

Chapter 62 - ZONING

Footnotes:

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Editor's note— Ord. No. 2021.03.01, § 1, adopted March. 8, 2021, repealed Ch. 62., §§ 62-1—62-8, 62-26, 62-27, 62-46, 62-61, 62-62, 62-81—62-84, 62-101, 62-102, 62-121—62-124, 62-141, 62-161, 62-181—62-186, 62-191, 62-192, 62-201, 62-202, 62-221—62-233, 62-251—62-259, 62-276—62-279, 62-296, 62-297, 62-316—62-321, 62-341—62-343, 62-361, 62-381, 62-382, 62-401, 62-402, 62-421, 62-441, 62-461, 62-481, 62-482, 62-501, 62-502, 62-521, 62-541—62-550, 62-566, 62-567, 62-581, 62-582, 62-601, 62-621—62-629, 62-646—62-651, 62-656—62-663, 62-666—62-669, 62-671—677, 62-696—62-703, 62-721—62-723, and enacted a new Ch. 62 as set out herein. The former Ch. 62 pertained to similar subject matter. Please see Code Comparative Table for full derivation.

ARTICLE I. - IN GENERAL

Sec. 62-1. - Enacting clause.

This chapter was originally adopted under the authority of, and in accordance with the provisions of the City and Village Zoning Act (PA 207 of 1927). The continued administration of this chapter, amendments to this chapter, and all other matters concerning operation of this chapter shall be done pursuant to the Michigan Zoning Enabling Act, as amended (PA 110 of 2006, MCL 125.3101 et seq.), also referred to as the MZEA.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-2. - Title of chapter.

This chapter shall be known and may be cited as "The Zoning Code of the Village of Brooklyn." The zoning map referred to in this chapter is entitled "Zoning Map, Village of Brooklyn."

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-3. - Purpose of chapter.

This chapter has been established for the purpose of:

- (1) Promoting and protecting the public health, safety and general welfare;
- (2) Protecting the character and stability of the recreational, residential, commercial and industrial areas, and promoting the orderly and beneficial development of such areas;
- (3) Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air and privacy to protect the public health;
- (4) Lessening and avoiding congestion on public highways and streets;
- (5) Providing for the needs of recreation, residence, commerce and industry in future growth to conform with the most advantageous uses of land, resources and properties, with the reasonable consideration of other things, the general and appropriate trend and character of land, building and population development as studied and recommended by the planning commission and the village;
- (6) Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning district;
- (7) Conserving the taxable value of land and structures;
- (8) Conserving the expenditure of funds for public improvements and services;
- (9) Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity and other nuisances and hazards in the interest of the people; and
- (10) Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-4. - Scope of chapter.

- (a) Every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure occurring; and every enlargement of or addition to an existing use, building or structure occurring after the effective date of the ordinance from which this chapter was derived shall be subject to all regulations of this chapter, which are applicable

in the zoning district in which such building, structure or lot is located.

- (b) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this chapter was derived, provided that construction shall be completed within 365 days of such effective date and be subject thereafter to the provisions of division 2 (nonconformities), article V (administrative and amendment procedures) of this chapter. The adoption of this chapter shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of the ordinance from which this chapter was derived even though such building or structure does not conform to the provisions of this chapter, provided that work shall commence and be carried on within 30 days of obtaining such permit and be subject thereafter to the provisions of division 2 (nonconformities), article V (administrative and amendment procedures) of this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-5. - Definitions; rules of construction.

See article VII (rules of construction and definitions) for the rules of construction and definitions.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-6. - Application of chapter regulations.

The regulations established by this chapter within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall not preclude the establishment of higher or more restrictive standards or requirements as found necessary by the planning commission to attain the purposes of this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-7. - Conflict with other laws.

- (a) Conflicting laws of a more restrictive nature are not affected or repealed by this chapter. The provisions of this chapter shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than the degrees of restrictiveness, are hereby repealed.
- (b) This chapter is not intended to abrogate or annul any easement, covenant or other private agreement, provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement that such easement, covenant or other private agreement, the provisions of this chapter shall govern.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-8. - Validity and severability.

If any court of competent jurisdiction shall declare any part of this chapter to be invalid, such ruling shall not affect any other provisions of this chapter not included in such ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of such provision to any other land, parcel, lot, district, use, building or structure not specifically included in such ruling.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-9—62-24. - Reserved.

ARTICLE II. - ESTABLISHMENT OF ZONING DISTRICTS

Sec. 62-25. - Enumeration.

The village is hereby divided into the following zoning districts:

R-1 — single- and two-family residential district

R-2 — multiple-family residential district

C-1 — central business district

C-2 — general commercial district

I-1 — light industrial district

PUD — planned unit development overlay district

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-26. - Official zoning map.

- (a) *Adoption.* The zoning districts as provided in section 62-25 (enumeration) are bounded and defined on a map entitled, "Official Zoning Map, Village of Brooklyn, Jackson County, Michigan, dated " which map, with all explanatory matter thereon, is hereby adopted as a part of this chapter.
- (b) *Identification.* The official zoning map shall be identified by the signature of the village president, attested by the clerk. The official zoning map shall be located in the office of the clerk and available for examination.
- (c) *Interpretation of district boundaries.* Except where specifically designated on the official zoning map, the zoning district boundary lines are intended to follow lot lines; the centerlines of streets or alleys; the centerline of creeks, streams or rivers; the centerlines of streets or alleys projected; centerlines of railroad rights-of-way lines, section lines, one-quarter section lines, one-eighth section lines or a corporate limit line; all as they existed at the time of adoption, or amendment, of the ordinance from which this chapter was derived, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the official zoning map. When the location of a district boundary is uncertain, the board of appeals shall interpret the exact location of the district boundary.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-27—62-40. - Reserved.

ARTICLE III. - ZONING DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 62-41. - Content of article.

The intent, permitted uses, conditional uses, height, area, density and sign regulations of each district are set forth in this article.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-42—62-54. - Reserved.

DIVISION 2. - RESIDENTIAL DISTRICTS

Sec. 62-55. - Purpose of division.

The R-1 (single- and two-family residential district) and the R-2 (multiple-family residential district) are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards which may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial or industrial use and to streets. The purpose of each residential district is further stated in this division.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-56. - Single- and two-family residential district (R-1).

- (a) *Intent.* This R-1 district is designed to provide areas principally for high-density, single-family residential dwellings where necessary urban services and facilities can be feasibly provided, including sanitary sewerage and central water systems.
- (b) *Permitted uses.* Permitted uses in the R-1 district are identified in the tables of permitted and conditional uses within division 6 (permitted and conditional uses) of this article.
- (c) *Conditional uses.* Conditional uses in the R-1 district are identified in the tables of permitted and conditional uses within division 6 (permitted and conditional uses) of this article.
- (d) *Area, yard, height and bulk regulations.* For area, yard, height and bulk regulations in the R-1 district see division 7 (district area, yard, height and bulk regulations) of this article.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-57. - Multiple-family residential district (R-2).

- (a) *Intent.* This R-2 district is designed to permit a high density of population and a high intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses or amenities which support, complement or serve such a density and intensity.
- (b) *Permitted uses.* Permitted uses in the R-2 district are identified in the tables of permitted and conditional uses within division 6 (permitted and conditional uses) of this article.
- (c) *Conditional uses.* Conditional uses in the RM-1 district are identified in the tables of permitted and conditional uses within division 6 (permitted and conditional uses) of this article.
- (d) *Area, yard, height and bulk requirements.* For area, yard, height and bulk requirements in the RM-1 district see division 7 (district area, yard, height and bulk regulations) of this article.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-58—62-74. - Reserved.

DIVISION 3. - COMMERCIAL DISTRICTS

Sec. 62-75. - Purpose of division.

The C-1 (central business) and C-2 (general commercial) districts are designed to limit compatible office and commercial enterprises at appropriate locations to encourage efficient traffic movement, parking and utility service; advance public safety; and protect surrounding property. The commercial districts are designed to regulate the location of these business uses according to a well-considered plan which determined the types of such uses and the intensity of land, street and highway use in each such district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential or industrial use, and to streets and highways. The purpose of each commercial district is further stated in this division.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-76. - Central business district (C-1).

- (a) *Intent.* This C-1 district is intended to encompass the retail, service and administrative establishments, which form the central business district, and which provide retail convenience and comparison goods and personal and professional services for the entire trade area. Heavy volumes of traffic in this C-1 district necessitates an efficient system of arterial streets and highways and adequate parking facilities. The nature and high density of commercial and related uses in this C-1 district eliminate the necessity for lot and yard requirements.
- (b) *Permitted uses.* Permitted uses in the C-1 district are identified in the tables of permitted and conditional uses within division 6 (permitted and conditional uses) of this article.
- (c) *Conditional uses.* Conditional uses in the C-1 district are identified in the tables of permitted and conditional uses within division 6 (permitted and conditional uses) of this article.
- (d) *Area, yard, height and bulk regulations.* For area, yard, height and bulk regulations in the C-1 district see division 8 (form-based regulations) of this article.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-77. - General commercial district (C-2).

- (a) *Intent.* This C-2 district is intended to provide sufficient space in appropriate locations for a wide variety of commercial and office establishments offering accommodations, supplies, and services, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists.
- (b) *Permitted uses.* Permitted uses in the C-2 district are identified in the tables of permitted and conditional uses within division 6 (permitted and conditional uses) of this article.
- (c) *Conditional uses.* Conditional uses in the C-2 district are identified in the tables of permitted and conditional uses within division 6 (permitted and conditional uses) of this article.
- (d) *Area, yard, height and bulk restrictions.* For area, yard, height and bulk restrictions for the C-2 district see division 7 (district area, yard, height and bulk regulations) of this article.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-78—62-92. - Reserved.

DIVISION 4. - INDUSTRIAL DISTRICT

Sec. 62-93. - Light industrial district (I-1).

- (a) *Intent.* This I-1 district is designed to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from an adjoining nonindustrial zoning district. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.
- (b) *Permitted uses.* Permitted uses in the I-1 district are identified in the tables of permitted and conditional uses within division 6 (permitted and conditional uses) of this article.
- (c) *Conditional uses.* Conditional uses in the I-1 district are identified in the tables of permitted and conditional uses within division 6 (permitted and conditional uses) of this article.
- (d) *Area, yard, height and bulk regulations.* For area, yard, height and bulk regulations in the I-1 district see division 7 (district area, yard, height and bulk regulations) of this article.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-94—62-108. - Reserved.

DIVISION 5. - FLEXIBLE ZONING DISTRICT

Sec. 62-109. - Planned unit development overlay district (PUD).

- (a) *Intent.* The provisions of this section provide enabling authority and standards for the submission, review and approval of applications for planned unit developments. The purpose of this section is to permit flexibility in the regulation of land development; to encourage the use of land in accordance with its character and adaptability; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services at utilities; encourage provision of useful open space; provide enhanced employment, housing, shopping and traffic circulation to meet the needs of the residents of the village; encourage the use, reuse and improvement of existing sites and buildings when uniform regulations contained in base zoning districts do not provide adequate protection and safeguards for the site or surrounding area; and bring about a greater compatibility of design and use between neighboring properties. To that end, the provisions of division 6 (planned unit development overlay district) of article V (administrative and amendment procedures) are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this section to ensure appropriate, fair and consistent decision making.

(b) *Permitted uses.* All residential, commercial, office and research uses may be permitted in the PUD overlay district in accordance with regulatic stated in this section. All PUD projects must be compatible with the spirit and intent of the comprehensive plan and must not result in any unreasonable economic impact upon surrounding properties in the underlying zoning districts.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-110—115. - Reserved.

DIVISION 6. - PERMITTED AND CONDITIONAL USES

Sec. 62-116. - Table of permitted and conditional uses - residential uses and lodgings.

The following residential uses and lodgings are permitted (P) or conditional (C) within the various zoning districts. Conditional uses require approval by the village council upon the recommendation of the planning commission according to the procedures of [section 62-612](#).

	Residential uses and lodging.	R-1	R-2	C-1	C-2	I-1
(a)	Single-family dwellings.	P	P			
(b)	Two-family dwellings.	P	P			
(c)	Multiple-family dwellings, including condominium developments.		P			
(d)	Multiple-family dwellings on the upper floors of mixed-use buildings, including condominium developments.			P	P	P
(e)	Accessory apartments.	C				
(e)	Mobile home parks.		P			
(f)	Site condominiums subject to the provisions of division 5 of article 5 (administrative and amendment procedures).	P	P			
(g)	Home occupations subject to the provisions of section 62-395 .	P	P	P	P	P
(h)	Bed and breakfasts subject to the provisions of section 62-613(d) .	C	C	C		
(i)	Boarding houses or rooming houses.		P			
(j)	Hotels.			C	P	P
(k)	Motels.				P	P

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-117. - Table of permitted and conditional uses - retail establishments and offices.

The following retail and service establishments and offices are permitted (P) or conditional (C) within the various zoning districts. Conditional uses require approval by the village council upon the recommendation of the planning commission according to the procedures of [section 62-612](#).

	Retail and service establishments.	R-1	R-2	C-1	C-2	I-1
(a)	Retail establishments within enclosed buildings, excluding drive-through and -in services.			P	P	P
(b)	Drive-through and -in services accessory to retail establishments.				C	C
(c)	Building supply sales, lumberyard, garden and lawn supply store and other similar retail establishments with outdoor sales/storage.				C	P
(d)	Establishments serving food and beverages, including carry-out and outdoor seating but excluding drive-through and -in services.			P	P	P
(e)	Drive-through and -in services accessory to establishments serving food and beverages.				P	P
(f)	Automobile service stations.				C	P
(g)	Carwashes.				C	P
(h)	Major vehicle repair and body shops.				P	P
(i)	Minor automobile maintenance such as oils change, brake service, and tire shops.				C	P
(j)	Automobile sales.				C	P
(k)	Machinery sales, farm or industrial.				C	P
(l)	Wholesale of any commodity made or processed onsite.					P
(m)	Feed, fertilizer, sales and storage.				C	P
(n)	Personal service establishments such as barber/beauty shops, dry cleaning drop-off stations, shoe repair shops, and tailor shops.			P	P	
(o)	Body-piercing establishments and tattoo parlors subject to the provisions of section 613(e) and (f).			P	P	
(p)	Bank, loan and financial offices, excluding drive-through services.			P	P	P
(q)	Drive-through services accessory to bank, loan and financial offices.				C	P
(r)	Administrative, legal, accounting, insurance, and real estate offices and uses of similar nature, excluding drive-through and -in services.			P	P	
(s)	Drive-through and -in services accessory to administrative, legal, accounting, insurance, and real estate offices and uses of similar nature.			C	P	

(Ord. No. 2021.03.01, § 1, 3-8-2021; Ord. No. 2022.01.01, § 1, 1-10-2022)

The following medical and care facilities are permitted (P) or conditional (C) within the various zoning districts. Conditional uses require approval by the village council upon the recommendation of the planning commission according to the procedures of [section 62-612](#).

	Medical and care facilities.	R-1	R-2	C-1	C-2	I-1
(a)	Family childcare homes.	P	P			
(b)	Group childcare homes.	C	C			
(c)	Childcare centers and preschools.				C	C
(d)	Funeral homes.		C		C	P
(e)	Medical and dental offices and clinics.				P	P
(f)	Nursing homes and senior assisted living.		P			
(g)	Veterinary offices and clinics.				P	P
(h)	Kennels.				C	C

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-119. - Table of permitted and conditional uses - civic institutions, recreation and entertainment venues, and miscellaneous facilities.

The following civic institutions, recreation and entertainment venues, and miscellaneous facilities are permitted (P) or conditional (C) within the various zoning districts. Conditional uses require approval by the village council upon the recommendation of the planning commission according to the procedures of [section 62-612](#).

	Civic institutions, recreation and entertainment venues, and miscellaneous facilities.	R-1	R-2	C-1	C-2	I-1
(a)	Churches, synagogues, temples, and similar places of worship.	C	C		C	C
(b)	Public and private elementary and secondary schools.	C	C			
(c)	Public/government buildings such as municipal/county/state halls/offices, museums, libraries, and community centers.			P	P	P
(d)	Assembly halls, recreational clubs, fraternal order halls, private clubs, lodge halls, or other similar places of assembly				P	P
(e)	Boat and other recreational vehicle sales.				C	P
(f)	Boat and other recreational vehicle maintenance and storage.					P
(g)	Health clubs, fitness centers, gyms, and aerobics clubs.				P	P
(h)	Indoor recreation such as bowling alleys, racket ball courts, skating rinks, swimming pools, and amusement arcades.				P	P

(i)	Parks, playgrounds, common greens, plazas, public gathering places, and open space.	P	P	P	P	P
(j)	Theaters			C	P	P
(k)	Drive-in theaters subject to the provisions of section 613(a).					C
(l)	Adult Uses subject to the provisions of section 613(g).					C
(m)	Accessory buildings and structures subject to the provisions of <u>division 20</u> of article 4 (supplemental regulations).	P	P	P	P	P
(n)	Planned unit developments subject to the provisions of division 6 of article 5 (administrative and amendment procedures).	C	C	C	C	C
(o)	Essential services as defined in <u>section 62-726</u> (e) and subject to <u>section 62-441</u> provisions.	P	P	P	P	P
(p)	Quarries	C	C	C	C	C
(q)	Uses similar to other district uses and not permitted in other districts, based on a similar use, and subject to other provisions of this chapter.	P/C	P/C	P/C	P/C	P/C

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-120. - Table of permitted and conditional uses - industrial.

The following industrial uses are permitted (P), or conditional (C) within the various zoning districts. Conditional uses require approval by the village council upon the recommendation of the planning commission according to the procedures of section 62-612.

	Industrial.	R-1	R-2	C-1	C-2	I-1
(a)	Light manufacturing and assembly within an enclosed building.					P
(b)	Outdoor storage accessory to a permitted use.					C
(c)	Auto wrecking and salvage yards.					C
(d)	Bulk storage of explosives or hazardous materials.					C
(e)	Contractor yards with or without outdoor storage.					C
(f)	Crating and packaging within a completely enclosed building.					P
(g)	Airports and helicopter landing pads.					C
(h)	Recycling collection centers.				C	P
(i)	Warehousing and mini-storage facilities.					P
(j)	Governmental service facilities such as public works buildings and storage yards.				C	P

		10,000 square feet	80 feet			total						Two-family dwelling units.
		One-half acre	80 feet			25 feet*						All other uses.
Multiple-family Residential	R-2	7,500 square feet	60 feet	25%	25 feet	10 feet	25 feet	2½ story or 35 feet	12 feet		Single-family detached dwelling units.	
		10,000 square feet	80 feet			25 feet total				Two-family dwelling units with central sewerage.		
		15,000 square feet	120 feet			25 feet*				15,000 square feet for first three dwelling units plus 2,000 square feet for each additional dwelling unit.		
		One-half acre	120 feet							All other uses.		
Central Business	C-1	See the Dimensional Requirements in <u>section 62-161(a)</u> and the Building Design Guidelines in <u>section 62-162(a)</u> of division 8 of this article.										

General Commercial	C-2	15,000 square feet	100 feet	25%	35 feet	35 feet	20 feet	35 feet	25 feet	15 feet wide and fence, wall or hedge 4 feet to 6 feet high if abutting a residential district. 20 feet wide landscaped strip if fronting a public street.
Light Industrial	I-1	20,000 square feet	80 feet	25%	35 feet	35 feet	35 feet	35 feet	25 feet	25 feet wide and fence 4 feet but 8 feet high if abutting a residential or commercial district. 20 feet wide landscaped strip if fronting a public street.
Planned Unit Development	PUD	Regulations pursuant to division 6 (planned unit development overlay district (PUD)) of article V (administrative and amendment procedures).								

*Corner lot

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-139. - Compliance with division regulations.

- (a) No building or structure shall hereafter be erected or altered to exceed the height; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards or other open spaces than prescribed for the district in which the building or structure is located.
- (b) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of adoption, or amendment, of the ordinance from which this chapter was derived shall meet at least the minimum requirements established by this chapter.
- (c) No part of a yard or other open space required for, or in connection with, any structure for the purpose of complying with this chapter,

shall be included as part of a yard or open space similarly required for any other structure.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-140. - Yard measurements.

- (a) Lots which abut on more than one street shall provide the required front yards along every street.
- (b) All front, side and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three feet in length from the structure wall.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-141. - Lot widths.

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width, except in the turning circle of culs-de-sac, where the 80 percent requirements shall not apply.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-142. - Height exceptions.

Exceptions to the maximum height regulations for each district specified in this chapter may be permitted, subject to the following provisions:

- (1) *Height limitations.* Limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures, provided that they comply with all other provisions of this or any other applicable chapters: parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment and water tanks.
- (2) *Increased height.* Building height in excess of the height above average ground level allowed in any district may be permitted provided that all minimum front, side and rear yard depths are increased one foot for each additional one foot of height, and provided that adequate fire protection can be demonstrated.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-143. - Accessory structures.

- (a) No detached accessory building or structure shall be located closer than ten feet to any other structure.
- (b) All attached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except, however, such accessory structure may be placed not less than three feet from any rear lot line or the rear yard portion of any side lot line; and shall not exceed 12 feet in height.
- (c) All accessory structures in nonresidential districts shall be subject to the same standards and requirements as are required for all principal structures within such districts.
- (d) All accessory structures shall also be subject to the provisions of division 20 (accessory buildings and structures) in article IV (supplemental regulations).

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-144. - Distance between grouped buildings.

In addition to the required setback lines provided elsewhere in this chapter, in group dwellings (including semidetached and multiple dwellings), the following minimum distances shall be required between each such dwelling:

- (1) Where buildings are front to front or front to rear, three times the height of the taller building, but not less than 70 feet.
- (2) Where buildings are side to side, one times the height of the taller building, but not less than 20 feet.
- (3) Where buildings are front to side, rear to side, or rear to rear, two times the height of the taller building, but not less than 45 feet.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-145—62-159. - Reserved.

DIVISION 8. - FORM-BASED REGULATIONS

Sec. 62-160. - Statement of purpose.

The purpose of the form-based regulations is to provide specific regulations to achieve the following:

- (a) Develop a fully integrated, mixed-use, pedestrian-oriented environment with a historic and traditional downtown with buildings that contain commercial, residential and office uses.
- (b) Create a synergy of uses to support economic development and redevelopment.
- (c) Calm traffic traveling to create a more pedestrian-friendly environment. Prevent a clustering of auto-oriented uses, which could degrade the pedestrian-friendly environment.
- (d) Regulate building height and placement to achieve appropriate scale along streetscapes and ensure proper transition between different areas of the village.
- (e) Establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets and public spaces, all of which contribute to creating a safe, comfortable and livable environment.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

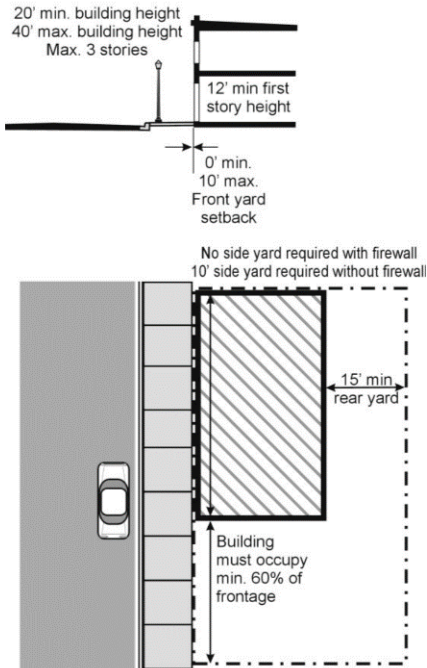
Sec. 62-161. - Dimensional regulations.

Proposed redevelopment of lots and buildings shall meet the dimensional requirements specified in this section for the pertinent zoning district. Existing lots and buildings that do not conform to the dimensional regulations of this section shall not be considered nonconforming structures. However, any exterior modifications to an existing lot/building shall bring it closer to conformity with this section.

(a) *Central Business (C-1) District.* All lots and buildings in the C-1 district shall meet the following dimensional regulations:

Lot Area	No minimum lot area.
Lot Width	No minimum.
Front Yard	Minimum 0-foot, maximum 10-foot front yard setback.
Building Frontage Requirements	Building façades shall occupy a minimum of 60% of the street frontage length between the minimum and maximum front yard setback.
Side Yard	A zero side setback is permissible when a firewall is present along the side lot line. When a firewall is not provided, buildings must be spaced a minimum of 10 feet apart.
Rear Yard	Minimum 15-foot rear yard setback.
Building Height	Minimum 28-foot building height (including false façades on single-story buildings). Maximum 3 stories/42-foot building height. The first story shall be approximately 12 feet in height measured from floor to ceiling.
Accessory Structures	Accessory structures are subject to the requirements of Section 62-166.
Parking	Parking is prohibited in the required front yard, with the exception of on-street parking. Off-street parking may occupy up to 40% of the frontage to the side of the building, provided it is set back at least 5-feet from the building front and a 3-foot tall screen wall is located between the sidewalk and parking lot. Side and rear yard parking is permitted.

<p>Dwelling Units</p>	<p>Dwelling units are restricted to the upper floors of mixed-use buildings. See <u>Section 62-491</u> for minimum dwelling unit floor area requirements. The parking requirements contained in <u>Section 62-249</u> do not apply to dwelling units restricted to the upper floors of mixed-use buildings.</p>
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(Ord. No. 2021.03.01, § 1, 3-8-2021)

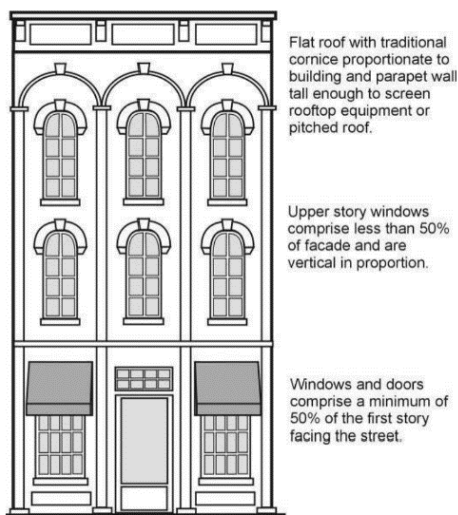
Sec. 62-162. - Building design regulations.

Proposed buildings shall meet the building design regulations specified in this section for the pertinent zoning district. Existing buildings that do not conform to the design requirements of this section shall not be considered nonconforming structures. However, any exterior modifications to an existing building shall bring it closer to conformity with this section.

(a) *Central Business (C-1) District.* All commercial buildings and mixed-use buildings that contain non-residential and residential uses, such as retail on the ground floor, and residential on upper floors and live-work units, shall meet the following regulations:

<p>Ground Floor Storefront</p>	<p>Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of accent such as a string course, change in material or textures, or an awning or canopy between the first and second stories.</p>
<p>Entrance</p>	<p>There shall be a minimum of one usable pedestrian entrance every full 50 feet of frontage along the front public sidewalk. Main pedestrian entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.</p>

Blank Walls	Blank walls (without windows) longer than 20 feet shall not face a street and building walls shall be articulated with wall projections/recessions, variable materials, colors or details to visually break-up the wall.
Garage Doors	Garage doors shall not be permitted on a front façade; however, openings for parking structure entrances and drives leading to loading areas are permitted.
Ground Floor Windows and Doors	No less than 70% of the storefront/ground floor façade facing the street between 2 and 10 feet above the sidewalk shall be clear windows and doorways. Glass areas on storefronts shall be clear or lightly tinted. Mirrored glass is prohibited. Required window areas shall allow views into retail space, working areas, lobbies, pedestrian entrances or display windows. Windows shall not be blocked with opaque materials or the back of shelving units.
Upper Floor Windows	Openings above the first story shall be a maximum of 50% of the total façade area. Windows above the first story shall be vertical in proportion.
Secondary Façade	For a building located on a corner lot, the second front façade facing the lesser traveled street may have the above door and window requirement of the first floor reduced to ½ the required amount of fenestration, provided the secondary façade is not facing Main Street.
Flat Roof Buildings	Buildings with a flat roof appearance from the street shall have a decorative cornice. Flat roofs shall be enclosed by parapets.
Pitched Roof Buildings	Buildings with a pitched roof shall be permitted where the eaves are at least 20 feet from the ground and the roof pitch is between a minimum of 4:12 and a maximum of 12:12.
Mechanical Equipment Screening	All rooftop HVAC mechanical mounted equipment shall be screened from view on all sides of the building. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height. Mechanical equipment on buildings with a pitched roof shall be on the back half of the building and screened on all sides so it is not visible from the ground.



(Ord. No. 2021.03.01, § 1, 3-8-2021)

DIVISION 9. - MARIJUANA OPERATIONS OVERLAY DISTRICT

Sec. 62-163. - Marijuana operations overlay district.

- (a) *State statutes.* The Michigan Legislature adopted the Medical Marijuana Facilities Licensing Act (MMFLA; MCL 333.27101 et seq.), known as Public Act 281 of 2016, pertaining to medical marijuana operations, and voters approved the Michigan Regulation and Taxation of Marijuana Act (MRTMA; MCL 333.27951 et seq.), known as Initiated Law 1 of 2018, pertaining to recreational marijuana operations. All commercial activities pertaining to marijuana and marijuana-related business operations are licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA).
- (b) *Purpose.* The marijuana operations overlay district is established as a special zoning district to permit the establishment of certain marijuana operations in the village. It is intended to overlay certain designated properties in the general commercial district (C-2). Application of the marijuana operations overlay district to an eligible property in the general commercial district requires the property to be rezoned.
- (c) *Intent.* It is the intent of this section to provide for the establishment of certain types of marijuana operations in the Village of Brooklyn and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this section to help defray administrative and enforcement costs associated with the operation of a marijuana facility in the village through imposition of an annual, nonrefundable fee of \$5,000.00 on each marijuana facility license. Authority for the enactment of these provisions is set forth in the Medical Marijuana Facilities Act, MCL 333.27101 et seq., and the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq.

Nothing in this section is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marijuana Act, MCL 333.26421 et seq., Michigan Medical Marijuana Facilities Act, MCL 333.27101 et seq., the Marijuana Tracking Act, MCL 333.27901 et seq., the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq., and all other applicable rules promulgated by the State of Michigan.

As of the effective date of this section, marijuana and marijuana derived products remain classified as a schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, or dispense marijuana, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this section is intended to grant immunity from any criminal prosecution under federal laws.

- (d) *Lands to be designated.* All parcels and portions of parcels located within the boundaries of the marijuana operations overlay district are as shown on the official zoning map of the Village of Brooklyn. Subject properties must meet all of the following requirements:
- (1) Parcels must be within a general commercial (C-2) district;
 - (2) Properties must be designated a commercial redevelopment district; and
 - (3) Properties must be designated as a Brownfield Redevelopment project.
- (e) *Permitted uses.* Unless specifically permitted by this section and limited to the marijuana operations overlay district, all forms of marijuana operations as authorized by the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., and the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq., are prohibited in the Village of Brooklyn.

All of the above uses are subject to the development standards set forth in provisions of article V, Administration and Amendment Procedures, division 3, Site Plan Review Required in Specific Districts.

(Ord. No. 2021.09.01, § 1, 9-13-2021)

Secs. 62-164—62-180. - Reserved.

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

DIVISION 1. - GENERALLY

Sec. 62-181. - Purpose of article.

It is the purpose of this article to provide regulations and requirements that supplement the provisions contained under the respective district regulations in article III (zoning district regulations) of this chapter, and may or may not apply in all zoning districts.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-182. - Uses prohibited by law.

Each district, as created by this article, shall be subject to the regulations contained in this municipal code. Uses not expressly permitted are prohibited.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-183—62-194. - Reserved.

DIVISION 2. - SIGN REGULATIONS

Sec. 62-195. - Intent and objectives of division.

Consistent with the First Amendment principle of freedom of speech from the U.S. Constitution and in consideration of the 2015 U.S. Supreme Court decision in *Reed v. Town of Gilbert, Arizona*, pertaining to sign content, the intent of this division is to regulate the location, size, number, construction and manner of display of signs and outdoor advertising to minimize the potential for harmful effects on the public health, safety and welfare. Regulations of this division recognize signs and outdoor advertising are necessary to promote commerce and public information. However, failure to regulate signs may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the village, conflicts between different types of land use and potential safety issues for pedestrians and motorists. To achieve its intended purpose, this division has the following objectives:

- (a) Prevent the placement of signs in a manner that will conceal or obscure other signs or adjacent businesses;
- (b) Keep the number of signs at the level reasonably necessary to identify a business and its products or services;
- (c) Keep signs within a scale proportionate to the height of the buildings they identify and the setbacks from public street rights-of-way;
- (d) Reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- (e) Promote a manner of display which enhances village aesthetics and appearances; and
- (f) Prevent the proliferation of temporary signs, which might promote visual blight.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-196. - Definitions.

Please see [section 62-726\(s\)](#) for definitions pertaining to signage.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-197. - Administration of division.

- (a) *Zoning administrator.* The zoning administrator shall administer this division. When the zoning administrator has issued a sign permit, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of such permit without prior approval of the zoning administrator.
- (b) *Permits.*
 - (1) *Required.* It shall be unlawful to display, erect, relocate or alter any sign other than a temporary window sign or a temporary yard sign without obtaining a sign permit. A change of copy for an existing permanent sign with reuse of an existing sign structure (i.e.: no dimensional change) requires a permit, however, the permit fee is waived (see also [section 62-726\(s\)](#) - definitions.).
 - (2) *Record of approval.* The zoning administrator must enter a written record of a permit approval and maintain it on file with the village.

Application approval from the zoning administrator does not relieve the petitioner from the responsibility of also making application with the Michigan Department of Transportation (MDOT) if located in the right-of-way of a state highway.

- (3) *Application.* The owner or tenant of the property on which the sign is to be located, their authorized agent, or a sign contractor (all with the written approval of the owner) may submit a sign permit application. Such applications shall be made in writing on forms furnished by the zoning administrator and shall be signed by the applicant and property owner and follow the procedures described in subsection (b)(4) of this section.
- (4) *Plans and additional information.* The application for a sign permit shall be on a form provided by the village and requiring payment of a permit fee as established and periodically amended by majority approval of village council.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-198. - General conditions.

(a) *Location.*

- (1) All signs must advertise a business or service on the lot(s) upon which the sign is located and to which the sign is accessory, unless otherwise specified in this division.
- (2) The placement of signs shall not interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- (3) Signs shall not be erected, relocated, or maintained to prevent ventilation or free egress/ingress from any door, window, or fire escape
- (4) Signs and associated landscaping must meet the clear vision requirements of division 7 of this article.
- (5) Upon the recommendation of the corridor improvement authority board and approval of the Michigan Department of Transportation (MDOT) and/or village council. Tourist-oriented direction signs (see [section 62-198\(f\)](#)) and collective wayfinding signage with a uniform format may be placed within the rights-of-way of state highways and other village streets to identify village businesses and institutions.

(b) *Illumination.*

- (1) Signs shall be illuminated by electrical means in compliance with the state of Michigan electrical code.
- (2) The light from illuminated signs shall be shielded at its source in a manner that will not shine light on adjacent properties or onto abutting public streets.
- (3) Prohibit signs with flashing, rotating, or moving lights, except time and temperature signs and those displaying pricing at gas stations, provided such signs do not exceed 16 square feet per side. Additionally, "open" signs may flash or move providing they do not exceed two square feet in area, that the color of the tubing/message board is not fluorescent in color, and that it is not located such that it is, or will be, deemed by the village to be a nuisance to those traveling on the adjacent roadway.
- (4) No portion of the sign shall have a luminance greater than one foot-candle measured at four feet perpendicular to any surface for fluorescent, incandescent and halogen lighting. Digital and LED electronic signs, when approved through a conditional use permit process, shall have nighttime luminance levels programmed to automatically reduce the level not to exceed one-third that of daytime luminance, measured in nits, subject to the approval of the Michigan Department of Transportation (when appropriate) and village council.

(c) *Safety.*

- (1) All signs shall be erected and maintained in compliance with all applicable building codes and other applicable ordinances governing construction within the village. In the event of conflict between this division and other laws, the most restrictive shall govern.
- (2) All signs shall be designed, located, erected and maintained in a manner that:
 - a. Avoids hazards due to collapse, fire, collision, decay or abandonment;
 - b. Does not obstruct firefighting or police surveillance; and
 - c. Avoids traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read street signs.

(d) *Landscape quality and preservation.* In the application of this division, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- (1) Do not interfere with scenic views.
- (2) Are not detrimental to land or property values.
- (3) Contribute to the special character and historical significance of areas or districts in the village.

- (4) Do not constitute a safety issue to persons using the public right-of-way.
 - (5) Do not constitute a nuisance to occupancy of adjacent property by their brightness, size, height or movement.
- (e) *Signs prohibited in all districts.* Signs or similar devices not specifically listed are prohibited. Examples of such signs include, but are not limited to, the following:
- (1) Roof signs.
 - (2) Signs containing flashing, intermittent or moving lights or with moving or revolving parts. This subsection does not exclude signs that give the time and temperature or "open" signs in compliance with section 62-198 (b), if no other animated messages are displayed.
 - (3) Signs affixed to trees, rocks, shrubs, or similar natural features. This subsection does not exclude signs denoting a site of historic significance.
 - (4) Signs which imitate traffic signals, traffic direction signs or similar traffic control devices, or which make use of words such as "stop," "look," "danger" or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
 - (5) Signs in the public right-of-way or on public property, unless specifically approved by the village council. This subsection does not exclude wayfinding signs established under the authority of section 62-198(a)(5).
 - (6) Any sign or sign structure which:
 - a. Is structurally unsafe, inadequately maintained or dilapidated;
 - b. Remains on the premises 30 days after a business/institution ceases to operate or moves from the location;
 - c. Is not kept in good repair; or
 - d. Are in violation of the state electrical code.
- (f) *Signs permitted in all districts.*
- (1) Signs painted or otherwise displayed (including magnetic signs) upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted.
 - (2) Nameplates and house numbers not exceeding two square feet in size. Memorial signs or tablets may be up to six square feet in size. Historical markers and cemetery stones are excluded from the square foot requirement.
 - (3) Directional signs which indicate the direction of traffic flow. Directional signs shall not exceed two square feet in size, contain no advertising, and may be illuminated.
 - (4) Tourist-oriented direction signs provided that such signs are permitted by the Michigan Department of Transportation and/or village council pursuant to 1996 Public Act 299.
 - (5) Signs which promote a village theme or brand, such as blade signs (See section 62-201), installed perpendicular to a business' wall facing a public right-of-way and of a uniform size for all businesses displaying such a sign as determined by the corridor improvement authority and approved by village council.
- (g) *Number of signs permitted.*
- (1) Only one sign of any type, excluding temporary yard signs, may be permitted on any one premises in any residential district.
 - (2) Except as indicated, businesses located in the central business (C-1), general commercial (C-2), and light industrial (I-1) zoning districts may display signs as follows when in compliance with all other sign regulations:
 - a. One freestanding sign per premises or commercial center (See subsection 62-199(a)(1)).
 - b. One wall sign or marquee sign per business location.
 - c. One sandwich board sign.
 - d. One feather flag sign per 80 feet of frontage on a public right-of-way.
 - e. One temporary banner sign.
 - f. One blade sign if recommended by the corridor improvement authority and approved by village council.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-199. - Permitted freestanding signs.

The following freestanding signs shall be permitted in the following districts in accordance with the regulations of this section.

- (a) Only one freestanding sign shall be erected on any business premises, including those within a common structure (known as a commercial center or arcade) housing two or more businesses.

- (b) Permitted freestanding signs within the C-1 (central business district) (see diagram) are as follows:
- (1) A freestanding sign may be located at the property line but may not project into or over the public right-of-way.
 - (2) A freestanding sign shall not exceed six feet in height when located at the property line.
 - (3) A freestanding sign shall not exceed 24 square feet per side in area, not to exceed a total area of 48 square feet.
- (c) Permitted freestanding signs within the general commercial (C-2) and light industrial (I-1) districts are as follows:
- (1) A freestanding sign may be located no closer than ten feet from the property line.
 - (2) A freestanding sign shall not exceed 12 feet in height when located ten feet inside the property line. An additional height of one foot for each four feet of additional setback from the property line is permitted. However, in no case shall the height of a freestanding sign exceed the lesser of 18 feet or the height of the building as defined in this chapter.
 - (3) A freestanding sign shall not exceed 24 square feet per side in area when located ten feet inside the property line. An additional three square feet in area per side for each additional four feet in setback from the property line is permitted. However, in no case shall the area of a freestanding sign exceed 36 square feet per side in area unless approved through the conditional use permit process.
- (d) Permitted freestanding signs for the following conditional uses: churches, synagogues, temples, and similar places of worship; public and private elementary and secondary schools; parks, playgrounds, common greens, plazas, public gathering places, and open space; and nursing homes and senior assisted living are as follows:
- (1) A freestanding sign may be located no closer than ten feet from the property line.
 - (2) A freestanding sign shall not exceed six feet in height when located at the ten-foot setback.
 - (3) A freestanding sign shall not exceed 20 square feet per side in area, not to exceed a total area of 40 square feet.
- (e) Permitted freestanding signs for residential subdivision developments, manufactured home parks, planned unit developments, multiple-family developments and housing for the elderly are as follows:
- (1) Only one freestanding sign shall be erected on any developed area or project.
 - (2) A freestanding sign may be located no closer than ten feet from the property line.
 - (3) A freestanding sign shall not exceed six feet in height when located at the ten-foot setback.
 - (4) A freestanding sign shall not exceed eight square feet per side in area, not to exceed a total area of 16 square feet.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-200. - Permitted wall signs.

The following wall signs shall be permitted in the following districts in accordance with the regulations of this section:

- (a) Special requirements for all wall signs are as follows:
- (1) The total area of all tenants within a business site shall not exceed two square feet of sign for each lineal foot of building width. Wall signs shall be set back a minimum of one foot from each edge of the building.
 - (2) No wall sign shall be erected to extend above the top of the wall to which it is attached.
 - (3) Signs erected on the vertical portion of a mansard roof are wall signs.
 - (4) All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.
 - (5) Businesses which have frontage on more than one public right-of-way shall be allowed one sign facing each right-of-way, with a maximum of 30 square feet per sign.
- (b) Permitted wall signs within all commercial districts:
- (1) Each tenant within a business site (commercial center) may have one wall sign displayed on the exterior wall of that building which faces the public right-of-way.
 - (2) Only a tenant within a business site that faces two public rights-of-way may have one wall sign with a maximum of 30 square feet in area displayed on each of those two walls of that building that face each right-of-way.
 - (3) A single 12 square foot wall sign may be placed on any other exposed building surface that does not front upon a public street, but is visible from a public street or right-of-way.
- (c) Permitted wall signs within the central business (C-1), general commercial (C-2), and light industrial (I-1) zoning districts are as follows:

- (1) Each tenant within a business site may have one wall sign displayed on the exterior wall of that building.
 - (2) No single wall sign may exceed 30 square feet in area.
 - (3) A common signage theme shall be required for each common business site or industrial park.
- (d) Permitted wall signs for home occupations and the following conditional uses: churches; public buildings; cemeteries; parks; private and public schools; swimming pool clubs; private recreation areas and institutional or community recreation centers; golf courses; colleges, universities and other institutions of higher learning; hospitals; and convalescent and/or nursing homes are as follows:
- (1) Each tenant within a business site may have one wall sign displayed on the exterior wall of that building.
 - (2) No single wall sign may exceed 30 square feet in area.
 - (3) One non-illuminated sign not exceeding eight (8) square feet shall be permitted for a home occupation.
- (e) Permitted wall signs for multiple-family developments and housing for the elderly are as follows:
- (1) There shall be no more than one wall sign permitted for each project, except projects which have frontage on two or more public rights-of-way may have one wall sign on each frontage.
 - (2) The surface area of a wall sign or combination of wall signs shall not exceed a total of 30 square feet per each street frontage.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-201. - Permitted marquee and bracket/blade signs.

Marquee and bracket/blade signs may be substituted, in whole or part, for permitted wall signs based on a maximum size not to exceed 30 square feet per business in combination with a wall sign. The total number and surface area of marquee signs or combination of marquee and wall signs shall comply with the requirements set forth in [section 62-200](#). No business shall display more than one marquee or blade sign, including those of a uniform size and portraying a village theme or brand.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-202. - Indoor window signs.

Indoor window signs shall be permitted in the central business (C-1) and general commercial (C-2) zoning districts. Indoor window signs permitted on each floor level shall not exceed 50 percent of the window area on each floor level.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-203. - Permitted temporary signs.

The following temporary signs shall be permitted in accordance with the regulations enumerated in this section as follows:

(a) *Permitted portable temporary signs.*

- (1) One portable, temporary sign shall be permitted in the central business (C-1), general commercial (C-2) and light industrial (I-1) zoning districts.
- (2) Only one portable, temporary sign shall be permitted per premises at any given time when located adjacent to the street right-of-way. Only parcels within the central business district (C-1) may display a portable, temporary sign within the street right-of-way. However, each business shall be permitted to display a temporary sign attached to their building provided it complies with the requirements of this section.
- (3) A portable, temporary sign shall not exceed four feet in height when located adjacent to the street right-of-way.
- (4) A portable, temporary sign shall not exceed eight square feet per side in area when located adjacent to the street right-of-way. When located a minimum of ten feet from the street right-of-way, the area may increase to 16 feet per side. However, when attached to a building, the size shall be commensurate with the frontage of the building. Specifically, for every two lineal feet of building frontage (excluding windows) the temporary sign area may be one square foot.
- (5) Portable, temporary signs may be permitted for up to a 35-day period within a single calendar year with one extension permitted not to exceed a total of 60 days. All such signs may be periodically changed, without submitting a new permit application, provided the combined duration does not exceed the previously noted number of days. The number of days shall apply to any signs located on the building wall or adjacent to the road right-of-way and shall be calculated on a per business basis.
- (6) The placement of a portable, temporary sign located adjacent to the road right-of-way shall be approved by the zoning

administrator to ensure safe and efficient pedestrian and vehicular traffic movement.

- (7) A sign permit is required prior to the installation of the temporary sign. Permits are valid for one calendar year beginning January 1 and ending December 31 and are nontransferable.
- (8) The permit application shall be approved and signed by the zoning administrator before the sign shall be displayed. An application fee is waived when the permit application is submitted according to requirements of this division. Permit applications may be approved or denied by the zoning administrator or designee within 48 business hours of submission. Applications requiring a conditional use permit must be submitted a minimum of 45 days prior to display of the sign to enable review by the planning commission and the decision of village council.

(b) *Permitted feather flag signs.*

- (1) A sign permit is required for all feather flags, feather banners, teardrop banners or similar signs that are permitted in all commercial and industrial districts. A permit application fee shall be waived when all other requirements of this division have been met.
- (2) Feather flags are limited to 24 inches in width and 96 inches in height in all districts.
- (3) Only one feather flag sign per business with frontage on a public right-of-way of up to 80 lineal feet shall be permitted in addition to other permitted permanent and temporary signage. Such permit is not transferrable.
- (4) Feather flag signs shall only be displayed during business operating hours.
- (5) Feather flag signs shall be maintained in good repair free of tears, frayed edges and grime and shall be replaced when colors have faded.
- (6) With the approval of the Michigan Department of Transportation (where appropriate) and the zoning administrator, a feather flag sign may be placed in the public right-of-way where indicated by the village department of public works.
- (7) Feather flag signs shall be removed from public sidewalks, where permitted, if there is snow accumulation of two inches or more and shall not be returned until the snow is removed, except those located on private property.
- (8) Feather flag signs placed in violation of this subsection will result in immediate removal of the sign.
- (9) Feather flag signs placed within the public right-of-way may be removed by the village for municipal purposes. (i.e., code enforcement, snow removal, traffic issues, maintenance, etc.).
- (10) When recommended by the corridor improvement authority board, at its sole discretion, village council may allow temporary placement of a business' feather flag sign on the village square on a schedule that is equitable to all interested businesses for a duration to be determined by the village.

(c) *Permitted temporary yard signs.*

- (1) Temporary freestanding yard signs do not require a permit or payment of a permit fee.
- (2) Up to 18 square feet of temporary yard signage may be displayed per lot in the one-and two family residential (R-1) district; individual signs may not exceed six square feet in area and a height of four feet. Up to 24 square feet of temporary freestanding yard signage may be displayed per lot in all other zoning districts; individual signs may not exceed eight square feet in area and a height of six feet.
- (3) Temporary freestanding yard signs shall not be placed in any manner on public property. They may only be placed on private property with the consent of the property owner.

(d) *Permitted sandwich board signs.*

- (1) An annual sign permit is required prior to the installation of a sandwich board sign, however, a permit fee is not required.
- (2) Only one sandwich board sign per business shall be permitted in addition to other permitted signage and such permit is not transferrable.
- (3) Signs shall only be displayed during business operating hours.
- (4) The maximum area shall be eight square feet per side of sign with the maximum height being 48 inches. Up to 16 square feet is permitted for sandwich board signs in all commercial and industrial districts.
- (5) Acceptable primary sandwich board sign materials include the following: steel, iron, metal, and wood. Acceptable primary material colors include: black, white, and green. Synthetic materials such as chalkboard and whiteboard are acceptable.
- (6) Sandwich board signs shall not be placed more than six feet from the front primary entrance of the business unless being used as a portable, temporary sign and in compliance with all other sections of this division, except when approved by the zoning administrator in consideration of unusual circumstances.

- (7) Sandwich board signs shall not be placed so as to cause the width of any sidewalk to be reduced to less than four feet in width, nor shall they be erected or maintained in a manner that prevents free ingress or egress from any door, window, fire escape or parking space.
 - (8) Permits for temporary sandwich board signs are valid for one calendar year beginning January 1 and ending December 31. If the sign is permitted to be located within the public right-of-way, business owners shall sign a disclaimer that indemnifies the village of any liability for use of said public right-of-way.
 - (9) Sandwich board signs shall not be illuminated, nor shall they contain moving parts or have balloons, streamers, pennants, or similar adornment attached to them.
 - (10) Attaching sandwich board signs to structures, poles, objects, signs, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited.
 - (11) Sandwich board signs, except those located on private property, shall be removed from public sidewalks if there is any snow accumulation and shall not be returned until the snow has been removed.
 - (12) Sandwich board signs placed in violation of this subsection will result in immediate removal of the sign.
 - (13) Sandwich board signs are permitted within any of the commercial districts; however, only those within the central business (C-1) district may be placed within the public right-of-way with an approved permit.
- (e) *Removal of temporary signs.* Temporary signs that do not conform to the provisions of this section or other sections of this division shall be immediately removed by the village and shall be destroyed if not claimed within 30 days.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-204. - Conditional use permit.

A conditional use permit application may be submitted to the village in the following situations. All conditional use permit applications will be reviewed by the zoning administrator and planning commission which may recommend approval to village council with certain conditions delineated. Village council may only approve conditional use permits pertaining to sign regulations. Submission of a conditional use permit application does not guarantee approval of said application or of all requested conditions.

- (a) Upon receipt of a conditional use permit, freestanding signs in the general commercial (C-2) and light industrial (I-1) zoning districts may exceed 18 feet in height and/or 36 square feet in area given the following conditions:
 - (1) The structure that is subject to a freestanding sign has a setback greater than 35 feet from a public right-of-way; and
 - (2) Private parking areas are located between the principal structure and the public right-of-way.
 - (3) The proposed sign height and area shall be proportional to the additional setback.
- (b) Upon receipt of a conditional use permit, a freestanding sign may be erected for a business that does not have frontage on a public right-of-way and/or is blocked from view by a building, landscaping, an existing sign or a natural feature given the following circumstances:
 - (1) The subject business is located behind another business with access to the property from a public street via a private drive or easement; and
 - (2) Written approval of the property owner whereon the freestanding sign is to be located has been obtained; and
 - (3) All other means of advertising said business, such as receipt of a conditional use permit to exceed the height of a freestanding sign or exceed the size of a wall sign, are not feasible or have been denied and there is no existing freestanding sign which may accommodate the new business' sign.
 - (4) The proposed sign height and area shall be proportional to the setback from the public right-of-way.
- (c) Upon receipt of a conditional use permit, wall signs in the general commercial (C-2) and light industrial (I-1) zoning districts may exceed 30 square feet in area given the following conditions:
 - (1) The structure that is subject to a freestanding sign has a setback greater than 35 feet from a public right-of-way; and
 - (2) Private parking areas are located between the principal structure and the public right-of-way.
 - (3) The proposed sign area shall be proportional to the additional setback from the public right-of-way.
- (d) Upon receipt of a conditional use permit, wall signs for a multi-unit commercial development (a commercial center with multiple businesses located within a single structure) may exceed 30 square feet in area for one or more business given the following conditions:

- (1) The width of one or more business locations in a commercial center facing a public right-of-way exceeds 35 feet; and
 - (2) The proposed signage area of each business located in the commercial center shall be proportionate to each business' frontage of the total building width which faces the public right-of-way; and
 - (3) The combined signage area of all businesses located in the commercial center shall not exceed the total building frontage divided by 35 feet multiplied by 30 square feet when the structure has a setback of 35 feet from the public right-of-way.
 - (4) If the commercial center meets conditions (1) and (2) in paragraph (d) above, the combined area of signage for all businesses may exceed the formula in (3), above, but shall be proportionate to the increased setback from the public right-of-way.
- (e) Upon receipt of a conditional use permit, digital electronic signs may be approved in all zoning districts when in compliance with all relevant sign regulations.
- (1) The frequency of message changes for all digital electronic signs shall be such to avoid visual distraction to adjacent street traffic. Message changes shall transition without exhibiting a flashing or strobe effect.
 - (2) All digital electronic signs shall require automatic reduction in luminance during nighttime display not to exceed that of one-third the luminance of daytime display.
 - (3) The size of digital signs shall be commensurate with regulations pertaining to freestanding or wall signs within this division.
- (f) Upon receipt of a conditional use permit, billboard structures or signs may be approved for the general business (C-2) and light industrial (I- 1) zoning districts subject to the following restrictions:
- (1) *Location.* Permitted only on a Lot located on a state highway or city major street in the C-2 or I-1 Zoning Districts.
 - (2) *Size.* The billboard may be double-faced and cannot exceed a surface area of 300 square feet per face, nor 35 feet in height. The Village Planning Commission will determine the distance between faces.
 - (3) *Illumination.* The billboard shall not be backlit but may be front-lit if the illumination does not obscure or interfere with an official traffic control device.
 - (4) *Setbacks.* The billboard must comply with the minimum setback requirement of the Zoning District in which it is located.
 - (5) *Distance between billboards.* Each billboard must be located at least 500 feet (measured along the nearest common side of the adjacent road) from another billboard.
 - (6) *Conformance to state statutes.* A billboard must conform to all of the requirements of the Highway Advertising Act of 1972 (PA 106 of 1972, MCL 252.301 et seq.) except where a more restrictive standard is required by this Section, in which case such billboard must conform to the provisions of this Section.
 - (7) *Impairment of adjacent property rights.* The Village prohibits billboards whose size, height, location, or illumination would unreasonably impair visibility, light, or air otherwise enjoyed by adjacent property.
 - (8) *Village-wide limited faces of billboards.* The total number of billboards within the Village may not increase from the number in existence on the effective date of this Section. No party may construct a billboard without first removing a billboard equal in the number of faces to the proposed number of faces. To administer this provision, the zoning administrator will issue a replacement permit to any arty who permanently removes a lawful existing billboard face. Parties may transfer replacement permits. The zoning administrator will note the number of faces of every removed billboard. The zoning administrator can only issue a billboard construction permit after the applicant submits a replacement permit for cancellation and the total number of faces noted on it equals at least the number of faces of the billboard(s) to be constructed. Any billboard constructed must also comply with all other provisions of this Section.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-205. - Nonconforming signs.

- (a) Signs lawfully erected and for which a sign permit application has previously been approved prior to the effective date of adoption, or amendment, of the ordinance from which this chapter was derived, which do not meet the standards of this division may be maintained, except as provided hereafter.
- (b) No nonconforming sign shall:
 - (1) Be changed to another nonconforming sign;
 - (2) Be modified so as to change the shape, size or design of the sign;
 - (3) Be reestablished after the activity, business or usage to which it relates has been discontinued for more than 90 days; or

(4) Be repaired or re-erected after sustaining damage valued at more than 50 percent of the costs of an identical new sign.

(c) If the owner of a sign or the property on which a sign is located changes the location of a building, property line or sign, or changes the use of a building so that any sign on the property is made nonconforming, such sign must be removed or made to conform to this division.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-206. - Enforcement of division.

(a) *Violations.* Any person violating any of the provisions of this division shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$500.00 and the costs of prosecution or, in default of the payment, shall be punished by imprisonment in the county jail for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

(b) *Public nuisance per se.* Any sign which is erected, altered or converted, and in violation of any of the provisions of this division, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(c) *Notice.* If the zoning administrator shall find that any sign is maintained in violation of the provisions of this division, they shall give written notice to the person owning or having the beneficial use of the sign or the property where the sign is located. If such person fails to alter or remove the sign so as to comply with this division within 30 days after such notice, the zoning administrator may cause such sign to be removed at the expense of the owner or persons having the beneficial use of the property or sign. The zoning administrator may cause any sign that is an immediate peril to persons or persons' property to be removed forthwith. These procedures are supplemental to other legal remedies as available for the enforcement of this division.

(d) *Fines; imprisonment.* The owner of any building, structure or premises or part thereof, where any condition in violation of this division shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction, shall be liable to the fines and imprisonment herein provided in this section.

(e) *Separate offense.* A separate offense shall be deemed committed upon each day during or when a violation occurs or is continued.

(f) *Rights and remedies cumulative.* The rights and remedies provided in this section are cumulative and in addition to any other remedies provided by law.

(g) *Conformance deadline.* All signage in the village shall conform to this division within five years of adoption or be granted variances as provided by article VI (board of appeals) of this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-207. - Appeals.

Appeals shall be heard before the village council in accordance with provisions set forth in article VI (board of appeals) of this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-208—62-220. - Reserved.

DIVISION 3. - MURAL REGULATIONS

Sec. 62-221. - Intent and objectives of division.

The intent of this division is to regulate the location, construction and manner of display of murals in order to preserve the aesthetic appeal of the village and to promote appropriate visual expression by defining what constitutes a mural and to provide penalties for violation of the provisions thereof. To achieve its intended purpose, this division has the following objectives:

(a) Encourage the design and placement of private murals for public display that promote or enhance the character of the village;

(b) Differentiate between signs, graffiti and murals; and

(c) Prevent visual expression that may be offensive, is of a political nature, or is derogatory.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-222. - Definitions.

The words, terms and phrases listed in Section 62-726(m), when used in the division, shall have the meanings ascribed to them in section 62-726(s), except where the context clearly indicates a different meaning:

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-223. - Murals.

- (a) Type 1 and type 2 murals are allowed only in the following zoning districts, subject to the restrictions set forth in this section:
 - (1) Central Business (C-1) and
 - (2) General Commercial (C-2).
- (b) Murals may not be placed on the façade of the structure that faces M-50/Main Street.
- (c) Murals may only be placed directly on unimproved concrete, concrete block or brick façades. However, should the applicant desire to have a mural constructed off-site in moveable panels to be installed on said façade, the attachment of said panels must comply with applicable building codes, subject to required permits and inspection; must not cover window or door openings unless properly sealed in compliance with applicable building codes, the attachment devices must not compromise the structural integrity of the surface to which the panels are attached, and said panels must be securely attached to prevent failure due to weather conditions, vandalism or age.
- (d) Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism or the like. Failure to maintain a mural in good repair may result in notification by the code enforcement officer and, if necessary, appropriate enforcement action by the village, including recovery of related expenses for enforcement.
- (e) Prior to installation of a mural, the property owner or tenant (with written permission of the property owner) shall apply for a determination of whether the proposed design or representation is a sign, a type 1 mural or a type 2 mural and, if the proposed design or representations is a type 2 mural, whether it complies with the requirements of this section. The application with fee, as determined by village council, shall be forwarded to the zoning administrator who shall conduct an administrative review of the application and design for compliance with this section.
- (f) Murals shall not contain words (in any language), symbols or representations that are obscene, offensive, of a political nature or are derogatory.
- (g) Village council, at its discretion, may designate a three-person review committee consisting of the village president (or designee), village manager and code enforcement officer to review mural design for compliance with this section. The committee, at its discretion, may refer the mural design to the planning commission for further review.
- (h) Determination of a sign or a type 1 or type 2 mural:
 - (1) If the proposed design or representation is determined to be a sign, the applicant shall comply with all further review and requirements of division 2 (sign regulations) of article IV (supplemental regulations) before creating or installing the sign.
 - (2) If the proposed design or representation is determined to be a type 1 mural, no further review or action is necessary before creating or installing the mural.
 - (3) If the proposed design or representation is determined to be a type 2 mural, the applicant shall obtain a determination of whether the type 2 mural complies with all requirements of this section before creating or installing the mural.
- (i) Type 2 murals may be allowed if:
 - (1) The graphics, words, and/or symbols referencing the establishment, product, or service are limited in scope and dominance, and not readily construed as commercial advertising. References must be subtle and integrated into the overall mural design.
 - (2) The references to an establishment, product, or service are not to be in the form of traditional building signage. Traditional signs on the same wall will be reviewed separately under applicable sign requirements.
- (j) Where numbers of signs or maximum square footages apply to a particular location, a mural shall not count as a sign nor figure into the allowable sign area.
- (k) An aggrieved applicant may file an appeal to the zoning board of appeals for review of a decision relating to a mural. The zoning board of appeals shall review the decision based on the criteria in this division.
 - (l) If the mural application is approved, the applicant must complete the approved mural within 90 calendar days from the date of approval.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-224. - Penalties and remedies for violations.

Any person violating any provision of this article shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in article III of chapter 2 of the Village Code of Ordinances.

In addition to the foregoing, any violation of this article shall be deemed a nuisance per se, permitting the village council, its officers, agents or any private citizen to take such action in any court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-225—62-240. - Reserved.

DIVISION 4. - OFF-STREET PARKING

Sec. 62-241. - Provision required for all districts.

In all districts, there shall be provided at the time any building, structure or use is established, enlarged or increased in capacity, off-street parking spaces for motor vehicles with the requirements specified in this division. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-242. - Plans.

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the zoning administrator for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-243. - Location of off-street parking areas.

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within 300 feet thereof except that this distance shall not exceed 150 feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-244. - Parking in residential districts.

- (a) Parking of motor vehicles in residential districts shall be limited to passenger vehicles and not more than one commercial vehicle of the light delivery type, not to exceed one ton, per dwelling unit. The parking of any other type of commercial vehicle, except those parked on school or church property or convalescent home, or the like, specifically for the use of those entities, is prohibited in a residential zone.
- (b) See Sec. 62-726(v) for definitions of *vehicle* and *vehicle, recreational*.
- (c) Parking or storage of any vehicle in the front or side yards in any residential area is prohibited unless said vehicle is completely contained within a garage or accessory building.
- (d) Parking of recreational vehicles or non-passenger vehicles in the driveway is allowed, not to exceed two such vehicles, and provided said vehicles are licensed, insured and operable. Use of recreational vehicles for living quarters, for any length of time, in any residential district is prohibited.
- (e) Parking of construction-related vehicles in residential districts is allowed during activities related to construction of, improvements to or demolition of structures on residential properties provided a valid permit has been obtained from the village for said activities not to exceed six consecutive months.
- (f) Parking of a contractor's trailer on an improved driveway or parking area in a residential district is allowed when owned and used by an occupant of the dwelling unit for their primary profession not to exceed one such vehicle.
- (g) Parking or storage of unlicensed or inoperable motor vehicles or parts of vehicles on any part of properties within a residential area is prohibited unless said vehicles or parts are completely contained within a closed garage or accessory building.

- (h) Parking of one passenger vehicle listed for sale is allowed upon obtaining a permit from the village office not to exceed ten days within a 30-consecutive day period and provided the vehicle is parked parallel to and immediately adjacent to the driveway. The vehicle must be licensed, insured and drivable with a clearly visible "For Sale" sign attached to or placed within the vehicle. Compliance with section 30-21, Cutting of we grass and brush, is required. A permit fee may be established by resolution of village council.
- (i) Temporary parking of delivery or moving company vehicles in the front yard of a dwelling unit is permitted for no more than 24 continuous hours.
- (j) Off-street parking that serves an existing structure at the passage of this amendment shall not be reduced in size to less than that required under the terms of this ordinance when in compliance with section 62-245 or section 62-246. Parking areas on residential property that are constructed according to section 62-246 that would be in noncompliance with the passage of this amendment may continue to be maintained for parking of vehicles according to section 62-244.
- (k) Enforcement of this section shall be the responsibility of the village manager or a duly authorized representative (such as the code enforcement officer or village employee) as designated by the village manager.
- (l) Violation of this ordinance shall be remedied within 24 hours of notice of violation. Each subsequent 24-hour period of noncompliance shall constitute a separate violation.
- (m) Fines and costs for violation of this section shall be established by resolution of village council.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-245. - Parking in a street right-of-way.

- (a) Parking of any vehicle or part of a vehicle in the right-of-way between the street and the property line is prohibited on streets where a curb is present except where parallel parking spaces are an integral part of the street width and parking spaces are delineated by painted lines.
- (b) Parallel parking of a passenger vehicle in the right-of-way between the street and the property line where no curb is present is prohibited, except:
 - (1) Where there is a pre-existing parking area that is constructed according to section 62-246(j) and meets one of the following minimum dimensions:
 - a. Ten-foot width between the edge of the street surface and sidewalk, or
 - b. Fifteen-foot width between the edge of the street surface and property line where no sidewalk is present.
 - (2) When a permit has been approved by the village for a specific period of time for parking in the right-of-way immediately adjacent to property occupied by the applicant.
- (c) When a permit has been issued by the village for parking in a right-of-way, the applicant is responsible for restoration of the right-of-way to its pre-existing condition.
- (d) Overnight or seasonal parking restrictions for on-street parking, including parking in the right-of-way, of vehicles take precedence over other elements of this section.
- (e) This section does not preclude previous or subsequent traffic control orders approved by village council restricting or prohibiting parking of vehicles on specific streets, at specific locations or at specific times.
- (f) Parking of any vehicle or part of a vehicle on or over any village sidewalk is prohibited.
- (g) Enforcement of this section shall be the responsibility of local law enforcement officers or a duly authorized representative of the village as designated by the village manager.
- (h) Fines and costs for violation of this section shall be established by state statute or court of law.
- (i) Permit fees for parking in a right-of-way may be established by resolution of the village council.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-246. - Area design.

- (a) Each off-street parking space for automobiles shall be not less than 200 square feet in area, exclusive of access drives or aisles, and shall be of useable shape and condition.
- (b) There shall be provided a minimum access drive of ten feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- (c) Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The

minimum width of such aisles shall be:

- (1) For 90 degrees of perpendicular parking, the aisle shall not be less than 22 feet in width.
 - (2) For 60-degree parking, the aisle shall not be less than 18 feet in width.
 - (3) For 45-degree parking, the aisle shall not be less than 13 feet in width.
 - (4) For parallel parking, the aisle shall not be less than ten feet in width.
- (d) All off-street parking spaces shall not be closer than five feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
- (e) All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
- (f) Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- (g) Any off-street parking area providing space for five or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence or compact planting not less than four feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- (h) All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this subsection shall not apply to off-street parking areas of one-family or two-family dwellings.
- (i) See Sec. 62-726(d) for a definition of *driveway*.
- (j) Driveways, parking areas and turnarounds shall be surfaced with three and one-half inches of concrete, one and one-half inches of asphalt, three and one-half-inch pavers, or two inches of dust-free material that shall be contained on the property.
- (k) Driveway width shall not exceed the lesser of 20 feet or the width of the garage or carport to be accessed provided the front of the garage or carport is located at or in front of the rear building line of the dwelling unit.
- (l) Driveways serving a detached garage located ten feet or more behind the rear building line of the dwelling unit may not exceed ten feet in width except said driveway may be flared to the full width of the garage at a point not to exceed 20 feet in front of the garage.
- (m) For dwelling units that are not served by a garage (either attached or detached), the driveway may not exceed 20 feet in width and shall not extend beyond the rear building line of the dwelling unit, except as may be granted by variance or condition existing prior to enactment of this ordinance.
- (n) Driveways serving an accessory building may not exceed ten feet in width, but may extend beyond the rear building line of the dwelling unit to the nearest building line of the accessory building. For corner lots with an accessory building, a separate driveway from the secondary street is permitted, but must meet the criteria in this section.
- (o) Circular driveways are permitted that meet the provisions of paragraph (b) in this section.
- (p) Alterations to a principle or accessory structure that would put a property into noncompliance with this section or would increase an existing noncompliance of a property with this section shall be prohibited.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-247. - Collective parking.

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designed is not less than the sum of individual requirements.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-248. - Determining requirements.

For the purpose of determining off-street parking requirements, the following units of measurements shall apply:

- (1) *Floor area*. In the case where floor area is the unit for determining the required number of off-street parking spaces, such unit shall mean the gross floor area except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment penthouse housing ventilators and heating systems and similar uses.
- (2) *Places of assembly*. In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one seat. In cases where a place of

assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

- (3) *Fractions.* When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (4) *Bicycles.* The parking requirement in the Central Business (C-1), General Commercial (C-2) and Light Industrial (I-1) districts may be reduced by one space for every dedicated bicycle parking space identified on a site plan (for a maximum reduction of five spaces).

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-249. - Schedule of off-street parking spaces.

The minimum required off-street parking spaces shall be as set forth in the following schedule of off-street parking spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

Use	Parking Space Requirements
Automobile or machinery sales and services garages	One space for each 200 square feet of showroom floor area, plus two spaces for each service bay, plus one space for each two employees.
Bank, business and professional offices	One space for each 200 square feet of gross floor area.
Barbershops and beauty parlors	One space for each chair, plus one space for each employee.
Bowling alleys	Seven spaces for each alley.
Churches, auditoriums, stadiums, sports arenas, theaters, dancehalls, assembly halls other than schools	One space for each four seats.
Dwelling unit	Two spaces for each dwelling unit, but one space for each dwelling unit located in mixed-use buildings in the Central Business (C-1) district.
Funeral homes and mortuaries	Four spaces for each parlor or one space for each 50 square feet of floor area, plus one space for each fleet vehicle, whichever is greater.
Furniture, appliance stores, household equipment and furniture repair shops	One space for each 400 square feet of floor area.
Hospitals	One space for each bed excluding bassinets, plus one space for each two employees.
Hotels, motels, lodginghouses, boardinghouses	One space for each living unit, plus one space for each two employees.
Automobile, service stations	One space for each 800 square feet of floor area, plus one space for each four employees.
Manufacturing, fabricating processing and bottling plants, research and testing laboratories	One space for each two employees on maximum shift.
Medical and dental clinics	One space for each 200 square feet of floor area, plus one space for each employee.

Restaurants, beer parlors, taverns, and nightclubs	One space for each two patrons of maximum seating capacity, plus one space for each two employees.
Self-service laundry or dry cleaning stores	One space for each two washing and/or dry cleaning machines.
Elementary and junior high schools, private or public	One space for each employee normally engaged in or about the building or ground, plus one space for each 30 students enrolled.
Senior high school and institutions of higher learning, private or public	One space for each employee in or about the building or grounds, plus one space for each four students.
Supermarket, self-service food	One space for each 200 square feet of floor area, plus one space for each two employees.
Wholesale establishments and warehouses	One space for each 400 square feet of floor area, plus one space for each two employees.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-250. - Exception.

The parking requirements for all uses proposed on a lot shall be cumulative, unless the planning commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that particular land use parking areas can be advantageously used during non-conflicting hours by the other contiguous land use, in which even the required parking spaces for such particular land use may be reduced by the planning commission to a minimum of the greater number of spaces required for any of such contiguous land uses.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-251. - Deferred parking spaces.

The planning commission may approve a lesser amount of parking, based upon demonstration by the property owner and applicant (if different), that the required amount of parking is greater than the intended use will generate. In order to meet the parking space requirements of this division, the area in which the deferred parking would be located must be retained as open space in the event additional parking is required. The site plan must note the area where parking is being deferred, including dimensions and a dotted parking lot layout. Any required landscaping placed within the "banked" parking area must be replaced by the owner/applicant if the parking area is expanded. The owner must agree to construct the additional parking, based on observed use, within six months of being informed of such request by the village.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-252—62-260. - Reserved.

DIVISION 5. - OFF-STREET LOADING AND UNLOADING

Sec. 62-261. - Space required.

In connection with every building, structure or use hereafter erected, except single-family and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-262. - Plans.

Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the zoning administrator for review at the time of application for a zoning compliance permit.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-263. - Area design.

- (a) Each off-street loading and unloading space shall not be less than ten feet in width and 55 feet in length and not less than 15 feet in height clearance.
- (b) Any loading-unloading space shall not be closer than 50 feet to any other lot located in any residential district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six feet in height.
- (c) All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-264. - Area space requirements.

- (a) In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- (b) All retail sales facilities having over 5,000 square feet of gross floor area shall be provided with at least one off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space, or fraction thereof, one additional loading-unloading space.
- (c) All industrial and wholesale commercial land uses shall provide one loading space for each 10,000 square feet of floor space, with a minimum of not less than two loading spaces.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-265—62-280. - Reserved.

DIVISION 6. - DRIVEWAY STANDARDS

Sec. 62-281. - Intent of division.

- (a) The intent of this division is to establish standards for driveway spacing and the number of driveways for application during the site plan review process. The standards of this division are intended to promote safe and efficient travel within the village; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways, and between driveways and intersections; implement the comprehensive plan; protect the substantial public investment in the street system; and to ensure reasonable access to properties, though not always the most direct access.
- (b) The standards of this division apply to site plans and plats along roads which are under the jurisdiction of the Jackson County Road Commission or the Michigan Department of Transportation (MDOT). Both of those agencies have driveway design and permit requirements; however, those general standards may not be sufficient to meet the particular traffic issues and objectives of the village. Therefore, the driveway standards of this division may be more restrictive than those provided by the road agencies. Construction within the public right-of-way under the jurisdiction of Jackson County or the Michigan Department of Transportation (MDOT) still must also meet the permit requirements of the road agency. Where any conflicts arise, the more stringent standard shall apply.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-282. - Definitions.

Commercial driveway; offset; and state trunklines, major streets, and local roads, when used in this division, shall have the meanings ascribed to them in section 62-726(d), except where the context clearly indicates a different meaning.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-283. - General standards for location.

- (a) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance and to provide the most favorable driveway grade.
- (b) Driveways, including the radii but not including right turn lanes, passing lanes and tapers shall be located entirely within the right-of-way frontage, unless otherwise approved by Jackson County or the Michigan Department of Transportation and upon written certification from the adjacent property owner agreeing to such encroachment.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-284. - Number of commercial driveways.

The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway or a service drive. Where it is not possible to provide shared access, this access may be by a single driveway. Additional driveways may be permitted for a property only under one of the following:

- (1) One additional driveway may be allowed for properties with a continuous frontage of over 500 feet, and one additional driveway for each additional 500 feet of frontage, if the planning commission determines there are no other reasonable access opportunities.
- (2) Two one-way driveways may be permitted along a frontage of at least 125 feet, provided that the driveways do not interfere with operations at other driveways or along the street.
- (3) The planning commission may determine additional driveways are justified due to the amount of traffic generated by the use without compromising traffic operations along the public street, based upon a traffic impact study submitted by the applicant.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-285. - Spacing.

- (a) *Between driveways.* The minimum spacing between two commercial driveways on the same side of the road shall be determined based upon posted speed limits along the parcel frontage. The minimum spacings indicated as follows are measured from centerline to centerline:

Table

Posted Speed Limit (mph)	Minimum Driveway Spacing (in feet)	Posted Speed Limit (mph)	Minimum Driveway Spacing (in feet)
25	125	40	225
30	155	45+	300
35	185		

- (b) *Construction requirements.* For sites with sufficient street frontage to meet the criterion of subsection (a) of this section, the planning commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service/frontage road.
- (c) *Offsets.* To reduce left turn conflicts, new commercial driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of 250 feet along a state trunk line roadway and 150 feet along other roadways. Longer offsets may be required depending on the expected inbound left turn volumes of the driveways, or sight distance limitations.
- (d) *Spacing from intersections.* Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis by the planning commission during site plan review, but in no instance shall be less than the distances listed in this subsection. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections:

Table
Minimum Commercial Driveway Spacing From Street Intersections

Location of Driveway	Minimum Spacing for a Full Movement Driveway (feet)	Minimum Spacing for a Channelized Driveway Restricting Left Turns (feet)
Along arterial from intersection with another arterial	300	300
Along arterial from intersection with a collector or local street	250	125
Along collector or local street from an intersection with an arterial	125	75
Along a collector from intersection with a non-arterial	125	125
Along a local street or private road from intersection with a non-arterial intersection	75	75

For sites with insufficient street frontage to meet the criterion of this subsection, the planning commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service/frontage road.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-286. - Shared driveways and service/frontage roads.

The use of service roads, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted in this division, or where the planning commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's rights to reasonable access, access from a side street, a shared driveway or service road connecting two or more properties or uses may be required. In particular, service drives, frontage roads or at least a connection between uses may be required in the following cases:

- (1) Where the driveway spacing standards of this division cannot be met.
- (2) When the driveway could potentially interfere with the traffic operations at an existing or potential traffic signal location.
- (3) The site is along a state trunk line, particularly along segments experiencing congestion or a relatively high number of accidents.
- (4) The property frontage has limited sight distance.
- (5) The fire department recommends a second means of emergency access.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-287. - Design standard for service drives.

Service roads, as an alternate to numerous individual driveways serving a series of uses or lots, shall be designed according to the following additional standards:

- (1) *Location.* Service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to or behind principal buildings, and may be placed in required yards. In considering the most appropriate alignment for a service road, the planning commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.
- (2) *Access easement.* The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be at least 40 feet wide.

- (3) *Construction and materials.* Service roads shall have a base, pavement and curb gutter in accordance with Jackson County standards, except the width of the service road shall be 26 feet wide, measured from the curb edge-to-edge.
- (4) *Parking.* The service road is typically intended to be used exclusively for circulation, not as a parking maneuvering aisle. The planning commission may require the posting of no parking signs along the service road. In reviewing the site plan, the planning commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road. The planning commission may approve angled or parallel parking.
- (5) *Access points.* The planning commission shall approve the location of all accesses to the service/frontage road, based on the driveway spacing standards of this division. The throat depth of the access points shall be considered adequate to minimize conflicts with traffic on the public road, in consideration of expected traffic volumes.
- (6) *Temporary access.* The planning commission may approve temporary access points where a continuous service road is not yet available and a performance bond or escrow is created to ensure elimination of temporary access when the service road is continued.
- (7) *Elevation.* The site plan shall indicate the proposed elevation of the service/frontage road at the property line, and the village shall maintain a record of all service road elevations so that their grades can be coordinated.
- (8) *Maintenance.* Each property owner shall be responsible for maintaining the service/frontage road.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-288. - Commercial driveway design.

Commercial driveways shall be designed according to the standards of the Jackson County Road Commission or the Michigan Department of Transportation (MDOT), as applicable, and in accordance with the following:

- (1) For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, all as determined by the planning commission, two egress lanes may be required (one being a separate left turn lane).
- (2) Where a boulevard entrance is desired by the applicant or planning commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be 180 square feet. The planning commission may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions. Direct alignment of boulevard entrances is discouraged.
- (3) All commercial driveways shall provide an unobstructed clear vision area between a height of three feet and ten feet in a triangular area measured ten feet back from the point of intersection of the driveway and the street right-of-way (see graphic).

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-289. - Shared residential driveways (residential zoning districts).

- (a) The number of residential driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible along arterials and collectors, access shall be via a shared driveway. Where it is not possible to provide shared access, this access may be by an individual driveway.
- (b) A lot split for a parcel that has frontage along a state trunk line road that will result in more than one parcel with access to such arterial, shall meet the following shared access requirements:

Road Type	One Driveway for Each
M-50/M-124	250 feet of frontage
Other roads	Based on minimum lot width (frontage) of the zoning district.

All lots created that do not provide the above required frontage shall have shared access from the single driveway meeting the standards of subsection (c) of this section or a public street.

(c) Two single-family lots may have access from a private driveway when the following conditions are met:

- (1) The driveway surface shall be a uniform minimum 16 feet wide, measured edge to edge. The width may be reduced to 12 feet if the length of the shared driveway is less than 300 feet or if there are significant topographic, wetland or other natural features on the site and 16-foot wide passing flares are provided at least every 300 feet.
- (2) The driveway shall be constructed of materials suitable to accommodate emergency vehicles.
- (3) There shall be a recorded shared access easement. The applicant shall provide record of the shared access agreement and documentation that shared access agreement has been recorded with the Jackson County registrar of deeds prior to the issuance of a building permit.
- (4) The driveway shall be maintained by the landowners to ensure adequate access for emergency vehicles. It is the landowner's responsibility to maintain this access.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-290. - Modification of standards for special situations.

During the site plan review, the planning commission shall have the authority to modify the standards of this division upon consideration of the following:

- (a) The standards of this division would prevent reasonable access to the site.
- (b) Access via shared driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.
- (c) Roadway improvements (such as the addition of a traffic signal, a center-turn-lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
- (d) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
- (e) The proposed location and design is supported by the Jackson County Road Commission or the Michigan Department of Transportation (MDOT) as an acceptable design under the conditions. The planning commission may also request the applicant provide a traffic impact study to support the requested access design.
- (f) The modification shall be of the minimum amount necessary, but in no case shall spacing of a full access driveway be less than 60 feet, measured centerline to centerline.
- (g) Where there is a change in use or expansion at a site that does not comply with the standards of this division, the planning commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards of this division to the extent practical.

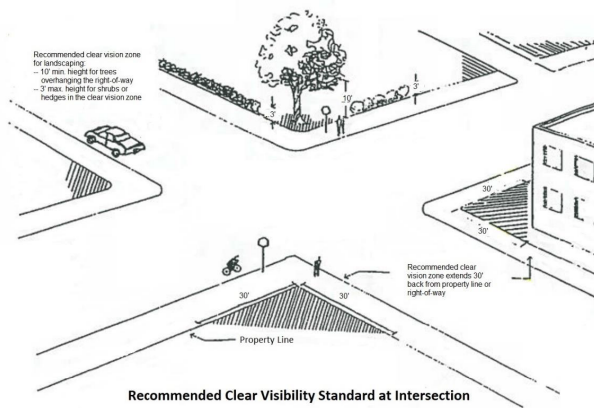
(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-291—62-314. - Reserved.

DIVISION 7. - CLEAR VISION REQUIREMENT

Sec. 62-315. - Corner lots.

On any corner lot, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct the visibility between the heights of three feet and ten feet above the road grade level in an area measuring 30 feet from the point of intersection of the road right-of-way lines and the tangent connecting the 30-foot extremities of the intersecting right-of-way lines.



(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-316. - Interior lots.

On any interior lot, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of three feet and ten feet, measured a distance of 20 feet back from the point where the driveway intersects the road.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-317—62-330. - Reserved.

DIVISION 8. - PERFORMANCE STANDARDS

Sec. 62-331. - Requirements.

No lot, building or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements:

- (a) *Noise*. Noise which is objectionable due to volume, frequency or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines. A more detailed list of violations is outlined in [section 30-1](#). Air raid sirens and required apparatus used solely for public purposes are exempt from this subsection (see section 301).
- (b) *Vibration*. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- (c) *Smoke*. Smoke shall not be emitted with a density greater than no. 1 on the Ringelmann chart, as issued by the U.S. Bureau of Mines, except for blowoff periods of ten-minute duration of one per hour when a density of not more than no. 2 is permitted.
- (d) *Odor*. No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
- (e) *Air pollution*. No pollution of air by fly ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.
- (f) *Glare*. No direct or reflected glare shall be permitted which is visible from any property from any public street, road or highway.
- (g) *Erosion*. No erosions, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers or streams.
- (h) *Animals*. No person shall keep any horses, cows, hogs, sheep, rabbits, poultry, goats or any other farm or exotic animals within the village limits with the following exception(s):
 - (1) *Keeping of Chickens*. Consistent with the Generally Accepted Agriculture and Management Practices (GAAMP) for the care of farm animals as promulgated by the Michigan Department of Agriculture (MDARD) under the authority of the Michigan Right-to-Farm Act (PA 93 of 1981, MCL 286.471 et seq.), all persons wishing to keep chickens within the Village shall adhere to the following:

- a. Complete an application for a Permit to Keep Backyard Chickens, including:
 1. Submission of a diagram of the applicant's property showing the location of the structure to house the chickens relative to the applicant's residence and adjacent residences.
 2. Obtaining written permission of adjacent residents that reside within 40 feet of the structure housing the chickens, excluding any that may be separated from the structure by a street or non-residential structure.
- b. Allow inspection by the zoning administrator and/or code enforcement official prior to receiving approval of the permit.
- c. No person shall keep more than eight chickens at any time on any village parcel or contiguous parcels owned or leased by the applicant.
- d. No person shall keep roosters within the village.
- e. Structures for keeping chickens must meet the following requirements:
 1. Be located in the backyard of the applicant's property, defined as an imaginary line even with the rear wall of the residential structure extending away from the structure.
 2. Be located a minimum of ten feet from any property line.
 3. Be located a minimum of 40 feet from any adjacent residential structures unless written permission has been obtained or if separated by a public street.
- f. Covered structures for keeping chickens must meet the following guidelines:
 1. Be constructed in a way that prevents entry by predators or rodents.
 2. Provide a minimum of two square feet of floor space per chicken.
 3. Provide a minimum of one nesting box for each three chickens.
 4. Provide a minimum roosting bar length of eight inches per chicken.
 5. Provide continuous ventilation.
 6. Provide a source of natural and artificial light to allow chickens to find food and water and permit daily inspection by the applicant.
- g. Provide a minimum of ten square feet of fenced enclosure space per chicken.
- h. Provide a container that protects feed from entry by rodents.
- i. Provide a container in which waste materials are collected that prevents entry by flies. Proper disposal of waste materials is required on a weekly basis.
- j. Provide the minimum care of animals by:
 1. Cleaning the structure in which chickens are kept on a regular basis.
 2. Injured or sick animals will be attended to properly.
 3. Animals may not be euthanized or slaughtered within the village.
 4. Dead animals must be disposed of in accordance with the Michigan Bodies of Dead Animal Act (PA 239 of 1982, MCL 286.471 et seq.).

(2) *Keeping of Bees.* Bees must be located on a minimum two (2) acre parcels with an occupied principal residence.

(3) *Keeping of Exotic Animals.* Exotic animals are allowed if purchased through a pet store and kept within the confines of a dwelling.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-332. - Plans.

The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process and products, as well as specification for the mechanisms and techniques to be used in meeting the performance standards.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-333. - Enforcement.

The zoning administrator may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the village council.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-334—62-350. - Reserved.

DIVISION 9. - STORAGE OF MATERIALS

Sec. 62-351. - Regulation of location or storage.

The location or storage of abandoned, discarded, unused, unusable or inoperative vehicles, appliances, furniture, equipment or material shall be regulated as follows:

- (a) On any lot in any agricultural district, residential district or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.
- (b) On any lot in the industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in such districts.
- (c) Nothing in this chapter shall permit the storage or parking of any vehicle or nonpermanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-352—62-364. - Reserved.

DIVISION 10. - MOBILE HOMES AND TRAVEL TRAILERS

Sec. 62-365. - Permit for temporary occupancy of mobile homes in residential districts; grant conditions.

The zoning administrator shall have authority to grant a permit for the temporary occupancy of mobile homes on any lot in a residential district, subject to the following conditions:

- (a) During the period of construction of a new permanent dwelling, but not to exceed a period of 12 consecutive months, the owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one mobile home situated at such construction site, provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
- (b) Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
- (c) The mobile home shall contain sleeping accommodations, a flush toilet and a tub or shower bath adequate to serve the occupants thereof.
- (d) The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewerage system available at such premises and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Jackson County Health Department for the permanent dwelling to be constructed thereat.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-366. - Use of travel trailer as dwelling prohibited; exceptions.

No travel trailer shall be used as a dwelling except for a period not to exceed two weeks and in a duly licensed travel trailer park, or as a temporary dwelling for a period not to exceed one week, provided that such travel trailer is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer occupants and certified by the zoning administrator.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-367—62-380. - Reserved.

DIVISION 11. - FLOODPLAINS

Sec. 62-381. - Use of floodplain lands.

Notwithstanding any other provisions of this chapter, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided that no structures are located within the area subject to flooding. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-382—62-394. - Reserved.

DIVISION 12. - HOME OCCUPATIONS

Sec. 62-395. - Permitted as incidental and secondary to primary residential use; conditions.

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

- (a) Such home occupation shall be carried on within the building or within a building accessory thereto and entirely by the inhabitants of such building.
- (b) No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- (c) There shall be no exterior storage of materials or equipment.
- (d) No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapor, gases or matter at any time.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-396—62-410. - Reserved.

DIVISION 13. - FENCES

Sec. 62-411. - Conditions for use.

All fences, walls, and/or other protective barriers of any kind shall conform to the following provisions:

- (a) Before a fence, wall, and/or other protective barrier can be constructed, the owner of the property upon which said fence, wall, and/or protective barrier is to be constructed, must apply for and obtain a construction permit from the zoning administrator.
- (b) Before a permit is issued for the construction of a fence, wall, and/or other protective barrier, a scale drawing or picture of each different panel to be used shall be provided to the zoning administrator, showing the detailed construction and a list of materials stating the composition of all materials to be used. Such list shall certify that the materials to be used are non-corrosive and not subject to deterioration. A detailed drawing shall also be provided with the application, showing the location of the fence relative to the front lot line, back lot line and side lot lines. Such drawing shall also contain a statement that the sketch is accurate as to the actual location of the fence, wall, and/or other protective barrier.
- (c) Fences, walls and/or protective barriers shall be installed in a workmanlike manner and be maintained at all times in a state of good repair, with all braces, fasteners, supporting frames, etc. free from materials that will deteriorate, rot, be subject to insect infestation, etc. All fences, walls, and/or other protective barriers shall be neatly maintained and shall not be allowed to deteriorate to a dilapidated condition that, although functional, creates an unsightly condition that substantially detracts from the appearance of the neighborhood.
- (d) Upon becoming aware of conditions set forth in subsection (c) above, the code enforcement officer shall make a determination as to

whether the condition of the fence, wall and/or protective barrier is a nuisance and should be abated. If the code enforcement officer determines such a nuisance exists, he/she shall give notice to the person having control of the premises, as well as the owner of the property as set forth in the assessment records, if not the same person, to remedy such condition within ten days, unless good cause can be shown that additional time is needed to rectify the condition.

- (e) No person within the village limits shall construct, place, string, or maintain what is commonly referred to as chicken wire, agricultural fencing, or barbed wire (unless associated with required homeland security measures) as part of any fence, wall and/or protective barrier at the property lines in any residential zoning district. Material commonly known as razor wire is prohibited throughout all zoning districts in the Village of Brooklyn.
- (f) Fences shall not extend toward the front of the lot nearer than the front of the dwelling or the required minimum front yard, whichever is greater.
- (g) Unless specifically provided for elsewhere in the Municipal Code, no fence, wall, and/or protective barrier may exceed a height of three feet for substantially solid or opaque fences, and four feet for chain-link, wrought iron, or picket fences within the front yard, if variance is approved. No fence, wall or protective barrier may exceed a height of six feet behind the front building line of main buildings in residential districts.
- (h) Fences, walls, and/or protective barriers constructed of wood or other material having one side designed and considered the decorative side shall be erected with that side facing the adjoining street or the abutting property owner's premises.
- (i) It shall be unlawful to construct any fence, wall, and/or protective barrier in any public right-of-way or across a public utility easement, unless such construction has been approved in writing by the utility company owning such public utility easement.
- (j) Fences, walls, and/or other protective barriers may be constructed on the property line. However, within 30 days after construction is complete, the owner of the property shall provide the zoning administrator with a written acknowledgement signed by each adjacent property owner stating that the fence has not been constructed on that owner's property. In the alternative, the owner may provide a copy of a certified survey showing that the fence has been constructed on the applicant's property. In the event that an abutting land owner or the zoning administrator files an objection to the location of the fence as constructed, the land owner of the property upon which the fence has been constructed shall, within 30 days, either remove or relocate the fence on a line acceptable to the objecting person. In the alternative, the applicant can file with the zoning administrator, a certified survey showing that the fence has been constructed completely on the property owned by the applicant.
- (k) No fence, wall or other protective barrier shall be erected or maintained on any corner lot or parcel that will, in the opinion of the zoning administrator, obstruct the view of a vehicle approaching the intersection.
- (l) Screening required between land uses shall be specified in section 62-476.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-412—62-424. - Reserved.

DIVISION 14. - TEMPORARY USES

Sec. 62-425. - Circuses, carnivals or other transient enterprises.

Circuses, carnivals or other transient enterprises may be permitted in any district, upon approval by the board of appeals based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals and the general welfare.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-426. - Temporary sales.

Temporary sales (garage sales, yard sales, and other such sales) may be permitted in any district, provided that no such sales activity shall extend beyond seven days in any 30-day period. However, fireworks vendor, who may locate within the village for a period not to exceed 30 consecutive days, shall also submit a temporary use permit which verifies the following:

- (a) The proposed location is not within an area zoned and/or used for residential purposes.
- (b) The use is contained within a fully enclosed fire-suppressed structure.
- (c) If located in a tent or other structure which is lacking a permanent foundation and four structurally sound walls, all such uses shall be

located no less than 100 feet from any other existing on-site or off-site structure (primary and/or accessory).

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-427—62-440. - Reserved.

DIVISION 15. - ESSENTIAL SERVICES

Sec. 62-441. - Nothing permitted to prohibit.

Nothing in this chapter shall prohibit the provision of essential service, provided that the installation of such service does not violate any other applicable provision of this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-442. - Erection, construction or enlargement of facilities prohibited; exception.

Nothing in this division shall be construed to permit the erection, construction or enlargement of any building, tower or maintenance depot for provision of an essential service, except as otherwise permitted in this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-443—62-460. - Reserved.

DIVISION 16. - NATURAL DISASTERS

Sec. 62-461. - Cleanup deadline.

If a fire, windstorm or other natural disaster creates physical damage to a structure or lot where the effect of this damage threatens the health, safety or welfare of the public, the property shall be cleaned up within 90 days in accordance with local health and safety requirements and the provisions of this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-462—62-474. - Reserved.

DIVISION 17. - LANDSCAPE STANDARDS

Sec. 62-475. - Intent of division.

The intent of this division is to provide for those regulations which generally apply, regardless of the particular zoning district.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-476. - Landscaping, greenbelts and buffers and screening.

(a) *Intent of section.* The intent of this section is to promote the public health, safety and welfare and improve the visual appearance of the village by requiring landscaping for each proposed development. No site plan, site condominium plan or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth in this section. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- (1) Location, spacing, size, root type and descriptions for each proposed plant type.
- (2) Minimum scale: One inch equals 50 feet for property less than three acres or one inch equals 100 feet for property three acres or more.
- (3) On parcels of more than one acre, existing and proposed contours on the site and 50 feet beyond the site at intervals not to exceed two feet.

- (4) Significant construction details to resolve specific site conditions and to ensure proper installation and establishment of proposed plant m
 - (5) Identification of existing trees and vegetative cover to be preserved.
 - (6) Identification of landscape maintenance program including a statement that all diseased, damaged or dead materials shall be replaced in accordance with standards of this chapter.
- (b) *Screening between land uses.*
- (1) Whenever a nonresidential land use abuts a residentially zoned or used property, a landscape buffer shall be constructed to create a visual screen at least six feet in height along all adjoining boundaries. A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least 80 percent. Opacity shall be measured by observation of any two square yard area of landscape screen between one foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three years.
 - (2) Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the planning commission. Such wall or fence shall be a minimum of six feet in height as measured on the side of the proposed wall having the higher grade.

The planning commission and the building administrator shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone or wood.
- (c) *Greenbelts.* Greenbelts shall be provided in accordance with the following:
- (1) The depth of the greenbelt shall equal the required front yard to the zoning district in which the proposed use is located.
 - (2) The greenbelt shall be landscaped with a minimum of one tree not less than 12 feet in height or a minimum caliper of 2½ inches (whichever is greater at the time of planting) for each 30 lineal feet, or major portion thereof, of frontage. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
 - (3) Access drives from public rights-of-way through required greenbelts shall be permitted.
- (d) *Subdivision and site condominium landscaping.* Landscaping for single-family residential subdivisions and site condominium shall be provided in accordance with the following requirements:
- (1) *Screening from public roads.* Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in subsection (c) of this section shall be met.
 - (2) *Other site improvements.* A landscape plan for a subdivision or site condominium development shall also include landscaping detail of the entrance to the development, storm water retention and/or detention areas, community buildings and other recreational areas, and any other site improvements which would be enhanced through the addition of landscaping.
- (e) *Donation boxes.* Any new or altered use which has an outdoor area containing a donation box, as defined in [section 62-726\(d\)](#), must comply with the following requirements:
- (1) *Permit.* A permit issued by the village clerk is required for each donation box. A permit shall be revoked if in noncompliance and/or if a chronic nuisance.
 - (2) *Contents.* Any donation box is limited to clothing and other textiles which is collected on a regular basis and must be maintained in a neat, orderly, and sanitary condition.
 - (3) Materials cannot be allowed to accumulate in the area in such manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions or conditions which will or would be likely to pollute or impair natural resources. In no instance may any such refuse or clothing/textiles be visible above the wall required in [section 62-476\(2\)](#).
 - (4) Any such area must be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. If located in the front yard, a 35 foot setback must be maintained.
 - (5) Multiple donation boxes must be grouped together in a single or semidetached areas. A maximum of three donation boxes is allowed.
- (f) *Screening of trash containers.* Outside trash containers must be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. If located in the front yard, a 35 foot setback must be maintained. Trash disposal containers shall be screened on all sides with an opaque fence or wall, and adage at least as high as the container, but no less than six feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development. The planning commission may require an obscuring gate when the visibility of such a dumpster storage area, from a public street or adjacent use, is deemed to render an adverse influence.
- (g) *Landscape elements.* The following minimum standards shall apply:
- (1) *Berms.* Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed or other

form of natural ground cover.

(2) *Existing trees.* The preservation and incorporation of existing trees in a landscape is encouraged.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-477—62-490. - Reserved.

DIVISION 18. - MINIMUM DWELLING UNIT FLOOR AREA

Sec. 62-491. - Schedule.

The minimum floor area per dwelling unit shall be in accordance with the following schedule:

Type of Dwelling Unit	First Floor Square Foot Floor Area	Total Square Foot Floor Area
Single-family:		
One story	1,000	1,000
One and one-half stories	850	1,000
Two stories	800	1,600
Two-family and multiple-family:		
Efficiency/one-bedroom		600
Two-bedroom		800
Three-bedroom		1,000

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-492. - Standards for single-family dwellings, mobile homes and modular and prefabricated housing.

No site built single-family dwelling, mobile home, modular housing or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless such dwelling unit conforms to the following standards:

- (a) *Square footage.* Each dwelling unit shall comply with the minimum square footage requirements of this chapter for the zone in which it is located.
- (b) *Dimensions.* Each such dwelling unit shall have a minimum width across any front, side or rear elevation of 20 feet.
- (c) *Foundation.* Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with Michigan State Construction Code Commission. All dwellings shall be securely anchored to the foundation in order to prevent displacement during storms.
- (d) *Undercarriage.* Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- (e) *Sewage disposal or water supply.* Each such dwelling unit shall be connected to a public sewer and water supply or to a private facility approved by the Jackson County Health Department.
- (f) *Storage area.* Each such dwelling unit shall contain a storage area either in a basement located under the dwelling, in an attic area, or in

a separate or attached structure of standard construction similar to or of better quality than the principle dwelling. Such storage area shall be equal to ten percent of the square footage of the dwelling unit or 100 square feet, whichever is less.

- (g) *Architecture and compatibility.* The compatibility of design and appearance shall be determined by the zoning administrator according to the following:
- (1) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
 - (2) All homes shall have a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
 - (3) The dwelling shall not have less than two exterior doors with the second one being on either the rear or the side of the dwelling. Steps shall also be required for exterior doors or porches connected to such doors where a difference in elevation requires it.
 - (4) Any determination of compatibility shall be based upon the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 1,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 percent of the lots situated with such area; or where such area is not so developed by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the village.
 - (5) Subsection (g)(4) of this section shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, land contour or relief from the common or standard home design.
- (h) *Additions.* Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure of a foundation as required in this section.
- (i) *Code compliance.* Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home all construction and plumbing, electrical apparatus and insulation within and connected to such mobile home shall be of a type and quality conforming to the Mobile Home Construction Safety Standards, as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.
- (j) *Building permit.* All construction required in this section shall commence only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
- (k) *Exceptions.* The above standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required by this chapter and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the village unless located within a mobile home park or a mobile home subdivision district, or unless used as a temporary residence as otherwise provided in this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-493—62-510. - Reserved.

DIVISION 19. - OUTDOOR STORAGE

Sec. 62-511. - Required conditions enumerated.

For those uses requiring site plan review, the outdoor storage of goods, materials and equipment, except trucks operated by the principal business, shall be subject to the following conditions:

- (a) The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height and typical elevation of the enclosure shall be provided as part of the information submitted under division 3 (site plan review required in specific districts) of article V (ordinance administration).
- (b) Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way, or in any required side yard or rear yard.
- (c) Such storage shall not be located in any required parking space or loading space.
- (d) Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage under this subsection. Such storage shall not be permitted as a principal use of a lot.
- (e) The area for such storage shall be screened from view on all sides in a manner as approved during the site review process.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-512—62-525. - Reserved.

DIVISION 20. - ACCESSORY BUILDINGS AND STRUCTURES

Sec. 62-526. - Generally.

Accessory buildings and structures shall be subject to the regulations set forth in this article as well as Sec. 62-143.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-527. - General standards.

- (a) Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with a principal building, structure, or use which is permitted in the particular zoning district. An accessory building, structure, or use must be in the same zoning district as the principal building, structure, or use on a lot.
- (b) No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. No accessory building, structure, or use may be placed on a lot without a principal building, structure, or use.
- (c) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations applicable to main or principal buildings.
- (d) All accessory buildings, structures and uses combined shall cover no more than 50 percent of any rear yard, subject to setback, lot coverage, and other standards of this Code. Accessory buildings shall not be erected in any required front yard. In no instance shall such a building be nearer than five feet to any adjoining lot line or street right-of-way. In no instance shall the combined cover of all accessory buildings or structures, exceed ten percent of the total area of the lot.
- (e) No detached accessory building shall be located closer than ten feet to any main or principal building.
- (f) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages.
- (g) No accessory building may be closer than five feet to any other accessory building.
- (h) No accessory structure shall be erected that exceeds five percent of the total lot area, subject to the provisions of paragraphs (a) through (g), when no garage, attached or detached, has been erected on the lot.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-528. - Garages.

- (a) In any residential district, no attached garage shall be erected closer to the lot lines than the permitted distance for the dwelling. Should a detached garage be erected completely to the rear of the dwelling, a minimum of ten feet from the principle structure, the garage may be erected five feet from any interior side lot line. No garage or portion thereof, shall extend into the required front yard area. Attached garages may be erected to extend beyond the front line of the house, provided that such garages shall not encroach in or upon the minimum front yard required, and provided further, that the cornice, eaves, or overhang shall not extend more than 12 inches into the required front or side yard.
- (b) A garage may occupy not more than 50 percent of a required rear yard. The combined cover for all accessory structures or garages shall not exceed an area equal to ten percent of the total lot area. No detached garage shall be constructed upon or moved to any parcel of property until the principal building thereon, or intended to be placed thereon, is at least two-thirds completed.
- (c) In the case of double frontage lots, accessory buildings including garages shall observe front yard requirements on both street frontages.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-529. - Swimming pools.

- (a) Swimming pools (below ground or above ground), which contain over 24 inches or more of water depth at any point, shall be enclosed by a solid or impervious fence or enclosure approved by the zoning official surrounding the device sufficient to make such device inaccessible to small children. Such fence or enclosure shall include a locked gate, which shall not be less than four feet above grade or otherwise made inaccessible to small children, from the outside.

(b) Swimming pools shall comply with the side yard requirements established for the zoning district that the property is located in and shall be no more than ten feet from the rear property line. No such device shall be permitted in any front yard.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-530. - Mechanical equipment.

Ground-mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units, shall be placed not closer than three feet to any lot line in general commercial, highway service commercial, or light industrial districts and not closer than six feet in all residential districts or commercial and industrial lots abutting a residential district.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-531. - Accessory uses and buildings in commercial and industrial districts.

In business and industrial districts, accessory buildings and uses may occupy any of the ground area which the principal buildings are permitted to cover. Accessory buildings such as buildings for parking attendant, guard shelters, gate houses, and transformer buildings may be located in any of the yards of the commercial or industrial district.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-532. - Flagpoles.

Flagpoles in non-residential districts shall not exceed 50 feet in height and may be illuminated provided the source of illumination is designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse effects on motorist visibility on adjacent rights-of-way. Flagpoles in residential districts shall adhere to the same, except that they may not exceed 35 feet in height.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-533. - Attachments to principal buildings.

Accessory buildings or structures, including, but not limited to, porches enclosed by walls or garages attached to a dwelling unit or other principal building in a substantial manner, such as by a wall or roof, shall be deemed a part of such principal building for the purpose of determining compliance with the provisions of this chapter concerning required yards.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-534. - Small roof-mounted solar energy facility.

Notwithstanding other provisions of this section of the chapter, small roof-mounted solar energy facilities shall be considered a permitted use in all zoning districts as an accessory to a principal use. A small roof-mounted solar energy facility (as defined in section 62-726(s)) shall be required to have appropriate building permits.

(a) All small roof-mounted solar energy facilities are subject to the following minimum requirements:

- (1) A small roof-mounted solar energy facility shall provide power for the principal use and/or accessory use of the property on which the small roof-mounted solar energy facility is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
- (2) A small roof-mounted solar energy facility connected to the utility grid shall provide written authorization from the local utility company to the village acknowledging and approving such connection.
- (3) A roof-mounted facility may be mounted on a principal building or accessory building. A roof mounted facility, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the small roof-mounted solar energy facility extend beyond the edge of the roof.
- (4) All mechanical equipment associated with and necessary for the operation of the small roof-mounted solar energy facility shall comply with the following:
 - a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential

purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. At least 50 percent of plants must be evergreen. In lieu of a planting screen, a decorative fence meeting the requirements of division 13 (fences) of article IV (supplemental regulations) and that is at least 50 percent opaque may be used.

- b. Mechanical equipment shall not be located within the minimum front yard setback of the underlying zoning district.
- (5) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
- (6) A small roof-mounted solar energy facility shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy facility provided they comply with the prevailing sign regulations.
- (7) The design of the small roof-mounted solar energy facility shall conform to applicable industry standards. A building/zoning permit shall be obtained prior to construction. The existing roof structure and the weight of the facility shall be taken into consideration when applying for a small roof-mounted solar energy facility permit.
- All wiring shall comply with the applicable version of Michigan's construction codes. The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an engineer registered in the State of Michigan.
- (8) The small roof-mounted solar energy facility shall comply with all applicable village ordinances and codes so as to ensure the structural integrity of such facility.
- (9) Before any construction can commence on any small roof-mounted solar energy facility the property owner must acknowledge that he/she is the responsible party for owning/leasing and maintaining the solar energy facility.
- (b) *Solar access.* The village makes no assurance of solar access other than the provisions contained within this section. The applicant may provide evidence of covenants, easements, or similar documentation for abutting property owners providing access to solar energy for the operation of a solar energy facility.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

DIVISION 21. - MARIJUANA OPERATIONS

Sec. 62-535. - General development standards.

The following development standards are applicable to marijuana operations which requires all site plans to be reviewed for compliance with these standards. If there are any conflicts between the standards set forth in this section and the other provisions of the zoning ordinance, the standards in this section shall apply.

(Ord. No. 2021.09.01, § 2, 9-13-2021)

Sec. 62-536. - Marijuana operations.

All marijuana operations are subject to the following standards and requirements:

- (1) *Uses not permitted by state prohibited.* Any uses or activities found by the State of Michigan or a court of competent jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the village. In the event that a court declares some or all of this article invalid, then the village may suspend the acceptance of applications for conditional use permits pending the resolution of the legal issue in question.
- (2) *State licensing required.* Marijuana operations must be licensed by the State of Michigan and at all times shall be in compliance with the laws of the State of Michigan including, but not limited to, the Michigan Medical Marijuana Act, MCL 333.26421 et seq., the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., the Marijuana Tracking Act, MCL 333.27901 et seq., the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq., and all other applicable rules promulgated by the State of Michigan.
- An authorized marijuana operation shall only be operated within the village by the holder of a state operating license issued pursuant to the Marijuana Acts, as may be amended, and the rules promulgated thereunder. The operation shall only be operated as long as the state operating license remains in effect.

- (3) *Village permit required.* A marijuana operation must have a permit issued by village pursuant to the village's marijuana operations overlay ordinance and at all times shall be in compliance with village marijuana operations overlay district ordinance.
- (4) *Zoning compliance.* Except as otherwise modified by this section, all marijuana facilities must comply with all other applicable laws and ordinances of the village, including, but not limited to, all area, yard, height and bulk regulations set forth in sections 62-138 through 62-144 of the village zoning ordinance.
- Prior to operating an authorized marijuana operation within the village pursuant to a state operating license, the operation must comply with all village zoning ordinance regulations. The operation shall only be operated as long as it remains in compliance with all village zoning ordinance regulations.
- (5) *Building codes.* Prior to operating an authorized marijuana operation within the village pursuant to a state operating license, the operation must comply with all village construction and building ordinances, all other village ordinances specifically regulating marijuana operations, and generally applicable village police power ordinances. The operation shall only be operated as long as it remains in compliance with all such ordinances now in force or which hereinafter may be established or amended.
- (6) *Inspections.* An authorized marijuana operation shall consent to inspection of the operation by village officials and/or law enforcement officers, upon reasonable notice, to verify compliance with this section.
- (7) *No home occupation.* Marijuana operations are not permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this section.
- (8) *Minimum lot size.* The minimum lot size in the marijuana operations overlay district shall be one acre, however, more than one marijuana operation may be located on a single lot.
- (9) *Physical appearance.* The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- (10) *No outdoor activities or storage.* All activities and all materials used in connection with marijuana operations, with the exception of the loading and unloading of materials, must be contained within an enclosed and secure building or structure.
- (11) *Signage.* Signage requirements for marijuana operations, unless otherwise specified, are as provided in sections 62-195 through 62-207 of the village zoning ordinance.
- (12) *Buffer zones.*
- a. Except as may be allowed by paragraph c., below, a marijuana operation may not be located within 500 feet of real property comprising or used by a public or private elementary, vocational, or secondary school; a public or private college, junior college, or university; a licensed child care center or preschool; a public playground, public swimming pool, or public or private youth activity operation; a public park, public outdoor recreation area, or public recreation operation; a public library; a religious institution or residentially zone property.
 - b. The distance shall be measured as the shortest straight-line distance between the property line of the uses described in the preceding paragraph to any building or structure in which marijuana or marijuana derived products are located.
 - c. An exception to the 500 feet requirement may be considered where adjacent conflicting uses are separated by a natural barrier, such as a body of water or dense natural vegetative buffer, or where a public street separates zoning districts.
- (13) *Security.* With the exception of marijuana operations involving retail of marijuana and marijuana derived products which must be conducted within a licensed structure, all other marijuana operations must erect minimum eight feet high security fencing, topped with barbed wire or razor wire around all portions of operation where marijuana is grown, stored or processed. The security fencing shall not be located within the required buffer zone and shall be behind the required screening.
- All marijuana operations shall be equipped with security cameras. These shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the State of Michigan. Security lighting shall be provided covering the outside of the facility and shall be directed toward the property housing the marijuana operations.
- (14) *Screening.* All marijuana operations shall be screened from adjacent lots and road rights-of-way including but not limited to one or more of following methods as best suited to the existing conditions, subject to planning commission approval during the site plan approval process:
- a. Greenbelt buffer;
 - b. Hedgerow;

- c. Evergreen screen; or
 - d. Masonry wall.
- (15) *Odor.* Odor control devices and techniques shall be incorporated in the premises of all commercial cannabis businesses to ensure that odors from cannabis are not detectable offsite. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the premises, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyer, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain such equipment as consultants hired by the village, the cost of which is to be reimbursed by the operator, deem effective to meet the standards of this section. In addition, the following rules shall apply:
- a. Negative air pressure shall be maintained inside the building.
 - b. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress and egress the building.
- (16) *Hours of operation.* A marijuana retail facility or provisioning center may only allow customers of said facility to be present in the building space occupied by the marijuana facility between the hours of 9:00 a.m. and 7:00 p.m. Eastern Time, Monday through Saturday.

(Ord. No. 2021.09.01, § 2, 9-13-2021)

Sec. 62-537. - Permit requirements and procedures.

- (a) No person shall operate a marijuana operation in the village without a valid marijuana operations permit issued by the village pursuant to the provisions of this section.
- (b) On and after the approval of all zoning regulations relating to marijuana operations, the village shall accept applications for authorization to operate a marijuana operation within the village. Application shall be made on a village form and must be submitted to the village clerk or designee (hereinafter referred to as "clerk"). The application shall contain any information and documentation as required by the Marijuana Acts and the following information:
 - (1) Name, address and telephone number of property owner of the land where the marijuana operations will conduct business.
 - (2) Name, address and telephone number of the licensee.
 - (3) If the property owner and licensee are not the same person, a document signed by the property owner authorizing the licensee to operate on the property owner's land.
 - (4) Any other information deemed by the village to be required for the consideration of a permit.
 - (5) A statement of the type of marijuana operation the applicant intends to operate in the village.
- (c) An initial marijuana operation fee of \$5,000.00 per license shall be payable at the time of application for village authorization.
- (d) Once the clerk receives a complete application, including all required information, and documentation, and the initial annual marijuana operation fee, the application shall be time and date stamped by the clerk and assigned a sequential application number by operation type based on the date and time of acceptance. Complete applications shall be considered for authorization in consecutive time and date stamped order.
- (e) Upon consideration, the applicant shall receive conditional authorization to operate such marijuana operation within the village. Any applicant waiting for future conditional authorization may withdraw their submission by written notice to the clerk at any time and receive a refund of the initial annual marijuana fee submitted.
- (f) A conditional authorization means only that the applicant has submitted a valid application for a marijuana operation permit. The applicant shall not locate or operate a marijuana operation without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the village.
- (g) Within 30 days from conditional authorization from the village, the conditionally authorized applicant must submit proof to the clerk that the applicant has applied for prequalification from the State of Michigan for a state operating license or has submitted full application for such license. If the applicant fails to submit such proof, then such conditional authorization shall be canceled by the clerk.
- (h) If a conditionally authorized applicant is denied prequalification for a state operating license or is denied on full application for a state operating license, then such conditional authorization will be canceled by the clerk.
- (i) A conditionally authorized applicant shall receive full authorization from the village to operate the marijuana operation within the village

upon the applicant providing to the clerk proof that the applicant has received a state license for the marijuana operation in the village and the applicant has met all other requirements of this section for operation including but not limited to any zoning approval for the location of the operation within the village. Maintaining a valid marijuana license issued by the state is a condition for the issuance and maintenance of a marijuana operation permit under this section and continued operation of any marijuana operation.

(j) If a conditionally authorized applicant fails to obtain full authorization from the village within one year from the date of conditional authorization, then such conditional authorization shall be canceled by the clerk. The village council shall have authority to extend the deadline to obtain full authorization for up to an additional six months on written request of the applicant, within 30 days prior to cancellation, upon the reasonable discretion of the village council finding good cause for the extension.

(k) A marijuana operation permit issued under this section is not transferable.

(Ord. No. 2021.09.01, § 2, 9-13-2021)

Sec. 62-538. - Initial permit and permit renewal.

(a) The initial marijuana operation permit issued by the village shall expire on December 31st of the year when the permit is issued, unless revoked as provided by law, regardless of when the permit was issued.

(b) A valid marijuana operation permit may thereafter be renewed on an annual basis by submitting a renewal application, upon a form provided by the village, and payment of the annual renewal fee of \$5,000.00 per license. The application to renew a marijuana operation permit must be filed by no later than November 30th each year for the following calendar year.

(Ord. No. 2021.09.01, § 2, 9-13-2021)

Sec. 62-539. - Number of permitted licenses.

(a) One medical marijuana license may be issued by the village limited to retail operations.

(b) One recreational marijuana license may be issued by the village limited to retail operations.

(c) The above licenses may be issued to the same licensee for use at the same location.

(d) The village shall not issue additional marijuana operations licenses without further amendment of the zoning ordinance.

(Ord. No. 2021.09.01, § 2, 9-13-2021)

Secs. 62-540—62-544. - Reserved.

ARTICLE V. - ADMINISTRATIVE AND AMENDMENT PROCEDURES

DIVISION 1. - ORDINANCE ADMINISTRATION

Sec. 62-545. - Purpose of article.

It is the purpose of this article to provide the procedures for the administration of this chapter, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this chapter and amendments thereto.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-546. - Administrative officers.

Except when otherwise stated in this article, the provisions of this chapter shall be administered by the zoning administrator or by such deputies of his department as the village council may designate to administer the provisions of this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-547. - Duties of zoning administrator.

(a) The zoning administrator shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the zoning administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected

such plans in detail and found them to conform with this chapter, nor shall the zoning administrator vary or change the terms of this chapter.

- (b) If the zoning administrator shall find that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
- (c) The zoning administrator shall submit to the planning commission and the village council quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this chapter; and the type and nature of nonconforming uses, buildings and structures. The zoning administrator shall maintain a record of all zoning compliance permits and certificates of occupancy.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-548. - Zoning compliance permits; issuance.

- (a) No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted or enlarged or moved; nor shall any change be made in the use of any building, structure or land without a zoning compliance permit having been obtained from the zoning administrator for such building, structure or land. A zoning compliance application shall be filled out and submitted to the zoning administrator.
- (b) The zoning administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:
 - (1) The actual dimension and shape of the lot to be built upon;
 - (2) The exact size and location of existing structures on the lot, if any; and
 - (3) The location and dimensions of the proposed structure or alteration.
- (c) One copy of the plans shall be returned to the applicant by the zoning administrator after such copy has been approved or disapproved and attested to by the zoning administrator's signature on such copy. The zoning administrator shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures and uses as set forth in the application are in conformity with the provisions of this chapter, the zoning administrator shall issue the applicant a zoning compliance permit within ten days of the filing of such application. Where action of the board of appeals or the planning commission is required in any case, as set forth in this chapter, the zoning administrator shall issue such permit promptly following such action.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-549. - Certificate of occupancy.

- (a) *Issuance.* No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this chapter unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection or moving of any building, structure, or part thereof, for the establishment of a use, shall make application to the zoning administrator within five days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this chapter.
- (b) *Voiding.* Any certificate of occupancy granted under this chapter shall become null and void if such use, buildings or structure for which such certificate was issued are found by the zoning administrator to be in violation of this chapter. The zoning administrator, upon finding such violation, shall immediately notify the village council of such violation and void the certificate of occupancy.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-550. - Fees, charges and expenses.

The village council shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, appeals and other matters pertaining to the chapter. The schedule of fees shall be posted in the office of the zoning administrator, and may be altered or amended only by the village council. No permit, certificate, conditional use on approval or variance shall be issued unless or until such costs, charges, fees or expenses listed in this chapter have been paid in full, nor shall any action be taken on proceedings before the board of appeals, unless or until preliminary charges and fees have been paid in full.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-551. - Violation and penalties; nuisance per se; abatement.

Uses of land and dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of any provision of this chapter are hereby declared to be a nuisance per se. The court shall order such nuisance abated, and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-552—62-564. - Reserved.

DIVISION 2. - NONCONFORMITIES

Sec. 62-565. - Intent of division.

Where within the districts established by this chapter, or by amendments, there exist lots, structures and uses of land and structures which were lawful before this chapter was adopted or amended and which would be prohibited, regulated or restricted under the terms of this chapter, or future amendment, it is the intent of this division to permit these nonconformities to continue until they are discontinued, damaged or removed, but not to encourage their survival. These nonconformities are declared by this division to be incompatible with the lots, structures and uses permitted by this chapter in certain districts. It is further the intent of this division that nonconformities shall not be enlarged, expanded or extended except as provided in this division; nor to be used as grounds for adding other lots, structures or uses prohibited elsewhere in the same district.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-566. - Nonconforming uses of land; continuation.

Where, on the date of adoption, or amendment, of the ordinance from which this chapter was derived, a lawful use of land exists that is no longer permissible under the provisions of this chapter, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming use of land shall be enlarged, expanded or extended to occupy a greater area of land than was occupied on the effective date of adoption, or amendment, of the ordinance from which this chapter was derived; and no accessory use or structure shall be established therewith.
- (b) No such nonconforming use of land shall be moved, in whole or in part, to any other portion of such land not occupied on the effective date of adoption, or amendment, of the ordinance from which this chapter was derived.
- (c) If such nonconforming use of land ceases for any reason for a period of more than 180 consecutive days, the subsequent use of such land shall conform to the regulations and provisions set by this chapter for the district in which such land is located.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-567. - Nonconforming structures.

Where, on the effective date of adoption, or amendment, of the ordinance from which this chapter was derived, a lawful structure exists that could not be built under the regulations of this chapter by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces or other characteristics of such structure or its location upon a lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such structure shall be enlarged, expanded, extended or altered in a way which increases its nonconformance.
- (b) Should any such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- (c) Should any structure be moved for any reason, of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-568. - Nonconforming uses of structures.

Where, on the date of adoption, or amendment, of the ordinance from which this chapter was derived, a lawful use of a structure exists that is no longer permissible under the regulations of this chapter, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No nonconforming use of a structure shall be enlarged, expanded, extended or altered except in changing the use of such structure to a use permitted in the district in which such structure is located.
- (b) When a nonconforming use of a structure is discontinued or abandoned for more than 180 consecutive days, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (c) For any structure devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed ten percent of the then current replacement value of the structure, provided that the volume of such structure or the number of families houses therein as it existed on the date of adoption, or amendment, of the ordinance from which this chapter was derived shall not be increased nothing in this chapter shall be deemed to prevent the strengthening or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.
- (d) Should any structure containing a nonconforming use be moved, for any reason of any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- (e) Should any structure devoted, in whole or in part, to any nonconforming use be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-569. - Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of an existing nonconforming use, building or structure; provided, however, that there is no change in the nature of character of such nonconforming use, building or structure.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-570. - Nonconforming lots.

Any lot which was lawful at the time of the effective date of adoption, or amendment, of the ordinance from which this chapter was derived, but does not comply with all the provisions of this chapter may be continued in use; provided, however, that the change in use of, or the location, modification or construction of any structure on such lot shall not be permitted; except upon a variance approved by the board of zoning appeals based upon a finding that such a variance is warranted, and subject to such conditions as the board of zoning appeals may find necessary to provide for the public health, safety, morals and general welfare.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-571. - Nonconformities regarding marijuana operations.

- (a) No marijuana operation operating or purporting to operate prior to adoption of this section shall be deemed to have been a legally existing use nor shall the operation of such marijuana operation be deemed a legal nonconforming use under this zoning ordinance.
- (b) A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this zoning ordinance or any amendment thereto.
- (c) Discontinuation of a state marijuana license shall constitute prima facie evidence that a nonconformity has been discontinued.

(Ord. No. 2021.09.01, § 3, 9-13-2021)

Secs. 62-572—62-584. - Reserved.

DIVISION 3. - SITE PLAN REVIEW REQUIRED IN SPECIFIC DISTRICTS

Sec. 62-585. - Intent of division.

The intent of this division is to require site plan review and to provide for consultation and cooperation between the developer and the village so as to realize maximum utilization of land and minimum adverse effects upon the surrounding land uses. Through application of the provisions of this division, compliance with this chapter and the comprehensive plan of the village will be ensured, and the village will develop in an orderly fashion consistent with public health, safety and welfare.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-586. - When site plan review is required.

- (a) Preliminary site plans shall be required for all conditional land uses as set forth in division 4 (conditional uses) of article V (administrative and amendment procedures). A preliminary site plan shall meet all of the criteria and standards set forth in section 62-587.
- (b) Final site plan review and approval is required for certain existing uses (as identified in section 62-586(c)) and for all proposed uses within the village, except for single-family and two-family dwellings. Site plan review and approval shall also be required for all site condominium projects, as set forth in division 5 (site condominium project regulations) of article V (administrative and amendment procedures). Final site plans shall meet all of the criteria and standards set forth in section 62-588.
- (c) Site plan review and approval for existing principal or accessory structures or uses is required where an alteration, addition, expansion, change or conversion:
 - (1) Constitutes an increase to the existing structure or use of 1,000 or more square feet or ten percent, whichever is less; or
 - (2) Would require a variance from the provisions of this chapter, regardless of its size.
- (d) Preliminary and final site plan shall be required for all marijuana facilities. The site plan shall meet all of the criteria set forth in sections 62-585 through 62-593.

(Ord. No. 2021.03.01, § 1, 3-8-2021; Ord. No. 2021.09.01, § 4, 9-13-2021)

Sec. 62-587. - Preliminary site plan.

- (a) *Defined; purpose.* A preliminary site plan is a generalized site plan required to be submitted for review of conditional land uses by the village planning commission. The purpose of such preliminary reviews is to confirm compliance with village standards, policies and relationship to the comprehensive plan, as well as to suggest changes necessary, if any, for the final site plan approval.
- (b) *Filing.* Any applicant shall file a preliminary site plan in conjunction with a conditional land use application, as set forth in division 4 (conditional uses) of article V (administrative and amendment procedures).
- (c) *Information required for review.* Every preliminary site plan submitted to the planning commission shall include the following information:
 - (1) The description, location, size and shape of the property involved.
 - (2) The shape, size and location of existing and proposed buildings, parking areas and service drives, loading zones, location of existing and proposed public streets serving the property, and natural features including topography and soils.
 - (3) The location of all existing and proposed water and sewage treatment systems serving the property.
 - (4) Any other information deemed necessary to properly illustrate the development concept to the planning commission.
- (d) *Planning commission action.* The planning commission shall review the preliminary site plan to determine if a conditional land use may be approved.
- (e) *Approval.* Approval of the conditional land use and preliminary site plan by the planning commission shall vest no rights in the application regarding approval of the final site plan in as much as the specified details of a site plan prepared in accordance with section 62-588 serve as the basis for determining that all village standards have been met.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-588. - Final site plan.

- (a) *Submission; contents.* All final site plans shall be submitted to the zoning administrator at least 21 days prior to the next scheduled meeting of the planning commission and must contain the following to be accepted:
 - (1) A completed application signed by the owner. If the owner is a corporation, the application must be signed by a corporate officer; if the owner is a partnership, the application must be signed by a general partner; if the owner is an individual, each individual owner must sign the application.
 - (2) Sufficient copies, as determined by the zoning administrator, of the site plan meeting all informational requirements set forth in section

62-590. Incomplete plans will not be accepted.

- (3) All items as required by section 62-587 shown on the site plan.
 - (4) Required fees.
 - (5) Upon receipt of a complete application and site plan, the zoning administrator shall place review of the site plan on the next planning commission agenda.
 - (6) The village may refer the site plan to the village planner and engineer for review.
- (b) *Planning commission review*. The planning commission will consider the application and take one of the following actions:
- (1) *Approval*. Upon finding that the application and site plan meet the criteria of site plan review in section 62-589, the planning commission shall recommend approval.
 - (2) *Approval with minor revision*. Upon finding that the application and site plan meet the criteria of site plan review in section 62-589, except for minor revisions which can be made and confirmed without further technical review, the planning commission may recommend approval, conditioned upon such revisions being made and reviewed by appropriate village staff and/or consultants.
 - (3) *Tabling*. Upon finding that the application and site plan do not, but could, meet the criteria of site plan review in section 62-589 upon the making of revisions, confirmation of which requires further technical review, the planning commission may table its recommendation until the revised plan is resubmitted to the planning commission.
 - (4) *Denial*. Upon finding that the application and site plan do not meet one or more of the criteria of site plan review in section 62-589 and that revisions necessary to meet such criteria are so extensive as to require the preparation of a new site plan, the planning commission shall recommend denial.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-589. - Criteria of final site plan review.

The site plan shall be reviewed and approved upon a finding that the following conditions are met:

- (a) The proposed use will not be injurious to the surrounding neighborhood.
- (b) There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas, and provisions have been made for acceleration, deceleration and passing lanes or approaches so as to preserve the safety and convenience of pedestrian and vehicular traffic.
- (c) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
- (d) It provides for proper development of roads, easements and public utilities and protects the general health, safety, welfare and character of the village.
- (e) It meets the requirements and standards for grading and surface drainage and for the design and construction of storm sewers, storm water facilities, parking lots, driveways, water mains, sanitary sewers and for acceleration, deceleration and passing lanes or approaches as determined by the village engineers.
- (f) Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
- (g) Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, groundwater and woodlands.
- (h) The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.
- (i) The proposed development will not cause soil erosion or sedimentation.
- (j) Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or watercourse, or cause alterations which could increase flooding or water pollution on-site or off-site.
- (k) Wastewater treatment systems, including on-site septic systems will be located and designed to minimize any potential degradation of surface water or groundwater quality.

- (l) Sites which include storage of hazardous materials or waste, fuels, salt or chemicals will be designed to prevent spills and discharges of pc materials to the surface of the ground, groundwater or nearby water bodies.
- (m) The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with good design standards for the lot size, shape and general location.
- (n) Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
- (o) The proposed use is in compliance with all village ordinances and any other applicable laws.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-590. - Information required on final site plan.

Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24 inches × 36 inches with the plan view drawn to a scale of one inch equals 50 feet for property less than three acres or one inch equals 100 feet for property of three or more acres. A site plan submitted for review and approval shall contain all of the following data prior to its submission to the planning commission for review:

(a) *General information.*

- (1) Proprietors', applicants', and owners' names, addresses and telephone numbers.
- (2) Date (month, day, year), including revisions.
- (3) Title block.
- (4) Scale.
- (5) Northpoint.
- (6) Location map drawn at a scale of one inch equals 2,000 feet with north point indicated.
- (7) Architect, engineer, surveyor, landscape architect or planner's seal.
- (8) Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within 100 feet of the site.
- (9) Proposed lot lines, property lines and all structures, parking areas, etc. within the site, and within 100 feet of the site.
- (10) Centerline and existing and proposed right-of-way lines of any street.
- (11) Zoning classification of petitioner's parcel and all abutting parcels.
- (12) Gross acreage figure.
- (13) Proximity to major thoroughfares and section corners.

(b) *Physical features.*

- (1) Acceleration, deceleration and passing lanes and approaches.
- (2) Proposed locations and dimensions of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.
- (3) Location of existing and proposed service facilities above and below ground, including:
 - a. Well sites.
 - b. Septic systems and other wastewater treatment systems. The location of the septic tank and the drainfield (soil absorption system) should be clearly distinguished.
 - c. Chemical and fuel storage tanks and containers.
 - d. Storage, loading and disposal areas for chemicals, hazardous substances, salt and fuels.
 - e. Water mains, hydrants, pump houses, standpipes and building services and sizes, where applicable.
 - f. Sanitary sewers and pumping stations, where applicable.
 - g. Storm water control facilities and structures, including storm sewers, swales, retention and detention basins, drainageways and other facilities, including calculations for sizes.
 - h. Location and dimension of all easements.
- (4) Location and dimensions of all existing and proposed structures with dimensioned floor plans, setback and yard dimensions and typical elevation views.
- (5) Dimensioned parking spaces and calculation, drives and method of surfacing.

- (6) Exterior lighting locations and illumination patterns.
 - (7) Location and description of all existing and proposed landscaping, berms, fencing and walls.
 - (8) Trash receptacle and transformer pad location and method of screening.
 - (9) Dedicated road or service drive locations.
 - (10) Entrance details including sign locations and size.
 - (11) Designation of fire lanes.
 - (12) Any other pertinent physical features.
- (c) *Natural features.*
- (1) Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service "Soil Survey of Jackson County, Michigan," 1981.
 - (2) Existing topography with a maximum contour interval of two feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.
 - (3) Location of existing drainage courses and associated bodies of water, on and off the site, and their elevations.
 - (4) Location of existing wetlands.
 - (5) Location of natural resource features, including woodlands, and areas with slopes greater than ten percent (one foot of vertical elevation for every ten feet of horizontal distance).
- (d) *Additional requirements for residential developments.*
- (1) Density calculations by type of unit by bedroom counts.
 - (2) Designation of units by type and number of units in each building.
 - (3) Carport locations and details, where proposed.
 - (4) Specific amount and location of recreation spaces.
 - (5) Type of recreation facilities to be provided in recreation space.
 - (6) Details of community building and fencing of swimming pool, if proposed.
- (e) *Additional requirements for commercial and industrial developments.*
- (1) Loading/unloading areas.
 - (2) Total and usable floor area.
 - (3) Number of employees in peak usage.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-591. - Notice of action or recommendation.

The planning commission shall note on a final site plan any action or recommendation regarding that plan and provide at least one copy of that plan, together with any required written findings, conditions or reasons, to the clerk. A copy of the planning commission minutes shall be sufficient to satisfy this section.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-592. - Building permits and conformity to final site plan.

After filing of the approved application and final site plan, satisfaction of any conditions of such approval and compliance with this chapter and other village ordinances, a building permit may be issued. All development and construction shall be in complete conformity with the site plan, as approved, together with any conditions imposed.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-593. - Expiration of approval.

Final site plan approval is valid for a period of one year from the date of planning commission action within which time all necessary building or construction permits shall be secured and construction substantially commenced. The planning commission may grant an extension on-site plan approval for up to one year. All requests for extensions shall be made in writing and include a statement of why the extension is necessary and confirmation of ability to complete construction in conformity with the site plan, as approved.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-594—62-610. - Reserved.

DIVISION 4. - CONDITIONAL USES

Sec. 62-611. - Need established.

The formulation and enactment of this chapter is based upon the division of the village into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the village. Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-612. - Conditional use permits.

- (a) *Authority to grant.* The planning commission shall have the authority to recommend to the village council to grant conditional use permits, subject to such conditions of design, operation and safeguards as the village may determine for all conditional uses specified in the various district provisions of this chapter.
- (b) *Application and fee.* Application for any conditional use permit permissible under the provisions of this chapter shall be made to the planning commission through the village clerk by filling in an official conditional use permit application form; submitting required data, exhibits and information; and depositing the required fee as established by resolution of the village council except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.
- (c) *Data, exhibits and information required in application.* An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of such property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, exhibits, information and evidence regarding the required findings set forth in this chapter.
- (d) *Public hearings.* The planning commission shall hold a public hearing upon an application for a conditional use permit, notice of which shall be given by one publication in a newspaper of general circulation in the village within 15 days, but not less than three days next preceding the date of such hearing.
- (e) *Required standards and findings for making determinations.* The planning commission shall review the particular circumstances and effects of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a use on the proposed site, lot or parcel meets the following requirements:
 - (1) Will be harmonious with and in accordance with the general objectives, intent and purposes of this chapter.
 - (2) Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
 - (3) Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
 - (4) Will not be hazardous or disturbing to existing or future neighboring uses.
 - (5) Will not create excessive additional requirements at public costs for public facilities and services.
- (f) *Determination and imposition of conditions.* If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this chapter will apply to the proposed use, the planning commission shall not recommend to the village council that such village council should grant a conditional use permit. In recommending that a conditional use permit should be granted by the village

council, the planning commission shall recommend such conditions of use as it deems necessary to protect the best interest of the village and the surrounding property, and to achieve the objectives of this chapter.

- (g) *Approval or disapproval.* Upon holding a public hearing and the finding that the requirements of subsections (d) through (f) of this section have been satisfactorily met by the applicant, the planning commission shall, within 30 days, recommend approval or disapproval to the village council. When the village council gives final approval, a conditional use permit shall be issued to the applicant. The village council shall forward a copy of the permit to the applicant, clerk, zoning administrator and planning commission. The zoning administrator shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the village council.
- (h) *Voiding of permit.* Any conditional use permit granted under this chapter shall become null and void and fees forfeited unless construction and/or use is commenced within 210 days and completed within 575 days of the date of issuance. A violation of a requirement, condition or safeguard shall be considered a violation of this chapter and grounds for the planning commission to recommend to the village council that it terminate and cancel such conditional use permit.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-613. - Additional development requirements for certain uses.

A conditional use permit shall not be used for the uses specified in the subsection unless complying with the site development requirements as specified in this subsection. The planning commission may recommend to the village council that it impose additional conditions and safeguards when deemed necessary by that body.

- (a) *Drive-in theaters.* In addition to and as an integral part of development, the following provisions shall apply:
- (1) Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven feet in height. Fences shall be of sound construction painted, or otherwise finished neatly and inconspicuously.
 - (2) All fenced-in areas shall be set back at least 100 feet from any front street or property line.
 - (3) All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance to the exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two streets or highways.
- (b) *Reserved.*
- (c) *Wireless communications facilities.* All applications for wireless communications facilities shall be reviewed and determined by the planning commission in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the planning commission in its discretion. The following information shall be submitted prior to the village approval to construct a wireless communication facility:
- (1) Site plan in accordance with division 3 (site plan review required in specific districts) of article V (administrative and amendment procedures).
 - (2) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed wireless communication facility. Such plan shall be designed to ensure long-term, continuous maintenance to a reasonable, prudent standard.
 - (3) The application shall include a description of security to be posted at the time of receiving a building permit for the wireless communication facility to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the village council shall specify the form of security as approved by the village attorney and recordable at the office of the register of deeds, establishing a promise of the applicant and the owner of the property to remove the facility in a timely manner as required under this section, with further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for the United States cities in the north central region of the United States.
 - (4) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises. The following special performance standards shall apply to wireless communications facilities:
 - a. Wireless communications facilities must be set back from all property lines a distance equal to its height except for accessory structures and buildings (see subsection (4)b of this section).

- b. Accessory structures are limited to uses associated with the operation of the facility and may not be located any closer to any property than the minimum front yard requirement for the appropriate zoning district as found in division 8 (district area, yard, height and bulk regulations).
 - c. Accessory structures shall not exceed 600 square feet of gross building area.
 - d. All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
 - e. The plans of the facility shall be certified by a registered structural engineer.
 - f. The applicant shall provide verification that the antenna mount and structure have been approved by a professional engineer and that the installation is in compliance with all applicable codes.
 - g. All facilities must meet the standards of the Federal Communications Commission and the Federal Aviation Administration.
 - h. Towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or one-half mile of a helipad.
 - i. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within 30 feet of a property line.
 - j. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
 - k. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
 - l. Towers with antennae shall be designed to withstand a uniform wind load.
 - m. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points, unless buried underground.
 - n. Towers shall be located so that they do not interfere with reception in nearby residential areas.
 - o. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
 - p. The base of the tower shall occupy no more than 500 square feet.
 - q. The height of the tower shall not exceed 200 feet from grade within a commercial zoning district, and 300 feet from grade within an industrial or agricultural district.
 - r. Towers shall not be artificially lighted except as required by the Federal Aviation Administration.
 - s. Existing on-site vegetation shall be preserved to the maximum extent practicable.
 - t. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
 - u. There shall be no employees on the site on a permanent basis to service or maintain the facility. Occasional or temporary repair and service activities are excluded from the restriction of this subsection.
 - v. Where the property adjoins any residentially zoned property or land use, the developer shall plant two alternating rows of evergreen trees with a minimum height of five feet on 20 foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten feet to any structure.
 - w. The policy of the village is to minimize the number of wireless communications facilities in the village. Therefore, the village shall require colocation of wireless communication towers. Pursuant to this policy, the following standards apply to towers:
 - 1. All new and modified towers shall be designed and constructed so as to accommodate colocation.
 - 2. A conditional use permit for the construction and use of a new tower shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
 - 3. No more than two transmitters of telecommunication signals shall be permitted on a single tower.
- (d) *Bed and breakfast.* Bed and breakfasts shall comply with the following requirements as a minimum. The planning commission may establish additional reasonable requirements as necessary to protect the health, safety and general welfare of the surrounding neighborhood and the community.
- (1) There shall be no separate cooking facilities used for the bed and breakfast stay.
 - (2) Food may be served at the bed and breakfast only to persons renting a room at the facility during their stay.

- (3) Two parking spaces, plus one additional space per room to be rented must be provided. Parking must be off-street and on-site and shall be permitted within the front yard area.
 - (4) No residential structure shall be removed in order to allow for a bed and breakfast use nor shall such a structure be removed in order to provide parking for such a use.
 - (5) The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the owner/operator, and such owner/operator shall live on the premises when the bed and breakfast operation is active.
 - (6) The residential structure shall remain a residential structure; i.e., the kitchen shall not be remodeled into a commercial kitchen.
 - (7) Each operator shall keep a list of all names of all persons staying at the bed and breakfast operation. Such list shall be available for inspection by village officials at any time.
 - (8) The maximum stay for any occupants of bed and breakfast operations shall be 14 days.
- (e) *Reserved.*
- (f) *Reserved.*
- (g) *Adult entertainment establishments.* Adult bookstore, adult motion picture theater, and massage parlor (hereinafter referred to as adult entertainment establishments) may be permitted in the C-2 general commercial district conditional use permit when the following conditions are met:
- (1) No adult entertainment establishment may be established, operated, or maintained within 1,000 feet of a residential zoning district (R-1, RM-1).
 - (2) No adult entertainment establishment may be established, operated, or maintained within 1,000 feet of: a church, state licensed day care facility, public library, public pre-school, elementary school, middle school, or high school.
 - (3) No adult entertainment establishment may be established, operated, or maintained within 1,000 feet of any other adult entertainment establishment.
 - (4) Distance limitations shall be measured in a straight line from the parcel or lot line of the adult entertainment establishment to the lot line of the restricted parcels described above.
 - (5) If employees or patrons of an adult entertainment establishment promote, offer, solicit, allow or engage in acts of prostitution on the premises, the conditional use permit may be suspended or revoked. No criminal charge need be brought for suspension or revocation of the conditional use permit to occur. The acts described in this subsection shall be shown to have occurred by a preponderance of the evidence.
 - (6) No adult entertainment establishment may be open or operated between the hours of 12:01 a.m. and 9:00 a.m. of any day of the week.

(Ord. No. 2021.03.01, § 1, 3-8-2021; Ord. No. 2022.01.01, § 3, 1-10-2022)

Secs. 62-614—62-630. - Reserved.

DIVISION 5. - SITE CONDOMINIUM PROJECT REGULATIONS

Sec. 62-631. - Regulation and approval of preliminary and final site plans.

Pursuant to the authority conferred by the Condominium Act, preliminary and final site plans shall be regulated by the provisions of this chapter and approved by the planning commission.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-632. - General requirements.

- (a) Each condominium lot shall be located within a zoning district that permits the proposed use.
- (b) Each condominium lot shall front on and have direct access to a public street or a private street approved by the village council. Approval for a private street may be conferred by the village council between preliminary and final site plan approval by the planning commission.
- (c) For the purposes of this division, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances and/or regulations applicable to lots in subdivisions.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-633. - Site plan approval requirements.

Preliminary approval of the site plan and final approval of the site plan and condominium documents by the planning commission shall be required as a condition to the right to construct, expand or convert a site condominium project. Preliminary and final approval shall not be combined.

(a) *Preliminary approval.*

- (1) A site plan pursuant to the standards and procedures set forth in article VI (supplemental regulations) of this chapter shall be submitted to the planning commission for preliminary review.
- (2) If the site plan conforms in all respects to applicable laws, ordinances and design standards, preliminary approval shall be granted by the planning commission.
- (3) If the site plan fails to conform, the planning commission shall either deny the application, or grant preliminary approval with conditions, provided that such conditions are met before final approval.

(b) *Final approval.*

- (1) Following preliminary approval, the applicant shall submit the condominium documents to the village for the review by the village attorney and other appropriate staff and consultants. The condominium documents shall be reviewed with respect to all matters subject to regulation by the village including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of storm water, sanitary and water facilities and utilities.
- (2) Following receipt of preliminary approval, the applicant shall also submit a final site plan and engineering plans in sufficient detail for the village, to determine compliance with applicable laws, ordinances and design standards for construction of the project. The village shall submit engineering plans to the village engineer and planner for review.
- (3) Upon completion of the review of the condominium documents and engineering plans and receipt of the recommendations and findings from the village attorney, engineer and planner, the site plan shall be submitted to the planning commission for final review.
- (4) If the site plan, condominium documents and/or engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the planning commission.
- (5) If the site plan, condominium documents and/or engineering plans fail to conform, final approval shall be denied by the planning commission.
- (6) In the interest of ensuring compliance with this chapter and protecting the health, safety and welfare of the residents of the village, the planning commission, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee for the completion of improvements associated with the proposed use.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-634. - Information required prior to occupancy.

Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the village clerk:

- (a) A copy of the recorded condominium documents (including exhibits).
- (b) A copy of any recorded restrictive covenants.
- (c) A digital copy of the site plan, as specified by the village, as well as a physical copy.
- (d) Evidence of completion of improvements associated with the proposed use, including two copies of an as-built survey.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-635. - Revision of site condominium plan.

If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the planning commission before any building permit may be issued, where such permit is required.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-636. - Amendment of condominium documents.

Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the village attorney and planning commission before any building permit may be issued, where such permit is required. The planning commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-637—62-650. - Reserved.

DIVISION 6. - PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)

Sec. 62-651. - Intent of.

The intent of this is to establish the provisions under which a planned unit overlay district (PUD) of this chapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this section to ensure appropriate, fair and consistent decision making.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-652. - Location.

A PUD district is hereby established and shall be located as an overlay district in any zoning district of the village. This overlay district is intended to replace the underlying zoning districts upon formal application to the planning commission and approval of the village council. Denial of an application for PUD shall not change the underlying zoning district and regulations. A petition for PUD zoning inconsistent with the overlay zoning district shall require that the petitioner first make application to the planning commission to amend the comprehensive plan. Before an amendment to the comprehensive plan, the planning commission shall hold at least one public hearing thereon. Not less than 15 days' notice of the public hearing shall be given by one publication in a newspaper having a general circulation in the village. Following adoption of the amendment to the comprehensive plan by the planning commission, copies of the amendment to the comprehensive plan shall be transmitted to the village council.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-653. - Permitted uses.

All residential, commercial, office and research uses may be permitted in the PUD overlay district in accordance with regulations stated in this section. All PUD projects must be compatible with the spirit and intent of the comprehensive plan and must not result in any unreasonable economic impact upon surrounding properties in the underlying zoning districts.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-654. - Regulations.

The applicant for a PUD must demonstrate as a condition to being entitled to PUD approval that:

- (a) Granting of the PUD overlay zoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
- (b) In relation to underlying zoning, the proposed type of density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.
- (c) The proposed development shall not have a materially adverse impact upon the village comprehensive plan, and shall be consistent with the intent and spirit of this chapter.
- (d) The proposed development shall not result in any unreasonable negative economic impact upon surrounding properties.
- (e) The proposed development shall contain at least as much usable open space as would be required in this chapter in relation to the most dominant use in the development.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-655. - Ownership.

The entire parcel for which application is made for PUD zoning must be under one ownership or the application must be made with the written authorization of all property owners.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-656. - Project design standards.

Based upon the following standards, the planning commission may recommend denial or approval, and the village council may deny or approve the proposed PUD:

- (a) In residential underlying zoning districts, nonresidential uses shall be permitted as part of a common planned unit development with a residential component to the extent the applicant demonstrates by expert analysis, and the village council finds, in its discretion, that the nonresidential uses shall principally serve the persons residing in the residential units in the project. This restriction shall not apply in nonresidential underlying zoning districts. Nonresidential uses including, without limitation, parking and vehicular traffic ways, shall be separate and buffered from residential units in a manner consistent with good land and community planning principles, provided, it is recognized that this provision may have limited application to mixed-use buildings. Subject to subsection (b) of this section, all regulations applicable to lot size, lot width, lot coverage, setback, parking and loading, general provisions and to other requirements and facilities shall be as follows:
 - (1) Single-family detached residential uses shall meet the regulations applicable in the R-1 district.
 - (2) Multiple-family residential uses shall meet the regulations applicable in the RM-1 district.
 - (3) Commercial and office uses shall meet the regulations applicable in the C-1 and C-2 districts.
- (b) Consistent with the planned unit development concept, and toward the end of encouraging flexibility and creativity in development, departures from compliance with the regulations provided for in subsection (a) of this section may be granted in the discretion of the village council as part of the approval of a planned unit development. Such departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the village council designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought.
- (c) The development shall be designed so as to promote preservation of natural resources and natural features. In the interpretation of this subsection (c) natural resources and natural features may be impaired or destroyed if it is in the public interest to do so. In determining whether action is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of natural resources and natural features and taking into account the provisions and standards of Act 127 of the Public Acts of 1970, as amended, the Michigan Environmental Protection Act.
- (d) The village council shall take into account the following considerations, as such considerations may be relevant to a particular project and ensure compliance with all related applicable regulations: perimeter setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction and visual screening mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially zoned property.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-657. - Procedure for review and approval.

The granting of a planned unit development application shall require a rezoning, i.e., an amendment of the zoning map constituting a part of this chapter so as to designate the property which is the subject of the application as planned unit development. Further, an approval granted under this section, including all aspects of the final plan and conditions imposed, shall constitute an inseparable part of the zoning amendment.

- (a) The planning commission shall hold a hearing at which the petitioner shall present the proposed PUD development plan, and the planning commission shall provide the petitioner with its comments within 30 days after holding such a hearing. No fees shall be charged for such preliminary hearing.
- (b) The petitioner shall next submit to the clerk sufficient copies of the PUD development plan, together with appropriate review fees. Copies of the plan, as submitted, shall be distributed promptly by the clerk to the appropriate village, county or regional agencies for

review to determine if the development concept can be accommodated by the existing public utility, street and general service facilities are necessary for the project.

- (c) The chairman of the planning commission or village clerk shall notify the petitioner of any questions raised by the village, county or regional agencies during such review and shall submit like information to the planning commission for its consideration, along with a report which evaluates the planning aspects of the project and its impact on the present and future development of that part of the village in which it is located.
- (d) The planning commission shall, after holding public hearings on such PUD development plan and reviewing such reports, make its recommendation to the village council on such plan within 60 days of its date of filing unless such time is agreed to be extended by the petitioner in writing; provided, however, that the planning commission may extend this time for periods not to exceed 30 days each if such extensions are necessary for adequate review.
- (e) If the PUD development plan is rejected by the planning commission, its reasons therefor shall be specified in writing and approved by the planning commission.
- (f) The planning commission's recommendations and all related reports shall be submitted to the village council for its consideration. The council shall, after holding a public hearing on the PUD development plan and petition, take final action on such plan and petition within 30 days of the date it receives a report from the planning commission, or such reasonable extension of time as may be necessary for adequate review.
- (g) If the site plan is rejected by the council, its reasons shall be based upon the standards of review listed above, specified in writing, and approved by the council.
- (h) Approval of the final PUD site plan by the council shall constitute approval of the rezoning request and shall entitle the applicant to apply for building permits.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-658. - Applications.

- (a) *Preliminary plans; contents.* Preliminary plans shall include the following:
 - (1) Applicant's name and address.
 - (2) The name of the proposed development.
 - (3) Common description of property and complete legal description.
 - (4) Dimensions of land, width, length, acreage and frontage.
 - (5) Existing zoning and zoning of all adjacent properties.
 - (6) Statement of intent of proposed use of land and any phasing of the project.
 - (7) Name, address, city and phone number of firm or individual who prepared the plan; owner of the property; and the applicant, if other than the owner.
 - (8) Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads.
 - (9) Proposed acceleration, deceleration and passing lanes.
 - (10) Location of existing drainage courses, floodplains, lakes, streams and wetlands.
 - (11) Intentions with respect to water and sewer.
 - (12) All parking areas and number of spaces by size.
 - (13) The number and location of areas to be preserved as open or recreational space.
 - (14) All known natural resources and natural features to be preserved.
 - (15) Fair representation of the development concept, including each type of use, square footage or acreage allocated to each use, approximate location of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use.
 - (16) Specification of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulation from which a deviation is being sought.
 - (17) The planning commission and/or village council may require a topographical map if the size of the project and/or nature of the topography indicates that such document would be meaningful to review.

(b) *Final site plans; contents.* Final site plans shall include the following:

- (1) All requirements for site plan review under this chapter.
- (2) A site plan showing the type, location and density of all uses.
- (3) All open spaces, including preserves, recreational areas and the like, and each purpose proposed for such areas.
- (4) Evidence of market need for the uses and economic feasibility of the project.
- (5) A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development section. This specification should include ordinance provisions from which deviations are sought, and if the applicant elects to be governed by this division, the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall be specified.
- (6) If the property on which the project is to be situated consists of 25 acres or more, a community impact statement may be required as part of the application.
- (7) A detailed landscaping plan.
- (8) A specific schedule of the intended development and construction details, including phasing or timing, and the general improvements to constitute a part of the development including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-659. - Required conditions.

Reasonable conditions may be required with the approval of planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole shall be reasonably related to the purposes affected by the planned unit development, and shall be necessary to meet the intent and purpose of this chapter, and be related to the objective of ensuring compliance with the standards of this chapter. All conditions imposed shall be made a part of the record of the approved planned unit development.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-660. - Phasing and commencement of construction.

- (a) *Phasing.* Where a planned unit development project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, phasing shall contemplate that at least 35 percent of all proposed residential and nonresidential uses, at least 35 percent of all proposed residential units are completed concurrent with the first phase of any nonresidential construction; completion of at least 75 percent of all proposed residential construction prior to the second phase of nonresidential construction; and completion of 100 percent of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this subsection (a), the percentages shall be approximations and determined in the discretion of the village council, and, further, such percentages may be significantly varied should the village council determine, in its discretion, that the applicant has presented adequate and effective assurances that the residential components of the project shall be completed within the specified period.
- (b) *Commencement and completion of construction.* Construction shall be commenced within one year following final approval of a planned unit development, or within one year following final approval of a planned MI unit development, or within one year of any other necessary approvals have been actively pursued. Each phase of the project shall be commenced within one year of the schedule established for such phase in the application submitted for the planned unit development. If construction is not commenced within such time, any approval of the final plan for the project shall expire and be null and void, provided that an extension for a specified period may be granted by the village council, upon good cause shown, if such request is made to the village council prior to the expiration of the initial period. Moreover, if a final plan has expired, the village council shall be authorized to rezone the property in any reasonable manner, and if the property remains classified as planned unit development, a new application shall be required, and shall be reviewed in light of the then existing and applicable law and ordinance provisions.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-661. - Effect of approval.

If and when approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvements and use shall be in conformity with such amendment. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the planned unit development, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved planned unit development unless an amendment thereto is duly adopted by the village upon the request and/or approval of the applicant's transferees and/or assigns.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-662. - Fees.

There shall be an advance payment of review fees at the time the preliminary plan is submitted. No review fee shall be required for the preliminary hearing with the planning commission except rezoning fees required upon application for a rezoning. There shall also be an advance payment of review fees at filing for the final plan. The amount of such fees shall be established by the village council by ordinance or resolution.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-663—62-680. - Reserved.

DIVISION 7. - AMENDMENT PROCEDURES

Sec. 62-681. - Initiating amendments and fees.

The village council may from time to time, on recommendation from the planning commission, on its own motion, amend, modify, supplement or revise the district boundaries or the provisions and regulations established in this chapter whenever the public necessity and convenience and the general welfare require such amendment. Such amendment may be initiated by resolution of the village council, the planning commission or by petition of one or more owners of property to be affected by the proposed amendment. Except for the village council or the planning commission the petitioner requesting an amendment shall, at the time of application, pay the fee established by resolution of the village council, no part of which shall be returnable to the petitioner.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-682. - State law procedures to be followed.

The procedure for making amendments to this chapter shall be in accordance with Michigan Zoning Enabling Act, as amended (PA 110 of 2006, MCL 125.3101 et seq.), also referred to as the MZEA..

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-683. - Conformance to court decree.

Any amendment for the purpose of conforming a provision of this chapter to the decree of a court of competent jurisdiction shall be adopted by the village council, and the amendment shall be published without referring the amendment to any other board or agency.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-684—62-700. - Reserved.

ARTICLE VI. - BOARD OF APPEALS

Sec. 62-701. - Established.

There is hereby established a board of appeals which, unless specially appointed, is the village council. If a board of appeals is appointed it shall consist of three members with terms set by the village council. The board of appeals shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this chapter shall be observed, the public health and safety secured and substantial justice done.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-702. - Duties.

The board of appeals shall hear and decide only such matters as the board of appeals is specifically authorized to pass on as provided in this chapter. The board of appeals shall not have the power to alter or change the zoning district's classification of any property; nor to make any changes in the terms of this chapter; but does have the power to authorize a variance as defined in this chapter, to act on those matters where this chapter may require an interpretation, and to issue a temporary use permit when authorized by this chapter.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-703. - Variance.

The board of appeals may authorize upon an appeal, a variance from the strict applications of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or contours of a specific tract of land at the time of adoption, or amendment, of the ordinance from which this chapter was derived or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required. A variance from the terms of this chapter shall not be granted by the board of appeals unless and until:

- (a) A written application for a variance is submitted, demonstrating the following:
 - (1) Special conditions and circumstances exist which are peculiar land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - (2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
 - (3) The special conditions and circumstances do not result from the actions of the applicant.
 - (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.
 - (5) No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- (b) The board of appeals shall determine that the requirements of the chapter have been met by the applicant for a variance.
- (c) The board of appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (d) The board of appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- (e) In granting any variance, the board of appeals may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.
- (f) Each variance granted under the provisions of this chapter shall become null and void unless:
 - (1) The construction authorized by such variance or permit has been commenced within 180 days after the granting of such variance and pursued diligently to completion; or
 - (2) The occupancy of land or buildings authorized by such variance has taken place within 180 days after the granting of such variance.
- (g) No application for a variance which has been denied wholly or in part by the board of appeals shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by the board of appeals to be valid.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-704. - Interpretation of chapter.

The board of appeals shall hear and decide appeals where it alleged by the applicant there is an error in any order, requirement, permit, decision or refusal made by the planning commission, the zoning administrator or any other administrative official in carrying out or enforcing any provisions of this chapter, including interpretations of the zoning map.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-705. - Appeals.

- (a) *Generally.* Appeal from the ruling or interpretation concerning the enforcement of the provisions of this chapter may be made to the board of appeals within such time as shall be prescribed by the board of appeals by general rule, by filing of such appeal with the village clerk. This office shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed was taken.
- (b) *Who may appeal.* Appeals to the board of appeals may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the village, county or state.
- (c) *Fee.* A fee prescribed by the village council shall be paid to the board of appeals at the time of filing the notice of the appeal which the board of appeals shall pay over, within 30 days after deciding any appeal, to the general fund of the village.
- (d) *Effect of appeal; restraining order.* An appeal stays all proceedings in furtherance of the action appealed unless the village clerk certifies to the board of appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the board of appeals or by the circuit court, on application, of notice to the village clerk and due cause shown.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-706. - Notice of hearing.

When a request for an appeal has been filed in proper form with the board of appeals, the board of appeals' secretary or village clerk shall immediately place the request for appeal upon the calendar for hearing, and cause notice, stating the time, place and object of the hearing to be served personally or by registered return receipt mail at least ten days prior to the date of such hearing, upon the party making the request for appeal.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-707. - Representation at hearing.

Upon the hearing, any party may appear in person, by agent or by attorney.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-708. - Appeal of board decisions to council or circuit court.

The board of appeals shall decide upon all matters within a reasonable time and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and, to that end, shall be in the form of a resolution containing a full record of the findings and determination of the board of appeals in each particular case. Any person having an interest affected by such resolution shall first have the right to appeal to the village council unless the council is acting as the board of appeals, and thereafter shall have the right to appeal to the circuit court.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Secs. 62-709—62-724. - Reserved.

ARTICLE VII. - RULES OF CONSTRUCTION AND DEFINITIONS

Sec. 62-725. - Rules of construction.

When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural, the singular. The word "shall" is always mandatory and not merely suggestive. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The words "used" or "occupied" include the words "intended," "designed" or "arranged" to be used or occupied.

(Ord. No. 2021.03.01, § 1, 3-8-2021)

Sec. 62-726. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "A" definitions.

Accessory apartment means a dwelling unit that has been added onto, or created within, a single-family house.

Accessory structure, building or use means a detached structure, building or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure, building or use.

Adult use include any of the following:

- (1) *Adult bookstore* means an establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, movies, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; or
 - b. Instruments, devices, or paraphernalia designed for use as part of, or in connection with, specified sexual activities.
- (2) *Adult motion picture theater* means an establishment where, for any form of consideration, films, motion pictures, videos, slides, or other photographic reproductions are shown in which a substantial portion of the total presentation is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
- (3) *Massage parlor* means an establishment or place primarily in the business of providing massage services and is not a myotherapy establishment recognized as legitimate by the medical community.
- (4) *Specified anatomical areas* means and includes one or more of the following:
 - a. Less than completely covered human genitalia, pubic region, buttocks, anus, female breasts below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- (5) *Specified sexual activities* means and includes one or more of the following:
 - a. The fondling or erotic touching of human genitalia, pubic region, buttocks, anus, or female breasts;
 - b. Human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, or sodomy;
 - c. Human masturbation, actual or simulated;
 - d. Human excretory functions as part of or related to any of the activities described above; and
 - e. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to any of the activities described above.

Alley means a public or private way not more than 33 feet wide which affords only a secondary means of access to abutting property.

Alter means any structural change in the supporting or loadbearing member of a building, such as bearing walls, columns, beams, girders or floor joists.

Apartment means a dwelling unit in an apartment house arranged, designed or occupied as a residence by a single family, individual or group of individuals.

Auto wrecking and salvage yard means the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Automobile service station means structures and premises used or designed to be used for the retail sale of fuels, lubricants or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repair, or servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting or refinishing thereof.

Awning means a fixed or retractable shelter constructed of non-rigid materials on a supporting framework which projects from the exterior wall of a building.

(b) "B" definitions.

Basement means a story of a building having more than one-half its height below grade.

Bed and breakfast means a single-family residential structure that provides sleeping rooms and serves breakfast to its transient tenants. The bed and breakfast use shall be subordinate to the principal use of the building as a single-family dwelling.

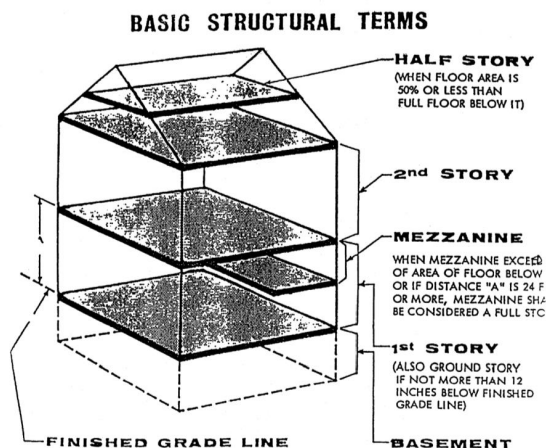
Boardinghouse or rooming house means a dwelling where meals and/or lodging are provided for compensation to persons by prearrangement for indefinite periods of time.

Body-piercing. Body-piercing means the perforation of human tissue other than an ear for a non-medical purpose.

Body-piercing establishment. An establishment where the perforation of human tissue other than an ear for a non-medical purpose, is performed whether or not it is in exchange for compensation or any form of consideration.

Building means an enclosed structure having a roof supported by columns, walls or other devices and used for the housing, shelter or enclosure of persons, animals or chattels.

Basic structural terms as defined in the diagram.



Building frontage means the portion of a building which faces a public street right-of-way.

Building height means the vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height (i.e., midpoint) between eaves and ridges for gable, hip or gambrel roofs.

Building setback line means a line parallel to or concentric with property lines delineating the minimum allowable distance between the street right-of-way and the front of any building.

(c) "C" definitions.

Central sanitary sewerage system means any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations to the public a sanitary sewerage disposal system from a central location or plan, but not including septic tanks.

Central water system means any person, firm, corporation, municipal department or board duly authorized to furnish, and furnishing under federal, state or municipal regulations, to the public a central water system from a central location or plant.

Condominium development means any development undertaken under the provisions of the Michigan Condominium Act, Act 59 of Public Acts of 1978, as amended, or any other act of the legislature of the State of Michigan providing for development of property under joint or concurrent ownership. The following other definitions shall also apply:

- (1) *Condominium documents.* The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the or bylaws which affects the rights and obligations of a co-owner in the condominium.
 - (2) *Condominium lot.* The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
 - (3) *Condominium subdivision plan.* The drawings and information prepared in accordance with section 66 of the Condominium Act.
 - (4) *Condominium unit.* The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
 - (5) *Consolidating master deed.* The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium projects as completed.
 - (6) *Contractible condominium.* A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this chapter and the Condominium Act.
 - (7) *Conversion condominium.* A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the Condominium Act.
 - (8) *Site Condominium.* a single-family totally detached dwelling (no shared garages or other attached buildings) encumbered by a declaration of condominium covenants or condominium for ownership.
- (d) *"D" definitions.*

Day care facilities means as follows:

- (1) *Family day care home.* A private home in which one, but not more than six, minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.
- (2) *Group day care home.* A private residence in which seven but not more than 12 children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.
- (3) *Childcare center and preschool.* A facility, other than a private residence, receiving more than one or more children for care and supervision for periods less than 24 hours, and where the parents or guardians are not immediately available to the child.

Deferred parking space means a required parking space identified on a site plan whose construction has been deferred per the standards in [Section 62-251](#).

District means a portion of the village within which certain uniform regulations and requirements apply under the provisions of this chapter.

Donation box means any enclosed receptacle or container designed or intended for the donation and temporary storage of clothing or other materials and located in a designated area, for either non-profit or for-profit purposes.

Drive-in establishment means a business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles as well as within the building.

Driveways. The following words, terms and phrases, when used in division 4 (off-street parking) and division 6 (driveway standards) of article IV (supplemental regulations) shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Driveway* shall mean an access roadway leading from a public street to a garage, carport or required parking area, including a turnaround.
- (2) *Commercial driveway* means any vehicular access except those serving one or two dwelling units or an essential public service use, building or structure.
- (3) *Offset* means the distance between the centerline of the subject driveway and the centerline of driveways on the opposite side of the street.
- (4) *State trunk lines, major streets and local roads* means as classified in the village. State trunk lines are as follows:
 - a. M-50 and
 - b. M-124.

Dwellings. The following words, terms and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Multiple-family dwelling* means a structure, containing multiple dwelling units, designed for or occupied by two families only with separate housekeeping and cooking facilities for each.
- (2) *Single-family dwelling* means a dwelling unit designed for or occupied by one family only.
- (3) *Two-family dwelling* means a structure, containing two dwelling units designed for occupancy by two families only with separate housekeeping and cooking facilities for each.
- (4) *Dwelling unit* means one or more rooms with independent cooking facilities designated as a unit for residence. (See division 18 (minimum dwelling unit floor area) of article IV (supplemental standards) for standards.)

(e) *"E" definitions.*

Easement means any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than 20 feet.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments, commissions or boards, of underground or overhead gas, electric, steam or water transmission or distributing systems, collection, communication, supply or disposal systems, dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience or welfare, but not including buildings or maintenance depots.

(f) *"F" definitions.*

Family means:

- (1) An individual or a group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- (2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

(g) *"G" definitions.*

Reserved.

(h) *"H" definitions.*

Home occupation means an occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

Hotel means a building containing guestrooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guestroom.

(i) *"I" definitions.*

Reserved.

(j) *"J" definitions.*

Reserved.

(k) *"K" definitions.*

Kennel means any lot or premises on which three or more dogs, four months old or more are confined either permanently or temporarily.

(l) *"L" definitions.*

Lot means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area; and to provide such yards and other open spaces as required in this chapter. Such lot may consist of a single lot of record, a portion of a lot of record, a combination of contiguous lots of record or contiguous portions of lot or record, or a parcel of land described by metes and bounds.

- (1) *Lot area* means the area within the lot lines, but excluding that portion in a road or street right-of-way.
- (2) *Lot corner* means a parcel of land at the junction of and fronting or abutting on two or more intersecting streets.
- (3) *Lot coverage* means the part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.
- (4) *Lot depth* means the average distance between the front and rear line of a lot measured in the general direction of its side lot lines.
- (5) *Lot of record* means a lot which is part of a subdivision and is shown on a map thereof which has been recorded in the office of the register of deeds of Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in such office.
- (6) *Lot through (double frontage)* means an interior lot having frontage on two parallel or approximately parallel streets.
- (7) *Lot width* means the average width measured at right angles to the lot's depth.

(m) *"M" definitions.*

Marijuana operations. The following words, terms and phrases as used in this chapter in connection with marijuana operations have the meanings ascribed in this subsection:

- (1) Any term defined by the Michigan Medical Marijuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marijuana Act.
- (2) Any term defined by the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marijuana Facilities Licensing Act.
- (3) Any term defined by the Marijuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marijuana Tracking Act.
- (4) Any term defined by the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq. shall have the definition given in the Michigan Regulation and Taxation of Marijuana Act.
- (5) The terms "marijuana acts" refers to the Michigan Medical Marijuana Act, MCL 333.26421 et seq., Michigan Medical Marijuana Facilities Act, MCL 333.27101 et seq. the Marijuana Tracking Act, MCL 333.27901 et seq.; the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq., collectively.
- (6) "Marijuana operations" includes marijuana facilities as defined in the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., and marijuana establishments as defined in the in the Michigan Regulation and Taxation of Marijuana Act, MCL 333.27951 et seq.
- (7) "Marijuana" is synonymous with "marijuana" and is applicable to any of the botanical plants classified as cannabis.
- (8) "Village" means the Village of Brooklyn, Michigan.

Mobile home means a structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term "mobile home" does not include a recreational vehicle.

Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continuous non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with a 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.

Motel means any establishment in which individual cabins, courts or similar structures or units are let or rented to transients for periods of less than 30 days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel or a mobile home park.

Mural. The following words, terms and phrases, when used in division 3 (Mural Regulations) of article IV (Supplemental Regulations) shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Graffiti* is writing or drawings that have been scribbled, scratched, or painted illicitly on a wall or other surface.
- (2) *Mural* is defined as:
 - (3) *Type 1:* A design or representation which does not contain promotional or commercial advertising painted or drawn on a wall.
 - (4) *Type 2:* An original, one-of-a-kind unique design or representation which contains limited references to the establishment, product, or service provided on the site which is painted or drawn on a wall on that site.

(n) *"N" definitions.*

Nonconforming building means a building or portion thereof lawfully existing at the effective date of adoption, or amendments thereto, the ordinance from which this chapter was derived and which does not conform to the provisions of this chapter in the zoning district in which it is located.

Nonconforming use means a use which lawfully occupied a building or land at the effective date of adoption, or amendments thereto, of the ordinance from which this chapter was derived and that does not conform to the use regulations of the zoning district in which it is located.

Nuisance means whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway or stream; or in any way renders the public insecure in life and property (See Sec. 38-62 and Sec. 62-206(b)).

(o) "O" definitions.

Reserved.

(p) "P" definitions.

Parking space, area lot, means an off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees.

Planned unit development (PUD) means a form of development usually characterized by the flexible application of zoning district regulations and a unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot- by-lot basis. It also refers to a process, mainly revolving around site plan review, in which the village will have considerable involvement in determining the nature of the development.

(q) "Q" definitions.

Quarry means any pit, excavation or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble or other nonmetallic mineral in excess of 50 cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway.

(r) "R" definitions.

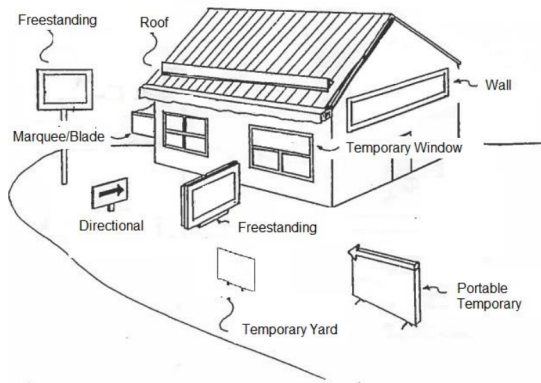
Reserved.

(s) "S" definitions.

Signage. The following words, terms and phrases, when used in division 2 (sign regulations) of article IV (supplemental regulations) shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Building frontage* means the portion of a building which faces a public street right-of-way.
- (2) *Business site* means the property owned by a business proprietor upon which the business is situated or land owned by the management entity of a commercial center or arcade, including any accessory buildings.
- (3) *Change of copy* means the replacement of the name of a tenant with another on a sign listing tenants in professional offices or buildings, industrial parks or commercial centers.
- (4) *Nuisance* means whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway or stream; or in any way renders the public insecure in life and property (See Sec. 38-62 and Sec. 62-206(b)).
- (5) *Outdoor advertising* means the public display of graphical information, other than official traffic and informational signs, that call public attention to commercial products, businesses or services (both public and private).
- (6) *Sign* means a name, identification, description, display, light, balloon, banner, air dancer, feather flag, flag (excluding the U.S., Michigan, U.S. military or municipal flags), illustration, or similar device which is affixed to, painted on, or otherwise located or set upon or in a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business, and which is visible from any public streets, sidewalk, alley, park or public property. The definition includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods displayed in a business window. The definition does not include religious symbols, paintings or murals (See division 24 - mural regulations) which do not display lettering and do not advertise a business, product or service (See diagram).

Various Types of Signs



- a. *Banner sign.* A temporary sign typically comprised of fabric, plastic or similar materials attached by means of temporary fastening to a structure or object.
- b. *Blade sign.* A projecting sign, usually mounted to a wall, column, or pole. These signs face perpendicular to the traffic flow, and are usually double-sided.
- c. *Feather flag sign.* A portable, freestanding sign placed in a single receiver or staked into the earth that consists of fabric.
- d. *Freestanding sign.* A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed on or below the ground surface and not attached to any building or any other structure, whether portable or stationary.
- e. *Marquee (bracket) sign.* A sign attached to a marquee, canopy or projection extending from and supported by a building, including "blade signs." An awning is a marquee sign if it has a sign affixed to or printed on it.
- f. *Portable temporary sign.* A single or double surface painted, poster panel type sign, magnetic sign or some variation thereof, which is temporary in nature, easily movable and not permanently attached to the ground.
- g. *Real estate sign.* A temporary sign placed upon property to advertise to the public the sale or lease of such property.
- h. *Roof sign.* Any sign wholly erected to, constructed or maintained on the roof structure of any building (prohibited in all districts by Sec. 62-198(e)(1)).
- i. *Wall sign.* Any sign that shall be affixed parallel to the wall or painted on the wall of any building; provided, however, that such wall sign shall not project above the top of the wall or extend within one foot of the end of the building. For this division, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.
- j. *Sandwich board sign.* A self-supporting, A-shaped, freestanding, temporary sign with only two visible sides that are situated adjacent to a business, typically on or behind a sidewalk (Sidewalk placement requires a permit and is limited to C-1 parcels with no setback.), that contains commercial speech.
- k. *Sign surface* means that part of the sign upon, against or through which the message is displayed or illustrated.
- l. *Temporary Freestanding Signs and Swinging Signs.* Signs located in the front or side yard and constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and appears to be intended to be displayed for a limited period of time.
- m. *Total surface area of the sign* means the sum total of all exterior surfaces of the sign, computed in square feet. In the case of a broken sign (a sign with open spaces between the letters, figures, numbers or symbols) the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two furthestmost letters. If an internally lighted awning is translucent or transparent, the entire awning area shall be included in the calculations of total sign surface area (See diagram.).
- n. *Tourist-oriented direction sign* means 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 and for which a major portion of the activity's income or visitors are derived during the normal business season for motorists not residing in the immediate area of the activity.

Site plan means a review by the planning commission and village council of a development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Small roof-mounted solar energy facility means any photovoltaic or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

Story means that portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

Street means a public or private thoroughfare which affords the principal means of access to abutting property having a right-of-way not less than 66 feet in width.

Structure means anything constructed, erected or placed with a fixed location on the surface of the ground.

Substantial portion means a use or activity accounting for more than 20 percent of any one or more of the following: stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.

(t) *"T" definitions.*

Tattoo parlor. An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

Tattoo, tattooed, tattooing. Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding. Designs, letters, scrolls, figures, symbols or any other marks upon or under the skin shall be considered "permanent" unless removal can be accomplished by water, soap, or other non-invasive means. Invasive methods of removal are described as, but not limited to, conventional or laser surgery.

Travel trailer means a vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger automobile and not exceeding 200 square feet in area.

(u) *"U" definitions.*

Reserved.

(v) *"V" definitions.*

Vehicle is any means in or by which people travel or goods are conveyed, including, but not limited to passenger vehicles (automobiles, trucks, or motorcycles), all-terrain vehicle, golf cart, snowmobile, boat, jet ski, construction-related vehicles (backhoe, skid steer, and the like) and the associated trailers for hauling such vehicles, including a utility trailer or cargo trailer, or the like.

Vehicle, recreational, means a class of motorized or non-motorized vehicles that contain living quarters and some or all of the amenities of a house, including, but not limited to motor homes, house trailers, truck campers, camping trailers and conversion vans.

(w) *"W" definitions.*

Wireless communication facility means all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; shortwave receiving facilities; radio and television broadcast and reception facilities; federally licensed amateur (ham) radio facilities, which are subject to state or federal law or regulations which preempt municipal regulatory authority. The following other definitions shall also apply to wireless communications facilities:

- (1) *Attached wireless communications facilities.* This type of facility shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- (2) *Colocation.* This term shall mean the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

(x) "X" definitions.

Reserved.

(y) "Y" definitions.

Yard, front, means an open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

Yard, rear, means an open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building.

Yard, side, means an open, unoccupied space extending the full width of the principal building between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the rear line of the lot.

(z) "Z" definitions.

Reserved.

(Ord. No. 2021.03.01, § 1, 3-8-2021; Ord. No. 2021.09.01, § 5, 9-13-2021)

Sec. 62-727. - Undefined terms.

Any term not defined in this section shall have the meaning of common or standard use.

(Ord. No. 2021.03.01, § 1, 3-8-2021)