courts, tourist courts, motor hotels and similar appellations designed as individual rooms under common ownership.

MOTOR HOME. A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.

MOTOR VEHICLE. Every vehicle which is self-propelled, but not operated upon rails and as defined in Public Act 300 of 1949, being M.C.L.A. §§ 257.1 et seq.

MOTOR VEHICLE, DISMANTLED. A motor vehicle from which some part or parts, which are ordinarily a component thereof, have been removed or are missing and which render the vehicle incapable of being operated or propelled under its own power, and which condition exists and continues for a period of 24 consecutive hours.

NET ACREAGE (as used in density computation). Total gross acreage less acreage for publicly dedicated street right-of-way and public utility and storm drain easements not located in street rights-of-way.

NONCONFORMING BUILDING. Any lawful building or other structure which does not comply with the applicable bulk regulations for the district, either at the effective date of this chapter or as a result of a subsequent amendment thereto.

NONCONFORMING USE. Any lawful use of a building or land existing at the time of enactment of this chapter which does not conform to the regulations of the district or zone in which it is located.

NUISANCE. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being; or the generation of an excessive or concentrated movement of people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electric or atomic radiation, objectionable effluent, noise of a congregation of people, particularly at night, passing traffic, invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

OFF-STREET PARKING AREA. A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three or more automobiles or trucks. The term **PARKING AREA** shall include portions of access drives which give direct access to parking spaces.

PARKING SPACE. A land area of not less than ten by 18 feet, exclusive of driveways and aisles, and adjacent to driveways and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street or alley.

PET, HOUSEHOLD. Includes dogs, cats, canaries, parakeets and other kindred animals and fish usually and ordinarily kept as household pets. As used herein, it shall not be construed to include horses, mules, donkeys, cows, bulls, sheep, goats, rabbits, fowl and other domesticated animals.

PLANNED UNIT DEVELOPMENT (P.U.D.). 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.

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

PROFESSIONAL OFFICE. Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects and the like, but not including medical or dental clinics.

PUBLIC OPEN SPACE. Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

PUBLIC PARK. Any park, playground, beach, outdoor swimming pool or parkway within the jurisdiction and control of a governmental agency authorized by state statutes to own and maintain parks.

PUBLIC SEWER SYSTEM. A central or community sanitary sewage and collection system including pipes, conduits, manholes, pumping stations, sewage and wastewater treatment works, division and regulatory devices and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health, operated and maintained by the general public.

PUBLIC UTILITY. All persons, firms, corporations, copartnerships or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation or other services of a similar nature.

PUBLIC WATER SYSTEM. A central or community facility which provides potable water to users. This facility includes the necessary wells, pipes, pumps, treatment works, monitoring gauges and administrative offices necessary to protect the public health. This facility is operated and maintained by the general public.

RECREATION VEHICLE. Small, mobile units principally designed for recreational pastime, such as motor homes, camper trailers, pickup campers, tent trailers and similar camping type vehicles or trailers.

REFUSE. Any matter deemed disposable or of no monetary value, including but not limited to paper, rags, glass, metal and wood.

REFUSE STORAGE AREAS. Any exterior space designated by a site plan for containers, structures or other receptacle intended for temporary storage of solid waste materials.

RESTAURANT. A building where food is prepared and consumed only within the building.

RESTAURANT, DRIVE-IN. A location where food is prepared and consumed within or without the building or removed from the building and lot for consumption.

RESTAURANT, TAKE-OUT. A location where food is prepared or offered for sale but must be removed from the building and lot for consumption.

RETAIL STORE. Any building or structure in which goods, wares or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

ROOF LINE. The point at which the wall of a structure meets the roof. A parapet wall is considered to be above the **ROOF LINE**.

ROOM. Any area used for sleeping, living or preparation of food. Dining areas may be included in any living room or kitchen. Kitchens, bedrooms and living rooms may not be combined. Kitchenettes which are enclosed and not larger than 20 square feet shall not be considered as **ROOMS**. Hidden beds, either in furniture or walls, shall not be considered a combination of **ROOMS**.

ROOMER. Any person, not the principal tenant or a family member of the principal tenant, who resides in a dwelling unit and pays remuneration to the principal tenant, as distinguished from a "guest" who does not pay. The **ROOMER** shall not have private cooking facilities available. Rooms with private cooking facilities shall be considered apartments.

SALVAGE YARD. Any land or building over 200 square feet in area used for abandonment, storage, keeping, collection 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.

SHOPPING CENTER. A group of five or more commercial establishments planned, developed and managed as a unit with off-street parking provided on the same property and related in location, size and type of shops in the center.

SIGN. Any structure, part thereof or device attached thereto or painted or represented thereon on any material or thing, which displays letters, numerals, words, trademark or other representation used for direction or designation of any person, firm, organization, place, product, service, business or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside of the building.

SIGN, ADVERTISING. Any sign erected for the purpose of advertising a business, product, event, person or subject not relating to the premises on which said sign is located.

SIGN, ANIMATED. Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign; provided, however, the rotation of a sign turning at less than one complete rotation every 15 seconds shall not be considered **ANIMATED**.

SIGN, AREA. The area of sign structures, consisting of letters or symbols and any solid background surface on which they are mounted or integrally a part of shall be included in the calculation of total **SIGN AREA**. The area of open sign structures, consisting of letter 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, BUSINESS. Any sign erected for the purpose of advertising a business, product or subject related to the premises on which said sign is located.

SIGN, ENCROACHING. A sign which projects beyond the private property line into and over public property.

SIGN, FREESTANDING. A structure erected for the purpose of advertising a business or activity on the same parcel. Such structures shall not be attached to a building which may be located on the same parcel. Such a sign may also be known as a **PYLON SIGN**.

SIGN, GROUND. A sign which is supported by one or more uprights in, or upon the ground with any part of the display surface of the sign less than eight feet above the grade at the base of the sign.

SIGN, HOME OCCUPATION. Any sign used for the purpose of advertising services in conjunction with a lawful home occupation.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it, or of the ceiling above it. A basement shall be counted as a **STORY** if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story or if it is used for business or dwelling purposes.

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 floor above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

STORY, TWO. A building having the outside vertical walls extend from the top surface of the floor on the bottom story and intersecting at the minimum ceiling height of the second story.

STREET. A public dedicated right-of-way other than an alley, which provides primary access to abutting properties and over which the public has easement of vehicular access.

STRUCTURAL ALTERATION. 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, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include fences which are more than 50% solid, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word **STRUCTURE** shall not apply to wires and their supporting poles or frames of electrical or telephone utilities or to service utilities entirely below the ground.

SUBDIVISION. The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area are created by successive divisions within a period of ten years.

SWIMMING POOL. Any artificial or semi-artificial container capable of holding water to a depth of 18 inches or more at any point either above or below ground.

TOURIST-ORIENTED DIRECTIONAL SIGN. A sign used to provide motorists with advance notice of a lawful cultural, historical, recreational, educational or commercial activity that is annually attended by 2,000 or more people for which a major portion of the activity's income or visitors are derived during the normal business season.

TRAILER. Any structure used or designed for sleeping, living, business or storage purposes having no foundation other than wheels, blocks, skids, jacks or similar support and which has been or reasonably can be transported or drawn by automotive power.

USE. The principal purpose for which land or the main building is arranged, designed or intended, or for which it is or may be used, occupied or maintained.

VARIANCE. The granting to a petitioner, by the Board of Appeals, of permission to vary from the strict application of this chapter, as provided in §§ 153.030 through 153.047.

VILLAGE. The Village of Pewamo, Ionia County, Michigan.

YARD. Open space on the same lot with a building or group of buildings lying between the building and the nearest lot or street right-of-way line and unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs or fences as otherwise provided herein.

YARD, FRONT. Open space extending across the full width of the lot between the front lot line or the proposed front street line and the nearest line of the building or portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line of proposed front street line and the nearest point of the building or any portion thereof.

YARD, MINIMUM FRONT. The minimum yard requirement that extends the full width of a lot to a depth off the road right-of-way for that full width which must remain clear or open and in which no structures may be built.

YARD, REAR. Open space extending the full width of the lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building. On corner lots, the **REAR YARD** shall be considered as parallel to the street upon which the lot has its least dimension.

On both corner lots and interior lots, the **REAR YARD** shall in all cases be the opposite end of the lot from the front yard.

YARD, SIDE. Open, unoccupied space between the building and the side 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 or ZONING OFFICIAL. The Zoning Administrator of the Village of Pewamo as designated by the Village Council.

(Ord., Art. VIII, passed 8-5-1991; Ord. 2012-02, passed - -2012; Ord., passed 5-14-2018)

ADMINISTRATION

§ 153.015 ADMINISTRATION.

(A) The provisions of this chapter shall be administered by the Village Planning Commission and Village Council in accordance with Public Act 110 of 2006 being M.C.L.A. §§ 125.3101 et seq., Public Act 12 of 2008 being M.C.L.A. §§ 125.3101 et seq. and Public Act 33 of 2008 being M.C.L.A. §§ 125.3801 et seq.. The Village Council shall establish a Building and Zoning Department and shall employ a Zoning Official to act as its officer to affect the proper administration of this chapter. The term of employment, rate of compensation and any other conditions of employment shall be established by the Village Council. Nothing set forth herein shall be construed as prohibiting the village from entering into agreements with other entities for the purpose of sharing labor and administrative expenses in connection with administration and enforcement. Applications for building permits shall be filed with the county, and its Building Official shall oversee compliance and Building Code enforcement.

(B) All applications for zoning permits shall be submitted to the Zoning Official, or his or her designee, who may issue permits and certificates of occupancy when all applicable provisions of this chapter have been met. The Zoning Official shall be empowered to make inspections of premises to carry out his or her duties in the enforcement of this chapter.

(C) The Village Clerk shall record all nonconforming uses existing as of the effective date of this chapter for the purpose of carrying out the provisions of this chapter.

(Ord., § 2.1, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.016 BUILDING PERMITS.

The following shall apply in the issuance of any permit.

(A) *Requirements for permit.* The excavation for any building or structure shall not be commenced; the erection of, addition to, alteration of or moving of any building or structure shall not be undertaken; nor shall any land be used; and an existing use of land shall not be enlarged upon or changed to a use of a different type or class until a building permit or certificate of occupancy has been secured from appropriate officials. No building permit or certificate of occupancy or zoning compliance 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.

(B) *Expiration.* All building permits shall expire one year from and after date of issuance. The appropriate official may grant an extension of such permits for not more than three additional months upon good cause being shown by the permittee.

(C) *Sketch plan.* Except where a site plan meeting the standards of § 153.085 is required, there shall be submitted with all applications for permits one copy of a sketch plan showing:

- (1) The location, shape, area and dimension of the lot;

- (2) The location, dimension, height and bulk of the existing and/or proposed structures to be erected, altered or moved onto said lot;
- (3) Intended uses;
- (4) Proposed number of sleeping rooms, dwelling units, occupants, employees, customers or other uses;
- (5) The yard, open space and parking space dimensions; and
- (6) Any other information deemed necessary by the Building and Zoning Official to determine and provide for the enforcement of this chapter.

(D) *Inspection.* The development or usage proposed by any building permit shall be subject to two zoning compliance inspections concurrent with the first and final inspections required by the applicable building code. It shall be the duty of the permit holder to notify the Building and Zoning Official regarding the time that construction will be ready for inspection. Failure of the permit holder to make proper requests for inspections shall automatically cancel the permit issued and shall require the issuance of a new permit before construction may proceed or occupancy may be permitted.

(E) *Fees.* Fees for inspection and the issuance of permits or certificates required under this chapter shall be collected by the Building and Zoning Official in advance of issuance. The amount of fees shall be established and amended from time to time by the county and the Village Council, and shall cover the cost of inspection and supervision resulting from the enforcement of this chapter.

(Ord., § 2.2, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.017 CERTIFICATE OF OCCUPANCY.

(A) *Required.* No land shall be occupied or used or changed in use until a certificate of occupancy or zoning compliance shall have been issued by the Zoning Official, stating that the building and its proposed use comply with the provisions of this chapter.

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

(Ord., § 2.3, passed 8-5-1991; Ord. 2012-02, passed - -2012)

BOARD OF APPEALS

§ 153.030 MEMBERSHIP AND APPOINTMENT.

There shall be a Board of Appeals consisting of five members appointed by the Village Council; each member thereof to be appointed for a term of three years; provided, however, that the first members of the Board of Appeals shall be appointed for staggered terms of one, two and three years, respectively, so as to nearly as possible provide for the appointment of an equal number of members each year. After initial appointments, each member shall hold office for the full three-year term. In addition, the Council may appoint up to two alternate members for the same term. Alternates may be called upon on a rotating basis to sit in the absence of a regular member or when a regular member may, on a particular matter, have a conflict of interest. The foregoing notwithstanding, one regular member of the Zoning Board of Appeals shall be a member of the Planning Commission, and one regular member of the Zoning Board of Appeals may be a member of the Village Council. The terms of the members appointed from the Planning Commission and the Village Council shall run concurrently with their term of office in said bodies, or until their appointment is revoked by said body. The legislative body of the Village of Pewamo may act as a Zoning Board of Appeals and may establish rules to govern its procedure as a Zoning Board of Appeals.

(Ord., § 3.1, passed 8-5-1991; Ord. 2012-02, passed - -2012; Ord. passed 10-14-2019)

§ 153.031 POWER OF THE BOARD OF APPEALS.

The Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official charged with the enforcement of an ordinance adopted under M.C.L.A. §§ 125.3601 et seq. The Board of Appeals shall also hear and decide matters referred to the Board or upon which the Board is required to pass under this chapter.

(Ord., § 3.2, passed 8-5-1991)

§ 153.032 VOTE REQUIRED FOR DECISIONS OF THE BOARD OF APPEALS.

The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of an administrative official, or to decide in favor of the applicant on a matter upon which the Board is required to pass under this chapter.

(Ord., § 3.3, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.033 MEETINGS.

Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine for the efficient conduct of its business. The business which the Board of Appeals may perform shall be conducted at a public meeting held in compliance with Public Act 267 of 1976 (State Open Meetings Act), being M.C.L.A. §§ 15.231 through 15.246.

(Ord., § 3.4, passed 8-5-1991)

§ 153.034 RECORDS OF THE BOARD OF APPEALS.

A writing prepared, owned, used or in the possession of or retained by the Board of Appeals in the performance of an official function shall be made available to the public in accordance with Public Act 442 of 1976.

(Ord., § 3.5, passed 8-5-1991)

§ 153.035 BOARD OF APPEALS' HEARINGS, NOTICE.

The Board of Appeals shall schedule the hearing on an appeal within a reasonable time and provide notice of such hearing in accordance with § 153.126.

(Ord., § 3.6, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.036 DECISIONS OF THE BOARD OF APPEALS.

The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement decision or determination appealed from and shall make any order, requirement, decision or determination as, in the Board's opinion, ought to be made in the premises and to that end shall have all the powers of the office from whom the appeal is taken. If there are practical difficulties in the carrying out of the strict letter of this chapter, the Board of Appeals may, in passing upon appeals, vary or modify any of its rules or provisions relating to the construction or structural changes in equipment or alteration of buildings or structures or dimensions of buildings or structures so that the spirit of this chapter shall be observed, public safety secured and substantial justice done. The foregoing notwithstanding, the Board's powers shall not include the hearing of appeals from the decision of the Village Council or Planning Commission unless such specific appeal is authorized herein.

(Ord., § 3.7, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.037 APPEALS, BY WHOM TAKEN.

An appeal may be taken by any person aggrieved by the decision of any officer or department of the village.

(Ord., § 3.8, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.038 RULES OF PROCEDURE.

The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its own Chairperson, and in his or her absence, an acting Chairperson. Minutes shall be recorded of all proceedings which shall contain evidence and the date relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Village Clerk and shall be made available to the general public upon request. The Village Clerk shall act as Secretary of the Board of Appeals and all records of the Board's actions shall be taken and recorded under said Clerk's direction.

(Ord., § 3.9, passed 8-5-1991)

§ 153.039 COUNSEL.

The Village Attorney shall act as a legal counsel for the Board and shall be present at all meetings upon request of the Board.

(Ord., § 3.10, passed 8-5-1991)

§ 153.040 APPEALS.

A written notice of appeal specifying the grounds thereof shall be filed with the Village Clerk within ten days after the date of the action appealed from. A copy of the notice shall promptly be served upon the office from whom the appeal is taken who shall forthwith transmit to the Board all records upon which the action appealed from was taken. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Board that a stay would, in his or her opinion, cause eminent peril to life or property. In such case, proceedings shall not be stayed except upon restraining order by the Circuit Court.

(Ord., § 3.11, passed 8-5-1991)

§ 153.041 FEES.

A fee as established by the Village Council shall be paid to the Village Clerk at the time of the filing of the application for appeal with the Board. The purpose of such fee is to cover, in part, the necessary advertisements, investigations and other expenses incurred by the Board in connection with the appeal including compensation for Board of Appeals' members as established uniformly by the Village Council.

(Ord., § 3.12, passed 8-5-1991)

§ 153.042 SPECIFIC DUTIES AND POWERS.

The Village Board of Appeals shall not have the power to alter or change the zoning district classification of any property nor to make any change in the terms or intent of this chapter. The Board of Appeals does have the power to act on those matters where this chapter provides for an administrative review, interpretation, variance or exception.

(Ord., § 3.13, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.043 REVIEW.

The Board shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision or refusal made by the Building and Zoning Official or any other official in administering or enforcing any provisions of this chapter.

(Ord., § 3.14, passed 8-5-1991)

§ 153.044 INTERPRETATION.

The Board shall have the power to:

(A) Interpret upon request the provisions of this chapter in such a way to carry out its intent and purpose;

(B) Determine the precise location of the boundary lines between zoning districts; and

(C) Upon appeal from a decision regarding unclassified uses by the Planning Commission as provided in § 153.080(V), the Board of Appeals may classify a land use which is not specifically mentioned as a part of the use regulations of any zoning district to determine its compatibility or incompatibility with other uses in accordance with the purpose and intent of each district.

(Ord., § 3.15, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.045 VARIANCES.

In addition to the other duties and powers specified in this chapter, the Board, after public hearing, shall have the power to authorize specific variances from such 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 that all of the basic conditions listed herein and at least one of the special conditions listed thereafter can be satisfied.

(A) *Basic conditions.* Any variance granted from this chapter:

(1) Will not be contrary to the public interest or to the intent and purpose of this chapter;

(2) 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 temporary use permit is required;

(3) Will not cause substantial, adverse effect upon the property values in the immediate vicinity or in the district in which the property of the applicant is located;

(4) Is not one where the special conditions relating to the property are so general or recurrent in nature so as to make the formulation of a general regulation for such conditions reasonably practical; and

(5) Relates only to the property that is under the control of the applicant.

(B) *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:

(1) Where there are practical difficulties which prevent the carrying out of the express provisions of this chapter. Such difficulties shall not be deemed economic but shall be evaluated in terms of the use of the particular parcel of the land;

(2) 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. Such

circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this chapter; or

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

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

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

(2) Each variance granted under the provisions of this chapter shall become null and void unless the construction authorized by such variance or permit has been commenced within six months after the granting of the variance and the occupancy of land, premises or buildings authorized by the variance have taken place within one year after the granting of the variance.

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

(Ord., § 3.16, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.046 SPECIAL EXCEPTIONS.

(A) When, in its judgment, the public welfare will be served and the use of neighboring property will not be injured thereby, the Board may, in a specific case, after due notice and public hearing and subject to appropriate conditions and safeguards, determine and vary the application of the regulations of this chapter in harmony with the general character of the district and the intent and purposes of this chapter. The granting of a special exception shall in no way constitute a change in the basic uses permitted in the district effected nor on the property wherein the exception is permitted.

(B) The Board may issue either temporary or conditional permits as special exceptions for the following land and structure uses:

(1) *Temporary permits.* For temporary uses, temporary structures, partial structures including trailer coaches not located in a licensed mobile home park subject to the following procedures and limitations.

(a) Application for a permit for a use of a temporary or partial structure for dwelling purposes shall be made to the Board on a special form.

(b) The Board shall give due notice to the applicant and to all property owners within 300 feet of the property effected at least 15 days before the hearing will be held on such application.

(c) Said temporary permit shall not be granted unless the Board finds adequate evidence that the proposed location of the use will not be detrimental to the property in the immediate vicinity and that water and sanitary facilities have been approved by the appropriate health department.

(d) The Board may impose any reasonable conditions including setbacks, land coverage or off-street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of such condition shall invalidate the permit.

(e) The permit issued shall clearly set forth the conditions under which the permit is granted (e.g., during reconstruction of a permanent home destroyed by fire or other catastrophe) and shall state that the proposed temporary dwelling structure is to be vacated upon the expiration of a specific time limit not to exceed 12 months. No permit issued under this section shall be transferrable to any other owner or occupant.

(2) *Conditional permits for reduction and off-street parking requirements.*

(a) The Board may authorize a reduction, modification or waiver of any of the off-street parking or off-street loading regulations set forth in §§ 153.125 through 153.127, when the applicant has demonstrated that circumstances of extreme practical difficulty exist that would unquestionably result in hardship to the applicant when a literal interpretation of the regulations is required. Hardship shall not be deemed to be economic but shall be evaluated in terms of the use of the particular parcel of land. A hardship that is a result of any action of the applicant taken after the adoption of this chapter shall not be considered by the Board. The foregoing notwithstanding, in no case shall off-street parking or off-street loading standards be reduced by more than 25%.

(b) Joint use of off-street parking areas may be authorized when the capacities required in §§ 153.125 through 153.127 are met and when a copy of an agreement between joint users shall be filed with the application for a building permit and recorded as an easement with the Register of Deeds of this county guaranteeing continued use of the parking facilities for each party.

(Ord., § 3.17, passed 8-5-1991)

§ 153.047 BOND FOR COMPLIANCE/PERFORMANCE.

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

(Ord., § 3.18, passed 8-5-1991)

ZONING DISTRICTS

§ 153.060 ESTABLISHMENT OF DISTRICTS.

The village is hereby divided into the following districts:

R-1	Neighborhood Conservation District
R-2	Low Density Single-Family Residential District
R-3	Multi-Family Residential District
C-1	Central Business District
C-2	Highway Commercial District
I-1	Light Industrial District
A-1	Agricultural Rural Estate District

(Ord., § 4.1, passed 8-5-1991)

§ 153.061 ZONING DISTRICTS MAP.

(A) The areas and boundaries of such districts noted above are hereby established to scale as shown on a map entitled “Zoning District Map of the Village of Pewamo”, and is referred to here as the “Zoning Map”. Said Zoning Map, together with everything shown thereon, is hereby adopted by reference and declared to be a part of this chapter. A copy is included under Appendix A to this chapter.

(B) Regardless of the existence of copies of the Zoning Map which may be made or published, the official Zoning Map shall be located at the village office and shall be the final authority as to the current

zoning status in the village.

(C) Whenever any portion of a township is annexed to the village, the Village Council shall lawfully adopt zoning regulations within two years of the annexation. Any existing zoning regulations shall remain in full force until such time as the Village Council adopts such regulations.

(D) If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the official Zoning Map, such changes shall be entered on the official Zoning Map promptly after the amendment has been approved by the Village Council.

(Ord., § 4.2, passed 8-5-1991)

§ 153.062 INTERPRETATION OF DISTRICT BOUNDARIES.

(A) When uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerline of rivers, waterways, roads, streets, highways or alleys shall be construed to follow such centerline;

(2) Boundaries indicated as approximately following platted or unplatted lot lines shall be construed to follow such lot lines;

(3) Boundaries indicated as approximately following village boundaries shall be construed to follow village boundaries; and

(4) Distance not specifically indicated on the official Zoning Map shall be determined by the scale of the official Zoning Map.

(B) Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by divisions (A)(1) through (A)(4) above, the Zoning Administrator shall interpret the district boundaries. Upon appeal, the Zoning Board of Appeals reserves the right to review and uphold or override the interpretation of the Zoning Administrator.

(Ord., § 4.3, passed 8-5-1991)

§ 153.063 R-1 NEIGHBORHOOD CONSERVATION DISTRICT.

(A) *Description and purpose.* The R-1 District is established for those areas of the village that reflect an established land use pattern and are primarily residential in nature. The regulations are designed to protect the general character of the district and to maintain the quality of such areas for future residential use.

(B) *Uses permitted as a matter of right.* Single-family dwellings.

(C) *Uses permitted by special use permit.*

(1) Two-family dwelling or conversion of an existing single-family dwelling to a two-family dwelling;

(2) Churches;

(3) Schools;

(4) Parks and playgrounds;

(5) Essential services;

(6) Customary home occupations as an accessory to residential use; and

(7) Expansion of any of the above uses permitted by special use permit.

(D) *Accessory uses permitted when located on the same lot as a permitted primary use.*

- (1) Private auto garages, carports;
- (2) Child playhouse, swingsets and similar apparatus;
- (3) Doghouses, pens and similar structures;
- (4) Fallout shelters;
- (5) Swimming pool and/or bathhouse;
- (6) Porches, gazebos, decks and similar structures;
- (7) One "For Sale" or "For Rent" sign per lot; and
- (8) Tennis, basketball or volleyball court and similar uses for private use.

(E) *Bulk regulations.*

- (1) Minimum lot area:
 - (a) Single-family dwellings: 6,000 square feet;
 - (b) Two-family dwellings: 9,000 square feet; and
 - (c) All other uses: 20,000 square feet.
- (2) Minimum lot width:
 - (a) Single-family dwellings: 60 feet;
 - (b) Two-family dwellings: 85 feet; and
 - (c) All other uses: 100 feet.
- (3) Required front yard: 10 feet;
- (4) Required rear yard: 20 feet;
- (5) Required side yard:
 - (a) Residential uses: five feet, except that the street side of a corner lot shall provide a minimum 25-foot side yard; and
 - (b) All other uses: a 25-foot side yard shall be maintained.
- (6) Maximum lot coverage: 50%; and
- (7) Maximum building height:
 - (a) Single-family dwellings: 35 feet;
 - (b) Churches and schools: 40 feet; and
 - (c) All other uses: 35 feet.

(Ord., § 4.4(1), passed 8-5-1991)

§ 153.064 R-2 LOW DENSITY RESIDENTIAL DISTRICT.

(A) *Description and purpose.* The R-2 District is established to provide adequate locations for single-family development and to protect existing single-family development from the undesirable

effects of incompatible uses. Certain other residential and nonresidential uses are permitted where such uses are deemed to be compatible with single-family development.

(B) *Uses permitted as a matter of right.* Single-family dwellings.

(C) *Uses permitted by special use permit.*

- (1) Churches;
- (2) Schools;
- (3) Parks and playgrounds;
- (4) Essential services; and
- (5) Customary home occupations.

(D) *Accessory uses permitted when located on the same lot as a permitted primary use.* Same as R-1 District.

(E) *Bulk regulations.*

(1) Minimum lot area:

(a) Single-family dwellings: 8,000 square feet in areas served by both city water and city sewer systems; 10,000 square feet in all other areas; and

(b) All other uses: 20,000 square feet.

(2) Minimum lot width:

(a) Single-family dwellings: 70 feet; and

(b) All other uses: 100 feet.

(3) Required front yard:

(a) Single-family dwellings: 25 feet, except that where the two adjacent lots are developed, the established setback shall apply;

(b) Churches and schools: 50 feet; and

(c) All other uses: 25 feet, except that where the two adjacent lots are developed, the established setback shall apply.

(4) Required rear yard: 20 feet;

(5) Required side yard:

(a) Residential uses: ten feet, except that the street side of a corner lot shall provide a minimum 25-foot side yard; and

(b) All other uses: a 40-foot side yard shall be maintained.

(6) Maximum lot coverage: 50%; and

(7) Maximum building height:

(a) Single-family dwellings: 35 feet;

(b) Churches and schools: 40 feet; and

(c) All other uses: 35 feet.

(Ord., § 4.4(2), passed 8-5-1991)

§ 153.065 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

(A) *Description and purpose.* The R-3 District is established to provide adequate opportunities for multiple-family development and related or similar uses.

(B) *Uses permitted as a matter of right.*

- (1) One-family dwellings; and
- (2) Two-family dwellings.

(C) *Uses permitted by special use permit.*

- (1) Multiple-family dwellings;
- (2) Senior citizen housing;
- (3) Convalescent home;
- (4) Nursing home;
- (5) Hospital;
- (6) Nursery and day care center;
- (7) Mobile home parks;
- (8) Churches;
- (9) Schools;
- (10) Parks and playgrounds;
- (11) Customary home occupations; and
- (12) Government offices.

(D) *Accessory uses permitted when located on the same lot as a permitted primary use.*

- (1) Private auto garages, carports;
- (2) Child playhouse, swingsets and similar apparatus;
- (3) Doghouses, pens and similar structures;
- (4) Fallout shelters;
- (5) Swimming pool and/or bathhouse;
- (6) Porches, gazebos, decks and similar structures;
- (7) One "For Sale" or "For Rent" sign per lot; and
- (8) Tennis, basketball or volleyball court and similar uses for private use.

(E) *Bulk regulations.*

- (1) Minimum lot area:
 - (a) Single-family or two-family dwelling: same as R-1 District; and

(b) All other uses: 20,000 square feet or 5,000 square feet per dwelling unit whichever is greater.

(2) Minimum lot width:

(a) Single-family or two-family dwelling: same as R-1 District; and

(b) All other uses: 100 feet.

(3) Required front yard:

(a) Single-family or two-family dwelling: same as R-1 District; and

(b) All other uses: 50 feet.

(4) Required rear yard:

(a) Single-family or two-family dwelling: same as R-1 District; and

(b) All other uses: 25 feet.

(5) Required side yard: 25 feet, except that the street side of a corner lot shall provide a minimum 40 feet side yard;

(6) Maximum lot coverage: 50%; and

(7) Maximum building height: 40 feet.

(Ord., § 4.4(3), passed 8-5-1991)

§ 153.066 C-1 CENTRAL BUSINESS DISTRICT.

(A) *Description and purpose.* This district is established to provide areas for general commercial uses, including retail business or service establishments which meet the needs of the community and are consistent with the intended character of the Central Business District.

(B) *Uses permitted as a matter of right.*

(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 if the sale of the product is limited to the local retail store and not more than five persons are employed on the premises in such production;

(2) Other retail businesses such as drug, variety, dry goods, clothing, music, book, hardware, appliances or furniture stores;

(3) Personal service establishments which perform services on the premises such as barber or beauty shops, repair shops for shoes, radio, television, jewelry, self-service laundries and photographic studios;

(4) Professional offices of doctors, lawyers, architects, dentists, engineers, chiropractors and other similar professions and banks;

(5) Post office and similar governmental office buildings;

(6) Municipal buildings and service installations;

(7) Commercial schools, including art, music, dance, business, professional and trade;

(8) Restaurants;

(9) Service establishments including printing, publishing, photo reproduction, blueprinting and related trades or arts; and

(10) Any similar retail business whose principal activity is the sale of merchandise within an enclosed building.

(C) *Uses permitted by special use permit.*

(1) Assembly buildings, including dance pavilions, theaters, auditoriums, churches and private clubs, not including drive-in theaters;

(2) Medical or dental clinics;

(3) Retail food establishments, bakeries and similar uses employing more than five persons in food production;

(4) Public utility and service building not requiring a storage yard;

(5) Drive-in businesses, including banks, drive-in restaurants, dry cleaning pickup stations or similar personal services;

(6) Nurseries and day care centers, except nurseries and day care centers which are exempt from local zoning;

(7) Restaurants and clubs which permit the consumption of alcoholic beverages on the premises, or permit dancing or live entertainment;

(8) Repair and service establishments, including but not limited to lawn mower repair, snowmobile repair, boat repair or air conditioner repair shops that are operated in conjunction with a retail business;

(9) Mortuaries and funeral homes;

(10) Amusement establishments, including video and pinball arcades;

(11) Farm equipment sales;

(12) Rooming house, boarding house;

(13) Residential uses only when located at the second story level;

(14) Open air businesses;

(15) Vehicle service stations, including automobile repair and car washes but not including body shops;

(16) Commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, health and fitness salons, tennis and handball courts, or similar uses;

(17) Veterinary hospitals, clinics and kennels;

(18) Building supply and equipment establishments;

(19) Hotels and motels;

(20) Commercial enterprises producing merchandise on the premises;

(21) Amusement parks;

(22) Warehouses selling retail on the premises, provided there is no outside storage or stockpiling; and

(23) Automobile dealerships, including minor or major automobile repair as an accessory.

(D) *Accessory uses permitted when located on the same lot as the permitted primary uses.*

- (1) Automobile parking areas;
- (2) Loading areas; and
- (3) Signs, as regulated herein

(E) *Bulk regulations.*

- (1) Minimum lot area: 5,000 square feet;
- (2) Minimum lot width: 50 feet;
- (3) Required front yard: none, except that where the two adjacent lots are developed, the established setback shall apply;
- (4) Required rear yard: none, except that where the rear lot line abuts any residential district, a 25-foot rear yard setback shall be maintained;
- (5) Required side yard: none, except:
 - (a) Where a building is not constructed on the lot line, a five-foot setback is required;
 - (b) The street side of a corner lot shall provide a ten-foot setback; and
 - (c) Where the side lot line abuts a residential district, a 20-foot setback shall be required.
- (6) Maximum lot coverage: 100%; and
- (7) Maximum building height: 40 feet.

(Ord., § 4.4(4), passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.067 C-2 HIGHWAY COMMERCIAL DISTRICT.

(A) *Description and purpose.* This District is established to provide areas for general commercial activities, especially those likely to be located on or adjacent to high volume streets and roads, and away from concentrated residential areas.

(B) *Permitted uses as a matter of right.*

- (1) Those uses listed in § 153.066(B).
- (2) Those uses listed in § 153.066(C).

(C) *Accessory uses permitted when located on the same lot as the permitted primary uses.*

- (1) Automobile parking areas;
- (2) Loading areas; and
- (3) Signs, as regulated herein.

(D) *Bulk regulations.*

- (1) Minimum lot area: 10,000 square feet;
- (2) Minimum lot width: 75 feet;
- (3) Required front yard: 30 feet;

- (4) Required rear yard: 25 feet;
- (5) Required side yard: ten feet;
- (6) Maximum lot coverage: 50%; and
- (7) Maximum building height: 40 feet.

(Ord., § 4.4(5), passed 8-5-1991)

§ 153.068 I-1 LIGHT INDUSTRIAL DISTRICT.

(A) *Description and purpose.* The Light Industrial District is established for the purpose of designating certain portions of the village for industrial and wholesale uses such as manufacturing, fabricating, assembly, shipping, storage or warehousing of articles or materials.

(B) *Uses permitted as a matter of right.*

(1) Manufacture, compounding, processing, packaging, treating and assembling from previously prepared materials in the production of:

(a) Food products, including meat, dairy, fruits, vegetables, seafood, grain, bakery, confectionery, beverage and kindred foods;

(b) Textile mill products including woven fabric, knit goods, dyeing and finishing, floor covering, yarn and thread, and other textile goods;

(c) Apparel and other finished products made from fabrics, leather goods, fur, canvas and similar materials;

(d) Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps;

(e) Furniture and fixtures;

(f) Paperboard containers, building paper, building board and bookbinding;

(g) Printing and publishing;

(h) Chemical products such as plastics, perfumes and synthetic fibers;

(i) Manufacturing of engineering, measuring, optic, medical, lenses, photographic and similar instruments; and

(j) Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, lamp shades and similar manufacturing.

(2) Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products;

(3) Warehouses, cartage business;

(4) Laboratories, including experimental, film and testing;

(5) Trade or industrial schools and veterinary hospitals or clinics;

(6) Motor freight terminal including garaging and maintenance of equipment, freight forwarding, packing and crating services;

(7) Central dry cleaning plant;

(8) Municipal buildings and public service buildings;

(9) Electricity regulating substation, pressure control substation and pressure control station for gas, water and sewage;

(10) Grain storage and milling, feed store, storage and sales of agricultural products and similar uses; and

(11) Major automobile repair including automobile body shops.

(C) *Use permitted by special use permit.*

(1) Manufacturing, compounding, processing, packaging, treating, assembling and bulk storage of:

(a) Chemical products such as drugs, soaps, detergents, paints, enamels, wood chemicals, agricultural and allied chemicals;

(b) Rubber manufacturing or reclaiming, such as tires, tubes and footwear;

(c) Stone, clay, glass, cement, brick, pottery, abrasives, tile and related products;

(d) Primary metal industries, steel works, refining of nonferrous metals or alloys rolling and extruding; and

(e) Fabricated metal manufacturing, including engines, machinery, electrical equipment, metal stamping, wire products and structural metal products.

(2) Pulp and paper manufacturing;

(3) Heating and electric power generating plants;

(4) Mining, processing and transporting of stone, sand or gravel aggregate;

(5) Paving materials, roofing materials and other related industries;

(6) Water supply and treatment facilities;

(7) Waste disposal facilities including incinerators and recycling;

(8) Automobile repair establishments, including body shops;

(9) Contractors' yards and building materials storage;

(10) Lumberyards; and

(11) Veterinary hospitals, clinics and kennels.

(D) *Accessory uses permitted when located on the same lot as a permitted primary use.*

(1) Automobile or truck parking; and

(2) Signs as regulated herein.

(E) *Bulk regulations.*

(1) Minimum lot area: 20,000 square feet;

(2) Minimum lot width: 100 feet;

(3) Required front yard: 20 feet, except that where the two adjacent lots are developed, the established setback shall apply;

- (4) Required rear yard: ten feet, except where the rear lot line is adjacent to a residential zone, a 25-foot setback shall be maintained;
- (5) Required side yard: none, except:
 - (a) Where a building is not constructed on the lot line, a five-foot setback is required;
 - (b) The street side of a corner lot shall provide a ten-foot setback; and
 - (c) Where the side lot line abuts a residential district, a 20-foot setback shall be required.
- (6) Maximum lot coverage: 75%; and
- (7) Maximum building height: 40 feet.

(Ord., § 4.4(6), passed 8-5-1991)

§ 153.069 A-1 AGRICULTURAL/RURAL ESTATE DISTRICT.

(A) *Intent and purpose.* This zoning district is established to protect and preserve agricultural land and rural characteristics of the village. Another major purpose of this district is to provide opportunity for rural estate development. Accessory uses and certain nonresidential uses described herein are also allowed, according to their compatibility with existing uses.

(B) *Uses permitted by a matter of right.*

- (1) Agriculture, including horticulture, forestry and the raising or keeping of livestock and/or poultry, together with farm dwellings and buildings necessary to such farms including the operation of a roadside produce stand;
- (2) Additional supplementary uses, including accessory buildings as necessary and compatible with the character of the district;
- (3) Greenhouses or nurseries;
- (4) Freestanding identifying signs; and
- (5) Cemeteries which lawfully occupied land at the time of the adoption of this chapter.

(C) *Uses permitted by special use permit.* The following uses of land and structures may be permitted, subject to conditions hereinafter imposed for each use and by the application and the issuance of a special use permit:

- (1) Non-farm estate dwellings per 40 acres of land;
- (2) Temporary buildings for uses incidental to construction work. Such 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;
- (3) Railroad right-of-way, including all necessary trackage, switches and operating devices but excluding storage, marshaling yards, freight yards or sidings;
- (4) Golf courses and country clubs, other than golf driving ranges and miniature golf courses, subject to the following conditions:
 - (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 Village Planning Commission. Such 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 said site plans, including the principal and accessory buildings, 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) Whenever a swimming pool is to be provided, said 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 self-closing gate; and

(e) 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.

(5) 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 in the Land Use 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) No principal or accessory building shall be closer than 50 feet from any abutting residentially zoned property line.

(6) Other uses such as institutions for human care, religious institutions, educational and social institutions and public buildings; and

(7) The following minimum dimensions for lot area and width, for front, side and rear yards, together with maximum dimensions for lot coverage and building heights, shall be required for the principal structure and land use in this district except as noted:

(a) Minimum lot area: 40 acres except for public buildings;

(b) Minimum lot width: 150 feet along the street or road upon which the lot principally fronts;

(c) Maximum lot coverage: All buildings, including accessory buildings shall not cover more than 20% of the lot area;

(d) Minimum yard dimensions:

1. Front yard: 50 feet;

2. Side yard: 25 feet; and

3. Rear yard: 50 feet.

(e) Maximum building height: 40 feet; and

(f) Minimum dwelling floor area: 2,000 square feet exclusive of any attached garage, porch or breezeway

(Ord., § 4.4(7), passed 8-5-1991)

GENERAL REGULATIONS

§ 153.080 GENERAL PROVISIONS FOR ALL ZONES.

The following regulations shall apply in all zones.

(A) *Accessory buildings.* All accessory buildings shall conform to the following requirements.

(1) No accessory building may be built on any lot on which there is no principal building; provided, however, that where adjoining lots are in single ownership, they may be considered as one lot for placement of an accessory building.

(2) Accessory buildings in a rear yard shall not be located closer than three feet to any lot line; provided that where said lot line is a side lot line of an adjacent lot or is alley right-of-way line, no accessory building shall be located closer than six feet thereto unless a greater distance is required by other provisions of this chapter.

(3) Where an accessory building is located within 25 feet of a front yard on an adjacent lot, it shall meet the front yard setback requirement.

(4) No accessory building shall be closer than six feet to any other building on the same lot.

(5) A breezeway or roof, which meets current building codes, between an accessory building and another building shall be deemed to make both structures one.

(6) *Architectural compatibility.* All accessory buildings shall be architecturally compatible with the principle building (i.e building materials, roof pitch, height, etc.). A determination of architectural compatibility can be referred to the Planning Commission at the sole discretion of the Zoning Administrator.

(7) Accessory buildings and structures cannot be built of tubular frame construction.

(8) Accessory buildings and structures cannot be constructed of canvas, plastic film, vinyl siding, or similar material that does not provide long-term durability. This includes portable garages and car canopies.

(9) Accessory buildings shall not be located within a dedicated easement or right-of-way.

(B) *Animals.* Except as otherwise permitted by the State Right To Farm Act, being M.C.L.A. §§ 286.471 through 287.474, and the then-current generally accepted agricultural management practices (GAAMPS), the keeping, housing, raising, use or medical care of fowl or animals, other than house pets of an occupant of the premises, is prohibited except in the A-1 District. Where animals other than house pets of the owner of the premises are kept or allowed outside, a fence so constructed as to keep said animals from leaving the premises at will shall be provided and regularly maintained.

(C) *Area or space required.* No lot, yard, court, parking area or other space shall be so reduced in area or dimension as to make said area or dimension less than the minimum required under this chapter. If already less than the minimum required under this chapter, said area or dimension shall not be further reduced.

(D) *Basement dwellings.* The use of the basement of a partially built or planned building as a dwelling unit is prohibited in all zones.

(E) *Corner lot.* Where a lot is bounded by two intersecting streets, the front yard requirements shall be met on one abutting street only, provided that no portion of the lot within 25 feet of the side lot line of any adjoining property may be utilized unless the front yard requirement for the adjoining property is met. Either street frontage may be designated by the owner as the front street lot line, irrespective of the location of the building entryway.

(F) *Dwelling in the rear.* No dwelling shall be constructed, altered or moved in the rear of a principal building situated on the same lot nor shall any building be constructed in front of or moved in front of a dwelling situated on the same lot.

(G) *Essential services.* Essential services may be located in any zone with a special use permit.

(H) *Existing platted lots.* Any parcel of real property of record in single ownership at the time of adoption of this chapter that fails to comply with the minimum area and lot size requirements of this chapter may be used for a use permitted in its district, provided 90% compliance with each yard requirement is effected. Any existing parcel of record, in common ownership with adjacent parcels of record on or before the effective date of this chapter may each be used as separate lots if each such parcel or lot contains 90% of the required lot area. Where two or more such parcels in common ownership do not comply with 90% of the required lot area, they shall be combined or redivided to conform to this chapter. Where 40% or more of the lots in a block have been built upon at a smaller lot size, the Board of Appeals may grant a variance to this provision to conform to established neighborhood character.

(I) *Height exceptions.* The height requirements of all zones may be exceeded by parapet walls not over four feet in height, chimneys, silos and farm barns, television and radio antennas, cupolas, spires or other ornamental projections or water towers. In the Light Industrial District, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and other necessary appurtenances are permitted above the height limitations, provided they are located the same distance as their height from any adjoining property line.

(J) *Public uses.* Public land uses by local government and utilities may be located in any zoning district by right.

(K) *Lighting.* All light sources of more than 100 watts used to illuminate any structure, parking area or premises shall be diffused or shielded so as to not project onto adjacent premises and so that the direct source of such illumination is not visible from any public street.

(L) *Occupancy.* No new building, new portion of a building or portion of a building vacated to permit alterations shall be occupied or reoccupied until an occupancy permit is issued. No building declared unsafe or unfit for human habitation shall be occupied or used.

(M) *Open unoccupied space or yard.* No required, open unoccupied space shall be occupied by any structure except as regulated by the provisions of this chapter. The following uses are also permitted: anything excepted from the definition of a structure, landscaping, driveways, sidewalks, walls or fences, lighting standards and signs as hereinafter regulated, and cantilevered roof eaves not to exceed three feet of overhead into any such space and projections as permitted by division (O) below.

(N) *Principal use.* No lot shall contain more than one principal use. Where permitted, groups of buildings of the same use shall be considered as one principal use of the premises.

(O) *Projections.* Retractable awnings may be erected in any zone. Permanent awnings, canopies, marquees, eaves, balconies or decorative architectural projections may extend up to 28 inches into any required yard or over a public right-of-way where there is no yard required, provided that all such projections must be at least eight feet above the ground immediately below. In the C-1 Central Business District, the Village Council may approve other projecting structures over the public right-of-way. Before granting such approval the Council shall determine that the design and construction of said structure will provide a harmonious appearance with other similar existing structures.

(P) *Refuse.* The storage, collection or placing of discarded material, inoperable equipment, unlicensed and/or inoperable vehicles or other refuse is prohibited in all zones. Violators shall be given a 30-day notice to conform with this chapter before further regulatory action is taken.

(Q) *Restoring unsafe buildings.* Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the Building Inspector; provided, however, that any such restoration of a nonconforming structure shall not violate the provisions of this chapter regulating creation, expansion, construction or reconstruction of a nonconforming use or structure.

(R) *Sewer and water.* No building or occupancy permit shall be issued for any premises to be occupied by human beings unless the building is served by an available public sewer and public water system. In the event public sewer or water is not available, said premises shall be served by septic system and a well approved by the appropriate health department. The term “available public sewer or water system” shall be as defined in the State Public Health Code.

(S) *Vehicular traffic, site development plan.* The general and intensive use of the automobile requires careful study of the relationships between buildings, parking areas, driveways, streets, alleys, pedestrian walkways, traffic movements and visual obstructions or land uses or structures which generate or attract automobile or truck parking. To fully ensure the safety, convenience and well-being of the citizens and of the intended occupants of a particular use, the Planning Commission is hereby empowered to review a site development plan of any such use hereafter presented for review prior to the issuance of a building permit. Approval shall be subject to the following procedures and conditions:

(1) The Planning Commission shall ascertain that the proposed development is arranged:

(a) To provide convenient and safe automobile circulation and parking in relation to streets, pedestrian walkways and adjoining properties or parking areas;

(b) To ensure adequate sight distances;

(c) To minimize conflicts of traffic movements on public streets and upon the property involved; and

(d) To ensure the safety, convenience and well-being of adjoining property owners and other citizens.

(2) Except as to areas reserved to the County Road Commission, the Planning Commission is empowered to designate entryways and exits, the direction of traffic flow on off-street parking areas and drives, to limit the number of drives onto a public street, and to designate their location of intersection with a public street; and

(3) Upon approval of said plan, the Chairperson of the Planning Commission shall sign three copies thereof. One signed copy shall be returned to the applicant; one shall be made a part of the Planning Commission’s files; and one shall be forwarded to the Building Inspector for issuance of a building permit.

(T) *Traffic visibility.* In any zone other than C-1 Central Business District, on any corner lot, no fence, structure or planting over 30 inches in height above the curb line, except deciduous trees, shall be erected or maintained within 20 feet of the intersection right-of-way lines so as to interfere with traffic visibility across the corner. No structure or planting which is deemed a traffic hazard by the law enforcement officer shall be permitted in any zone.

(U) *Swimming pools.* Swimming pools are permitted in all districts, provided the following regulations are met.

(1) The pool shall be maintained in a clean and healthful condition in accordance with district health requirements.

(2) No swimming pool shall be emptied in any manner that will cause water to flow upon or be emptied upon any adjacent land.

(3) Every swimming pool constructed or existing below established surface grade shall be completely enclosed with a permanent substantial fence, at least six feet in height, and entry shall be by means of a controlled self-closing gate. No opening shall be designed or maintained as to permit access to the pool except under the supervision of the owner or with the owner’s permission.

(4) The swimming pool shall not be closer than ten feet to any side or rear lot line, and no part of any pool shall be constructed within a required front yard or required side yard.

(V) *Unclassified uses.* Where a proposed use of land or use of existing structure is not specifically addressed in an existing zoning classification herein, the Planning Commission, upon proper application, shall determine the zoning classification most compatible with the proposed use. Thereafter, said use shall be permitted within the requirements of said district upon compliance with the regulations thereof and such other restrictions as the Planning Commission may deem appropriate in the premises. A property owner may appeal the decision of the Planning Commission to the Board of Appeals. No proposed use shall be deemed “unclassified” if it is permitted by right, under special conditions or by special use permit, in any other zoning district described in this chapter.

(W) (1) **FENCE.** An artificially constructed barrier of wood, masonry, metal, or other manufactured material or combination of materials erected to enclose or separate areas.

(2) (a) No fence shall be erected prior to the issuance of a zoning permit by the Zoning Administrator. The permit application shall describe the fence and include the height, length, location, and material.

(b) *Right-of-way.* Fences shall not be erected within or extend into a street right-of-way.

(c) Fence types can include, but are not limited to, chain link, picket stockade, wood slat, shadow box and wrought iron. Woven wire fences, such as poultry netting, field fences, cattle fences, and snow fences are not permitted. No fence shall be constructed of corrugated metal or corrugated plastic or similar materials, or include old doors, wood pallets, or other discarded material.

(d) No fence shall contain barbed wire, electric current, broken glass, sharp edges, or other dangerous elements.

(e) *Height.* A residential fence shall not exceed a height of six feet, measured from grade to the highest point of the fence. Fences must comply with visibility controls. Fence height includes any barbed or razor wire additions that may be allowed on commercial or industrial zoned parcels.

(f) Height of fence shall be measured from the ground elevation prior to any filling, berming, or excavation.

(g) *Visibility.* No solid fence, hedge, tree, or other planted screen shall be erected or maintained within the clear vision triangle of two streets in such a way as to obstruct vision between the height of three feet and ten feet. Fences placed within the clear vision triangle shall comply with the requirements of this section.

1. *Clear vision triangle.* The clear vision triangle is formed by the intersecting rights-of-way of two intersecting streets and a line connecting the rights-of-way at points 25 feet from the point of intersection.

2. *Fences.* A fence shall provide visibility through a least 75% of its surface area through open spaces uniformly distributed along its surface area on any portion of said fence that is above three feet in height and within a clear vision triangle to meet the requirements of this section.

(h) The finished side, or most visibly attractive side of the fencing or wall, shall face the exterior property line. Fence posts shall be on the side of the fence facing the interior of the lot or parcel of land upon which the fence is constructed. Fences constructed of alternating boards on opposite sides of the supporting structure are considered as finished on both sides.

(i) Fences shall be maintained to retain their original appearance, shape, and configuration. Any fence that deteriorates due to a lack of repair or type of construction shall be deemed a nuisance and be repaired or removed. The village shall notify the owner of the property on which a fence is located and specify the time period in which required repairs shall be made or the fence removed at the owner's expense.

(j) Fences which enclose public or institutional parks, playgrounds, or school yards shall be an open type not exceeding six feet in height except as required for recreational purposes such as baseball backstops or similar purposes.

(k) Safety fences for pools and hot tubs shall comply with all applicable codes including required height.

(l) Garden fences, the purpose of which are to keep wildlife out of personal garden spaces, will be allowed during the growing and harvest seasons

(m) Snow fences will be allowed during winter months to control snow blowing and accumulation of snow in driveways.

(n) *Front yards and corner lots.* Fences placed in a front yard or in the side yard of a corner lot that abuts a street right-of-way shall be decorative in nature. Split rail and picket fences are examples of typical decorative fences. However, any fence that complies with the following requirements would be considered decorative:

1. *Height.* Decorative fences shall not exceed a height of four feet, measured from grade to the highest point of the fence;

2. *Surface.* Except as provided in division (g)2. of this section, decorative fences shall be no more than 50% solid, so as to ensure adequate visibility at the right-of-way or property line;

3. *Orientation.* Decorative fences shall be installed with the structural members or framing directed inward toward the property; and

4. *Material.* The use of wire fencing, including, but not limited to, so-called cyclone or chain link fencing, shall not be allowed on decorative fences.

(o) Fences must be installed on the property owner's property only. It is the homeowner's responsibility to determine the location of property lines and to verify that the fence being installed is within those property lines. The village does not intervene in property line disputes between adjacent homeowners or provide survey services

(X) *Yards.* Every lot must provide front yard, rear yard and side yard spaces as required by its zone district. All front yards must face upon a dedicated public street.

(Y) *Recreational parking and storage.*

(1) *Seasonal parking.* Parking of a recreational vehicle in a residential driveway is allowed during the customary season of use. Parking of out season recreational vehicles is considered in storage and would have to meet the storage criteria as identified below. Parking of recreational vehicles shall not obstruct views of pedestrians and/or drivers and shall be 15 feet from exterior edge of roadway and five feet from interior edge of sidewalk.

(2) *Storage.*

(a) *Location.* The recreational vehicle shall be parked on a lot with an inhabited dwelling unit as follows:

1. *Rear yard.* Setback distance shall be five feet from the rear lot line or shall meet the setback requirements of an accessory building.

2. *Side yard.* The recreational vehicle cannot project past the front wall of the house. Setback distance from the side lot line shall be three feet or shall meet the setback requirements of an accessory building.

(b) *Size.* The space which can be dedicated to vehicular storage shall not exceed one-half of the ground floor area of the main building.

(3) *Condition of recreational vehicle.* The recreational vehicle shall be fully operational and display the current license plate/registration. While vehicle is parked on a residential lot it cannot be used for living or housing purposes and shall not have any fixed connections to electricity, water, gas, or sanitary sewer.

(Ord., § 5.1, passed 8-5-1991; Ord. 2012-02, passed - -2012; Ord., passed 9-12-2016; Ord., passed 12-12-2016; Ord., passed 7-6-2018)

§ 153.081 GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS.

In addition to the provisions of § 153.060, the following provisions shall also apply in residential districts.

(A) *Home occupation.* Home occupations as defined in this chapter are permitted within single-family residences or in buildings accessory thereto.

(B) *Front and rear yard variations.* If 40% or more of all the frontage on one side of a street between two intersection streets has been developed with residences, the front yard so established shall prevail in the case of one- and two-family houses, but nothing in this section shall be construed to permit any new house to be located closer than 20 feet to the front street line, or to require a front yard setback for new homes of more than 40 feet from the front street line. Rear yards on existing lots of less than 115 feet depth may be reduced to 20 feet.

(C) *Soil removal.* All plans for grading, construction or filling for any subdivision or lot preparation which involves the removal of ground cover material shall conform to the Sedimentation Control Rules of the County Drain Commission.

(Ord., § 5.2, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.082 USES NOT PERMITTED IN ANY DISTRICT.

Uses not permitted in any district include the following:

- (A) Junk yards;
- (B) The manufacture of glue or gelatine, acids, acetylene gas, celluloid or cellulose, pyroxylin plastics, chlorine or bleaching powder, creosote, explosives, fireworks, matches or fertilizer;
- (C) The processing of fish or animal offal, or the refining of potash;
- (D) Primary metal reduction or smelting, steel furnaces, blooming or rolling mill or uses creating a public nuisance;
- (E) The wrecking, storage or dismantling of automobiles;
- (F) The storage of trash except in a designated recycling or processing station;
- (G) Any other uses which will constitute a hazard to health, safety or welfare, are unsightly or in any way create a nuisance or damage adjoining property; and
- (H) Land uses and activities which are violative of state, local or federal law shall be and are hereby prohibited in all zoning districts within the village.

(Ord., § 5.3, passed 8-5-1991; Ord. 2011-01, passed - -2011)

§ 153.083 AGRICULTURE ODOR CONTROL.

Surface application of animal waste as fertilizer shall be achieved in compliance with generally accepted agricultural management practices as determined by the State Department of Agriculture, and as permitted under the State Right To Farm Act, being M.C.L.A. §§ 286.471 through 287.474.

(Ord., § 5.4, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.084 NONCONFORMITIES.

(A) *Nonconforming uses and structures.* Lawful nonconforming uses or structures as defined in §§ 153.015 through 153.017 may be continued but shall not be enlarged, extended, added to or altered unless such enlargement, extension, alteration or addition is in conformity with the provisions of this chapter.

(B) *Nonconforming uses eliminated and abandonment.* Nonconforming uses may be eliminated in accordance with the provisions of the State Zoning Enabling Act, being M.C.L.A. §§125.3101 et seq. An otherwise valid nonconforming use which has been abandoned for six consecutive months or more shall be deemed to be eliminated and such nonconforming status revoked. Prior to revocation, the owner of the property whereon such nonconforming use exists shall be given a written notice of intent to revoke the nonconforming use, and a public hearing regarding such abandonment shall be noticed as provided in § 153.126.

(C) *Restoration and repair.*

(1) Such repairs and maintenance work as required to keep a nonconforming building or structure in a sound condition may be made.

(2) In the event any nonconforming building or structure shall be damaged by fire, wind or any act of God or the public enemy, it may be rebuilt or restored within one year, provided the cost of restoration thereof shall not exceed 60% of the replacement value of such building or structure. Such determination shall be made by the Zoning Administrator.

(D) *Change of use.* The use of a nonconforming building may be changed to another nonconforming use if the Board of Appeals finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this subchapter.

(E) *Nonconforming lots of record (substandard lots).* Any lot platted or created with the minimum requirements of its zone district may be used in the following manner.

(1) A lot in single ownership at the effective date of this chapter which contains less than 80% of the zone district width and area requirements and is not adjacent to lots owned by the same person, family, partnership or corporation may be sold and or utilized for a single-family dwelling.

(2) Any lot which meets 80% or more of the zone district width and area requirements may be sold and or utilized as a separate lot whether in single ownership or not; provided, however, that the front yard must conform to the requirements of the zone district in which said lot is located.

(3) Two or more adjacent lots containing less than 80% of the zone district requirements and owned by the same person, family, partnership or corporation at the effective date of this chapter shall be redivided to meet at least 80% of the zone district requirements; provided that the Board may permit the use or redivision of less than four such lots in conformity with the established character of existing adjoining homes.

(F) *Expansion.*

(1) Nonconforming uses shall not be extended, added to or enlarged.

(2) Nonconforming structures shall not be extended, added to or enlarged, unless such extension, alteration or addition is intended to bring said structure into conformity with the provisions of this chapter.

(3) Nonconforming lots of record (substandard lots) shall not be extended, added to or enlarged unless each such action results in more conforming lot sizes.

(Ord., § 5.5, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.085 SITE PLAN REVIEW AND APPROVAL.

It is recognized that land uses and their location may possess distinct characteristics which may affect the community, its residents and its thoroughfares. It is, therefore, necessary to require submission of a site plan for review and approval in accordance with guidelines and criteria set forth herein in order to ensure safe development and to avoid adverse impacts to the village and its citizens.

(A) *Site plan review by Zoning Administrator.* All applications for zoning compliance permits, special use permits, rezoning and variances, as governed in this chapter, shall first require site plan review by the Zoning Administrator.

(B) *Site plan approval.* Unless otherwise noted herein, all requests for zoning compliance permits for uses permitted as a matter of right must have site plan approval by the Zoning Administrator. All requests for special use or planned unit development approval must have site plan approval by the Village Planning Commission.

(C) *Standards for the review of site plans.* The site plan is to be reviewed in order to determine that:

(1) The proposed use conforms to the uses permitted either by right or by special use permit in the respective zoning district;

(2) The dimensional arrangement of buildings and structures conforms to the required yards, setbacks and height restrictions of this chapter, unless waived by variance granted by the Zoning Board of Appeals (ZBA);

(3) The proposed use conforms to all use and design provisions and requirements (if any) as found in this chapter for certain specific uses, unless waived by variance granted by ZBA;

(4) There is a proper relationship between the existing and proposed streets and highways within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic;

(5) The proposed on-site buildings, structures and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of access/egress, interior/exterior circulation, storm drainage, erosion, grading, lighting and parking, as specified by this chapter or any county or state law;

(6) As many natural features of the landscape shall be retained as possible where they can be useful to the development on the site or where they furnish a barrier or buffer between the project and adjoining properties (used for dissimilar purposes) or where they assist in preserving the general safety, health and appearance of the neighborhood, i.e., controlling erosion or the discharge of storm waters and the like;

(7) Any adverse effects of the proposed developments and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping (as provided or required in this chapter);

(8) In the case where the current use is commercial or industrial, not publicly sewered, and the application is to change, convert, add or expand such commercial or industrial use, a statement from the Health Department must be submitted certifying that the present on-site septic disposal system is adequate to meet the needs of the changed, converted, added or expanded use after development;

(9) All buildings and structures are accessible to emergency vehicles; and

(10) The site plan as approved is consistent with the intent and purpose of zoning which is to promote the public health, safety and general welfare to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; and to reduce hazards of life and property.

(D) *Conditional approval.*

(1) Reasonable conditions may be required by the Zoning Administrator for zoning compliance permits (or for the Planning Commission for special use permits) with the approval of a site plan. The conditions may include but are not limited to conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(a) Be designed to protect natural resources, the health, safety and general welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole;

(b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity; and

(c) Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

(2) The conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the designated site plan approval body and the landowner. A record of conditions which are changed shall be maintained by the respective approval body.

(3) Upon approval of the plan, the designated site plan approval body shall sign three copies thereof. Two copies shall be kept by the village and the third shall be returned to the applicant. All subsequent actions relating to the activity authorized by the approved site development plan shall be consistent with the plan unless a change conforming with this chapter receives mutual agreement with the landowner and the respective site plan approval body. For special uses, refer to §§ 153.030 through 153.047.

(E) *Design standards.* Compliance with design standards for certain uses enumerated in this chapter is required.

(F) *Final approved site plan.* A copy of the final approved site plan (and all “revised, final approved site plans”) shall be so marked and placed on file as the officially approved document of the applicant along with copies of any and all permits requested for the property in question. Approval of “revised, final site plans” can be made only by the designated body or the official who first gave final approval.

(G) *Conformity to approved site plan.* Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, and with any revisions, amendments or modifications made thereto. If construction and development does not conform with such approved plan, the approval thereof shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his or her last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.

(H) *Performance bond.* The designated site plan approval body is empowered to require a performance bond or, in its discretion, a certified check be posted by the applicant in order to ensure

that all zoning requirements and conditions of approval will be completed in accordance with the approved site development plan.

(l) *Site plan specifications.*

(1) An applicant shall submit three copies of all required information. For single-family and two-family dwellings and additions thereto, a sketch plan shall be provided showing the following information:

- (a) Boundaries of the property and existing lot lines drawn to approximate scale; and
- (b) The location and use of any existing or proposed building or structures on the lot.

(2) For all other uses, a complete site plan which shall include the following information shall be submitted:

(a) A vicinity area map at a convenient scale, showing proximity to any railroads, streams, streets and street intersections; the location of the nearest public roads on all sides; and all public facilities or amenities such as, schools, firehouses, houses of worship, recreational areas and the like;

(b) A map of applicant's entire subject property and all surrounding properties at a designated scale; and which shall display the following in detail (however, applicants for zoning compliance permits for single-family and two-family residences and agricultural uses need only summarize):

- 1. The name of all owners of record of adjacent property;
- 2. Existing fire, school and other special district boundaries within 500 feet of the tract, if any;
- 3. Boundaries or property and existing lot lines as shown on the existing plat or tax map;
- 4. Existing public streets, easements or other reservations of land;
- 5. Location of all existing structures on the site, as well as those of adjacent properties within 100 feet of subject lot line;
- 6. The location and use of any existing or proposed building or structure;
- 7. The proposed location of any use not requiring a structure, including walkways, benches, fences and recreational facilities;
- 8. Location and design of all driveways, parking and loading areas, if any;
- 9. Location of all existing and proposed water lines, valves and hydrants, and all sewer lines, if any;
- 10. Proposed fencing, screening and landscaping; and
- 11. Location of existing watercourses, wooded areas and rock outcrops, if any.

(c) A copy of any covenants or deed restrictions that are intended to cover all or part of the tract;

(d) Where the applicant wishes to develop the project in stages, a site plan indicating total development shall be presented for approval of the entire parcel; and

(e) The Zoning Administrator (for zoning compliance permits) and the Planning Commission (for special use permits) may require additional data where it is warranted due to special conditions of the site or complexity of the proposed development.

(Ord., § 5.6, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.086 SPECIAL USE PERMITS.

(A) *Generally.* In order that this chapter be flexible and reasonable, special uses are provided for herein and require special use permits by the Planning Commission. Conformance to special use standards is required, in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and distinct form that each specific use shall be considered on an individual case. The granting of a special use permit does not negate the requirements for any other permit(s).

(B) *Standards for the consideration of special uses.* The following standards shall be met and the special use in combination with the location proposed for such use shall not impair the general health, safety and welfare of the community at large. In general, there must be:

- (1) Safe access to the property in question and adjacent properties to fire and police protection;
- (2) No dangerous or hazardous traffic circulation on and off the site is created by the proposed use;
- (3) Transportation design proposals by the applicant if necessary, which will mitigate any potential traffic impact by the proposed use;
- (4) An appropriate relationship, similarity and compatibility between the location and scale of the proposed use to the size and type of uses, structures and buildings currently existing in the immediate vicinity, and which collectively comprise the overall character of the area;
- (5) The special use shall not decrease the market value of adjacent buildings, uses and structures which are permitted by right under current zoning, if the proposed use is granted;
- (6) The proposed use, the nature and intensity of the activities involved, the size of the site with respect to existing and future streets, parks and drainage systems will be in harmony with existing or proposed facilities in the area or district in question;
- (7) The applicant's proposed use, its location and intensity and the height of its buildings, walls, fences and other structures shall not adversely impact the character of the area;
- (8) The special use shall not cause any hazards arising from storage and use of inflammable fluids; and
- (9) The special use shall not be environmentally objectionable to nearby properties by reason of noise, fumes, pollution, vibration or lights to an extent which is more than would be the operations of any use permitted by right for that district wherein the special use is proposed.

(C) *Conditional approval.* Reasonable conditions may be required with the approval of a special land use by the Planning Commission. The conditions may include but are not limited to conditions necessary to ensure that public service and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- (1) Be designed to protect natural resources, the health, safety and welfare of the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;
- (3) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards; and

(4) The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approved action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

(D) *Required findings.* Before granting a special land use permit in addition to finding that it meets all of the previously stated requirements, the Planning Commission must find that:

(1) The proposed use will not adversely affect existing adjacent uses within 500 feet; and

(2) There will be no adverse effect upon the public health, safety or general welfare and that it will not impair the intent of this chapter.

(E) *Special use permit, site plan approval required; public hearing.* Site plan approval by the Planning Commission is required for all special use permits. Site plans may be initially reviewed by the Zoning Administrator for content. A hearing on an application for special use permit shall not be required unless requested by the approving body, the subject property owner or an owner or occupant of property located within 300 feet of the subject property, and notice of the public hearing shall be given pursuant to § 153.126.

(F) *Time limitation.* A special use permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease to function for more than 12 months for any reason, or has not begun within 12 months from date of issuance.

(G) *Existing violations.* No permit shall be issued for a special use for a property where there is an existing violation of this chapter.

(H) *Basis for decision in writing.* It is further provided that in granting or denying a special use permit, the Planning Commission shall specify in the written decision the particular reason relied upon and its relation to the proposed one.

(I) *Appeals.* Any and all appeals regarding a decision or condition imposed upon a special use applicant must be made to the Zoning Board of Appeals within 30 days from the date of decision or imposed condition.

(J) *Uses authorized by special use permit.* The following uses are authorized by special permit: automobile service stations, vehicular scale areas, repair shops and garages.

(Ord. 21, passed 8-2-1993; Ord. 2012-02, passed - -2012)

§ 153.087 MOBILE HOMES ON PRIVATE LOTS OUTSIDE MOBILE HOME PARKS.

Mobile homes on private lots outside mobile home parks are subject to the following requirements and conditions.

(A) No person shall place or occupy any mobile home as a dwelling within the village until a building permit has been issued, and upon completion, a certificate of occupancy has been issued pursuant to the requirements of this chapter, which certificate shall indicate satisfactory compliance with all requirements of this chapter and the Village Building Code.

(B) The mobile home placement and the property upon which it will be located shall meet all the requirements of this chapter relating to uses, size of premises, floor area and yard setback requirements specified for single-family residences for the particular zoning district in which the premises are situated.

(C) The floor to ceiling height within the living unit shall not be less than seven and one-half feet.

(D) The minimum width of any exterior side of the living unit shall not be less than 24 feet.

(E) The mobile home shall be installed pursuant to manufacturer's instructions, to a permanent foundation and be secured to the foundation by an anchoring system or device in compliance with rules of the State Mobile Home Commission.

(1) In addition, the mobile home shall have the wheels and tongue, used for transport, removed from the chassis and the underside or chassis shall be enclosed by a wall of the same perimeter dimensions as the mobile home, which is constructed of such materials and type as required in the applicable building code for single-family dwellings.

(2) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Building Code in effect in the village.

(F) Construction of, and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development *Mobile Home Construction and Safety Standards* (24 C.F.R. § 3280) and as from time to time amended.

(G) The mobile home unit must be aesthetically compatible in design and appearance with conventional on-site built residential homes in the vicinity according to the following minimum standards.

(1) Compatibility with homes in the vicinity shall mean within the zoning district in which the unit(s) are being placed.

(2) The dwelling unit shall have a roof with a pitch of at least 4 in 12 and said roof shall meet or exceed all roof snow load and strength requirements as prescribed by the United States Department of Housing and Urban Development *Mobile Home Construction and Safety Standards*.

(3) The unit shall have a roof drainage system capable of collecting roof surface water runoff to points of concentration along the sides that direct water away from the unit's foundations and/or footings.

(4) The unit shall have two exterior points of entry, one in the front and another either in the rear or on a side.

(5) The entries to the mobile home shall be equipped, as required by differences between the floor elevation and the surrounding grade, with steps or porches built in compliance with Village Building Codes.

(6) The exterior finish and materials will be reasonably similar in both type and appearance to those of residences in the vicinity as defined in division (G)(1) above to the extent that the exterior appearance is not significantly discernable as different from other conventionally built homes in the zoning district in which it is located.

(7) All additions to the original unit must be of equivalent construction and quality with the originally placed principal structure including foundations, or the adopted Building Code in effect if conventionally constructed on site.

(8) All units and manufactured additions thereto shall bear the HUD seal indicating compliance with HUD standard (24 C.F.R. § 3280).

(9) The determination of compliance with the minimum standards of aesthetic and design compatibility as required herein will, in the first instance, be made by the Zoning Official of the village upon review of the plans (floor and elevation drawings) submitted with the application for a building permit.

(10) The mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction and if public water and/or sewer facilities is/are available to the premises, said mobile home shall be connected thereto.

(11) As used herein, the term **MOBILE HOME** shall mean a movable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single-family dwelling; provided, however, that the term shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportation structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

(12) Any party aggrieved by any decision of the official in the interpretation and application of any provision of this section regulating placement of mobile homes on private lots outside of mobile home parks shall file an appeal with the Board of Appeals.

(Ord., § 5.7, passed 8-5-1991)

§ 153.088 ACCESSORY BUILDINGS AND STRUCTURES; RESIDENTIAL DISTRICTS AND USERS.

(A) Accessory buildings and structures shall only be located in the rear yard of an interior lot and within a side yard of a corner lot. On a through lot, an accessory structure may be located in the yard behind the dwelling, but shall meet the front yard setback requirement for the zoning district. Detached accessory buildings and structures up to 1,500 square feet in size shall be no closer than six feet from any lot line. Detached accessory buildings and structures greater than 1,500 square feet shall be no closer than 12 feet from any lot line. In both instances, the setback is measured from the closest point of the building.

(B) Accessory buildings shall be permitted in conjunction with Table 1, Residential Accessory Building and Structures:

Table 1 - Residential Accessory Building and Structures

Lot Size	Maximum number of Accessory Buildings	Maximum Building Size (square feet)	Maximum Building Height (feet to highest point)
10,000 square feet or less	1	720	16
Greater than 10,000 square feet, up to 1 acre	1	960	18
Greater than 1 acre up to 2 acres	2	3,000	24
Greater than 2 acres	4	6,000	28

(C) One additional storage shed shall be permitted for a residential district or use not to exceed 120 square feet in area.

(Ord., passed 12-12-2016)

SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES

§ 153.100 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

In addition to the regulations set forth in §§ 153.030 through 153.047 and 153.060 through 153.069, the following are specific regulations and design standards for uses listed in said articles, and shall be the minimum governing requirements for the protection of the public health, safety and general welfare of the community.

(Ord., § 6.1, passed 8-5-1991)

§ 153.101 MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS.

In recognition of the growing trend toward mobile home parks and subdivisions, and the need for well-located and properly developed areas to accommodate them, regulations are hereby prescribed for such use with appropriate construction and site development standards to promote the health, safety and general welfare of the residents of such areas, as well as the residents of adjoining and neighboring premises.

(A) *Eligibility.* The site of a mobile home park must be in accordance with the following site standards.

(1) The site must be located within the R-3 Zoning District.

(2) The site must be a minimum of ten acres in land area. However, an owner of a proposed site which has less than the minimum required area may apply if the subject land is adjacent to a lawfully approved or constructed mobile home park.

(3) A special use permit is required from the Planning Commission in accordance with the procedures established in this chapter.

(B) *Special conditions and limitations for mobile home parks.* Except as may be superseded by state law or regulation, all mobile home parks shall comply with the following standards.

(1) Each mobile home park shall have a paved access street that enters from a public street and shall provide a continuous route of travel throughout the park.

(2) Each mobile home park may have a maximum of six mobile homes per gross acre.

(3) All mobile homes shall be skirted within 60 days, weather permitting, following their placement within the mobile home park with standard skirting material or material of equal quality for both aesthetic purposes and to lessen heat loss and shall meet all requirements of the State Mobile Home Commission.

(4) All public and private utilities shall be installed underground.

(5) Each mobile home in a mobile home park shall be provided with public water and sewer service. The design of such water and sewer systems shall be approved by the Village Engineer and the State Department of Public Health.

(6) The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied within the mobile home park may be sold by a licensed dealer and/or broker, or by a resident of the mobile home development.

(Ord., § 6.2, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.102 DESIGN STANDARDS AND CONDITIONS FOR CERTAIN USES.

(A) *Signs and billboards.*

(1) *General regulations.* The following regulations apply to signs in all zoning districts.

(a) No person shall place, maintain or display within the village any sign, signal, marking, device, blinking, oscillating or rotating light or lights, decoration or banner which is or purports to be or is in imitation of or resembles or which can be mistaken for a traffic control device or railroad sign or signal, which attempts to direct the movement of traffic, or which hides from view or interferes with the

effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any street any traffic sign or signal bearing thereon any commercial advertising.

(b) No person shall place, maintain or display along any street any blinking, oscillating or rotating light or lights sufficiently similar in color and design that may be mistaken for the distinguishing lights authorized by law for emergency vehicles or that creates a hazard for the safety of drivers using said highways.

(c) No permanent or temporary business sign, billboard or other type of permanent or temporary sign shall be constructed, erected or attached to or painted upon a building prior to the issuance of a permit for such a sign by the Zoning Administrator.

(d) All signs shall be maintained in good condition and repair. All nonconforming signs may be maintained until such time as the sign structure must be replaced, after which the sign shall conform to the provisions of this chapter. This division (A)(1)(d) is not intended to prevent the painting or re-lettering of a sign.

(e) Tourist-oriented directional signs provided such signs are otherwise permitted by the State Transportation Department pursuant to 1996 PA 299 as amended.

(2) *Signs in residential districts.* In all residential districts, only the following shall be permitted:

(a) One non-illuminated professional or nameplate sign not more than 288 square inches in area;

(b) One non-illuminated temporary sign pertaining to an election, or the lease or sale of the premises upon which it is placed, not to exceed eight square feet in total area. Such sign shall be removed upon completion of a purchase or lease agreement. Election and campaign signs shall be removed within 48 hours of the election;

(c) A sign of not more than 35 square feet identifying the name and activities of a permitted nonresidential use when located on the same lot as the permitted use; and

(d) No sign permitted in any residential district shall be erected closer to any street or road than half the setback required for the principal building to be erected on said lot, provided that a nameplate or mailbox sign not more than 72 square inches in area may be placed anywhere within the front yard.

(3) *Signs in the C-1 and C-2 Commercial Districts.*

(a) Only signs pertaining to the use or occupancy of the building structure or premises to which such signs are attached are permitted in the commercial districts.

(b) Billboards are specifically prohibited in these districts.

(c) The total area of all signs located on a lot shall not exceed 100 square feet in size.

(d) All signs must be attached flat against the building, except that one freestanding or pylon sign may be permitted, not to exceed 35 square feet in area, provided said freestanding sign is located at least five feet from the street right-of-way.

(e) A sign facing residentially zoned property shall not be located within 50 feet of a residential lot line.

(f) Signs shall not project above the roof line or parapet wall around the roof.

(g) Gasoline service stations, automotive sales areas and automotive repair shops may display in addition to the foregoing signs, the following signs which are deemed customary and necessary to their respective business:

1. One freestanding or pylon sign, provided that such sign shall not exceed 35 square feet in area on a side;
2. Two temporary signs located inside the property line advertising special seasonal servicing or gas pricing, provided that each such sign does not exceed nine square feet in area;
3. Directional signs or lettering displayed over individual entrance doors or bays;
4. Customary lettering insignias which are a structural part of a gasoline pump island;
5. A non-illuminated credit card sign; and
6. The Planning Commission may authorize the display of temporary banners or signs sponsored by a nonprofit organization advertising a community event, even though said sign or banner may not conform to the regulations of this district. Temporary signs shall be removed within five days of the completion of the event.

(4) *Signs in the Industrial District.* The following signs are permitted in the Industrial District:

- (a) Any sign permitted, as regulated, in the commercial districts; and
- (b) Billboards are permitted, provided they shall not exceed 300 square feet in area. No billboard shall be erected closer than 300 feet to any other billboard. The yard requirements for a principal building shall be met.

(B) *Home occupation requirements.*

- (1) Applications for approval of home occupations shall provide the following information:
 - (a) A written description of the nature of the occupation;
 - (b) Number and type of vehicles involved;
 - (c) Hours of operation;
 - (d) A site drawing showing the structures to be used;
 - (e) Number of employees; and
 - (f) Noise level.
- (2) All activities shall be conducted within the dwelling or accessory buildings.
- (3) No more than three persons who are not residents of the dwelling shall be employed on premises.
- (4) No more than 25% of the floor area of the dwelling shall be devoted to such home occupation.
- (5) Such home occupation shall not require external alterations of construction features not customary to dwelling.
- (6) Home occupation shall be compatible with residential uses or same and/or adjacent lots.

(Ord., § 6.3, passed 8-5-1991; Ord., passed 5-14-2018) Penalty, see § 153.999

§ 153.103 LOCATION OF ADULT BUSINESSES.

(A) *Uses authorized by special use permit.* Uses authorized by special permit include the following: adult motion picture theaters; bookstores; massage parlors, under provisions of this chapter.

(B) *Special uses that may be permitted; site development requirements for adult motion picture theaters; bookstores; massage parlors.* The following land and structures used may be permitted within the particular zone districts cited, provided the applicable specified conditions established in this subchapter are complied with.

(C) *Purpose.* The purpose and intent of this section is to regulate the location of, but not to exclude, adult bookstores, adult motion picture theaters, adult mini-motion picture theaters and massage parlors in the village, by preventing the concentration of such used in one area. This regulation is done with the understanding that the village recognizes that there are some uses which, because of their nature, have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a delirious effect upon adjacent resident and commercial areas. The village recognizes that the regulation of such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of a surrounding residential neighborhood.

(D) *Location of uses.* No building or land, and no building hereafter erected, converted or structurally altered, shall be used as an adult bookstore, adult motion picture theater, adult mini-motion picture theater or massage parlor within 400 feet of the property line of any residentially zoned district as defined in this chapter or within 1,000 feet of any public school or public facility or religious site of assembly, worship and school. No adult bookstore, adult theater or massage parlor shall be located within 450 feet of any other establishment known as an adult bookstore, adult motion picture theater, adult mini-motion picture theater or massage parlor.

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

ADULT BOOKSTORE. An establishment which excludes minors, as defined in M.C.L.A. §§ 722.51 et seq. and has, as a substantial or significant portion of its stock in trade, books, periodicals, magazines, pamphlets, pictures, photographs, motion picture films and/or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity, sado-masochistic abuse or sexual conduct.

ADULT MOTION PICTURE THEATER. An establishment, whether in a completely enclosed building or not, which excludes minors, as defined in M.C.L.A. §§ 722.51 et seq., and offers, for an admission fee, membership fee or other valuable consideration, the viewing of motion picture films, pictures or photographs, which are distinguished or characterized by their emphasis on nudity, sadomasochistic abuse or sexual conduct, during more than 25% of its operating hours.

ADULT MINI-MOTION PICTURE THEATER. An enclosed building or any portion of a building or any portion of a building from which minors, as defined in M.C.L.A. §§ 722.51 et seq., are excluded, and which is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual conduct, nudity or sado-masochistic abuse, by any means of display, including without limitation by motion picture, mechanical amusement devices, television (including videotape or closed circuit) or live performances for observation by patrons therein.

MASSAGE PARLOR. Any establishment which offers services in the form of massages, health rubs, rub down, stress stroking or other forms of manual manipulation, singly or in combination, to club members or to the public for charge. **MASSAGE PARLOR** does not include:

(a) Activities in hospitals, nursing homes, medial clinics or the office or quarters of physician, surgeons, chiropractors or osteopaths;

(b) Exercise clubs exclusively for members or clientele where the services do not include any form of massage;

(c) Exercise or health clubs or health spas where aerobic physical fitness and physiologic muscle joint improvement activities occupy 90% of the program and also concurrently uses massage

therapy as a form of physical therapy administered by a certified and licensed therapist; or

(d) Barbershops or beauty parlors.

NUDITY. Uncovered or less than opaquely covered post-pubertal human male or female genitals, pubic area or buttocks.

OFFERED FOR SALE. Offered in exchange for money, membership fee or any other valuable consideration.

SADO-MASOCHISTIC. Flagellation or torture by or upon a human.

SEXUAL CONDUCT. Any of the following actual or simulated acts: human sexual intercourse (homosexual or heterosexual), human or animal masturbation, bestiality, fellatio, cunnilingus, human excretory functions, homosexuality or lesbianism.

(F) *Building requirements.*

(1) *Lot area and width.* No minimum required.

(2) *Site development plan.* Approval by the Planning Commission is required by all uses.

(G) *Effective date.* This section shall take effect and be in force 20 days after its adoption.

(Ord. 21, passed 8-2-1993)

Cross-reference:

Special use permits, see also § 153.086

§ 153.104 WELLHEAD PROTECTION AREA.

(A) *Master plan policy statement.* The following policy statement will be included within the village master plan:

(1) *Wellhead protection.* The village relies exclusively on groundwater for its drinking water source. In response to the concern over safety of public water supplies, the city has instituted a Wellhead Protection Program (WHPP). WHPPs develop long-term strategies aimed at protecting community drinking water supplies. The purpose of developing a WHPP is to identify the Wellhead Protection Area (WHPA) and develop long-term strategies aimed at safeguarding the area from contamination. A WHPA is defined as the surface and subsurface areas surrounding a water well or well field, which supplies a public water system, and through which contaminants are reasonably likely to move toward and reach the water well or well field within a ten-year time-of-travel. The State of Michigan requires communities to identify seven elements to be included in the WHPP. These elements along with a brief description are below.

(2) *Roles and responsibilities.* Identify individuals responsible for the development, implementation, and long-term maintenance of the local WHPP.

(3) *WHPA delineation.* Determine that area which contributes groundwater to the public water supply wells.

(4) *Contaminant source inventory.* Identify known and potential sites of contamination within the WHPA and include in a contaminant source inventory list and map.

(5) *Management strategies.* Provide mechanisms which will reduce the risk of existing and potential sources of contamination from reaching the public water supply wells or well field.

(6) *Contingency planning.* Develop an effective contingency plan in case of a water supply emergency.

(7) *Siting of new wells.* Provide information on existing groundwater availability, the ability of the PWSS to meet present and future demands and the vulnerability of the existing wells to contamination.

(8) *Public education and outreach.* Generate community awareness in the WHPP by focusing on public education and the dissemination of WHPP information.

(B) It is the intent of this master plan to encourage protection of the village's public water supply wells through the establishment of a Wellhead Protection Zoning Ordinance. Within this section, zoning regulations will limit land uses and practices that may degrade groundwater quality within and outside the WHPA.

(C) The most significant sources of water supply contamination are landfills, surface impoundment areas, subsurface percolation from septic tanks and cesspools, open dumps, uncapped or improperly capped abandoned wells, injection wells and underground storage tanks. These uses represent both point and non-point contamination sources.

(D) Point source is the term used to describe contaminants, which originate in the immediate area of the well or tap. All of the above, if located in close proximity to the water supply source, are examples of potential point source pollutants. Contaminants from these uses may seep directly down through the soil to the water source.

(E) Non-point source contamination is much more difficult to control because the cause of the problem may potentially be located a considerable distance from the well. This type of contamination is caused by pollutants that filter into an underground aquifer and then migrate slowly through the groundwater aquifer to off-site wells and water sources. Prevention of this type of contamination must involve a collective effort on the part of property owners and local officials from a large geographic area. It is the recommendation of this plan that all existing and future wells be protected from both point and non-point source contamination to the greatest degree possible. It is also the intent of this plan to recognize the importance of groundwater protection within the village.

(Ord. passed - -)

RENEWABLE ENERGY, WIND AND SOLAR POWER SYSTEMS

§153.110 INTENT AND PURPOSE.

The intent and purpose of this subchapter is to provide zoning regulations to guide the installation and operation of wind and solar renewable energy systems to be used primarily on site and to accommodate sustainable energy production from renewable energy sources.

(Ord. 2019-02, passed 6-10-2019)

§153.111 DEFINITIONS.

For the purpose of this subchapter, the following words and phrases shall have the following meanings, unless the context in which they are used specifically indicates otherwise:

AMBIENT. The sound pressure level exceeded 90% of the time or L90.

ANEMOMETER TOWER. A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a utility grid wind energy system.

ANSI. The American National Standards Institute.

DB(A). The sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

DECIBEL. The unit of measure used to express the magnitude of sound pressure and sound intensity.

IEC. The International Electro Technical Commission.

ISO. The International Organization for Standardization.

ON SITE WIND ENERGY SYSTEM. A land use for generating electric power from wind that is an accessory to a legal principal use and intended to primarily serve the needs of electric power consumer at that site.

NET METERING. An arrangement by which excess energy generated by a renewable energy system is distributed back to the electrical utility grid.

PHOTOVOLTAIC DEVICE. A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether the device is able to store the electric energy produced for later use.

RENEWABLE ENERGY SYSTEM. A system that generates energy from natural resources such as sunlight, wind, and geothermal heat. As used in this subchapter, the term **RENEWABLE ENERGY SYSTEM** refers to wind energy systems and solar energy systems only.

ROTOR. An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation kinetic energy directly from the wind.

SHADOW FLICKER. Alternating changes in light intensity caused by the moving blades of a wind energy system casting shadows on the ground and stationary objects, such as, but not limited to, a window at a dwelling.

SOLAR ARRAY. Any number of photovoltaic devices connected to provide a single output of electric energy of other energy.

SOLAR ENERGY SYSTEM. A system that uses the power of the sun to capture, distribute and/or store energy for on-site consumption of utility power.

SOLAR ENERGY SYSTEM, BUILDING-INTEGRATED. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of a building.

SOLAR ENERGY SYSTEM, BUILDING-MOUNTED. A solar energy system affixed to either the principal or accessory structure.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED. A solar energy system that is not attached to another structure and is affixed to the ground or that is attached to an antenna, light pole or other utility facility.

SOLAR FARM (LARGE SOLAR ENERGY SYSTEM). A commercial utility solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW).

SOUND PRESSURE. An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

SOUND PRESSURE LEVEL. The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

WIND ENERGY SYSTEM. A wind energy conversion system consisting of wind turbine, a tower or mounting, and associated control or conversion electronics, which is intended primarily to reduce on-site consumption of utility power.

(Ord. 2019-02, passed 6-10-2019)

§153.112 WIND AND SOLAR RENEWABLE ENERGY SYSTEMS.

(A) *General requirements.* The requirements set forth in this subchapter shall govern the construction and installation or installation of all renewable energy systems.

(B) *Applicability.* The provisions of this subchapter are intended to establish parameters by which solar energy systems may be installed in the Village of Pewamo. Additional renewable energy installations not addressed explicitly herein may be authorized, subject to compliance with the applicable building codes and standards of the Village of Pewamo and Ionia County.

(C) *Use.* Except as authorized by the Village Planning Committee and Village Council for public utility purpose, a renewable energy system shall be accessory to the principal permitted use of a site.

(D) *Approvals.* Approval granted to an individual property owner for a renewable energy system under the provisions of this subchapter shall not be construed to bar owners or tenants of any adjacent property from ordinary or permitted building, landscaping or other accessory improvements, even if such improvements may diminish the function of said renewable energy system.

(E) *Permitting and installation.*

(1) Village of Pewamo and Ionia County building permits are required prior to the installation of any renewable energy system. Before building permits are issued, the following shall be submitted to the Village of Pewamo and Ionia County building department:

(a) A site plan showing:

1. Name, address and phone number of the property owner;
2. Property lines;
3. All structures;
4. Setback lines;
5. Location of all solar panels and associated equipment, or wind power system; and
6. Location of the electrical disconnect for the solar energy system or wind power system.

(b) A letter or other evidence that the local electric utility has been informed of the customer's and property owner's intent to install a customer-owned solar energy system or wind power system.

(c) A letter or other evidence that the site plan has been submitted to the local fire protection department for comment.

(d) A letter or other evidence that proper warning signage has been located to inform utilities of solar panels or wind system that are present on site.

(2) The owner of a renewable energy system shall ensure that it is installed and maintained in compliance with applicable building and safety codes adopted by the village, Ionia County and any other state or federal agency of applicable jurisdiction.

(3) All wiring associated with a renewable energy system shall be underground and contained within a raceway that complements the building materials of the principal structure.

(F) *Interconnection with public utilities - electric.*

(1) Energy produced by a renewable energy system shall be utilized on site, except for net metering as authorized by the Village of Pewamo and other applicable regulatory agencies required by law.

(2) The interconnection of any renewable energy system to the electric distribution grid shall be in accordance with applicable regulatory agencies required by law.

(G) Illumination of a renewable energy system is prohibited.

(H) No signage or attention-getting device is permitted on any renewable energy system.

(I) *Screening - roofs.* There shall be no required physical screening for renewable energy systems installed on roofs.

(J) *Screening - grade.* There shall be required physical screening for renewable energy systems installed on grade. Screening shall comply with the privacy fence division, §153.080(W).

(Ord. 2019-02, passed 6-10-2019)

§153.113 WIND ENERGY CONVERSION SYSTEMS.

The following regulations and conditions, which are applicable to all districts to provide for safe, effective and efficient regulation of wind energy conversion systems (WECS), shall apply, whether they are tower mounted or structure mounted.

(A) *Small wind energy conversion systems (small WECS).* The following standards shall apply to all small WECS as defined herein.

(1) Small WECS are permitted, subject to conditions, in zoning districts regulated by the Village of Pewamo Zoning Ordinance.

(2) A zoning compliance certificate and all applicable permits required by the Village of Pewamo and Ionia County Building Department are required prior to construction (installation) of a small WECS.

(3) For all zoning districts, the total height of a tower mounted small WECS, which includes the tower and the rotor blade, shall not be greater than 35 feet. The total height shall be measured from the ground level the base of the tower to the maximum vertical extension of the blade.

(4) The total height for a structure mounted vertical axis small WECS shall not exceed 15 feet as measured from the highest point of the adjacent roof or structure to which it is attached, excluding chimneys, antennae or other similar features.

(5) The minimum site area for a tower mounted small WECS shall be equal to the minimum lot area requirements of the zoning district in which the small WECS is located plus any additional lot area required to meet setback requirements of this section.

(6) The minimum site area for a structure mounted small WECS shall be equal to the minimal lot requirements of the zoning district in which it is located.

(7) For structure mounted small WECS, documentation shall be submitted by a licensed professional engineer, with details pertaining to the structure's ability to sustain all loads imposed.

(8) *Setbacks.* A tower mounted small WECS shall be set back a distance equal to one and one-half times the height of the tower measured from the top of its blade in vertical position from all adjoining property lines, easements, or right-of-way, and no part of a small WECS may extend into any adjacent yard or property unless an easement has been recorded for that purpose. A structure mounted small WECS shall meet the setback requirements of the zoning district in which it is located.

(9) *Ground clearance.* A tower mounted small WECS must have a minimum ground clearance of 20 feet between the lowest extension of the rotor blade and the average grade at the base of the structure.

(10) *Noise; sound pressure level.* The sound pressure level shall not exceed 55 dB(A) measured at the property line or the lease unit boundary, whichever is farther from the source of the noise. The sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

(11) *Wind turbine structural plans.* A building permit application for a small WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. If structure-mounted, an engineering analysis demonstrating compliance with the State Building Code and certified by a licensed professional engineer shall also be submitted.

(12) *WECS removal.* The WECS owner shall advise the Village of Pewamo of discontinuance of WECS use or abandonment within 60 days of such discontinuance or abandonment. Any WECS that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such WECS shall remove the same within 90 days of receipt of notice from the Village of Pewamo notifying the owner of such abandonment. Failure to remove an abandoned WECS within said 90 days shall be grounds for the Village of Pewamo to remove the WECS at the owner's or property owner's expense. With the exception of time period specified in this section, the process for abatement and removal of an abandoned WECS shall conform to the process, including recovery of the village's costs and penalties, set forth in Chapter 154, Blight.

(13) *Structures mounted small WECS.* Structures mounted small WECS shall meet the following additional requirement: structures mounted to small WECS shall not be attached to that portion of a structure facing a public road, but may be attached to principal or accessory structures providing all other requirements of this section are met, shall not utilize guy wire supports, and may not contain commercial advertising.

(14) *Additional towers or structures.* There may be more than one tower and/or structures mounted small WECS systems per lot or parcel if the total combined rated output of all turbines on the site does not exceed ten (KW) and the additional units are permitted by a special land use approval; and provided that such additional tower or structure meet all of the requirements of this chapter.

(15) The zoning compliance certificate permit application for any small WECS must include:

(a) A project summary, including:

1. A general description of the project, including its approximate name plate capacity, the potential equipment manufacturer(s), type(s) of the WECS, number of WECS and capacity of WECS, the maximum height and diameter of the WECS rotors, a professional analysis of the shadow flicker impact, the general location of the project; and

2. A description of the applicant, owner and operator including their respective business entities.

(b) The name(s), address(es) and phone number(s) of the applicant(s) and property owner(s);

(c) A description for the location of the WECS tower and/or structure mounted system and the location or property lines of adjoining property owners;

(d) A site plan for the installation of the WECS, showing location of each WECS tower, primary structures, property lines, setback lines, height, ancillary equipment and layout of all structures within geographical boundaries of any applicable setbacks;

(e) All required studies, reports, certification and approvals demonstrating compliance with the provisions of this subchapter; and

(f) Any other information required to demonstrate compliance with this subchapter or any other applicable laws and regulations of the village, county, state or federal government.

(16) *Guy wires, advertising, and use of non-reflective surfaces and neutral colors.* Small WECS system shall not utilize guy wires for support, shall not contain or display commercial advertising, and shall utilize non-reflective surfaces and neutral colors to the maximum extent feasible.

(B) *Large wind energy conversion systems (large WECS).* The following standards shall apply to all large wind energy conversion systems (WECS) as defined herein:

(1) Large WECS require a special land use permit, a zoning compliance certificate, and a building permit prior to construction/installation and operation;

(2) Large WECS are permitted by special land use only in the (L-1) Light Industrial Zoning Districts only;

(3) The application for a special land use permit must be accompanied by:

(a) An evaluation prepared by certified professionals with a specialty in large WECS of the likely impact of the proposed WECS in the following areas:

1. Noise and vibration impact on any property line;
2. Potential impact on wildlife, including native and migrating birds;
3. Shadow flicker and glare impact on adjacent properties; and
4. Aesthetic impact of the WECS on adjoining properties.

(b) The following information must be detailed to supplement the site plan required for a special use permit application:

1. Property lines, dimension, acreage and contours with appropriate intervals for site evaluation;

2. Location and elevation of the proposed large WECS;

3. Locations and dimensions of all existing structures and uses on the lot within 300 feet of the system;

4. Height of any structures or trees over 35 feet with a 500 foot radius, on-site of the proposed large WECS; and

5. Surrounding land use and structures, irrespective of height, within 500 feet of the large WECS location.

(c) Additional information required for application for special land use permit:

1. Standard drawings of the structural components of the large WECS, including structures, tower, base and footings. A registered professional engineer shall certify drawings and any necessary calculations demonstrating that the system complies with all applicable local, state and federal building structural and electrical codes, and regulations;

2. Certification from a registered professional engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site; and

3. Registered professional engineer's certification of the design and safety for the proposed tower to withstand any high wind speeds, and that the large WECS can be operated successfully on the subject property.

(4) *Setbacks.* A large WECS shall maintain a minimum setback of 1½ times the total height of the tower to the top of the blade in its vertical position from any property line, easements, or right-of-way, and no part of a large WECS may extend into any adjacent yard or property unless an easement has been recorded for the purpose.

(5) *Dimensions.*

(a) A large WECS shall not exceed a total tower and blade height of 100 feet.

(b) In all cases, the minimum height of the lowest position of the large WECS blade shall be at least 30 feet above the ground.

(c) An approved large WECS is exempt from the height restrictions of the zoning district in which it is located.

(d) A large WECS shall be located on a minimum site area of one acre or larger plus any additional area required to meet the setback requirements of this section.

(6) *Noise.* The sound pressure for on-site use of small or large WECS shall not exceed 55 dB(A) at the property line closest to the wind energy system. The sound pressure may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

(7) *General siting and design standards.* A large WECS shall meet all federal, state and local aviation regulation requirements, which shall include, but not be limited to, air traffic warning lights or other marking lights, and shall be positioned to avoid undue visual impact on neighboring properties.

(8) *Safety measures.*

(a) Each large WECS shall be equipped with both manual and automatic controls to limit the rotation or speed of the rotor blade so it does not exceed the design limits or the rotor.

(b) Each large WECS shall be properly grounded to safety sustain natural lightning strikes.

(c) A large WECS shall not include any sign or advertising of any kind, except for an informational sign no larger than two square feet in area posted at the base of the tower, which shall contain the following information:

1. "WARNING; HIGH VOLTAGE";
2. Manufacture's name;
3. Operator's name;
4. Emergency telephone number; and
5. Emergency shutdown procedures.

(9) *Radio and television interference.* A large WECS shall be designed and constructed so as not to cause radio and television interference.

(10) *Removal of a large WECS.* The large WECS owner shall advise the village of the discontinuance of WECS use or abandonment within 60 days of discontinuance. Any WECS that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such WECS shall remove the same within 90 days of receipt of notice from the village notifying the owner of such abandonment. Failure to remove an abandoned WECS within said 90 days shall be grounds for the village to remove the WECS at the owner's expense. The village may, as a condition of special use permit approval, require a financial guarantee in the form of a performance bond, cash deposit or irrevocable letter of credit or provide sufficient funds for the removal of an abandoned WECS and facilities associated therewith.

(11) *Inspections.* The village shall have the right at any reasonable time to provide same-day notice to the applicant to inspect the premises on which the WECS are located. The village may hire one or more consultants with approval from the applicant to assist with inspections at the applicants or project owner's expense. Inspection must be coordinated with, and escorted by, applicant's operations

staff at the WECS to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

(12) *Training emergency response.* Applicant will provide firefighter WECS safety awareness training annually for the local fire department, and shall assist in developing an emergency action plan suited for all emergency incidents. The applicant shall coordinate at least annually a walk-through of the WECS with the Village Fire Chief and members of the fire department to develop the emergency action plan that includes, but is not limited to, the location of any and all emergency shut off switches, lockout locations, and other safety and emergency response requirements as determined by the Village Fire Chief or Fire Marshal. The cost for WECS safety awareness training and the emergency action plan shall be at the applicant's or owner's expense.

(C) *Utility scale wind energy conversion systems.* Utility scale wind systems are not permitted by the Village of Pewamo Zoning Ordinance.

(D) *Wind energy monitoring station.* A wind energy monitoring station is permitted by right in all zoning districts, shall not exceed the maximum height permitted for any potential WECS permitted in that zoning district, shall require a building permit if required by the Village of Pewamo and Ionia County Building Department, and shall be removed within 14 months from the installation date.

(E) *Construction codes, towers, interconnection standards.* All WECS (small or large) shall comply with all applicable state construction and electrical codes and local building permit requirements. WECS shall comply with state and federal regulations and laws, including the Federal Aviation Administration regulations and requirements, the Michigan Airport Zoning Act, and the Michigan Tall Structures Act.

(F) *Maintenance and removal of renewable energy systems.*

(1) Renewable energy systems must always be maintained in good repair and operable condition, including compliance with all standards in applicable building and technical codes to ensure structural and technical integrity of such facilities, except for maintenance and repair outages. If a system becomes inoperable or damaged, operations must cease and be promptly remedied.

(2) If the village determines that a renewable energy system fails to comply with the applicable provisions of this code, the Village of Pewamo shall provide written notification to the property owner. The property owner shall have a period of 90 days from the date of notification to either restore the renewable energy system to operation or remove the system. The Zoning Administrator or other person designated by the Village Council may grant extensions to the owner of a renewable energy system to remedy damaged systems upon a showing of good cause, such as any circumstance or event beyond the reasonable control of the owner of a renewable energy system, including the following events:

(a) Explosion, fire, tornado, lightning, flood, unusually severe weather, natural disaster, epidemic, any other act of God, and any other similar circumstance; or

(b) Failure of any third party supplier.

(3) In the event such renewable energy system is not brought into compliance with this code within the specified period, the village may remove or cause the removal of said facility at the property owner's expense. With the exception of time period specified in this section, the process for abatement and removal of an abandoned WECS shall conform to the process, including recovery of the village's costs and penalties, set forth in Chapter 154, Blight.

(4) The Village of Pewamo may pursue all available legal remedies at law and equity to remove a renewable energy system which fails to comply with this code.

(5) Any delay by the Village of Pewamo in taking enforcement action against the owner of a renewable energy system and the owner of the property if such owner is different from the owner of

such facility shall not waive the village's right to take any legal action as provided by law.

(6) The village may seek the removal of a renewable energy system regardless of the owner's or operator's intent for said facility, and regardless of any permits that may have been issued or granted by other state or federal governmental authorities. After the renewable energy system is removed, the owner of the subject property shall promptly restore the subject property to a condition consistent with the property's condition prior to the installation of the system. Installation shall comply subject to applicable local, state and federal laws and regulations.

(Ord. 2019-02, passed 6-10-2019)

§153.114 SOLAR ENERGY SYSTEMS (SMALL RESIDENTIAL).

(A) *Authorization of use.* Building-integrated, building-mounted and ground-mounted solar energy systems may be authorized administratively in all zoning districts in accordance with requirements of this chapter and subject to approval by the Village of Pewamo or their designees.

(B) *Height.*

(1) Building-mounted solar energy system may not extend above the peak roof height of the building to which the solar energy systems is affixed.

(2) Ground-mounted solar energy system. The maximum height of a ground-mounted solar energy system shall be six feet as measured from the average grade at the base of the pole to the highest edge of the system.

(C) *Location.*

(1) Ground-mounted solar energy systems shall not be located within the required front yard or corner side yard or in any utility, water, sewer, or other type of public easement.

(2) All parts of any ground-mounted solar energy system shall be set back at least ten feet from the interior side and rear property lines.

(3) Ground-mounted solar energy systems shall not exceed 20% of the required rear or backyard.

(Ord. 2019-02, passed 6-10-2019)

§153.115 LARGE SOLAR ENERGY SYSTEM (SOLAR FARM).

(A) *Purpose and intent.* The purpose and intent of this section is to establish standards for siting, installation, operation, repair, decommissioning and removal of large solar energy within the Light Industrial (LI) and Agricultural/Rural Estate District (A-1).

(B) *Site plan drawing and supporting materials.* All applications for a large solar energy systems use must be accompanied by detail site plans, drawn to scale and dimensioned and certified by a professional engineer licensed in the State of Michigan, displaying the following information:

(1) All lot lines and dimensions, including a legal description of each lot or parcel comprising the large solar energy system;

(2) Names of owners of each lot or parcel within the Village of Pewamo that is proposed to be within the large solar energy system;

(3) Vicinity map showing the location of all surrounding land uses;

(4) Location and height of all proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a large solar energy system;

(5) Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed solar array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property;

(6) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the large solar energy system and within 100 feet of all exterior property lines of the large solar energy system;

(7) Proposed setbacks from the solar array(s) to all existing and proposed structures with the large solar energy system;

(8) Land elevations for the solar array(s) location and the relationship to the land elevations of all existing and proposed structures within the large solar energy systems at a minimum of 10 feet contours;

(9) Access driveways within and to large solar energy system, together with a detailed narrative regarding dimensions, composition and maintenance of each driveway. All access drives shall be subject to approval by Village of Pewamo and Ionia County Road Commission;

(10) Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the large solar energy system;

(11) A written description of the maintenance program to be used for the solar array and other components of the large solar energy system, including decommissioning and removal. The description shall include maintenance to be performed, and decommissioning and removal procedures and schedules if the large solar energy system is decommissioned;

(12) Planned lightening protection measures; and

(13) Additional detail(s) and information as required by the special land use requirements of the Village of Pewamo Zoning Ordinance.

(C) *Application escrow account.* An escrow account shall be deposited with the village by the applicant when the applicant applies for a special land use permit for a large solar energy system. The monetary amount deposited by the applicant in escrow with the village shall be the amount estimated by the village to cover all reasonable costs and expenses associated with the special land use permit review and approval process, which cost shall include, but not be limited to, reasonable fees of the Village Attorney, Lyons Township Supervisor, Ionia County Road Commission, and Ionia County Building Department, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. The applicant shall have 30 days to refuse or approve of the amount estimated by the village. Such escrow amount shall be in addition to any filing or application fees established by resolution.

(D) *Compliance with the County Building Code and the National Electric Safety Code.* Construction of a large solar energy system shall comply with the National Electric Safety Code and Ionia County Building Codes (as shown by approval by the county) as a condition of any special land use permit under this section. In the event of a conflict between the County Building Code and National Electric Safety Code (NESC), the NESC shall prevail.

(E) *Certified solar array components.* Components of a solar array shall be approved by the Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electronic Testing Laboratories (EIL), or other similar certification organization if the similar certification organization is approved by the village, which approval shall not be unreasonably withheld.

(F) *Height.* Maximum height of a solar array, other collection device, components or buildings of the large solar energy system, excluding substation and electrical transmission equipment, shall not

exceed 15 feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed 100 feet.

(G) *Lot size.* A large solar energy system shall be located on one or more parcels with an aggregate area of ten acres or greater.

(H) *Setbacks.* A minimum setback distance in (L-1) Light Industrial District of 100 feet from all exterior property lines of the large solar energy system and existing public roads and bike/walking trails shall be required for all buildings and solar arrays. Also, a setback of 500 feet shall be required from back property line of residential structures. A minimum setback distance in (A-1) Agricultural/Rural Estate District of 200 feet from exterior property lines of the large solar energy system and existing public roads and bike/walking trails shall be required for all buildings and solar arrays, also a setback of 500 feet shall be required from back property line of residential structures.

(I) *Lot coverage.* A large solar energy system is exempt from maximum lot coverage limitations.

(J) *Screening/security.* A large solar energy system shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be six feet in height with a one foot extension arm consisting of a minimum of three strands of barbed-wire placed above the fencing and

slanting outward as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of large solar energy systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the large solar energy system from adjacent residential structures, subject to the following requirements:

(1) The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four feet in height and shrubs two feet in height. The evergreens shall be spaced no more than 15 feet apart on center from central trunk of plant to the central trunk of the next plant. Shrubs shall be spaced to more than seven feet apart on center. All unhealthy (60% dead or greater) and dead material shall be replaced by the applicant within one year or the next appropriate planting period, whichever comes first.

(2) Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of the subchapter and any special use permit may be subject to revocation.

(K) *Signage.* No advertising or non-project related graphics shall be on any part of the solar arrays or other components of the large solar energy systems. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.

(L) *Noise.* No component of any large solar energy system shall emit noise exceeding 65 dB(A) as measured at the exterior property boundary or the existing ROW line.

(M) *Lighting.* All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility or adjacent public roads.

(N) *Distribution, transmission and interconnection.* All collection lines and interconnections from the solar array(s) to any electrical substations shall be located and maintained underground inside the large solar energy system, except in areas where technical or physical constraints make it preferable to install equipment above ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.

(O) *Abandonment and decommissioning.* Following the operational life of the project, the applicant shall perform decommissioning and removal of the large solar energy system and all its components. The applicant shall prepare a decommissioning plan and submit it to the Village of Pewamo for review

and approval prior to issuance of the special land user permit. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three feet below-grade shall be removed offsite for disposal. Any solar array or combination of photovoltaic devices that is not operated for a continuous period of 12 months shall be considered abandoned and shall be removed under the decommissioning plan. The ground must be restored to its original topography within 365 days of abandonment or decommissioning. Failure to remove an abandoned large solar energy system and all its components within the period set forth herein shall be grounds for the Village of Pewamo to remove the large solar energy system and all its components at the owner's or property owner's expense. With the exception of time period specified in this section, the process for abatement and removal of an abandoned large solar energy system and all its components shall conform to the process, including recovery of the village's costs and penalties, set forth in Chapter 154, Blight. The Village of Pewamo may pursue all available legal remedies at law and equity to remove an abandoned large solar energy system and all its components which fails to comply with this code. Any delay by the Village of Pewamo in taking enforcement action against the owner or successor entity of an abandoned large solar energy system and all its components, or the owner of the property if such owner is different from the owner of such facility, shall not waive the village's right to take any legal action as provided by law.

(P) *Approval time limit and extensions.* Special use and site plan approvals or permits under this section shall be valid for one year but, if requested by the applicant prior to the expiration date, shall automatically be extended for an additional one-year period.

(Q) *Inspection.* The village shall have the right, at any reasonable time, to provide same-day notice to the applicant to inspect the premises on which any large solar energy system is located. The village may hire one or more consultants, with approval from the applicants, to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the applicant's operations staff at the large solar energy facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.

(R) *Training emergency response.* Applicant will provide firefighter safety awareness training for large solar energy systems for the local fire department and assist in developing an emergency action plan suited to all incidents. Also, the applicant shall provide a walk through of the large solar energy system between the applicant and the local fire department that includes, but is not limited to, the location of emergency shut off switches, lock out locations, and the like. The cost for each is to be covered at the applicant's or owner's expense.

(S) *Maintenance and repair.* Each large solar energy system must be kept and maintained in good repair and condition at all times. The applicant shall keep maintenance logs on the solar array(s), which shall be available for the village review within 48 hours of such request. The applicant shall keep all sites within the large solar energy system neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

(T) *Roads.* Any material damages to a public road located within the village resulting from the construction, maintenance or operation of a large solar energy system shall be repaired at the applicant's expense. In addition, the applicant shall submit to the appropriate county agency a description of routes to be used by construction and delivery vehicles and any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all county requirements regarding the use and/or repair of county roads.

(U) *Continuing obligations.* Failure to keep any required financial security in full force and effect at all times while a large solar energy system exists or is in place shall constitute a material and significant violation of the special land use permit and this section, and will subject the large solar energy system applicant, owner and operator to all remedies available to the village, including any enforcement action, civil action, request for injunctive relief, and revocation of the special land use permit.

(V) *Other requirements.* Each large solar energy system shall also comply with all applicable federal, state and county requirements, in addition to other applicable village codes.

(Ord. 2019-02, passed 6-10-2019)

AMENDMENTS AND CONFLICTS

§ 153.125 AMENDMENTS.

(A) Pursuant to Act 110 of 2006 being M.C.L.A. §§ 125.3101 et seq., Act 12 of 2008 being M.C.L.A. §§ 125.3101 et seq. and Act 33 of 2008 being M.C.L.A. §§ 125.3801 et seq., all provisions contained within this chapter including text and all regulations, zoning districts and the boundaries thereof, may be amended, modified and supplemented by appropriate action of the Village Council.

(B) Such amendment or request for change may be initiated by the Village Council, the Planning Commission or by any owner of the property which is the subject of said request according to the following procedure.

(1) Each request for amendment of, or change, in this chapter shall be in writing and on a form provided by the village and signed by petitioner. Upon receipt, said petition shall be referred to the Village Planning Commission. All fees in connection therewith shall be as established from time to time by resolution of the Village Council and shall be due and payable upon the filing of said petition.

(2) Notice of public hearings on all such requests shall be given as provided in § 153.126.

(3) Upon receipt by the Village Council of the report, summary of comments, and recommendation of the Planning Commission, the Village Council may, at any meeting thereafter, adopt or refuse to adopt same with or without amendments. Nothing contained herein shall be construed to prohibit the Village Council from referring the matter back to the Planning Commission for any additional report or from holding additional public hearings if it considers same to be necessary and appropriate.

(4) Upon the presentation of a protest petition meeting the requirements of this division (B), an amendment to this chapter which is the object to said petition shall be passed by not less than two-thirds vote of the Village Council. The protest petition shall be presented to the Village Council before final legislative action on the amendment and shall be signed by one of the following:

(a) Owners of at least 20% of the area of land included in the proposed change; or

(b) Owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. (For purposes of the foregoing criteria, publicly owned land shall be excluded in calculating the 20% land area requirements.)

(5) Following the adoption of amendments to this chapter by the Village Council, said amendments shall be filed with the Village Clerk and a notice of ordinance adoption shall be published in a newspaper of general circulation within the village within 15 days after adoption. Said notice shall include all of the following information:

(a) A summary of the regulatory effect of the amendment, including the geographic area affected or the text of the amendment; and

(b) The effective date of the amendment and the place and time where a copy of the amendment may be purchased or inspected.

(Ord., § 7.1, passed 8-5-1991; Ord. 2012-02, passed - -2012)

§ 153.126 PUBLIC HEARINGS; NOTICES.

(A) Notice of public hearing shall be published in a newspaper of general circulation within the village not less than 15 days before the date the application or request will be considered for approval. If a particular or specific property is the subject of a hearing or the proceedings, notice shall also be sent by first class mail or personal delivery to the owners of property for which the approval is being considered and to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the village. If the name of the occupant is not known, the term "occupant" may be used in making the notification required herein. Only one notification per unit or spatial area owned or leased by different persons need be given, and if a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to said structure.

(B) In addition, the notice required by this section shall describe the nature of the request or proceeding and identify the property that is the subject of the request, including a listing of all existing street addresses within the property and indicate when and where written comments will be received concerning the request.

(C) The foregoing notwithstanding, where any group of adjacent properties numbering eleven or more that is proposed for rezoning, the requirement for listing individual street addresses shall not apply to that group of adjacent properties.

(Ord. 2012-02, passed - -2012)

§ 153.127 REPEAL OF CONFLICTING ORDINANCES.

Any and all ordinances or parts thereof in conflict with or inconsistent with any of the terms of this chapter are hereby repealed to the extent they are so in conflict or inconsistent; provided, however, that the adoption of this chapter shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance.

(Ord., § 7.3, passed 8-5-1991)

ENFORCEMENT; MISCELLANEOUS

§ 153.130 VIOLATIONS.

(A) The Building and Zoning Official shall enforce the provisions of this chapter.

(B) Violations of any provisions of this chapter are declared to be a 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 Building and Zoning Official.

(Ord., § 9.1, passed 8-5-1991)

§ 153.131 CONFLICTING REGULATIONS.

In the interpretation, application and enforcement of the provisions of this chapter, whenever any of the provisions or limitations imposed or required by the provisions of this chapter are more stringent than any other law or ordinance, then the provision 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 such other law or ordinance shall govern.

(Ord., § 9.2, passed 8-5-1991)

§ 153.132 INTERPRETATION OF CHAPTER.

(A) In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements, adopted for the promotion of the public health, morals, safety and the general welfare.

(B) Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standards shall control.

(C) This chapter shall not abridge the provisions of a validly adopted building code or other regulations.

(Ord., § 9.3, passed 8-5-1991)

§ 153.133 EFFECTIVE DATE.

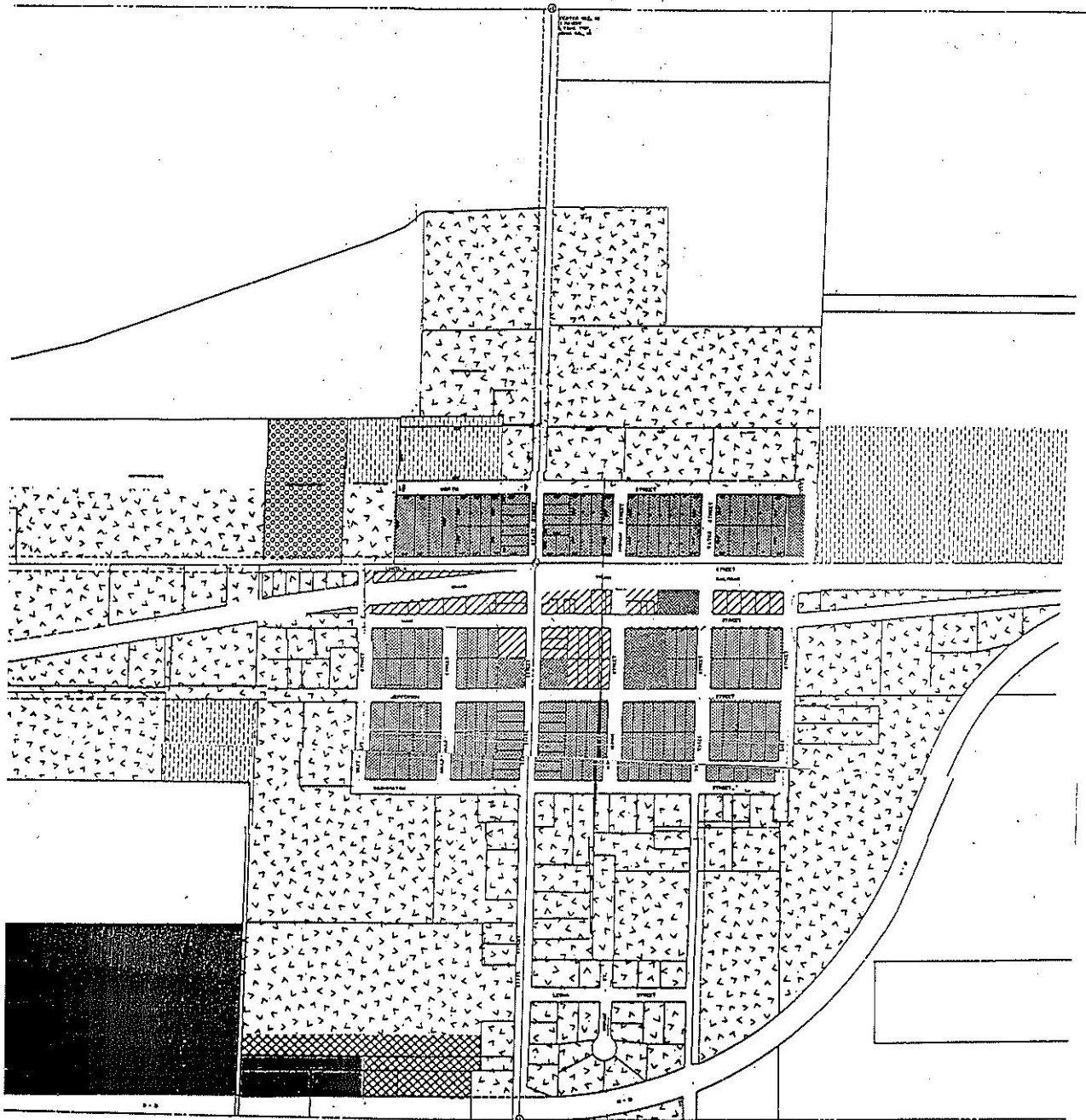
This chapter shall be effective September 15, 1991, by the order of the Village Council.

(Ord., § 9.4, passed 8-5-1991)


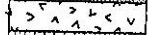





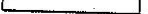
§ 153.999 PENALTY.

Any person violating any provision of this chapter shall be punished as a municipal civil infraction as set forth within § 10.98 of this code of ordinances.

APPENDIX A: ZONING MAP



ZONING MAP

-  Neighborhood ^{Conservation} Commercial
-  Low Density Residential
-  Multi-Family Residential
-  Central Business
-  Highway Commercial
-  Light Industrial
-  Recreation
-  Agriculture/Open Space

WEST MICHIGAN REGIONAL PLANNING COMMISSION



edi ENGINEERING DESIGN INCORPORATED
 1000 W. BAYVIEW AVENUE
 SUITE 1000
 TROY, MI 48063-1000
 TEL: 313.487.1000
 FAX: 313.487.1001

VILLAGE OF PEWAMO

VILLAGE MAP

DATE: 11/15/11

(Ord. passed 8-5-1991)