

Chapter 62 - ZONING

Footnotes:

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Editor's note— *Printed herein is Ordinance No. 95, the village zoning ordinance, adopted on August 3, 1992. Amendments to the ordinance adopted subsequent to August, 1992 will be indicated by parenthetical history notes following amended provisions. The absence of a history note will indicate that the provision remains unchanged from August, 1992. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.*

Cross reference— *Amusements, ch. 10; buildings and building regulations, ch. 18; fire prevention and protection, ch. 26; streets, sidewalks and other public places, ch. 46; traffic and vehicles, ch. 50; utilities, ch. 54; vegetation, ch. 58.*

ARTICLE I. - PREAMBLE

Sec. 62-1. - Enactment and authority.

The Village Council of the Village of Schoolcraft in the County of Kalamazoo under the authority of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006 of the State of Michigan, as amended, hereby ordains, enacts and publishes this chapter.

(Ord. No. 216, § 1, 12-15-2008)

Sec. 62-2. - Short title.

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

Sec. 62-3. - Purpose in view.

The Village of Schoolcraft Zoning Ordinance is hereby established in accordance with the needs of the village. The text, map and schedules contained herein shall constitute this chapter. Said Ordinance is expressly adopted for the following purposes:

- (1) To protect and promote the public health, safety, and general welfare of the village.
- (2) To control and guide the orderly growth and development of the village in accordance with its comprehensive planning program, and to implement the growth and development goals and policies contained therein, some of which are enumerated as follows:
 - a. To encourage a wide range of housing opportunities in an orderly manner in the village from single-family to multiple family and congregate housing for the elderly;
 - b. To ensure that the residential housing environment of the village is safe, healthful and free of visual blight;
 - c. To preserve the character and value of certain historic areas and structures;
 - d. To preserve and enhance the appearance and viability of the central business district; and
 - e. To ensure the orderly development and operation of industrial uses.
- (3) To guard against community impacts which can adversely affect those positive qualities that make up the distinctive character of the village, and which can adversely affect its social and economic climate.
- (4) To promote and protect the value of land and buildings which are appropriate to the various districts established by this chapter.
- (5) To prevent against conflicts among the use of land and buildings.

Secs. 62-4—62-25. - Reserved.

ARTICLE II. - DEFINITIONS

Sec. 62-26. - Usage.

- (a) For the purpose of this chapter, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.
- (b) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "herein" means this chapter; the word "regulation" means the regulations of this chapter; and the words "this chapter" shall mean "the Ordinance text, tables and maps included herein, as enacted or subsequently amended."
- (c) A "person" includes a corporation, a partnership, and an unincorporated association of persons such as a club; "shall" is always mandatory; a "lot" includes a plot or parcel, a "building" includes a structure; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (d) The "village" is the Village of Schoolcraft in the County of Kalamazoo, State of Michigan; and "village council," "board of appeals," and "planning commission" are respectively the Village Council, Board of Appeals, and Planning Commission of the Village of Schoolcraft.
- (e) Any words not defined in this chapter shall be construed as defined in the Housing Law of Michigan, Act 167, Public Acts of 1917, as amended.

Sec. 62-27. - Terms and words defined.

Accessory use. An accessory use is a use subordinate and customarily incidental to the main use on a lot.

Adult foster care facility. A governmental or private facility for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped and who require supervision but not continuous nursing care.

Alley. A strip of land over which there is a right-of-way, public or private, on which generally no dwelling or land uses front, serving as a rear entrance to one or more properties.

Alterations. Any change, addition, or modification in construction of type of occupancy; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed."

Animal. Animal shall mean dog, cat, bird, reptile, mammal, fish or any other dumb creature.

Assisted living. Housing for elderly or disabled people that provides nursing care, housekeeping and prepared meals as needed.

Audio speaker. Also known as a loudspeaker. Any of various devices, usually electronic, by which speech, music and other sounds are transformed from electronic signals into amplified sound.

Automobile or trailer sales area. An area used for the display, sale or rental of new and used motor vehicles, boats or trailers (including mobile homes) in operable condition and where no repair work is done.

Automobile repair—Major. An automotive repair establishment which may conduct activities defined herein as minor repairs and one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder head or crank casepan, recapping or retreading of tires, steam cleaning and similar activities.

Automobile repair—Minor. Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including sale of accessories, greasing, oiling and minor automotive repair on the premises.

Automobile service center (minor maintenance and repair). A building or premises used primarily to provide general maintenance on automobiles such as oil change and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes, and shock absorbers; radiator cleaning and flushing; sale of automotive accessories such tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work or painting. An automobile service center may also sell gasoline.

Automobile wash establishment. Any building or structure or portion thereof either as a principal or accessory use containing facilities for washing motor vehicles using production line methods with a conveyor, blower, or other mechanical washing devices; and shall also include coin and attendant operated drive through, automatic self serve, track mounted units, and similar high-volume washing establishments, and may include hand-washing operations.

Basement or cellar. A portion of a building having more than one-half of its height below grade.

Bed and breakfast facility. A bed and breakfast facility is a building, other than a hotel, where lodgings and light breakfasts for persons, other than the family, are regularly served for compensation.

Board of zoning appeals. See "zoning board of appeals."

Building. A building is an edifice, framed or constructed and designed to stand more or less permanently and covering a space of land, for use as a dwelling, store, storehouse, factory, sign, shelter or for some other useful purpose. Building in this sense includes a wall, fence, monument, board fence or similar structure, trailer, tent, or vehicle used as a dwelling.

Building, accessory. A building that is customarily incidental and subordinate to the principal building(s) on the property and physically detached from the principal building(s). An accessory building may not share a common wall or common roof with a principal building.

Building, existing. An "existing" building is any building actually constructed or the construction of which is started previous to the effective date of this chapter: Provided, that the construction of any such building continues uninterruptedly and is completed within six months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered an existing building.

Building, height. Building height is the vertical distance from the average elevation of the street curb paralleling the front, or if on a street corner, the front and side, of the building, to the highest point of the roof surface if the roof is flat; to the deck line, if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type.

Building inspector. The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

Building line. A line parallel to the front lot line, and which marks the location of the building.

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

Building, principal. A building in which the principal use(s) of the property is conducted.

Church, temple, place of worship of religious institution. A type of institutional use or site used for regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry, and other members of the religious order who carry out their duties primarily on-site religious classes, day care and limited recreation facilities. Rescue missions, tent revivals, and other temporary assemblies are not included in this definition.

Clinic. A building or group of buildings where human patients are admitted, but not lodged overnight for examination and treatment by more than one professional, such as a physician, dentist or the like.

Commercial vehicle. Any motor vehicle other than a motorcycle or passenger automobile designed or used primarily for transportation of persons or property.

Condominium. Is the manner in which real property is owned. It is a combination of ownership in fee simple of the interior space of a townhouse, apartment, commercial or industrial building, plus an undivided ownership, in common with other purchasers, of the common elements in the structure, including the land and its appurtenances.

Construction. The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

Convalescent or nursing home. A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven or more persons are cared for. Said home shall conform and qualify for license under state law, according to Public Act 368 of 2007 as amended.

Curb level (grade). Curb level or grade is the mean level of the established curb in front of the building. Where no curb has been established the village engineer shall establish such curb level for the purpose of these regulations.

Day care facility.

- (1) *Child care center:* A facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two consecutive weeks regardless of the number of hours of care per day. The facility includes child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.
- (2) *Family day care home:* A private home in which fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption, Family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
- (3) *Group day care home:* A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Dwelling. A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered as a dwelling.

In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this chapter and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed as part of a dwelling for area requirements.

- A. *Dwelling, multiple:* A multiple dwelling is a building used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including homes.
- B. *Dwelling, one-family:* A detached building occupied by one family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one family only. Every one family dwelling shall have a minimum width throughout the entire length of the dwelling of 24 feet measured between the exterior part of the walls having the greatest length.
- C. *Dwelling, two-family:* A detached two-family dwelling is that occupied by two families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.
- D. *Dwelling unit:* A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent, or other portable building be considered a dwelling in single-family, two-family, or multiple-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings.
- E. *Efficiency unit:* An efficiency unit is a dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than 350 square feet of floor area.

Easement. A grant of one or more of the property rights by a landowner to, or for use by the public or another person or entity.

Erected. The word "erected" includes built, constructed, reconstructed, moved upon; and "erecting" includes any physical operations required for the building on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

Essential services. The use of land without structures by a public utility or village agency for the construction, alteration, maintenance and use by a public utility or city agency of underground, surface, or overhead structures where necessary for the furnishing of services by such public utilities or village agencies. In the case of public utilities, such essential services shall not include buildings. All new structures and uses by a public utility and village agencies not otherwise in strict conformity with this article propose as an essential service exemption shall be subject to site plan review.

Family. An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and household assistants of the principal occupants, who are domiciled together as a single housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient 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, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment or is otherwise not intended to be of a permanent nature.

Fence. Any freestanding, upright structure constructed of barriers that enclose, divide, delineate, or screen either the whole or any portion of any given area.

First story. A first story is the lowest story of a building the ceiling of which is more than seven feet above the average surface elevation of the ground, or sidewalk adjacent to its exterior walls.

Floor area.

- A. *One-family residential:* For the purpose of computing the minimum allowable floor area in a residential dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- B. *Multiple-family residential:* For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the floor area shall be the net floor area exclusive of hallways. Net floor area is the sum of the horizontal areas of the several rooms measured from the interior faces of the walls of the room. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.
- C. *Usable:* The area used for or intended to be used for the sale of merchandise or services, or used to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "usable floor area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
- D. *Floor area, gross:* The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building which is what this is normally referred to as, shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher (see

Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

Frontage. The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

Garage, automotive commercial. Any premises available to the public and used solely for the storage of automobile or motor-driven vehicles, for remuneration, hire, or sale, where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.

Garage, private. A building or portion of a building attached to the principal building, or a detached accessory building, used for the storage of vehicles or other personal property and not for human habitation.

Garage, public. A public garage is any building or premises, other than a gasoline filling station, used for the housing or care of more than three automobiles, or where any such automobiles are equipped for operations, repaired or kept for remuneration, hire, or sale.

Garden apartments. A residential structure having a height limit of two and one-half stories and containing three or more attached rooms or suites of rooms, each room or suite having its own cooking facilities and being used as a dwelling for one family.

Gasoline convenience store. An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. A gasoline convenience store may also include an area devoted to the sales of automotive items and convenience goods primarily sold to patrons purchasing gasoline.

Gasoline service station. A gasoline service station is a space, structure, building or part of a building, used for the retail sale, or supply of motor vehicle fuels and any other accessory for sale or retail as a clearly secondary activity.

Greenbelt. A vegetative strip intended to provide physical separation and visual screening between potentially incompatible uses; be sufficient to screen or filter views of building walls, loading areas, parked vehicles, and outdoor storage areas; moderate harsh or unpleasant sounds; filter air pollutants; and/or slow the effects of storm water runoff.

Gross site area. The total area within and conforming to the legal description of the site.

Hazardous materials. Any materials that have been declared to be hazardous to any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

Hedge. Any planting of shrubs, bushes, or any kind of plant designed, installed, maintained, and planted in a line or in groups that form a compact, dense, living barrier that protects, shields, separates, or demarcates either the whole or any portion of any given area from view.

Home occupation. Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Housing for the elderly and handicapped. A multiple-family development having the following tenant eligibility requirements. Prior to occupancy tenants must be:

- (1) Families or two or more persons, the head of which (or the spouse of which) is 62 years of age or older, or is handicapped; or
- (2) Single persons who are 62 years of age or older or who are handicapped.
 - a. A handicapped person is one whose impairment:

1. Is expected to be continued and of indefinite duration;
2. Substantially impedes his ability to live independently; or
3. Is such that his ability to live independently could be improved by more suitable housing.

Institutional uses. Churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, adult foster care facilities.

Junk yard. Any land area including buildings thereon used primarily for the outdoor collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

Kennel. Any lot or premises on which four or more common house pets are kept permanently or temporarily boarded outside of the residence.

Laboratory. A place devoted to experimental, routine study or basic study such as testing and analytical operations, and which manufacturing or product or products, except prototypes for testing market, is not performed.

Landscaped area. A portion of land area which has been changed, rearranged, or to which plant materials or scenery have been added to produce an aesthetic effect appropriate for a residential area.

Light industry. Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from processed or previously manufactured materials.

Loading berth. An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is 528 square feet in area.

Lodging house. A lodging house is a building or part thereof, other than a hotel, including so-called tourist homes, where lodgings are provided for hire, more or less transiently, and with or without provision for meals.

Lot. A plot or parcel of land occupied, or designed to be occupied by a building(s), and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings in accordance with applicable zoning regulation of the village.

Lot area. Area of a lot bounded by lot lines.

Lot, corner A lot whose lot lines form an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot, through. A lot other than a corner lot having frontage on two more or less parallel streets.

Lot coverage. The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, or swimming pools.

Lot line. A boundary line of a lot.

Lot line, rear. Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

Lot line, front. The exterior line or right-of-way of a road on which a lot fronts or abuts.

Lot line, side. Any lot line not a front or rear lot line.

Lot of record. A lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot width. The average distance between side lot lines measured at the building line, on a line parallel to the street, and measured at right angles to the side lot lines.

Mobile home. A structure transportable in one or more sections which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle (Act 419, Michigan P.A. of 1976). All mobile homes must conform to the U.S. Department of Housing and Urban Development's code for mobile homes. Mobile home includes a double-wide unit.

Mobile home park. A parcel or tract of land, under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 95, Michigan P.A. of 1997).

Modular. A structure which meets the requirements of the B.O.C.A. building and construction code, and which is transported in one or more sections on a removable chassis, and is designed to be used on a permanent foundation, when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to B.O.C.A. the characteristics of modular are:

- (1) A pitched roof of heavy truss construction able to support a "deadweight" of at least 40 pounds, and having roof shingling of five-inch exposure;
- (2) A heavy deck flooring of wood on two by eight floor joists;
- (3) A drain ventilation size of three inches in diameter extending 12 inches above the roof; and
- (4) Establishment on a poured wall or cement block and mortar foundation.

Motel or hotel.

- (1) *Motel:* A series of rental units which have separate entrances containing a bedroom, bathroom, and closet space, but typically not cooking facilities. Units shall provide for overnight lodging, and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms as accessory uses.
- (2) *Hotel:* Any building with a common entrance or entrances containing six or more guestrooms intended or designed to be used, or which are used, rented, hired out to be occupied or which are occupied for sleeping purposes for guests. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms as accessory uses.

Mural. A mural is defined as a design or representation that is painted, drawn, or produced and which is executed directly on or affixed to a wall that does not direct attention to a product, service, place, activity, person, institution, or business for advertisement or solicitation.

Nonconforming lot of record (substandard lot). A lot lawfully existing at the effective date of this chapter, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Nonconforming structure. A structure, or portion thereof, lawfully existing at the effective date of this chapter, or affecting amendment, and which fails to meet the minimum yard setback or height requirements of the zoning district in which it is located.

Nonconforming use. A use lawfully existing in a building or on land at the effective date of this chapter, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

Nuisance. The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerage, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this chapter, nuisances and all such nuisances are hereby declared illegal.

Open air business. An open-air business is defined as a business operated substantially in the open air, including, but not limited to uses like:

- (1) Sale, repair, rental or storage of bicycles, utility trucks or trailers, motor vehicles, boats, or home equipment.
- (2) Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.
- (3) Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

- (4) Entertainment services like tennis courts, shuffleboard, horseshoe courts, archery ranges, miniature golf, golf driving children's amusement park or similar recreation uses (transient or permanent).

Outdoor furnace. A fuel-fired boiler or furnace, fueled by wood, coal, corn, or other types of fuel, located outside the structure it is used to heat, with the designated purpose of providing indoor heat for water and/or air for a residence or other structure. This definition shall not include boilers or furnaces fueled by natural gas, propane, or fuel oil if the boiler or furnace has been inspected and approved by the village mechanical inspector.

Planning commission. The "planning commission" shall mean the Village of Schoolcraft planning commission and shall have all powers granted under authority of Act 33 of the Public Acts of 2008, as amended, and as provided in this chapter.

Private service garage. Any premises used for the storage or care of motor driven vehicles, where any such vehicles are equipped for operation, repaired and maintained for use by the business utilizing said services.

Protective measures fence. A fence erected for the expressed purpose of the protection of the enclosed area and its contents.

Public utility. A public utility is any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, communication, transportation, drainage or water.

Recreation vehicle or equipment. A vehicle or equipment used for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, motorcycles, golf carts, ATVs, UTVs, 4-wheelers, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

Repairs. Repairs are the rebuilding or renewal of a part of an existing building or the purpose of maintaining its original type and classification.

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

Restaurant. A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready to consume state, and whose method of operation is characteristic of a carry out, drive in, drive through, sidewalk, fast food, sit down restaurant, and/or bar/lounge, or combination thereof, as defined below;

Carry out restaurant: A carry out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible container or wrappers in a ready to consume state for consumption primarily off the premises.

Drive-in restaurant: A drive-in restaurant is a business establishment whose method of operation involves delivery of the prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

Drive through restaurant: A drive through restaurant is a business whose method of operation involves the delivery of the prepared food in a motor vehicle, typically through a drive through window, for consumption off the premises. Any restaurant with a drive through operation, whether the principal or accessory use, shall be defined as a drive through restaurant.

Fast food restaurant: A fast food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready to consume state for consumption either within the restaurant building or for carry out with consumption off the premises, and whose design or principal method of operation includes foods, frozen desserts, or beverages which are usually served in edible containers, or in paper, plastic, and other disposable containers.

Sidewalk restaurant: A sidewalk restaurant is an establishment that sells food or beverages through a window to serve pedestrians not requiring the patron to enter the structure. Any restaurant with an open front window shall meet the ordinance standards for open-front windows whether the use is principal or accessory.

Sit down restaurant: A standard restaurant is a business whose method of operation involves either:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

Bar/lounge/tavern: A bar, lounge, or tavern is a type of restaurant which is operated for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Paved road or street, private. A private right-of-way reserved for the use of the occupants of the abutting structures. Said private street shall not be accepted by the Village of Schoolcraft for maintenance in any form and shall have a minimum 30-foot paved width.

Retail shop. A business primarily characterized by the sale of goods or merchandise for personal, household or business consumption, and rendering of services incidental to the sale of such goods, for which the total area of such use shall not exceed 2,500 square feet.

Retail store. A business primarily characterized by the sale of goods or merchandise for personal, household or business consumption, and rendering of services incidental to the sale of such goods, for which the total area of such use shall be 2,500 square feet or more.

Shed. A shed is a lightly constructed one- or two-story building for temporary use during the erection of a permanent building, or a light one-story structure attached to, or auxiliary to another building and intended for storage only.

Setback. Setback is the minimum horizontal distance between the front line of a building, excluding steps, and the street right-of-way line.

Shopping center. A retail commercial establishment or a group of retail establishments which is planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area.

Sidewalk line. The edge of the established sidewalk nearest the established lot line of any property within the village.

Signs. For the purpose of this chapter, the term "sign" shall mean and include any announcement, declaration, display, illustration, or insignia used to advertise or promote the interests or any person or product when the same is placed out-of-doors in view of the general public. See [section 62-482](#) for specific sign definitions.

Special use permit. A permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the Village of Schoolcraft, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this chapter for them are met.

State licensed residential facility. A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, that provides resident care services under 24-hour supervision or care, but does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to correctional institutions, which includes the following:

- (1) A state licensed residential family facility includes a state licensed residential facility providing resident services to six or fewer persons.
- (2) A state licensed residential group facility includes a state licensed residential facility providing resident services to more than six persons.
 - a. *Adult foster care facility* - A facility defined by the Adult Foster Care Facility licensing act (PA 218 of 1979), as amended, having as its principal function the receiving of adults for foster care. Such facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care.
 - b. *Adult foster care large group home* - An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
 - c. *Adult foster care small group home* - An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.
 - d. *Adult foster care family home* - A private residence in which the licensee is a member of the household and an occupant, providing foster care for five or more days a week and for two or more consecutive weeks with the approved capacity to receive six or fewer adults.
 - e. *Foster family group home* - A private residence in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
 - f. *Foster family home* - A private residence in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

Structural changes or alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

Structure. Anything constructed, assembled, or erected, the use of which requires location on the ground or attachment to something on the ground or attachment to something having location on or in the ground.

Structure, accessory. A subordinate structure located on the same property, but is detached from, and is secondary and incidental to, the principal building.

Swimming pool. Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than 12 inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

Temporary building or use. A structure or use permitted by the building inspector to exist during periods of construction of the main use or for special events, not to exceed six months. Two extension periods of six months each are allowed.

Townhouses. A row of three or more attached one-family dwellings, not more than two and one-half stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

Trailer. The term "trailer" includes any trailer coach, motor home, tent camper, demountable camper, or unit designed as a vacation unit for short-term seasonal occupancy, which measures nine feet or less in width, and 35 feet or less in length, which is in good running condition and which complies with all requirements of state law for licensing of such vehicles.

Vaping store. Otherwise known as a "vape shop" is a retail store specializing in the selling of electronic cigarettes and associated products.

Variance. A varying or relaxation of the standards of the zoning ordinance by the board of zoning appeals; and where such variances will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in practical difficulty.

Wall. Any freestanding, upright structure, other than plant material, constructed of barriers to enclose, divide, delineate, screen, retain water or earth, or protect an area.

Yard. A yard is an open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

- (1) A "required yard" is that portion of any lot on which the erection of a main building is prohibited.
- (2) A "front yard" is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.
- (3) A "rear yard" is a yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.
- (4) A "side yard" is a yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.

Zoning board of appeals. The Village of Schoolcraft Zoning Board of Appeals, the members of which have been duly appointed by the village council and which is authorized as a body to interpret, hear appeals, and grant variances in accordance with the provisions of this chapter.

(Ord. No. 192, § 1, 3-20-2006; Ord. No. 215, § 1, 10-20-2008; Ord. No. 216, §§ 1, 2, 12-15-2008; Ord. No. 220, § 1, 6-7-2010; Ord. No. 226, art. I, 3-18-2013; Ord. No. 241, § 1, 10-18-2021)

Secs. 62-28—62-40. - Reserved.

ARTICLE III. - ESTABLISHMENT OF DISTRICTS

Sec. 62-41. - Establishment of districts.

The Village of Schoolcraft is hereby divided into the following districts:

R-A	Single-family residential district
R-1	Single-family residential district
R-2	Single- and two-family residential district
RM	Multiple family residential district
RMH	Residential mobile home district
B-1	Local business district
B-2	General business district
CBD	Central business district
P	Parking district
I-1	Light industrial district
1-2	General industrial district

Sec. 62-42. - Zoning map.

The areas and boundaries of such districts noted in section 62-41 are hereby established to scale as shown on a map entitled, Zoning Map of the Village of Schoolcraft, and referred to herein as the "zoning map". Said zoning map, together with everything shown thereon, is hereby adopted by reference and declared to be a part of the Ordinance.

Regardless of the existence of copies of the zoning map which may be made or published, the official zoning map shall be located at the Village Hall and shall be the final authority as to the current zoning status in the village. No amendment to this chapter which involves a change of a mapped zoning district, shall become effective until such change an entry has been made on the official zoning map. The official zoning map shall be identified by the signature of the president, and attested by the village clerk.

Sec. 62-43. - Interpretation of district boundaries.

When uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

- (3) Boundaries indicated as approximately following village boundaries shall be construed to follow village boundaries.
- (4) Boundaries indicated as approximately following property lines, section lines or other lines of a survey shall be construed to follow such chartered lines as of the effective date of this chapter, or affecting amendment.
- (5) Boundaries indicated as following railroads lines shall be construed to follow centerline of the railroad right-of-way.
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (6) above, the building inspector shall interpret the district boundaries. Upon appeal, the zoning board of appeals reserves the right to over-ride the interpretation of the building inspector.

(Ord. No. 216, § 3, 12-15-2008)

Sec. 62-44. - Annexed areas.

When property not now in the village shall become annexed to the village, the property shall be incorporated with RA zoning and shall be retained as RA for a period of one year or until the planning commission recommends an alternate zoning district to the village council and the village acts upon the recommendation.

Secs. 62-45—62-70. - Reserved.

ARTICLE IV. - GENERAL REGULATIONS

Sec. 62-71. - Effects of zoning.

Zoning affects every structure and use. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except when in conformity with the regulations herein specified for the zoning district in which it is located.

In case any building or part thereof is issued, erected, altered or occupied contrary to law or to the provisions of this chapter, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

If construction on a building is lawfully begun prior to adoption of this chapter or is in existence at the time of the adoption of this chapter, nothing in this chapter shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one year from the effective date of this chapter, or affecting amendment.

Sec. 62-72. - Application of regulations.

The regulations set by this chapter throughout the village and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.

- (1) All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.
- (2) No building or other structure shall hereafter be altered:
 - a. To accommodate or house a greater number of persons or families than permitted by the zoning district.

- b. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
- (3) No yard or lot existing at the time of passage of this chapter shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

Sec. 62-73. - Schedule of district regulations.

Regulations affecting the arrangement of buildings, materials and equipment occupying such land for each of the districts are hereby established as set forth in the schedule of regulations.

Sec. 62-74. - General regulations.

- (a) *Building permit required—Conformance to zoning.* In accordance with other village codes, ordinances and regulations duly adopted by the village council, and in accordance with this chapter, no building shall hereafter be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall be begun until a building permit has been issued. With respect to this Zoning Ordinance, eligibility for a building permit shall be established upon conformance with the provisions contained herein. This shall apply to all new construction and all major improvements to existing structures. In the case of detached accessory buildings and structures, a building permit is required. (A permit is not required for commercially purchased storage sheds.)
- (b) *Certificate of occupancy required.* No new principal building or dwelling subject to the provisions of this chapter shall be occupied, inhabited or used until a certificate of occupancy is issued by the building inspector.
- (c) *Structures.*
 - (1) *Restoring unsafe buildings:* Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building inspector or the county health department. A building or structure condemned by the building official may be restored to safe condition provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is equal to or in excess of its state equalized value, the structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.
 - (2) *Structure to have access:* Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.
 - (3) *Fences, walls, and hedges.*
 - a. It shall be unlawful for any person to construct or to cause to have constructed any fence, wall, or hedge upon any property within the village without first having obtained a permit in the manner provided in this section of the ordinance.
 - b. Any person desiring to build or to cause to be built a fence or wall, or grow a hedge or cause a hedge to be grown, upon property located in the village, shall first apply to the building inspector for a permit. Such application shall contain any and all information required by the building inspector necessary for the determination of whether the erection of such fence, wall or hedge will violate any provision of this section.
 - c. Walls, fences, and hedges not more than three feet in height are permitted in required yards of all zones, provided said walls, fences, or hedges are not more than 75 percent solid. Walls and solid fences or hedges of not more than six feet in height are permitted only in side or rear yards in any zone. When installed, the decorative side of the fence or wall shall face the abutting property. In all districts, both street frontages for

corner lots shall comply with the provisions for front yards. In addition, no fence, structure or planting over 30 inches in height above the curb line except deciduous trees shall be erected or maintained within 25 feet of intersecting street right-of-way lines so as to interfere with traffic visibility across the corner.

- d. In residential zoning districts, all fences shall be constructed of posts sunk in the soil at least three feet with boards, non-barbed wire, or other suitable material. Temporary plastic fencing shall not be considered suitable material.
- e. Mesh, netting, or other similar devices used for the primary purpose of protecting individual plants or small landscaped or garden areas from harsh weather or animal intrusion shall not be considered fences for the purposes of this chapter.
- f. No fence, wall, or hedge shall extend towards the street beyond two feet from the established lot line, nor shall any fence, wall, or hedge or portion thereof be erected in any area on or parallel to the front lot line except that it shall be located a minimum of two feet behind the inside edge of the established sidewalk line. It shall be deemed unlawful to plant or cause to have planted any shrub or bush outside of the established sidewalk line.
- g. No portion of this section shall be construed to allow any hedge growth to extend toward the street beyond two feet from the established lot line.
- h. Barbed wire fences are prohibited in all zoning districts. However, a permit granted by the village planning commission shall be required of those individuals wishing to erect a protective measures fence; such permit shall be granted only after demonstration of the need of such fence. The owner or his agent, of a protective measures fence shall be granted permission to erect necessary and reasonable barriers along the uppermost edge of the protective measures fence that he deems reasonable for the protection of property within the enclosed area. When such protective measures fence employs barbed wire along the uppermost edge, the minimum height for such fence below the barbed wire extension shall be six feet.
- i. Any person within the corporate limits of the village erecting or maintaining any fence or wall between the edge of the established lot line and the inside edge of the sidewalk or where any sidewalk would normally be, shall be fully responsible for the care and maintenance of the fence or wall and shall assume full responsibility for any damages arising due to the erection of such fence.

(4) *Accessory building:*

- a. Accessory buildings and structures must be located on the same site, parcel, or lot as the principal use.
- b. No accessory building shall be erected in any front yard. The side and rear yard setbacks for accessory buildings shall be three feet.
- c. Except as provided in subsection (4)d. (below), accessory buildings and structures shall not exceed 15 percent lot coverage of the site, parcel, or lot in which it is located.
- d. In addition to the lot coverage permitted above, each lot may have one portable accessory building, which is not permanently affixed to the ground, with a floor area no greater than 200 square feet and a height no greater than ten feet. This portable structure will not count towards the lot coverage requirements for the site, parcel, or lot. Portable accessory structures include any portable shed, yard barn, carport, covered metal structure, or similar accessory structures or buildings. All portable accessory buildings or structures must meet all placement and setback requirements of permanent accessory buildings.
- e. Accessory buildings or structures with a floor area greater than 200 square feet are required to be permanent, anchored to the ground and with a proper foundation, according to applicable building codes enforced by the village.

- f. Attached or freestanding carports must be anchored to the ground and have a floor covered with an impervious as asphalt or concrete.
 - g. Accessory buildings may be no taller than the principal structure located on the same site.
- (5) *Exceptions to height regulation:* The height limitations contained in the Ordinance do not apply to spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (d) *Lots.*
- (1) New lots to be buildable: All newly created lots shall have buildable area. The net buildable area of a lot shall be at least 75 percent of the minimum lot area of the respective zoning district and a continuous piece of land excluding land subject to flooding six months of the year, wetlands, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
 - (2) No new lots shall be created which do not meet the minimum lot size regulations of this chapter.
 - (3) Corner lots: On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard. The owner shall, elect, and so designate in his application for permit, which of the remaining two required yards shall be the required side yard and which the required rear yard.
 - (4) Existing platted lots: Any residential lot laid out on an approved plat or existing at the time of adoption of this chapter, that fails to comply with the minimum requirements of this chapter may be used for single-family dwelling, provided said lot can meet the setback requirements of the respective zoning district.
- (e) *Off-street parking and loading.*
- (1) *Use and change of use.*
 - a. Every property owner shall provide and maintain off-street parking and loading facilities adequate for the use intended and in compliance with the requirements outlined herein, unless otherwise exempted.
 - b. Parking areas shall be used solely for the parking of passenger automobiles.
 - c. Single-family residential uses are exempt from this chapter and shall be regulated by the village's residential parking ordinance.
 - d. Land uses within the CBD: Central business district are exempt from the table of parking requirements outlined herein.
 - e. If any building, structure, or intensity of use is increased through the addition of dwelling units, floor area, seating capacity, or other means that affect parking requirements, additional off-street parking shall be provided to bring the site into compliance.
 - (2) *Parking design requirements.*
 - a. *Location.* Off-street parking facilities shall be provided on the same lot as the use it serves, except as allowed:
 - 1. For commercial and all nonresidential uses in commercial zones, required parking may be provided within 350 feet.
 - 2. For industrial uses, required parking may be provided within 400 feet.
 - 3. Where a distance is specified, it shall be measured from the nearest point of the parking facility to the nearest point of the building that facility is intended to serve.
 - 4. The establishment and/or operation of a parking area accessory to a commercial or industrial use is prohibited within a residential district.
 - b. *Setbacks for multiple-family, institutional, and other nonresidential uses in residential districts.* Parking areas

shall not extend into the front yard more than one-half of the front yard setback for the zoning district in which it is located. If the lot lies between two residential zoned or used properties, the full front yard setback shall be observed. In either case, the front yard area not occupied by the access drive shall be landscaped.

- c. *Impervious surface.* All off-street parking facilities shall be constructed of materials which will have an impervious surface, such as asphalt or concrete, that is resistant to erosion. The use of other impermeable material, which are like a paved surface such as brick pavers or stone, may be approved by the planning commission through the site plan review process.
- d. *Striping.* Off-street parking areas of three or more spaces shall include clearly visible lines to indicate parking space limits.
- e. *Curbs and/or vehicle stops.* All off-street parking lots shall include curbs or similar devices at least five inches in height to prevent vehicle overhang on or into public rights-of-way, sidewalks, walkways, adjacent property, or landscaped areas.
- f. *Accessible spaces.* Barrier free parking spaces and accessible loading aisles shall be provided, designed, and constructed in accordance with the Americans with Disabilities Act (ADA) of 1990, using the most recent design standards.
- g. *Exiting.* All off-street parking lots shall be designed so forward movement is required to exit the site. Backing into or from the street is prohibited.
- h. *Entrance location.* Each entrance/exit from an off-street parking lot shall be at least 20 feet from any adjacent residentially zoned property. The distance an entrance/exit curb cut shall be from a street intersection shall be determined by the village engineer as part of the site plan review process to ensure safety of vehicular movements.
- i. *Lighting.* Any lighting in connection with off-street parking shall be arranged to reflect light away from adjacent streets and any residentially zoned or used properties. Lighting provisions of [section 62-75\(1\)](#) shall regulate.
- j. *Screening.* Off-street parking for nonresidential uses shall be effectively screened on any side which adjoins or faces a residentially zoned or used property or institutional use, by a screening or evergreen hedge or other material approved by the planning commission. Screening provisions in [section 62-75\(2\)](#) shall regulate.
- k. *Signs.* No sign, other than entrance, exit, and condition of use signs, shall be maintained, and the aggregate area of all such signs shall not exceed 12 square feet
- l. *Space dimensions.* The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions:

Parking Angle	Maneuvering Lane Width	Parking Space Width	Parking Space Depth	Total Width of One Tier Plus Maneuvering Lane	Total Width of Two Tiers Plus Maneuvering Lane
0 (Parallel)	12'-0" (One Way)	9'-0"	23'-0"		
45	14'-8" (One Way)	9'-0"	19'-1"	33'-9"	52'-10"
60	16'-6" (One Way)	9'-0"	20'-0"	36'-6"	56'-6"

75	19'-10" (One Way)	9'-0"	19'-9"	39'-7"	59'-4"
90	25'-0" (Two Way)	9'-0"	18'-0"	43'-0"	61'-0"

Parking Layout Graphics (not drawn to scale)

- m. *Stormwater runoff.* All stormwater runoff created from a parking area shall be completely retained on the property it serves unless easements are provided for a shared stormwater system.

(3) *Required spaces.*

- a. *Table of parking requirements:* The amount of required off-street parking shall be determined in accordance with the following table:

Use		Number of Minimum Parking Spaces per Unit of Measure
1.	Residential	
	i.	Residential, multiple family 1.5 for each dwelling unit plus 1 additional space for every 10 dwelling units
	ii.	Trailer park and mobile home courts Two for each trailer or mobile home site and one for each employee of the trailer or mobile home court
	iii.	Boarding and rooming house and bed and breakfast facility One for each sleeping room
	iv.	Senior citizen apartments, senior assisted living facilities One space for each unit
2.	Institutional	
	i.	Churches, temples, or synagogues One for each four seats in the main area of worship; or one space for each 35 square feet of gross floor area in the main area of worship, whichever is greater
	ii.	Hospitals, sanitariums, convents, nursing homes, convalescent homes One per 600 square feet of gross floor area
	iii.	Adult and children foster care facilities based on maximum capacity One space per every four beds
	iv.	Libraries, museums, and noncommercial art galleries One for each 300 square feet of gross floor area
	v.	Day-care, pre-school, and nursery schools One space for each staff member on the largest shift plus one space for every five children

	vi.	Private schools	One space for each classroom plus one space for every 10 students
	vii.	Private college or universities	One space per 50 square feet of classrooms plus one per 300 square feet of administrative offices
3.	Entertainment and Recreation		
	i.	Golf courses open to the public, except miniature or "par 3" courses	Six for each one golf hole and one for each one employee on the largest shift
	ii.	Health spas, gymnasiums, and health clubs	Ten spaces for the first 1,000 gross square feet, plus one space for each additional 200 gross square feet
	iii.	Miniature golf courses	Three for each one hole plus one for each employee on the largest shift
	iv.	Bowling alleys	Five for each one bowling lane
	v.	Indoor recreation such as dance halls, pool or billiard halls, roller or ice rinks	One space for every 150 gross square feet
	vi.	Private clubs or lodge halls	One for each three persons allowed based on the maximum occupancy load
	vii.	Stadium, sport arena, or similar place of outdoor assembly	One for each four seats or ten feet of bench plus one for each two employees
	viii.	Theatres, auditoriums, and similar places of indoor assembly	One for each four seats plus one for each two employees
4.	Business and commercial		
	i.	Automobile service stations, gasoline stations, convenience stores in conjunction with service or gas stations sales	One for each pump, plus one for every 200 square feet of gross floor area devoted to retail, if applicable
	ii.	Auto wash, auto cleaning	Three stacking spaces for every wash, plus one space for every vacuum facility

	iii.	Auto repair, oil change, body shop	Two spaces for every stall, rack, or pit, plus one space for every 300 gross floor area of office space
	iv.	Beauty salons or barber shop	Three spaces for the first 3 chairs, 1.5 spaces for every additional chair
	v.	Drive in establishments (with no onsite seating)	One per drive in station, plus one for every employee on the largest shift
	vi.	Restaurants or other establishments for sale and consumption of beverages, food, or refreshments either onsite or by drive thru	One for every 100 square feet of gross floor area
	vii.	Contractor or trade show room and/or repair shop	One for each 800 square feet of gross floor area
	viii.	Laundromats and coin operated dry cleaners	One for each two washing machines
	ix.	Mortuary establishments	One for each 200 square feet of gross floor area
	x.	Motel, hotel, or other commercial lodging establishments	One for each unit, plus one for each one employee on the largest shift, plus additional spaces for dining rooms, ballrooms, or meeting rooms based upon requirements outlined herein
	xi.	Motor vehicles sales and service establishments, trailer sales and rental, boat showrooms	One for each 400 square feet of gross floor area
	xii.	Open air business	One for each 600 square feet of area dedicated to the business
	xiii.	Retail stores and shopping centers, except as otherwise specified herein	One for each 300 square feet of gross floor area
5.	Offices		
	i.	Banks, savings, and loan offices	One for each 300 square feet of gross floor area

	ii.	Business offices or professional offices except as indicated in the following item iii. but including courthouses and governmental offices	One for each 400 square feet of gross floor area
	iii.	Medical or dental clinics, professional offices of doctors, dentist, or similar professions, including veterinarians	One for each 250 square feet of gross floor area
6.	Industrial		
	i.	Manufacturing establishments	One space for every 650 square feet of gross floor area dedicated to manufacturing, plus one space per each 350 square feet of office space
	ii.	Research and development	One space for every 350 square feet of gross floor area
	iii.	Warehousing	One space for every 2,000 square feet of gross floor area dedicated to warehousing, plus one space per each 350 square feet of office space

- b. *Uses not mentioned.* For those uses not specifically mentioned, the requirement for off-street parking shall be based on uses similar in parking demand as determined by the village manager who may defer the decision to the planning commission.
- c. *Mixed use developments.*
1. The total requirements for off-street parking areas shall be the sum of the requirements for each individual use computed separately.
 2. For those uses within a mixed-use development that have parking demands outside of normal office or commercial operational hours, the planning commission may allow up to a 20 percent reduction in required parking. Parking agreements must be established between uses to assure that the spaces are available for each use.
 3. If uses are unknown, parking shall be calculated assuming that half of the square footage will be retail sales and half will be restaurant uses.
- d. *Shared parking.* For uses on separate but adjacent properties who have entered into a shared parking agreement, the number of total parking spaces determined for each individual use shall be reduced by ten percent. Written evidence of the shared parking agreement shall be provided to the village manager.
- e. *Maximum parking.* No parking area shall exceed the minimum number of required spaces by more than 20 percent, unless approved by the planning commission through the site plan review process.

(4) *Required off-street loading.*

a. *Number of loading spaces.* Nonresidential uses which require receipt or delivery of materials or merchandise shall provide and maintain, on the same premises with such buildings, off-street loading spaces in relation to gross floor area as follows:

5,000 to 20,000 square feet1 space

20,000 to 50,000 square feet2 spaces

50,000 to 100,000 square feet3 spaces

One additional space is required for each additional 100,000 square feet or part thereof.

b. *Size.* Each loading space shall be at least 12 feet in width, 44 feet in length, and have a clearance of 14 feet above grade.

c. *Location.* Loading spaces may be in the side or rear yard. Placement in the front yard is prohibited.

d. *Departure.* The planning commission may approve, as part of the site plan review process, a reduced size loading space or modify the number of loading spaces where another measure or location would be more appropriate due to onsite constraints, or the number and type of deliveries experienced by a particular use.

(5) *Drive thru stacking spaces.* A minimum of five nine-foot by 18-foot stacking spaces for a restaurant and three stacking spaces for all other drive thru uses shall be provided. Stacking spaces shall be measured from each individual point of service (order pedestal, window, etc.). Stacking spaces shall not block or impede pedestrian and/or vehicle circulation. Stacking spaces shall not be considered parking spaces toward meeting minimum requirements.

(6) *Bicycle parking.* A minimum of two bicycle parking spaces shall be required for every nonresidential use. Bicycle parking facilities shall allow a cyclist to safely secure a bicycle from incidental damage or theft, while not hindering access for pedestrians or other vehicles. Bicycle parking facilities shall be in highly visible and accessible areas. Bicycle parking facilities shall be located at least three feet from adjacent walls, poles, landscaping, street furniture, drive aisles, and primary pedestrian routes and at least six feet from vehicle parking spaces.

(7) *Prohibited uses.*

a. Automotive vehicles of any kind or type without current license plates shall be in accordance with the village's ordinance on unlicensed cars.

b. No commercial repair work or sales or service of any kind shall be conducted on such parking lot.

(8) *Parking plans.* Plans showing the location, size, shape, design, landscape, curb cuts, and other features of the proposed parking lot shall be reviewed by the planning commission through the site plan review process. If approval is granted, it may be revoked at any time if the requirements of this chapter have not been met.

(9) *Approval period.* All parking lots shall be completed within a period of 12-months from the date of site plan approval. If the lot is not constructed within the required time, an extension may be requested through the steps outlined in section 62-77, site plan review.

(10) *Deferred parking.* The planning commission may allow deferred construction of a portion of the required number of parking spaces for any nonresidential use if the following conditions can be satisfied:

a. The property owner shall demonstrate to the satisfaction of the planning commission that the required number of parking spaces is excessive for the nature of their business or operational needs.

b. The site plan shall be designed to show all required parking spaces, including those proposed as deferred so

that they may be constructed in the future if required.

- c. The area intended for the deferred parking shall be retained as open space on the site.
- d. Stormwater management requirements shall be based on the full amount of required parking to ensure adequate capacity if the construction of the deferred parking is deemed necessary.
- e. The owner shall provide a written agreement to construct the deferred parking within six months of a written notice from the village manager based on observed need, or to give at least 30 days prior notice to the village manager if the deferred parking area is to be constructed.
- (f) *Animals, bees, livestock and fowl-use, shelter and storage.* No farm animals, bees or exotic animals shall be sheltered outside of the principal structure.
- (g) *Noncommercial antennas and satellite receiving stations.* Antennas and satellite receiving stations, when not utilized for commercial broadcasting, are permitted as accessory uses in all zoning districts, except the Parking District. Standards associated with their use shall be in accordance with Section 62-454(a)(14).

(Ord. No. 215, §§ 2, 3, 10-20-2008; Ord. No. 220, § 2, 6-7-2010; Ord. No. 241, § 4, 10-18-2021)

Sec. 62-75. - Additional general regulations.

General lighting, screening requirements, and fences.

(1) *Lighting.* The purpose of this section is to require sufficient but not excessive exterior lighting for parking areas, walkways, driveways, building entrances, loading areas and common areas, to ensure the security of property and safety of persons and to encourage the use of exterior lighting that complements and enhances the environment and character of the village. The standards of this Section are intended to prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution, sky glow and waste of energy.

a. *General requirements.*

- 1. Exterior lighting shall be provided in an amount sufficient to permit safe movement of vehicles and pedestrians at night.
- 2. All lighting for parking areas, external illumination of buildings or grounds and illumination of signs shall be concealed source fixtures, shielded, directed downward and screened from adjacent properties, with particular consideration to protecting residential districts and uses. Such fixtures shall be designed to prevent light from projecting above a horizontal plane.
- 3. Lighting shall be so arranged as to not adversely affect driver visibility on adjacent public rights-of-way.
- 4. Maximum light intensity shall be as provided in the following table:

Light Intensity	Maximum (footcandles)
Overall average for the site	5.0
Maximum at any point within the site	10.0
Maximum at any property line or street	1.0 (0.5 if adjacent to residential district or use)

- 5. Light intensity shall be measured at grade level within a site. A photometric plan may be required at site plan review to ensure that the site conforms with the standards of this section.
- 6. Nonessential lighting shall be turned off after business hours, except for the minimum necessary security lighting.
- 7. The type of lighting and style of fixtures utilized shall be consistent throughout a project.

b. *Specific requirements.*

1. Any canopy structure used at a business location (such as a gasoline service station) must have recessed lights with diffusers which do not extend below the surface of the canopy.
2. The maximum height of pole-mounted light fixtures shall be 25 feet or the height of the building on the site, whichever is shorter.

c. *Prohibited exterior lighting.*

1. Unshielded illumination of the exterior of a building or landscaping shall be prohibited.
2. The use of laser light sources, strobe lighting, or similar high intensity light for outdoor advertising, promotion, or entertainment projected above the horizontal plane shall be prohibited, except where permitted on a temporary basis.
3. Neon accent lighting around and within window and door openings shall be prohibited.

d. *Exceptions.*

1. The planning commission may approve internally illuminated architectural bands or similar shielded lighting accents as architectural details on the exterior of any building façade, subject to site plan approval, provided that such lighting accents would enhance the aesthetics of the site and would not cause off-site glare or light pollution.
2. The planning commission may approve light intensities of up to 20 footcandles under a gasoline station canopy or within a dealership sales lot, subject to site plan approval and provided that site lighting is otherwise in compliance with this section.
3. Temporary lighting for holidays, limited to a maximum of 30 days.
4. Lighting necessary by fire, police, rescue, or other emergency personnel for temporary emergency situations.
5. When there are special requirements, such as sports facilities, monuments, or flag lighting; all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting and light trespass.

e. *Sign illumination.*

1. Signs illumination shall be designed, installed, and maintained in a manner that minimizes off-site glare, light trespass, and light pollution. Illumination shall be concentrated within the area of the sign to prevent glare upon the street or adjacent property. Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type.
2. For externally illuminated signs, lighting fixtures shall be located above the sign in order that they may be directed downward and avoid excessive sky glow.

(2) *Nonresidential uses abutting residentially zoned lots.* Except as otherwise provided in this zoning ordinance, all premises used for business, commercial or industrial purposes shall be screened from abutting residential districts. Screening shall be any of the following and shall apply to side yard and rear yards:

- a. A natural buffer planted with evergreens or shrubbery which maintains their density and screening effect throughout the calendar year, not less than four feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.
- b. A wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants of adjoining premises, not less than five feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.

- c. An earth berm not less than four feet in height and planted.
- d. For side yard screening, no such wall plant material or fence shall impair safe site distances. Such evaluation shall be made by the planning commission.

(3) *Fences.*

- a. It shall be unlawful for any person to construct or to cause to have constructed any fence upon any property within the village without first having obtained a permit in the manner provided in this section of the ordinance.
- b. Any person desiring to build or to cause to be built a fence upon property located in the village, shall first apply to the building inspector for a permit. Such application shall contain any and all information required by the building inspector necessary for the determination of whether the erection of such fence will violate any provision of this section.
- c. Retaining walls and fences not more than three feet in height are permitted in required yards of all zones, provided said fences are not more than 75 percent solid. Walls and solid fences of not more than six feet in height are permitted only in side or rear yards in any zone. When installed, the decorative side of the fence or wall shall face the abutting property.

In all districts, both street frontages for corner lots shall comply with the provisions for front yard fencing. In addition, no fence, structure or planting over 30 inches in height above the curb line except deciduous trees shall be erected or maintained within 20 feet of intersecting street right-of-way lines so as to interfere with traffic visibility across the corner.

- d. In residential zoning districts, all fences shall be constructed of posts sunk in the soil at least three feet with boards, nonbarbed wire, or other suitable material. Temporary plastic fencing shall not be considered suitable material.
- e. Mesh, netting, or other similar devices used for the primary purpose of protecting individual plants or small landscaped or garden areas from harsh weather or animal intrusion shall not be considered fences for the purposes of this chapter.
- f. No fence shall extend towards the street beyond two feet from the established lot line, nor shall any fence or portion of a fence be erected in any area on or parallel to the front lot line except that it shall be located a minimum of two feet behind the inside edge of the established sidewalk line. It shall be deemed unlawful to plant or cause to have planted any shrub or bush outside of the established sidewalk line.
- g. Barbed wire fences are prohibited in all zoning districts. However, barbed wire strands may be used to enclose storage areas or other similar industrial and commercial uses if approved as part of the site plan review. The strands shall be restricted to the upper most portion of the fence and shall not extend lower than a height of eight feet from the nearest ground level.
- h. Any person within the corporate limits of the village erecting or maintaining any fence between the edge of the established lot line and the inside edge of the sidewalk or where any sidewalk would normally be shall be fully responsible for the care and maintenance of the fence and shall assume full responsibility for any damages arising due to the erection of such fence.

(Ord. No. 215, § 4, 10-20-2008; Ord. No. 220, § 3, 6-7-2010)

Cross reference— Fences, § 18-61 et seq.

- (a) *Continuance of nonconforming uses and structures.* Only lawful nonconforming uses or structures in existence at the time of the passage of this chapter or amendments thereof, may be continued, but shall not be extended or added to unless each extension or addition is in conformity with the provisions of this chapter. Land now occupied by an illegal nonconforming use or structure shall not be eligible for any variance or zoning permit until the illegal nonconformity is removed.
- (b) *Alterations.* Alterations of an existing nonconforming structure may be permitted if the alteration does not extend beyond the existing footprint of the structure.
- (c) *Discontinuance of nonconforming uses.* If the nonconforming use of any land shall terminate for a continuous period of over 12 months or more, such use shall not be re-established and any future use of such land or structure shall be in conformity with this chapter.
- (d) *Removal of a nonconforming structure.*
 - (1) Should a nonconforming building or structure be damaged, demolished, or destroyed by storm, fire, flood, or other involuntary catastrophe by more than 50 percent of the footprint of the first floor of the building or structure at grade, it shall be reconstructed only in conformance with the provisions of this chapter.
 - (2) Should a nonconforming building or structure be damaged, demolished, or destroyed by storm, fire, flood, or other involuntary catastrophe to an extent equal to or less than 50 percent of the footprint of the first floor of the building or structure at grade it may be reconstructed in its nonconforming location. Any additions or expansions to the reconstructed building must comply with all dimensional standards of the zone district in which it is located.
 - (3) Should any portion of a nonconforming building be voluntarily demolished; reconstruction must comply with all dimensional standards of the zone district in which it is located.
- (e) *Restoration and repair.*
 - (1) Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made.
 - (2) In the event any nonconforming building or structure is damaged by fire, wind, act of God, or act of war, it may be rebuilt or restored provided it does not increase its nonconformity or create any additional nonconformities.
- (f) *Change of use or structure.* A nonconforming use may be changed to another nonconforming use if the zoning board of appeals finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use, not to waive the other provisions of this chapter.
- (g) *Nonconforming due to reclassification.* The foregoing provisions of this chapter shall also apply to buildings, land or uses which thereafter become nonconforming due to any reclassification or districts or any subsequent change in the regulations of this chapter.

(Ord. No. 216, § 4, 12-15-2008; Ord. No. 241, § 5, 10-18-2021)

Sec. 62-77. - Site plan review and approval.

- (a) *Purpose.* A site plan review procedure is hereby established for the Village of Schoolcraft. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the village, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance.
- (b) *Applicability.*

- (1) Prior to the establishment of a use, addition to an existing use, or the erection of any building, a site plan shall be submitted and approved by the village in accordance with the procedures of this chapter, and the development requirements and other applicable ordinances.
 - (2) The village shall not approve the issuance of a building permit until a site plan, where required, has been approved and is in effect. Obtaining site plan approval does not guarantee issuance of a building permit.
 - (3) No grading, removal of trees or other vegetation, landfilling, installation of utilities, or other construction improvements shall commence for any development which requires site plan approval until said plan is approved and is in effect, except as permitted by this chapter.
 - (4) The provisions in this section shall apply to multiple family residences, mobile home parks, and commercial and industrial uses. Other development procedures such as special use permits, planned unit development, or site condominiums will require submittal of a site plan and site plan review, but will also require alternative procedures detailed elsewhere in this chapter.
 - (5) Single- and two-family residences shall not be subject to site plan review approval by the planning commission.
 - (6) Site plans are not required for the following, but must be approved by the village manager or their designee through a zoning permit:
 - a. Reuse of an existing building where no expansion or modifications to the building is proposed and the new use is similar or less intensive in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics, and other external effects.
 - b. Temporary uses, buildings, and/or structures.
 - c. Change of use/occupancy of an individual suite/unit within a shopping center.
- (c) *Application procedure.*
- (1) *Submission requirements.* Requests for site plan review shall be made by filing the required documentation with the village. The following information shall be required:
 - a. A review fee as determined by resolution of the village council and as filed with the village clerk for public information.
 - b. Site plan review application.
 - c. A legal description of the property under consideration.
 - d. A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
 - e. The names and addresses of the architect, designer, or engineer responsible for the preparation of the site plan.
 - f. Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.
 - g. Eleven copies of the proposed site plan.
 - (2) *Process.* All site plan review shall use the following procedures:
 - a. Professional review by an approved architect, planner or engineer may be obtained by the village at the request of the village manager and/or the planning commission. The cost of review will be passed along to the applicant. No zoning permit will be issued until this fee is paid.
 - b. The planning commission shall review the site plan at its next regularly scheduled meeting provided that it has been submitted within 30 calendar days of the meeting, and that the site plan is complete.

- c. At that time, the planning commission may decide to approve, approve with conditions, deny the applicant's request to postpone until the next regular meeting pending the submission of required information or further review using the process described in subsection (e) of this chapter.
 - d. Conditions or changes stipulated by the planning commission shall be recorded in the minutes of the meeting and made available to the applicant in writing. Three copies of an approved site plan, with changes, shall contain the signatures of the chairman of the planning commission, and the applicant. One copy will be returned to the applicant.
- (3) *Site plan.* The site plan shall contain all the information listed below to be considered complete and to begin the review process for submission to the planning commission:
- a. The following information shall accompany all plans submitted for review:
 1. A legal description of the property under consideration.
 2. A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
 3. The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the site plan.
 4. Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.
 - b. The following information shall be included on the site plan:
 1. Seal of the architect, designer, or engineer responsible for the preparation of the plan.
 2. A scale of not less than 1" = 40', if the subject property is less than three acres, and 1" = 100', if it is three acres or more.
 3. Date, north point, and scale.
 4. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 5. The siting of all structures on the subject property and abutting properties.
 6. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.
 7. The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.
 8. All pedestrian walks, malls, and open areas.
 9. Location and height of all walls, fences, and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained. (Plant materials shall be chosen and installed in accordance with standards recommended by the County Cooperative Extension Service or American Nursery Association.)
 10. The location and right-of-way widths of all abutting streets.
 11. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
 12. A grading plan with topographic elevations of the area, showing method of storm drainage.
 13. Size and location of proposed sewer and water lines and connections.

14. The number of proposed units (or multiple family developments).
 15. Significant environmental features such as wetlands, shoreline, streams, woodlots, existing trees, and vegetation.
 16. Detail of the property address, including size, color, and location on the building.
 17. Information as may be required by the planning commission to assist in the consideration of the proposed development.
- c. Phased construction. Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:
1. Relationship and identification of future structures, roadways, drainage, water, and sewer.
 2. Pedestrian and vehicular circulation.
 3. Time schedule for completion of the various phases of the proposed construction.
 4. Temporary facilities or construction of same as required to facilitate the stated development.
- d. The planning commission, village manager, or their designee may waive any of the above requirements whenever it is determined that such requirements are not necessary for a specific site plan if:
1. Evidence is presented that the requirement does not apply to the use or site under review and is therefore unnecessary to evaluate; or
 2. Evidence is presented that the requirement can be waived or modified because there are difficulties of a nonmonetary nature in carrying out the strict letter of the requirement, and that a waiver or modification is appropriate so that the spirit of the ordinance is observed, public safety is secured, and there is no detriment resulting from or alleviated by the waiver.
- (d) *Application review.*
- (1) The site plan may be reviewed by the fire chief, village police chief, and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval and any conditions these individuals or departments feel should be imposed.
 - (2) The planning commission shall have the function and power to approve or disapprove the site plan subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other ordinances or resolutions of the village.
 - (3) The village manager and/or planning commission shall have the function and power to request additional professional review from the village attorney, engineer and/or planning consultant, and the permittee shall be responsible for any and all charges incurred, therefore.
- (e) *Criteria for review.* In order that building, open space, and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise, and traffic conditions will result, the site plan shall meet the following criteria, unless the planning commission determines that one or more of such criteria are inapplicable:
- (1) The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.
 - (2) Pedestrian walkways shall be provided as deemed necessary by the planning commission for separating pedestrian and vehicular traffic.
 - (3) Recreation and open space areas shall be provided in all multiple family residential developments.
 - (4) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size,

yard space, density and all other requirements as set forth in the Village of Schoolcraft Zoning Ordinance, unless otherwise provided.

- (5) The requirements for fencing, walks, and other protective barriers shall be compiled with as provided in the Zoning Ordinance of the Village of Schoolcraft and as deemed appropriate by the planning commission.
 - (6) The site plan shall provide for adequate storage space for the use therein.
 - (7) Security measures shall be provided as deemed necessary by the police chief for resident protection in all multiple family residential developments.
 - (8) Fire protection measures shall be provided as deemed necessary by the fire chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.
 - (9) The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided.
- (f) *Conformity to approved site plan.*
- (1) An approval of a site plan shall last for 12 months at which time it will expire unless a building permit (and/or other necessary permits) has been applied for and granted within that time period. Site plan approval may be extended one time for a period of up to 12 months with approval of the planning commission. If the site plan approval expires, it may be reapproved through the same process by which it was originally approved.
 - (2) The zoning permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the planning commission shall give the permittee notice of intention to revoke such permit at least ten days prior to review of such permit by the planning commission. After conclusion of such review the planning commission may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.
 - (3) At least two complete sets of record construction drawings signed by a licensed architect, engineer, landscape architect, or contractor shall be submitted to the village at the time of application for a certificate of occupancy or, in the case of residential developments before a building permit may be issued.
- (g) *Amendment to a site plan.*
- (1) Once site plan approval has been granted by the planning commission, changes to the approved site plan shall require a resubmission in the same manner as the original application, except as provided herein.
 - (2) The village manager, or their designee, may approve minor changes to an approved site plan, upon the submittal of the revised site plan and in accordance with the following:
 - a. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provide a similar screening effect on an equal or greater basis.
 - b. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.
 - c. Changes of building materials or design, fencing, screening, or site amenities which will result in a higher quality development, as determined by the village manager.
 - d. Construction and/or relocation of signs, screening walls, fences, waste receptacles, sidewalks, building lights, and light poles.
 - e. Modification, minor expansion, or repaving and restriping of an existing parking lot and loading/unloading zones.
 - f. Changes required or requested by a county, state, or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.

g. Situations the village manager deems similar to the above that do not alter the basic design, compliance with the approval, nor any specified conditions of the approved site plan.

(3) The village manager, or their designee, will notify the planning commission at their next regularly scheduled meeting of any site plan amendments that received administrative approval.

(Ord. No. 215, § 5, 10-20-2008; Ord. No. 220, § 4, 6-7-2010; Ord. No. 241, § 6, 10-18-2021)

Sec. 62-78. - Special use permit procedures.

(a) Special use permits are required for proposed activities which are essentially compatible with other uses, sign, or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this chapter.

A site plan in accordance with section 62-77 is required for submission and approval of all special use permit applications. Only those uses signs, or activities specifically identified in the use districts of this chapter require special use permits.

(b) Procedures. The following steps shall be taken when considering a proposed special use.

- (1) A special use permit application shall be filed by the applicant with the village clerk along with the required site plan, fee, statement with supporting evidence to which the proposed activity meets the criteria and any other pertinent information upon which the applicant intends to rely upon for approval.
- (2) The village clerk shall forward the application to the planning commission for their review and consideration.
- (3) Upon receipt of an application, the planning commission shall schedule a public hearing. A notice of the public hearing shall be published in a newspaper of general circulation in the village not less than 15 days before the date of the hearing. A notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request, to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the Village of Schoolcraft. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- (4) The notice shall do all of the following:
 - a. Describe the nature of the special use permit request.
 - b. Indicate the property that is the subject of the special use permit request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

- c. State when and where the special use permit request will be considered.
 - d. Indicate when and where written comments will be received concerning the special use permit request.
- (5) After review of the application and public hearing or written comments, if any, the planning commission shall recommend approval, approval with conditions, or denial of the permit based upon the standards of the special use as set forth in the appropriate use district. The recommendation on a special use permit application shall be incorporated in a statement of findings and conclusions relative to the special use permit which specifies the basis for the decision and any conditions imposed.
 - (6) The recommendation shall be forwarded to the village council which shall approve, approve with conditions, or deny the permit at its next regularly scheduled meeting.
 - (7) Approval of a special use permit shall last for 24 months at which time it will expire unless a building permit (and/or other necessary permits) has been applied for and granted within that time period. Special use permit approval may be extended one time for a period of up to 12 months with approval of the planning commission. If the special use permit expires, it may be reappraised through the same process by which it was originally approved.

(Ord. No. 216, § 5, 12-15-2008; Ord. No. 220, § 5, 6-7-2010)

Sec. 62-79. - Temporary permits.

Temporary permits may be authorized by the planning commission for a period not to exceed one year for nonconforming uses incidental to construction projects on the same premises and including such uses as storage of building supplies and machinery, signs, and the assembly of building materials. In addition, the planning commission may authorize a certification for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one year, provided all of the following requirements are complied with:

- (1) The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
- (2) No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
- (3) Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

(Ord. No. 216, § 6, 12-15-2008)

Sec. 62-80. - Temporary sales and service (outdoor).

- (a) Outdoor temporary sales or service uses may only operate after obtaining a temporary use permit from the village manager, who may review the application with the building inspector, police chief, and/or fire chief. The village manager shall respond within 30 days of submittal of a complete application and fee as established by resolution of the village council. The permit must be maintained on site at the temporary sales or service use and be visible. Any costs associated with review by the building inspector or other outside officials, or consultants shall be the responsibility of the applicant and will be added to the total fees for the review.
- (b) An application for a temporary use permit shall be established by the village clerk and made available at the village hall. A fee for the review of a temporary use permit application shall be established by resolution of the village council and shall be submitted with the application in order to initiate review. The application form shall be accompanied by a scaled drawing of the property depicting the existing and surrounding uses and improvements and the proposed temporary sales or service use.

- (c) Outdoor temporary sales or service uses are permitted only in the B-1, B-2, and CBD zoning districts unless otherwise s within this section.
- (d) No outdoor temporary sales or service use may operate on a vacant parcel, on a parking lot on a property on which there is no other permitted primary use, or on any other property that is abandoned or has not been through site plan approval (see section 62-77).
- (e) Each temporary outdoor sales or service use shall be accessory to a permitted nonresidential primary use on the property. If the applicant is not the owner of the property, he/she shall be the proprietor of the business located at the site and shall provide signed evidence of the property owner's permission to proceed with the application. Exceptions are as follows:
 - (1) Any permitted nonresidential primary use may permit an outdoor temporary sales or service use operated by, in support of, or as a fundraiser for, a local school or church. Such uses may be permitted for up to three consecutive days, three times per year.
 - (2) Temporary outdoor recreational or related activities such as auctions, carnivals, festivals, and the like, which may be approved in any zoning district provided the event will not have adverse impacts on the surrounding uses and shall not exceed three consecutive days in duration.
 - (3) Garage sales, estate sales, or similar types of sales may be permitted in any zoning district provided they are limited to a maximum of three consecutive days and shall be limited to three sales annually at a given location.
 - (4) Farm market stands, subject to the additional conditions identified below in paragraph (q).
- (f) No outdoor temporary sales or service use shall be located in the public right-of-way or on public property unless a permit has been obtained from the appropriate authority. Outdoor temporary sales or service uses shall also be located away from intersections so as to maintain clear visibility and site distance.
- (g) A proposed outdoor temporary sales or service use shall meet the following general requirements in order to be approved:
 - (1) Site suitability, including site size, drainage, and flood hazard;
 - (2) Adequate public service and facilities, including sanitary facilities, emergency service, and the like;
 - (3) Compliance with all local building, electrical, and other codes;
 - (4) Adequate street access and off-street parking; and
 - (5) No adverse impact on the general health, safety, or welfare of the community or adjacent uses.
- (h) The village manager may revoke a permit for a temporary outdoor sales or service use if the applicant fails to comply with any of the requirements of this section or the conditions imposed.
- (i) No property shall have outdoor temporary sales or services uses operating on the property for more than 30 days in any calendar year, unless otherwise specified within this article.
- (j) The property on which an outdoor temporary sales or service use operates shall be kept clean and sanitary condition at all times, and all litter and trash shall be removed at the end of each day. All lawn areas shall remain maintained in accordance with village requirements.
- (k) The location of the outdoor temporary sales or service activity shall allow customers to drive into an existing off-street parking area. No temporary outdoor sales may interrupt the flow of traffic on public streets or access ways into a shopping area.
- (l) An outdoor sales or service use operating from a tent or similar enclosure may require prior approval from the fire chief.
- (m) The area occupied by the outdoor temporary sales and service activity, plus any required area for emergency vehicle

access, shall be limited by the following, unless otherwise provided herein:

- (1) The area set aside for the temporary sales and service use shall not occupy more than 30 percent of the total parking lot area.
- (2) The total area occupied by the outdoor temporary sales or service use shall not exceed 7,500 square feet.
- (3) The applicant shall demonstrate that there will be adequate parking and maneuvering space for the existing structures as well as the temporary outdoor sales.
- (n) All trucks, tents, and associated parking shall be located on asphalt, concrete, or equivalent surface unless the applicant demonstrates no adverse effect on drainage, access, or the intent of this chapter, as determined by the village manager.
- (o) Outdoor temporary sales and service uses shall not operate after 8:00 p.m. or before 8:00 a.m.
- (p) Any applicant who possesses a valid permit in accordance with the requirements of this section, and while currently engaged in temporary sales operations, may display one temporary sign not to exceed 12 square feet in area on one surface and not to exceed six feet in height at the location. Such sign shall satisfy all other applicable sign standards of the underlying zoning district, as provided in article XVIII, and must be approved by the village manager. An approved temporary use permit for temporary outdoor sales activity shall serve as a sign permit for the sign permitted by this section.
- (q) Farm market stands.
 - (1) A farm market stand is an outdoor temporary sales or service use that includes the retail sale of fresh fruits, vegetables, flowers, herbs, or plants. It may also include the sales of other locally produced, unprocessed foodstuffs and home processed food products.
 - (2) A farm market stand may be permitted as a temporary use in the R-A, R-1, R-2, B-1, or B-2 districts.
 - (3) A farm market stand shall not include sales directly from a motor vehicle or any type of trailer that can be attached to a motor vehicle.
 - (4) A tent, table, stand, or other temporary structure 200 square feet or less shall be utilized to display and sell goods. This area may be increased in the B-1 or B-2 district upon approval by the village manager.
 - (5) One temporary sign, attached to the farm market stand, no larger than 12 square feet, may be utilized to advertise the products for sale. Freestanding signs are not permitted.
 - (6) The stand may be permitted for up to 150 days in the R-A, R-1, and R-2 Districts and 30 days in the B-1 and B-2 districts per calendar year. The days need not be consecutive.
 - (7) All products for sale shall be completely removed at the end of each day. Exceptions may be granted by the village manager for limited items if the sale is scheduled to occur on consecutive days, provided the site is well maintained.
 - (8) Structures and devices used to display goods shall be removed at the end of the sale.

(Ord. No. 215, § 6, 10-20-2008; Ord. No. 223, § 1, 5-16-2011; Ord. No. 241, § 7, 10-18-2021)

Sec. 62-81. - Murals

- (a) *Zoning districts.* Murals shall be allowed in all nonresidential districts.
- (b) *Permission of owner.* The owner of the building or structure in which the mural is placed must provide written permission as part of the permit application to the village.
- (c) *Design standards.*

- (1) A mural may not be larger than 200 square feet.
 - (2) Murals shall be applied utilizing weather resistant paints or materials.
 - (3) No mural shall obstruct or be painted on any window, door, or architectural feature of the exterior façade on which the mural is placed.
 - (4) A mural may only be located on an exterior facade of a building, and it must be affixed in a structurally sound and workmanlike manner.
 - (5) Murals shall not be designed to constitute or create a traffic hazard.
- (d) *Maintenance.* A mural must be maintained in a manner that ensures the prevention of visual clutter or blight. If a mural begins to fade, flake, or is vandalized, improvements must be completed to ensure the mural is an aesthetic enhancement to the building, or the mural must be removed. If a mural is not appropriately maintained, the property owner will have 60 days to make the needed improvements, after receiving written notice from the village. If these improvements are not completed within 60 days, the village may remove or paint over the mural and assess the cost to the property owner. A deferment of this requirement may be requested by the property owner during those months of the year where outdoor improvements are not possible. The village manager, or their designee, will approve a deferment, if warranted.
- (e) *Permit required.* A permit must be obtained from the village manager, or their designee, prior to the establishment of a mural. The village manager reserves the right to send the mural permit application to the planning commission for final approval if the design, size, or location is such that the village manager believes additional review is warranted. The permit application will include the following:
- (1) Contact information for the applicant.
 - (2) Contact information for the property owner.
 - (3) Written permission from the property owner if they are not the applicant.
 - (4) Architectural elevations of the building, including any architectural features and wall signs, as well as the condition of the wall where the mural will be affixed.
 - (5) Proposed image of the mural and a statement of its purpose or significance.
 - (6) Name and contact information of the artist.

(Ord. No. 241, § 8, 10-18-2021)

Secs. 62-82—62-100. - Reserved.

ARTICLE V. - R-A AND R-1 SINGLE-FAMILY RESIDENCE DISTRICTS

Sec. 62-101. - State of purpose.

These zoning districts are intended to preserve and promote the character of low density single-family neighborhoods. The districts are combined into one article because the permitted and special uses are exactly the same. The principal difference between the two districts is lot width and lot area. Both district permit accessory and supporting uses thought to preserve the single-family ambiance of existing and new neighborhoods.

Sec. 62-102. - Permitted uses.

- (a) Single-family detached dwellings.

- (b) Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- (c) Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
- (d) Home occupations (in accordance with section 62-453)
- (e) State licensed residential facilities, but not including adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- (f) Family day care homes.
- (g) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (h) Satellite receiving stations and dish antennas subject to section 62-454(a)(14).
- (i) Off-street parking in accordance with section 62-74(e).

(Ord. No. 216, § 7A., 12-15-2008)

Sec. 62-103. - Uses subject to special use permit.

- (a) Churches in accordance with section 62-454(a)(22).
- (b) Bed and breakfast facilities in accordance with section 62-454(a)(16).
- (c) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity, and such use is not injurious to the surrounding neighborhood.
- (d) Nursery schools, day nurseries and child care centers (not including dormitories) in accordance with section 62-454(a)(3).
- (e) Private roads and streets subject to section 62-454(a)(9).
- (f) Group day care homes subject the requirements of section 62-454(a)(28).

(Ord. No. 216, § 7B., 12-15-2008)

Sec. 62-104. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements unless otherwise specified are as provided in article XVI "schedule of regulations."

Secs. 62-105—62-120. - Reserved.

ARTICLE VI. - R-2 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 62-121. - Statement of purpose.

This zoning district encompasses land primarily adjacent to the central business district, and some of the older localities of the village. The residential character is mainly urban, single-family homes of earlier construction on individual lots. Some of the older stately homes are of particular vintage design.

Sec. 62-122. - Principal permitted uses.

In the R-2 Residential District, no uses shall be permitted unless otherwise specifically provided for in this chapter, except for the following uses:

- (1) All principal permitted uses in the R-1 single-family district.
- (2) Two-family dwellings.
- (3) Publicly owned and operated parks, playfield, museums, libraries and other recreation facilities.
- (4) Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for a profit.
- (5) Municipal, state or federal administrative or service buildings, provided they are architecturally compatible with the residential land uses in the neighborhood.
- (6) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (7) Off-street parking requirements in accordance with section 62-74(e).

Sec. 62-123. - Uses subject to special use permit.

- (a) Churches in accordance with section 62-454(a)(22).
- (b) Bed and breakfast facilities in accordance with section 62-454(a)(16).
- (c) Group day care homes subject the requirements of section 62-454(28).

(Ord. No. 216, § 8, 12-15-2008)

Secs. 62-124—62-150. - Reserved.

ARTICLE VII. - RESERVED

Secs. 62-151—62-180. - Reserved.

ARTICLE VIII. - RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 62-181. - Statement of purpose.

The RM district is intended for multiple family residential uses. This district is characterized by the townhouses, row houses, garden apartments and zero lot line developments, specialized or group housing for seven or more unrelated individuals. Senior citizen housing is also permitted by special use permit.

Sec. 62-182. - Principal permitted uses.

In the RM District, no use shall be permitted unless otherwise provided in this chapter, except for the following:

- (1) Two- and three-family dwellings.
- (2) Garden apartments.
- (3) Townhouses.
- (4) Adult foster care facilities for seven or more residents.
- (5) Accessory buildings and uses customarily incidental to the above principal permitted uses.

(6) Off-street parking and loading requirements in accordance with section 62-74(5).

Sec. 62-183. - Permitted uses subject to special use permit.

- (a) All permitted uses subject to special use permit in the R-2 district.
- (b) Private clubs and lodges subject to section 62-454(a)(15).
- (c) Convalescent and nursing homes subject to section 62-454(a)(18).
- (d) Housing for the elderly in accordance with section 62-454(a)(7).

Sec. 62-184. - Site plan approval.

For permitted use and use subject to a special use permit, a site plan shall be submitted in accordance with section 62-77.

Sec. 62-185. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements unless otherwise specified are as provided in article XVI, "schedule of regulations."

Secs. 62-186—62-210. - Reserved.

ARTICLE IX. - RMH RESIDENTIAL MOBILE HOME DISTRICT

Sec. 62-211. - Statement of purpose.

The RMH district is designed for those who prefer mobile home living. Although a single-family unit, mobile home developments typically have a higher density impact than conventional single-family development. In order to not adversely impact other areas of the village, certain land areas are hereby recognized as appropriate for continued mobile home use provided that proper site design standards and requirements are met.

Sec. 62-212. - Principal permitted uses.

In the RMH district no use shall be permitted unless otherwise provided in this chapter, except for the following:

- (1) Mobile homes located in a mobile home park.
- (2) Mobile home parks.
- (3) Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
- (4) Home occupations, in accordance with section 62-453.
- (5) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (6) Off-street parking in accordance with section 62-74(e).

Sec. 62-213. - Uses subject to special use permit.

- (a) Churches, subject to section 62-454(a)(22).
- (b) Nursery schools, day nurseries and child care centers subject to section 62-454(a)(3).

Sec. 62-214. - Standards and requirements for mobile home parks.

Mobile home parks shall conform to the requirements as promulgated by the Michigan Mobile Home Commission Rules as amended.

Sec. 62-215. - Site plan approval.

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with section 62-77.

Sec. 62-216. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements unless otherwise specified are as provided in article XVI, "schedule of regulations."

Secs. 62-217—62-240. - Reserved.

ARTICLE X. - CBD CENTRAL BUSINESS DISTRICT

Sec. 62-241. - Statement of purpose.

The CBD central business district is intended to permit a variety of commercial, administrative, financial, civic, cultural, residential, entertainment and recreational uses in an effort to provide the harmonious mix of activities necessary to further enhance the central business district as a commercial and service center.

(Ord. No. 241, § 30, 10-18-2021)

Sec. 62-242. - Principal permitted uses.

In the CBD business district, the following uses are permitted:

- (1) Any retail business whose principal activity is the sale or rental of merchandise.
- (2) Personal service establishments, including barber shops and hairstyling salons.
- (3) Financial institutions, including drive thru facilities.
- (4) Restaurants and taverns including sidewalk and outdoor cafes, but not including drive-in or drive-through restaurants.
- (5) General and professional offices including medical and dental clinics.
- (6) Health spas, gymnasiums, and tanning salons. Subject to section 62-454(a)(27).
- (7) Museums and art galleries.
- (8) Business office machine and repair facilities.
- (9) Custom craft shops.
- (10) Combined retail-wholesale business when conducted entirely within a building.
- (11) Publicly owned buildings including government facilities.
- (12) Theaters and concert halls.
- (13) Mixed use establishments, i.e., commercial, and residential uses combined in one structure.
- (14) Funeral parlors and mortuaries.
- (15) Other uses which are similar to the above and are approved by the Planning Commission.

(16) Accessory buildings and uses customarily incidental to the above principal permitted uses.

(17) Off-street parking lots and structures, the requirements shall be in accordance with the requirements of section 62-74(e).

(Ord. No. 181, art. III, 8-5-2002; Ord. No. 201, § 2, 11-20-2006; Ord. No. 241, §§ 15, 31, 10-18-2021)

Sec. 62-243. - Uses subject to a special exception use permit—Reserved.

(Ord. No. 241, §§ 32, 33, 10-18-2021)

Sec. 62-244. - Site plan approval.

For all permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with section 62-74(f).

(Ord. No. 241, § 34, 10-18-2021)

Sec. 62-245. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements unless otherwise specified are as provided in article XVI, "schedule of regulations."

(Ord. No. 241, § 35, 10-18-2021)

Sec. 62-246. - Development standards.

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
- (2) All business, servicing or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings, except as permitted within sections 62-242 and 62-247.
- (3) Storage of commodities shall be within buildings and shall not be visible to the public from a street or thoroughfare.

(Ord. No. 241, § 16, 10-18-2021)

Sec. 62-247. - Outdoor display of merchandise.

- (1) Only goods or merchandise that are customarily sold on the premises by a permanently established business shall be permitted. These regulations shall not permit the display or sales of motor vehicles or items intended for tow.
- (2) The display shall not extend more than three feet beyond the North Grand Street façade of the building in which the goods or merchandise are sold, provided the sidewalk is eight feet in width or greater.
- (3) If the sidewalk is less than eight feet in width, the outdoor display of goods or merchandise is prohibited.
- (4) The outdoor display may not be more than five feet in height.
- (5) If the business is also utilizing a sandwich board sign as allowed under section 62-489(9), the sign must be placed within three feet of the front façade or two feet from the curb to consistently allow for at least three feet of clear sidewalk.
- (6) The display shall not:
 - a. Obstruct dedicated pedestrian ways or doorways;
 - b. Occupy off-street parking areas, maneuvering lanes, or loading zones; or,

- c. Conceal views into the site's interior which are necessary for public safety.

(Ord. No. 241, § 17, 10-18-2021)

Sec. 62-248. - Design standards.

(a) *Purpose and goals.*

(1) The purpose of these standards is to provide an outline of the village's design objectives and expectations for the central business district. Additionally, they are intended to help strengthen and retain the established historic character of the built environment.

(2) Goals.

- a. Achieve a positive and cohesive look to the central business district, which will generate a consistent character.
- b. Design for a pedestrian friendly environment that encourages and welcomes commercial and retail activity.
- c. Assures that all future construction, whether new, alterations, or expansions, respect the character and integrity of the district.

(b) *General design standards.* The following design standards are intended to provide guidance for the development and redevelopment of buildings and structures within the central business district.

(1) *Building orientation.* Buildings should locate their main entrance or storefront toward the street with appropriate architectural details clearly indicating the doorway. The entrances should be directly accessible from the sidewalk. This maintains the traditional emphasis towards the pedestrian-oriented streetscape. Buildings should maintain a street edge consistent with the adjacent buildings.

(2) *Building massing, form, and height.* New buildings must maintain the scale and context of the corridor in which it is located through similar mass, form, and height as neighboring existing structures. Two story or the appearance of two-story structures should be required. Larger volume structures should utilize architectural features, such as variations in roof form and height, projecting and recessing the façade, setbacks to upper stories, using horizontal and vertical features to break up the façade, and providing color variations.

(3) *Pedestrian scale.* The ground level should avoid blank walls by using windows, trellises, material changes, arcades, or other features that increase the visual interest for people on the street. Pedestrian-scaled lighting should be utilized wherever possible and be consistent with the existing buildings. The use of floodlights, wall packs, and tall light posts are not permitted.

- (4) *Architectural features and materials.* Architectural details such as columns, porticos, awnings and arches are encouraged. Large areas of repetitive architectural elements or flat wall surfaces should be avoided. Traditional materials such as wood, brick, tile and stone, or materials that have the same visual effect are desired.
- (5) *Roof forms and materials.* Flat or relatively flat roofs with decorative parapets providing screening to roof top equipment is preferred on North Grand Street. Gabled, gambrel, mansard, or hip roofs are permitted on East Cass Street.
- (6) *Windows.* Vertically oriented windows are most common in the local building vernacular and shall be utilized. Windows shall be abundant, non-reflective, and align vertically with any windows above or below, if possible. Ground floor, street-facing walls should have display windows, recessed windows, detailed entry areas, awnings, or prominent sills.
- (7) *Building entrances.* All building entrances shall be clearly defined and highly visible. Many methods exist, including canopies, porticos, raised cornice parapets over the door, outdoor patios, display windows, and planters.
- (8) *Signage.* Signs must complement the building while being readable by both pedestrians and motorists. Consideration shall be given to form, color, lighting, and materials that are compatible to the building and its surroundings. Wall mounted signs shall be appropriately scaled to the building and not obscure important architectural features. Signs may be placed on the building wall or canopy.

- (9) *Existing structures.* Existing buildings should be preserved. If renovated or expanded, the work should be done in a manner that is respectful of the character, features and details of the existing structure. In addition, any renovation should consider removal of pedestrian level façade treatments that have hidden or obscured the historic character of the building.
- (c) *Specific design requirements.* The following design elements are requirements within the central business district:
- (1) *Build to line.* Buildings shall be placed immediately adjacent to the street right-of-way of North Grand Street. If architectural features such as balconies, porticos, bay windows, or other similar elements are planned, the building may be setback to accommodate these features, with a maximum allowance of six feet from the street right-of-way.
- (2) *Setbacks.* Buildings located on East Cass Street shall be placed immediately adjacent to the street right-of-way or shall replicate the setback of buildings fronting East Cass Street within 300 feet.
- (3) *Building frontage.*
- a. North Grand Street.
 - i. Building frontage shall be a minimum of 80 percent of the lot frontage, with 100 percent preferred.
 - ii. Less than 100 percent shall only be permitted if the available outdoor space will be utilized as landscaped greenspace, area for outdoor dining, or is needed for a secondary entrance.
 - b. East Cass Street. Building frontage shall be a minimum of 50 percent of the lot frontage.
 - c. Building frontage is defined as the width of the building divided by the lot width at the front property line. By way of example, a building that is 80 feet wide located on a lot that is 100 feet wide would have a building frontage of 80 percent.
- (4) *Entrance.* The primary public entrance of the building, regardless of location, shall be clearly defined and highly visible from the street or parking lot. Doors are encouraged to be recessed into the face of the building to create a sense of entry and to add variety to the streetscape.
- (5) *Building materials.* The following requirements shall apply to any façade facing a street.
- a. *Primary building materials.* Durable natural building materials such as brick and tile masonry, native stone, or stucco (cement-like finish) shall be used on a minimum of 70 percent of the façade of the building (excluding doors and windows). Synthetic building materials that convincingly match the appearance of natural building materials may be utilized if approved by the planning commission.
 - b. *Accent building materials.* Secondary building materials shall include split-faced block, pre-cast masonry, exterior insulating and finish system (EIFS), metal, wood lap siding, or hardy-plank siding. Other materials may be utilized if approved by the planning commission.
- (6) *Transparency.* The following requirements shall apply to any façade facing a street:
- a. North Grand Street.
 - i. First floor. The first floor shall maintain a transparency of at least 70 percent of the building façade through the use of doors and windows. The first floor shall be measured from two feet above grade to

eight feet above grade.

- ii. Upper stories. Upper stories shall maintain a transparency of at least 50 percent.
 - b. East Cass Street. Both first and upper stories shall maintain a transparency of at least 50 percent.
 - c. At no time shall there be areas of solid wall with no transparency that measure more than 20 feet in width.
 - d. Larger windows shall be divided by mullions into multiple panes of glass for an appearance of numerous windows.

 - e. Windows shall be at least as tall as they are wide, except for transom windows above doorways. A 2:1 ratio is preferred.
- (7) *Service areas.* All service areas, including utility access, above ground equipment, and dumpsters shall be located in rear or side yards and shall be completely screened from view from any street.
- (8) *Mechanical and utility equipment.* Mechanical equipment, electrical and gas meter and service components, and similar utility devices (whether ground level, wall mounted, or roof mounted) shall be screened from view from the front property line. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.
- (d) *Design waiver.*
- (1) The planning commission shall have the authority to grant a waiver to any of the specific design requirements outlined in subsection 62-306(c) if, after review, they find the following to be true:
- a. Approval of the waiver will not result in development that is incompatible with or will negatively impact existing or potential future development in the district.
 - b. The requested waiver is generally consistent with the intent and purpose of this section.
 - c. The waiver will result in a superior development when compared with what could be achieved through the strict application of the requirements of this section.
 - d. The waiver will not negatively impact the potential of adjacent parcels to develop according to the requirements of this section.
 - e. Any application for a waiver shall be clearly identified on a site plan. The planning commission shall evaluate the request and approve, approve with conditions, or deny the waiver request.

(Ord. No. 241, § 18, 10-18-2021)

Secs 62-249—62-270. - Reserved.

ARTICLE XI. - B-1 LOCAL BUSINESS DISTRICT

Footnotes:

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Editor's note— Ord. No. 241, §§ 9—14, adopted October 18, 2021, renumbered Article X, §§ 62-241—62-270 as Article XI, §§ 62-271—62-300 as herein set out.

Sec. 62-271. - Statement of purpose.

The B-1 local business district is intended to accommodate various types of office, retail, and service establishments. These uses can serve as a transitional use between more intensive land uses such as highway commercial uses or major highways and less intensive land uses such as single- and two-family districts. This district is also intended to allow for uses which do not typically generate large volumes of traffic or require extended hours of operation.

(Ord. No. 241, § 9, 10-18-2021)

Sec. 62-272. - Principal permitted uses.

In the B-1 district, the following uses are permitted:

- (1) All principal permitted uses in the CBD central business district.
- (2) Business and private schools operated for a profit completely within an enclosed building.
- (3) Photographic studios.
- (4) Grocery stores, fruit and flower markets, and bakeries.
- (5) Sit down restaurants. Drive up windows may be permitted at sit down restaurants with the approval of the planning commission provided that there are no audio speakers associated with the drive up window and that hours of operation of the drive up window are limited to the hours between 6:00 a.m. and 9:00 p.m.
- (6) Watch, television, electronic, computer, technology, and shoe repair shops.
- (7) Sign shops.
- (8) Mixed uses (50 percent of the first-floor area is given to nonresidential use) i.e., permitted commercial and residential uses combined in one building.
- (9) Single-family dwelling and accessory buildings and uses customarily incidental to said use, subject to section 62-454(a)(26).
- (10) Medical or dental clinics subject to section 62-454(a)(11).
- (11) Veterinary hospitals and clinics, excluding outdoor runs, subject to section 62-454(a)(24).
- (12) Office developments (two or more structures) subject to section 62-454(12).
- (13) Housing for the elderly subject to section 62-454(a)(7).
- (14) Church's subject to the conditions provided in section 62-454(a)(22).
- (15) Accessory buildings and uses customarily incidental to the above permitted principal uses.
- (16) Off-street parking in accordance with the requirements of section 62-74(e).
- (17) Outdoor trash containers or dumpsters subject to section 62-454(a)(15).

(Ord. No. 205, art. I, 3-19-2007; Ord. No. 220, § 6, 6-7-2010; Ord. No. 226, art. II, 3-18-2013; Ord. No. 241, § 10, 10-18-2021)

Sec. 62-273. - Uses subject to special use permit—Reserved.

(Ord. No. 241, § 11, 10-18-2021)

Editor's note— Ord. No. 241, § 11, adopted October 18, 20221, amended § 62-273, which pertained to uses subject to special use permit and derived from Ord. No. 181, art. I, 8-5-2002; Ord. No. 201, § 1, 11-20-2006; Ord. No. 205, art. I, 3-19-2007; Ord. No. 220, § 7, 6-7-2010.

Sec. 62-274. - Site plan approval.

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with section 62-77.

(Ord. No. 241, § 12, 10-18-2021)

Sec. 62-275. - Area, height, bulk and replacement requirements.

Area, height, bulk, and placement requirements unless otherwise specified are as provided in article XVI, "schedule of regulations".

(Ord. No. 241, § 13, 10-18-2021)

Secs. 62-276—62-300. - Reserved.

ARTICLE XII. - B-2 GENERAL BUSINESS DISTRICT

Footnotes:

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Editor's note— Ord. No. 241, § 21, adopted October 18, 2021, renumbered article XI, §§ 62-271—62-275 as article XII, §§ 62-301—62-305 as herein set out.

Sec. 62-301. - Statement of purpose.

The B-2 general business district is intended to serve the highway and comparison-shopping needs of the residents of the greater Village of Schoolcraft area as well as the passing motorist. It is characterized by businesses which typically require large lots, extended hours, and major thoroughfare locations.

(Ord. No. 241, § 22, 10-18-2021)

Sec. 62-302. - Principal permitted uses.

In the B-2 business district, the following uses are permitted:

- (1) All principal permitted uses in the B-1 local business district.
- (2) Restaurants and taverns.
- (3) Bakeries, employing not more than ten persons per shift.
- (4) Dry cleaning and laundry establishments employing not more than five persons.
- (5) Laundromats.
- (6) Printing, publishing, photography or other reproduction businesses.
- (7) Combined retail-wholesale business when conducted entirely within a building.
- (8) Lumber yards.
- (9) Drive-in and drive-through restaurants subject to section 62-454(a)(2).
- (10) Car wash establishment subject to section 62-454(a)(6).
- (11) Open air businesses subject to section 62-454(a)(5).
- (12) Bowling alleys, skating rinks, and indoor recreation facilities subject to section 62-454(a)(4).
- (13) Gasoline service stations subject to section 62-454(a)(21).

- (14) Sales of new and used cars, boats, campers and other recreational vehicles subject to section 62-454(a)(5).
- (15) Hotels, motels, and motor courts subject to section 62-454(a)(1).
- (16) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (17) Off-street parking in accordance with the requirements of section 62-74(e).

(Ord. No. 220, § 8, 6-7-2010; Ord. No. 241, §§ 20, 23, 25, 10-18-2021)

Sec. 62-303. - Uses subject to a special use permit.

(a) Commercial and service establishments of an "adult" nature as listed and defined herein and subject to the following conditions:

(1) In order to prevent (such) undesirable concentration of such uses, the following uses and activities shall not be located within 1,000 feet of two other such uses nor within 100 feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district.

- a. Adult bookstore, adult novelty store, or adult video store;
- b. Adult motion picture theater;
- c. Adult mini motion picture theater;
- d. Adult smoking and vaping store;
- e. Massage parlor;
- f. Host or hostess establishments offering socialization with a host or hostess for consideration;
- g. Pool or billiard hall;
- h. Open dance hall;
- i. Pawnshop;
- j. Adult tavern or cabaret;
- k. Pinball or video game arcade or establishment;
- l. Sauna, hot tub or other similar health or body improvement or enjoyment enterprises;
- m. Any combination of the foregoing.

(2) For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designations shall have the following meanings:

- a. *Adult bookstore, adult novelty store, or adult video store:* An establishment having 20 percent of its floor space or sales volume whichever is lesser, or in trade, in books, magazines, other periodicals, photographs, drawings, films, video tapes, recording tapes, and/or novelty items, devices, and paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined;
- b. *Adult mini motion picture theater:* An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein;
- c. *Adult motion picture theater:* An enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing relating to "specified

- sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons therein;
- d. *Adult smoking and vaping store*: An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances;
- e. *Massage parlor*: An establishment where persons conduct as a principal activity or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient. This does not include sports massage or therapy performed by a certified therapist;
- f. *Pool or billiard hall*: An establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping pong, darts, dice, cards or similar activities;
- g. *Open dance hall*: An establishment where open public dancing by patrons is available during at least four days per week or without partners furnished by the establishment;
- h. *Host or hostess establishment*: Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee;
- i. *Pawnshop*: An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period;
- j. *Sauna, hot tub or other similar health or body improvement enterprises*: Establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and female customers with or without supervision or participation by employees or independent contractors of the business;
- k. *Pinball or video game arcade or establishment*: Establishments where the principal business consists of customer-operated games or entertainment experience of a mechanical, electronic, physical or emotional nature for an admission fee or a fee for the use of the particular device or devices engaged by a customer;
- l. *Adult tavern or cabaret*: Establishments, which may or may not include food or intoxicating liquors, where live or projected entertainment is provided that is distinguished or characterized by the emphasis on "specified sexual activities" or "specified anatomical areas", as hereafter defined, for patrons, guest, or members. "Projected entertainment" shall not include standard television reception;
- m. *Specified sexual activities*:
1. Acts of human masturbation, sexual intercourse or sodomy;
 2. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
 3. Human genitals in a state of sexual stimulation or arousal; and
- n. *Specified anatomical areas*:
1. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Ord. No. 241, § 24, 10-18-2021)

For all permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with section 62-74(f).

(Ord. No. 241, § 26, 10-18-2021)

Sec. 62-305. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements unless otherwise specified are as provided in article XVI, "schedule of regulations."

(Ord. No. 241, § 27, 10-18-2021)

Secs. 62-306—62-330. - Reserved.

ARTICLE XIII. - RESERVED

Footnotes:

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Editor's note— Ord. No. 241, § 37, adopted October 18, 2021, repealed article XIII, §§ 62-331—62-336, which pertained to P Parking District.

Secs. 62-331—62-360. - Reserved.

ARTICLE XIV. - I-1 LIGHT INDUSTRIAL DISTRICT

Sec. 62-361. - Statement of purpose.

The purpose of the I-1 District is to establish a zone where designated industrial and commercial businesses may locate and intermingle, which produce a minimum amount of adverse effect on adjoining premises, are compatible with one another, and do not require large land or building areas for operation nor large yard areas for isolation or protection from adjoining premises or activities.

Sec. 62-362. - Principal permitted uses.

In the I-1 district, no uses shall be permitted, unless otherwise provided in this chapter, except the following:

- (1) Wholesale and warehousing: The sale at wholesale or warehousing of automotive equipment, alcoholic beverages, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, tobacco and tobacco products, paper and paper products, furniture and home furnishings, and any commodity the manufacture of which is permitted in this District, and truck terminals.
- (2) Testing and research laboratories.
- (3) Tool and die shops.
- (4) Facilities for the printing or forming of box, carton and cardboard products.
- (5) Electric transformer stations and substations, electric transmission towers, municipal buildings and uses, gas regulators and municipal utility pumping stations.

- (6) Indoor tennis, paddleball, or racquetball courts.
- (7) Commercial bakeries.
- (8) Cold storage plants.
- (9) Bottling works, including milk bottling or distribution station.
- (10) Tin shop or plumbing supply shops.
- (11) Veterinary hospital or clinics.
- (12) Contractors' storage yards.
- (13) Mini-storage facilities.
- (14) Automobile storage and parking.
- (15) Hotels, motels and motor courts.
- (16) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (17) Off-street parking in accordance with section 62-74(e).
- (18) Outdoor trash containers or dumpsters subject to section 62-454(a)(15).
- (19) Light industry.

(Ord. No. 192, § 2, 3-20-2006)

Sec. 62-363. - Permitted uses subject to a special use permit.

- (a) Planned industrial parks subject to section 62-454(a)(13).
- (b) Public garage, motor vehicle repair shop, automobile paint and bump shop or car washing establishments. Subject to section 62-454(a)(21).
- (c) Radio, television and windmill tower subject to section 62-454(a)(10).
- (d) Kennels subject to section 62-454(a)(19).

Sec. 62-364. - Compliance with county and state regulations.

Any use permitted in the I-1 district must comply with applicable county and state health and all pollution laws and federal regulations.

Sec. 62-365. - Site plan review.

For all permitted uses and uses permitted special use permit, a site plan shall be submitted in accordance with section 62-77.

Sec. 62-366. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirement unless otherwise specified are as provided in article XVI, "schedule of regulations."

Sec. 62-367. - Performance standards.

Before the issuances of any building or occupancy permit in this zone, the applicant shall comply with an agreement that the use of the property will meet the performance standards set forth in article XV, section 62-395, or that any violation of those standards in subsequent operations will be corrected and any costs of inspections for compliance with those standards shall be

paid by the applicant.

(Ord. No. 192, § 3, 3-20-2006)

Secs. 62-368—62-390. - Reserved.

ARTICLE XV. - I-2 GENERAL INDUSTRIAL DISTRICT

Sec. 62-391. - Statement of purpose.

The purpose of this district is to provide areas where heavier types of industry may best utilize essential public and private facilities and utilities while minimizing the negative impacts typically associated with this type of industry.

Sec. 62-392. - Principal permitted uses.

- (a) All permitted uses in the I-1 district.
- (b) Establishments which assemble and manufacture automobiles, automobile bodies, parts and accessories, electrical fixtures, batteries and other electrical apparatus and hardware.
- (c) Establishments which process, refine or store food and foodstuffs.
- (d) Breweries, wineries, bump shops, distilleries, machine shops, metal buffing shops, plastering and polishing shops, metal and plastic molding shops, extrusion shops, lumber and planing mills, painting and sheet metal shops, undercoating and rustproofing shops and welding shops.
- (e) Municipal sewage treatment plants.
- (f) Coal or building material storage yards.
- (g) Truck terminals.
- (h) Manufacture of food products.
- (i) Any uses similar to the above.
- (j) Accessory buildings and uses customarily incidental to the above principal permitted uses.
- (k) Off-street parking in accordance with section 62-74(e).
- (l) Outdoor trash containers or dumpsters subject to section 62-454(a)(15).

Sec. 62-393. - Uses subject to a special use permit.

- (a) Automobile disposal and junk yards subject to section 62-454(a)(8).
- (b) Central dry cleaning plants and laundries subject to section 62-454(a)(23).

Sec. 62-394. - Open storage.

All storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than 150 feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than 20 feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any residential or business district, by a solid six-foot wall or fence sufficient to serve as a permanent retaining wall or fence.

Sec. 62-395. - Performance standards.

Before the issuances of any building or occupancy permit in this zone, the applicant shall comply with an agreement that the use of the property will meet the following performance standards, or that any violation of these standards in subsequent operations will be corrected, the costs of inspection by experts for compliance to be borne by the applicant.

- (1) *Fire and explosion hazards.* All activities shall be carried on only in buildings conforming to the building code, and the operation shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazards as determined by the Michigan Department of Labor to a use on an adjacent property. Flammable liquids as published by the Michigan State Fire Marshal, other than fuels used for heating shall be stored in an entirely closed building which shall be used for no other purpose, or in underground tanks provided:
 - a. Said storage building is not closer than 100 feet to any building occupied by one or more humans.
 - b. Every factory or manufacturing building or other buildings permitted only in the industrial area shall be equipped with automatic sprinklers or other automatic fire extinguishers approved by the building inspector and the chief of the fire department as being sufficient in view of the nature and extent of the fire risk.
- (2) *Smoke, fumes, gases, dust, odors.* There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to create a public nuisance.
- (3) *Liquid or solid waste.* The discharge of untreated industrial waste is prohibited. All methods of salvage and industrial waste treatment and disposal shall be approved by the village and Michigan State Health Department. No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substance in solution or suspension which would create odors, or discolor, poison or otherwise pollute the water or soil in any way.
- (4) *Vibration.* There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- (5) *Noise.* There shall be no noise emanating from the operation which will be more audible beyond the boundaries of the immediate site than 80 decibels.
- (6) *Glare.* There shall be no direct or sky-reflected glare exceeding one and one-half foot candles or which would be damaging to the human eye measured at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrances or exits of service drives leading to a parking lot.

Sec. 62-396. - Site plan review.

For all permitted uses and uses permitted subject to a special use permit, a site plan shall be submitted in accordance with [section 62-77](#).

Sec. 62-397. - Area, height, bulk and placement requirements.

Area, height, bulk and placement requirements unless otherwise specified are as provided in article XVI, "schedule of regulations" and 150 feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than 20 feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any residential or business district, by a solid six-foot wall or fence sufficient to serve as a permanent retaining wall or fence.

Secs. 62-398—62-420. - Reserved.

ARTICLE XVI. - SCHEDULE OF REGULATIONS

Zoning District	Minimum Lot Size (per unit)		Maximum Building Height		Minimum Yard Requirements			Maximum Lot Coverage (%)		Minimum Floor Area (b)	
	Area (sq. ft.)	Lot Width	Stories	Height	Front Yard	Side Yard	Rear Yard	Principal	Accessory	One Story	Two Story (First Floor)
RA Single-Family Residential	8,500	66	2½	35	30(a)	8	20	35	15	1,000	750
R-1 Single-Family Residential	7,000	50	2½	35	30(a)	8(c)	20	35	15	800	750
R-2 Single- and Two-Family Residential											
Single-Family	5,000	40	2½	35	18(a)	5(c)	15	35	15	500	500
Duplexes	8,000	-	-	-	-	-	-	-	-	-	-
RM Multiple-Family Residential	(d)		(d)	(d)	(a)(d) (e)	(c)(d) (e)(f)	(d)(e) (f)	(d)	(d)	(d)	(d)
Residential Mobile Home	-	-	2½	35	-	-	-	-	-	-	-
B-1 Local Business	-	-	2½	35	(g)	(h)	-	-	-	-	-

B-2 General Business	-	-	3	40	(g)	(h)	-	-	-	(j)	(j)
CBD Central Business	-	-	2½	35	(g)	(h)	-	-	-	-	-
I-1 Light Industrial	20,000	100	3	50	50	15	30	50	15	-	-
I-2 General Industrial	20,000	100	3	50	50	30	60	50	15	-	-

(Ord. No. 241, § 38, 10-18-2021)

Sec. 62-421. - Footnotes to schedule of regulations.

- (a) In all residential districts, the required front yard shall not be used for off-street parking, loading, or unloading, except as otherwise permitted herein, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
- (b) The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds, or utility rooms.
- (c) In the R-1, R-2 and R-3 districts, the width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard for said homes which front upon said side street.
- (d) Site requirements:

	Garden Apartments	Townhouses	Housing for the Elderly
Gross site area	1 acre (min.)	2 Acres (min.)	2 Acres (min.)
Maximum floor area	.3 x developable area	.25 x developable area	.4 x developable area
Maximum lot coverage	.25 x development	.25 x development	.25 x development
Maximum height (b)	2½ stories 35 ft.	2½ stories 35 ft.	4 stories or 60 ft.
Minimum parking	2 spaces per unit of 1—24 units. 1.75 spaces per unit of 24+ units.	2 spaces per unit	.75 spaces per unit

Minimum landscaped area	.2 x gross site area	.25 x gross site area	.3 x gross site area
Maximum density	14 units per acre	8 units per acre	18 units per acre
Minimum front yard (a)	25 ft.	25 ft.	25 ft.
Minimum side yard (b, c, d)	20 ft., 40 ft. (total two)	20 ft., 40 ft. (total two)	25 ft., 50 ft. (total two)
Minimum rear yard (b)	30 ft.	30 ft.	40 ft.
Minimum floor per unit			
Efficiency	480 sq. ft.	600 sq. ft.	480 sq. ft.
One bedroom	600 sq. ft.	750 sq. ft.	550 sq. ft.
Two bedrooms	750 sq. ft.	900 sq. ft.	700 sq. ft.
Three bedrooms	900 sq. ft.	1,200 sq. ft.	-
Four bedrooms	-	1,500 sq. ft.	

- (e) For every lot on which a multiple row, or terrace dwelling is erected, there shall be provided a side yard on each side of the lot, as indicated in the Schedule. Each side yard shall be increased beyond the yard spaces indicated by one foot for each ten feet or part thereof by which the length of the multiple row or terrace dwelling exceeds 40 feet in overall dimension along the adjoining lot line.
- (f) Where two or more multiple row or terrace dwellings are erected upon the same lot, a minimum yard space of 20 feet in width shall be provided between structures. This yard width shall be increased by two feet for each ten feet or part thereof, by which each multiple row or terrace dwelling, having common yards, exceeds 40 feet in length on that side of the dwelling facing the common yard.
- (g) Where any B-1, B-2, or CBD district borders on a side street, whereon a residential zoning district exists in the same block, there shall be provided a setback of five feet for all commercial buildings and parking and loading areas.
- (h) Where B-1, B-2 or CBD district borders a residentially zoned district and the districts are not separated by an alley or street, there shall be a minimum building setback of ten feet from the property line.
- (i) Loading space shall be provided for the rear yard in the ratio of at least ten square feet per front foot of the building. Where an alley or street exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley or street. The board of appeals may waive this requirement in cases where this section causes undue hardship.
- (j) Where motels or hotels are permitted in a B-2 district, a minimum of 250 square feet of floor area per unit shall be

provided.

- (k) Land uses within the CBD central business district zoning district shall be exempt from providing off-street parking.
- (l) The side and rear yard setback requirement for accessory structures in the residential zoning districts shall be three feet. Accessory structures are not permitted in the front yards.

(Ord. No. 215, § 6, 10-20-1008; Ord. No. 241, § 38, 10-18-2021)

Sec. 62-422. - Supplementary definitions.

- (a) *Gross site area*. The total area within and conforming to the legal description of the site.
- (b) *Garden apartments*. A residential structure having a height limit of two and one-half stories and containing three or more attached rooms or suites of rooms, each room or suite having its own cooking facilities and being used as a dwelling for one family.
- (c) *Housing for the elderly and handicapped*. A multiple-family development having the following tenant eligibility requirements. Prior to occupancy tenants must be:
 - (1) Families or two or more persons, the head of which (or the spouse of which) is 62 years of age or older, or is handicapped or;
 - (2) Single persons who are 62 years of age or older or who are handicapped.
 - a. A handicapped person is one whose impairment:
 - 1. Is expected to be continued and of indefinite duration;
 - 2. Substantially impedes his ability to live independently; or
 - 3. Is such that his ability to live independently could be improved by more suitable housing.
- (d) *Landscaped area*. A portion of land area which has been changed, rearranged, or to which plant materials or scenery have been added to produce an aesthetic effect appropriate for a residential area.

Secs. 62-423—62-450. - Reserved.

ARTICLE XVII. - SITE DESIGN STANDARDS

Sec. 62-451. - Site design standards.

The following are specific regulations and design standards for uses listed in said article, and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community.

Sec. 62-452. - Planned developments.

- (a) *Intent and purpose*. Planned developments are provided, herein by special use permit in order to allow for some degree of flexibility and innovation in the design of developing areas, as well as to allow for an efficient and aesthetic use of land. Based upon the standards and criteria contained in this section, the planning commission may review and recommend with conditions, a modification in bulk requirements in order to allow certain forms of development containing both privately owned sites and common property, and which are planned collectively as a single unit. The planned development section of this chapter is also provided in order that the growing demand for housing by young married couples, senior citizens and existing residents may be met by a greater variety of innovative housing types, and by the planning and design of structures with the benefit of cost effective land utilization in such

development.

(b) *Clustered residential development (subdivision)*. In any RA, R-1, R-2 and R3 district in which single-family detached dwellings are a use permitted by right, the minimum required lot areas for such use, as set forth in the schedule of regulations, may be reduced by an amount not to exceed 20 percent; provided that a quantity of land at least equivalent to the total amount deducted from all lots shall be dedicated for open space so that the overall gross density for the entire area shall not exceed that permitted in the applicable zoning district.

- (1) Site eligibility: The minimum area necessary to qualify as a cluster development shall not be less than two contiguous acres of land.
- (2) Any subdivision plan wherein the clustered residential development concept is proposed shall be subject to the provisions for special use permit approval and must be in accordance with all of the procedures and provisions as may be set forth in the subdivision regulations of the Village of Schoolcraft.

(c) *Planned unit development*. A residential or industrial planned unit development (PUD) shall be developed through the special use permit procedure. The granting of a special use permit for a PUD is permitted in all zoning districts.

- (1) Site eligibility: The minimum area necessary to qualify as a PUD shall not be less than two continuous acres of land. However, an owner of land less than the minimum required area may apply if the subject land is adjacent to a lawfully approved or constructed PUD having uses similar to the one proposed.
- (2) As a planned single unit, PUD's may be constructed in any combination of uses and structures (except mobile homes and principal commercial uses), provided that:
 - a. At least 25 percent of the total area is reserved for open space and natural drainage. This area may consist of land included as part of the required yard setbacks, roads, greenbelt areas, drainage easements, open space or any recreational amenity; but shall not include any areas used for structures, or off-street parking and loading.
 - b. Full compliance with the provisions of this chapter and the tables/schedules contained here shall be met, unless waived by the village council.

- (3) Density and open space requirements for PUD's with residential uses.
 - a. In addition to subsection (c)(2) above, if a proposed PUD is residential, wholly or in part, that part of the PUD may not exceed a net residential density of one point five times the maximum number of units allowed per acre under conventional single-family lot sizes as shown in the schedule of regulations for that part of the total area. The number of dwelling units shall be rounded to the nearest whole number.

This density is granted, provided that at least 25 percent of the total area devoted to residential PUD development is reserved for open space and natural drainage. This area may consist of land included as part of the required yard setback, roads, greenbelt areas, drainage easements, open space or any outdoor recreational amenity; but shall not include any area used for structures, or off-street parking and loading.

- (4) Residential density bonuses: Bonuses in net residential density or that area devoted to residential PUD development are permitted by the planning commission, provided that additional land is reserved and dedicated for open space as follows:

(5)	Then the density multiplier for determining the maximum number of units allowed per acre shall be -	
	25% of total area devoted to residences is reserved for open space,	1.50 × Conventional family density

30% of total area devoted to residences is reserved for open space,	2.00
35% of total area devoted to residences is reserved for open space,	2.50
40% of total area devoted to residences is reserved for open space,	2.50
45% of total area devoted to residences is reserved for open space,	3.00

(d) *Preapplication conference with planning commission for concept review.* Prior to formal application submission for a special use permit for a proposed planned development, the developer/applicant shall be required to make a presentation to the planning commission in order to discuss initial design concepts and the application of said concepts to the land in question.

(e) *Standards and considerations.* In addition to complying with the standards for special use permits, the following special standards for a clustered residential development or a PUD must be met:

- (1) *Ownership:* The tract of land may be owned, leased or controlled by a single person, partnership, corporation, cooperative association, or association of individual owners (condominium). An application may be filed by the owner, jointly by the owners of all property to be included, or by a person, persons, corporation, or corporation with an option to buy said property. A plan once approved, shall be binding.
- (2) *Utilities:* A clustered residential development and a PUD shall have on-site community water and sewer provided by the developer, and must be approved by all legal state, county and local agencies (health, conservation, etc.) who are in authority and have jurisdiction. All utilities shall be placed underground.
- (3) *Permitted residential housing types and uses:* The following are considered eligible for inclusion in an application:

Principal PUD uses and structures:

Residential PUD's:

Single-family detached homes (excluding mobile homes).

Two-family homes.

Single-family attached homes.

Multiple family structure (apartments).

Day care centers.

Limited commercial.

Accessory uses and amenities:

- a. Open space—Passive and active.
 - b. Indoor and outdoor recreational facilities.
 - c. Carports.
 - d. Community building and meeting hall.
 - e. On-premise laundry facilities.
 - f. Small scale "neighborhood retail" to serve residential PUD's only. Does not apply to mixed PUD's nor nonresidential PUD's.
- (4) Site design standards: Unless modified by the planning commission in writing at the time of application approval, compliance with the following design standards is required to be shown on the site plan:
- a. Minimum yard requirements and building setbacks from all exterior property lines shall be 30 feet.
 - b. Maximum building height three stories or 30 feet (excludes antennas, steeples, spires, etc).
 - c. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.
 - d. All sensitive natural features such as wetlands and shall remain unencumbered by residential buildings and structures.
 - e. Ingress and egress opening from the development onto a public and private road shall be limited to one per 500 feet.
 - f. Planted and maintained landscaped buffer areas of ten feet in width are required along all exterior boundaries of the property to be developed.
 - g. Drainageways shall be protected by a public easement measured 25 feet from the centerline of such drainageways.
 - h. Off-street parking is required at the rate of two parking spaces per dwelling unit.
- (5) Facility site standards: The site standards for all individual uses and facilities as provided in this chapter, must be observed unless waived by the planning commission for any (or all) of the specific uses and facilities.
- (6) Common property which is privately owned: Common property is a parcel or parcels of land, a privately owned road, or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property shall be private. When privately owned, arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas. This shall not be waived.
- (7) Public easement on common property which is privately owned: When common property exists in private ownership, the owners shall grant easements, over, under and through such property to the village as may be required for public purposes.
- (8) After approval of a planned development, a site plan may be revised upon approval by the village council.
- (f) *Appeals.* Any and all administrative interpretations, decisions, any requirements of the planned development provisions of section 62-452 may be appealed within 30 days to the zoning board of appeals.
- (g) *Public hearing.* Following receipt of a request to approve a planned development, the village council shall hold at least one public hearing on the request. A notice of the public hearing shall be published in a newspaper of general circulation in the Village not less than 15 days before the date of the hearing. A notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request, to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures

within 300 feet of the subject property regardless of whether the property or structure is located in the Village of Schoolcraft. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice. The notice shall do all of the following:

- (1) Describe the nature of the planned development request.
- (2) Indicate the property that is the subject of the planned development request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- (3) State when and where the planned development request will be considered.
- (4) Indicate when and where written comments will be received concerning the planned development request.

(Ord. No. 216, § 9A., 12-15-2008)

Sec. 62-453. - Home occupations.

Home occupations shall be controlled as follows:

- (1) None other than members of the family who reside in the home, shall be engaged in connection with such home occupation at the same time.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (3) There shall be no change in the outside appearance of the building, no variation from the residential character of the dwelling, and no visible evidence of the conduct of such home occupation.
- (4) No home occupation shall be conducted in any accessory building;
- (5) There shall be no sale of products or services except those customarily incidental to the home occupation;
- (6) The home occupation will not create traffic congestion, parking shortages, or otherwise adversely effect the pedestrian or vehicular circulation of the area.
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises if the occupation is conducted in a single-family dwelling. If conducted in other than a single-family dwelling, such nuisance shall not be detectable outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in the line voltage off the premises.
- (8) In particular, a home occupation may include, but not be limited to: art studio; tailoring; giving instruction in a craft or fine art within the residence such as a teacher with musical or dancing instruction limited to six pupils at a time; musician; accountant; or similar use; but shall not include animal hospital, automotive repair service,

barbershop or beauty shop, restaurant, tearoom, tavern, or similar use.

(9) A certificate of occupancy which shall specify the home occupation as to use and size is required.

(Ord. No. 216, § 9B., 12-15-2008)

Sec. 62-454. - Design standards and conditions for certain uses.

(a) The following site facility and design standards with respect to certain uses, herein specified, shall control:

(1) *Hotel, motel, motor court:*

- a. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets. No more than two driveway openings onto a major thoroughfare shall be permitted.
- b. Where the front yard is used to provide access, a five-foot wide greenbelt shall be provided within the front yard, except for driveway openings.
- c. Each unit of commercial occupancy shall contain a minimum of 250 square feet of gross floor area.
- d. Where adjacent to a residential district, refer to section 62-75(a), which shall apply.

(2) *Drive-in restaurant:*

- a. The main and accessory buildings shall be set back a minimum of 60 feet from any adjacent right-of-way line or residential property line.
- b. Driveway openings to the site shall be located at least 75 feet from any intersection as measured from the intersecting right-of-way lines to the edge of said driveway.
- c. Screening as required in section 62-75(a) shall control where lot lines abut any residential district.
- d. Parking may be located in the front, but not within the required front yard.

C. *Child care centers, nursery school, day nurseries, not including family day care homes:*

- a. No dormitory facilities permitted on premises.
- b. For each child cared for, there shall be provided, equipped and maintained, on the premises a minimum of 150 square feet of outdoor play area.

The outdoor play area shall be fenced in or screened by a heavily planted greenbelt from any abutting residential uses. See section 62-75(a), which shall apply.

(4) *Bowling alley, indoor skating and similar uses:*

- a. Driveway openings to the site shall be located at least 75 feet from any intersection as measured from the intersecting street right-of-way lines to the edge of said driveway.
- b. The main and accessory buildings shall be located a minimum of 100 feet from any residential use.

(5) *Private open air business (permanent and temporary):* Temporary sales of Christmas trees shall be exempted)

- a. Minimum lot area shall be 20,000 square feet.
- b. Minimum lot width shall be 200 feet.
- c. A five-foot fence or wall shall be constructed along the rear and sides of the lot capable of keeping trash, paper, and other debris from blowing off the premises, except as provided otherwise in this chapter.
- d. All open air businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
- e. Unless specifically waived by the approval body or as designated by this chapter, a building of not less than

500 square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open air business.

- f. The planning commission may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the permittee to furnish a surety bond executed by a reputable surety company authorized as to do business in the State of Michigan or in the sole discretion of the planning commission, a cash bond in an amount determined by the commission to be reasonable and necessary to insure compliance hereunder. In fixing the amount of such bond, the planning commission shall take into account the size and scope of the proposed open air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions, as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.
 - g. In the case of indoor-outdoor garden nurseries:
 1. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
 2. All loading activity and parking areas shall be provided on the same premises (off-street).
 3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- (6) *Car wash establishment:*
- a. Minimum lot size shall be 20,000 square feet.
 - b. All washing activities must be carried on within a building.
 - c. Vacuuming activities may be carried out only in the rear or side yard and at least 50 feet distant from any adjoining residential use.
 - d. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
 - e. All floor drains from wash areas shall be equipped with sand traps before disposal into the on-site sewer.
- (7) *Housing for the elderly:*
- a. Minimum lot size shall be two acres.
 - b. Accessory services in common use may include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops.
 - c. Each dwelling unit shall contain at least 350 square feet of area, not including kitchen and sanitary facilities.
 - d. Development of site and structures shall be in accordance with U.S. Department of Housing and Urban Development Minimum Property Standards. Multifamily housing, as it applied to housing for the elderly.
- (8) *Automobile disposal and junkyards:* Shall be in accordance with the village's junk yard ordinance.
- (9) *Private roads and streets:*
- a. All plats and lots not fronting on a public street must be accessible by a private drive. A private drive or street is required to have a minimum driveway right-of-way of 66 feet and must be either owned or established by a driveway easement granted by the adjacent property owners.
 - b. The layout of private streets in respect to their location, intersections, culs-de-sac, etc., shall conform to the village's requirements for platted streets.

- c. The construction of the roadway shall conform to the village's standards for a local road.
 - d. Vertical street alignments, street grades, horizontal curves, curb openings at intersection streets, etc., shall conform to the village standards for platted streets.
- (10) *Radio, television, and windmill tower used for commercial purposes:*
- a. In nonresidential districts, the minimum lot size shall be three acres.
 - b. The lot shall be so located that at least one property line abuts a major thoroughfare of not less than 120 feet of right-of-way and the ingress and egress shall be directly upon said thoroughfare.
 - c. The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one-half times the height of each tower above the ground.
 - d. In residential districts, such towers shall not exceed 40 feet in height.
 - e. Unless specifically waived by the planning commission, an open air fence between six and eight feet in height shall be constructed on the boundary property lines.
- (11) *Medical or dental clinic:*
- a. Minimum lot size shall be 20,000 square feet.
 - b. Maximum building coverage shall be 35 percent.
- (12) *Office developments (two or more structures):* Site plan approval is required by the planning commission. In order to facilitate innovative and attractive design of office uses, office developments shall be subject to the following:
- a. Exterior walls of opposite or adjacent buildings shall be located no closer than one point five times the height of the higher building wall, but in no case closer than 50 feet.
 - b. Buildings shall be so located and arranged that all structures have access to emergency vehicles.
 - c. Maximum lot coverage upon lot shall not exceed 60 percent, including accessory uses and structures.
 - d. The ratio of total floor area to lot area shall not exceed one point zero (1.0).
- (13) *Planned industrial parks:* In order to facilitate the growth of employment, to ensure a viable tax base for the village and to prevent the conflicts of incompatible industrial uses, planned industrial parks are permitted with site plan approval by the planning commission in the I-1 district.
- An industrial park is hereby defined as a tract of land laid out in accordance with an overall plan which is designed and equipped to accommodate a cluster of wholesale commercial and industrial activities; providing them with all necessary facilities and services in an attractive, park-like surrounding.
- Planned industrial parks shall be subject to the following:
- a. In addition to a required site plan, all proposed planned industrial parks (public and private) shall first have an overall plan detailing the development concept, the spatial arrangement of site and structures and phased implementation and development, thereof.
 - b. Exterior walls of adjacent buildings shall be located no closer than one point five times the height of the higher building wall, but in no case closer than 50 feet.
 - c. Maximum lot coverage shall not exceed 50 percent, including accessory buildings and structures.
 - d. The ratio of total floor area to lot area shall not exceed one point zero (1.0).
- (14) *Antennas including satellite (dish) receiving stations:* Antennas, accessory structures for reception of commercial radio and television signals including satellite receiving stations but not including microwave, utility television or radio broadcasting towers except as otherwise permitted in this chapter, shall be subject to the following

regulations:

- a. Accessory antennas shall be permitted in all districts as accessory uses.
- b. Where the accessory antenna is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings.
- c. An accessory antenna may be erected in any required yard except a front yard, shall not project forward of the rear building line, and shall not be closer than five feet to any side or rear lot line. Movable antennas shall not revolve closer than three feet to any side or rear lot line.
- d. An accessory antenna shall not exceed one story or 15 feet in height. The total yard area devoted to an accessory antenna use shall not exceed 100 square feet of yard area.
- e. A corner lot, the side yard of which is substantially a continuation of the front lot line of the lot to its rear, shall be regarded as having two front yards. When an antenna is located on this type of lot, it shall not project beyond the continued front lot line of the rear lot.
- f. In the case of double frontage lots, accessory antennas shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
- g. In all cases, an accessory antenna shall be anchored or fastened securely to the building or surface to which it is attached or upon which it rests.

(15) *Outdoor trash containers or dumpsters:* Outdoor trash containers or dumpsters may be required in the RM, B-1, B-2, I-1, I-2 zoning districts when in the judgment of the village council and with the recommendations of the planning commission, the provision of such will address a health, safety or aesthetic concern. When required, the outdoor trash containers or dumpsters shall meet the following standards:

- a. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings. The placement of the container shall be subject to site plan review.
- b. A solid ornamental screening wall or fence shall be provided around all sides of such containers. An access gate shall also be provided and be of such height as to completely screen said containers. The maximum height of walls, fence or gate shall be six feet.
- c. The container or containers, the screening walls, fence and gate shall be maintained in a neat and orderly manner, free from loose rubbish, waste paper and other debris.

(16) *Bed and breakfast facilities:*

- a. The minimum lot size shall be 10,000 square feet with a minimum frontage of 50 feet on a public street.
- b. A residence shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this amendment.
- c. The minimum size of rental room shall be 125 square feet.
- d. The minimum size for manager/owner living quarters shall be 480 square feet.
- e. A common room or area for guest relaxation is required.
- f. For those facilities which are not owner occupied, a manager must reside on the premises and have an equity interest in the facility.
- g. One off-street parking space shall be provided for each rental room in addition to the two off-street spaces required for single-family dwellings. Parking shall be adequately screened from adjacent residentially developed or zoned property.

- h. Bathrooms must be furnished for guestrooms at a ratio of not less than one bathroom per two rental rooms.
 - i. The premises (including corner lots) may be permitted one advertising sign not exceeding six square feet in area.
 - j. Approval by the building inspector is required prior occupancy of the facility. Thereafter, the building inspector may conduct an annual compliance inspections.
 - k. Approval of the Kalamazoo County Health Department is required if other than a continental breakfast is served.
 - l. The maximum stay at a bed and breakfast facility shall be 30 continuous days.
 - m. A site plan shall be submitted in accordance with section 62-77.
 - n. The use of the facility may be subject to any other reasonable conditions placed upon the use by the village planning commission or village council considered necessary to achieve the purpose of this chapter.
- (17) *Private clubs and lodges:*
- a. The lot shall be located so as to abut a collector street, secondary thoroughfare, or major thoroughfare with at least one property line.
 - b. Retail sales of food and beverages may be permitted to members and guests only and there shall be no externally visible sign of commercial activity.
- (18) *Convalescent homes:*
- a. Minimum lot size shall be three acres.
 - b. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
 - c. The main and accessory building shall be set back at least 75 feet from all property lines.
 - d. The facility shall be designed to provide a minimum of 1,500 square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.
- (19) *Kennels:*
- a. All kennels shall be operated in conformance with all applicable Kalamazoo County and State of Michigan regulations.
 - b. For dog kennels, the minimum lot size shall be two acres for the first three dogs and an additional one acre for each three additional animals.
- (20) *Hospitals:*
- a. Minimum lot area shall be ten acres.
 - b. The lot location shall be such that at least one property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
 - c. Minimum main and accessory building setback shall be 100 feet.
 - d. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a masonry wall of six feet or more in height.
 - e. No power plant or laundry shall be located nearer than 300 feet to any adjacent residential use.
- (21) *Gasoline service stations:*
- a. Minimum lot area shall be 15,000 square feet for an automobile service station and 12,000 square feet for a

filling station.

- b. Minimum lot width shall be 100 feet for a public garage or automobile service station and 80 feet for a filling station.
- c. An automobile service station and filling station shall be located not less than 40 feet from any right-of-way line and not less than 25 feet from any side or rear lot line abutting residentially used property.
- d. Ingress and egress drives shall not be more than 30 feet.
- e. No more than one curb opening shall be permitted for every 50 feet of frontage (or major fraction 50 percent thereof) along any street.
- f. No drive or curb opening shall be located nearer than 25 feet to any intersection or adjacent residential property line. No drive shall be located nearer than 30 feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- g. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
- h. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a barrier or curb.
- i. All gasoline pumps shall have a minimum setback of 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- j. When adjoining residentially used or zoned property, a six-foot opaque screening fence shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. Such fences shall be located in yard areas or protected by a fixed curb or similar barrier to prevent contact by vehicles. The fencing shall be eliminated or gradually stepped down in height within 20 feet of any right-of-way line, consistent with the requirements in section 62-75(a)(3), subject to approval by the village council.
- k. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the village council under such terms and conditions as may be imposed by said council to insure adequate ingress and egress from said property and to insure adequate traffic safety.
- l. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

(22) Churches:

- a. All parking shall be provided on-site or comply with subsections 62-74(e)(3) and (4) of this chapter.
- b. Any side of any parking area which abuts a residentially used or zoned property shall be effectively screened.
- c. Ancillary facilities such as day care centers shall be subject to a separate special use permit.
- d. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.

(23) *Dry cleaning plants and laundries, not including outlet distribution facilities:*

- a. Minimum lot area shall be one acre.
- b. Underground storage tank installation or removal shall be pursuant to MDNR regulations.
- c. The storage and transport of flammable and combustible liquids shall be in accordance with the Michigan State Fire Safety Board.

(24) *Veterinary hospitals and clinics:*

- a. Minimum main and accessory building setback shall be 100 feet from all lot lines.
- b. All principal use activities shall be conducted within a totally enclosed main building.

(25) *Automobile bump shops, rustproofing or paint shops:*

- a. Outside storage or parking of disabled, wrecked, or dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting service for each indoor repair stall located on said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.
- b. When adjoining residentially used or zoned property, a five-foot high fence or planting strip shall be erected and maintained along the connecting interior lot line.
- c. No sale of used cars or any other vehicles on the premises may be permitted unless the operation meets the approval of the village council after having received a recommendation from the planning commission.

(26) *Single-family detached dwellings located in the B-1 local business district:*

- a. The lot area, lot width, front yard, side yard, and rear yard requirements shall be in accordance with the R-1 single-family residential district as contained in article XVI.
- b. The placement of any accessory structure shall not be closer than five feet to any commercially zoned property.

(27) *Health spas, gymnasiums and tanning salons:*

- a. Floor area shall not exceed 1,500 square feet.
- b. Must be located on a village road (village primary street or higher).
- c. In all districts, hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.

(28) *Outdoor furnaces:*

- a. Every outdoor furnace shall be located at least 300 feet from any dwelling owned by another, in existence on the effective date of this chapter.
- b. Every outdoor furnace shall be located at least 50 feet from any property line.
- c. Every outdoor furnace shall have a chimney (also referred to as a "stack") that extends at least 15 feet above the grade plane and at least two feet higher than the height of the highest roof peak of any dwelling owned by another located within 500 feet. For purposes of this section, "grade plane" means the level of the finished grade at the base of the outdoor furnace.
- d. Outdoor furnaces shall not be used to burn any fuel other than a fuel listed by the manufacturer as a fuel it has been designed to handle.
- e. The outdoor furnace shall comply with the provisions of the Fire Code, the Mechanical Code, the Zoning Ordinance, and all other applicable statutes, regulations, and ordinances.
- f. Prior to installation, permits and approvals from the zoning administrator, building inspector, mechanical inspector, and fire chief shall be required. The fee for an outdoor furnace permit shall be determined by resolution of the Village Council to cover anticipated reasonable costs of inspections and administration.

(29) *Group day care homes:*

- a. The group day care home shall not be located closer than 1,500 feet to any of the following:
 1. Another licensed group day care home.
 2. Another adult foster care small group home or large group home licensed under the Adult Foster Care

Licensing Act.

3. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code.
4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- b. Appropriate fencing shall be provided for the safety of children in the group day care home, as determined by the Village of Schoolcraft.
- c. The property shall be maintained consistent with the visible characteristics of the neighborhood.
- d. A group day care home shall not exceed 16 hours of operation during a 24-hour period.
- e. Off-street parking shall be provided for employees and shall meet the requirements of section 62-74(e) of this chapter.
- f. A State licensed or registered family or group day care home that operated before March 30, 1989 is not required to comply with the above requirements.

(Ord. No. 181, art. IV, 8-5-2002; Ord. No. 201, § 3, 11-20-2006; Ord. No. 205, art. III, 3-19-2007; Ord. No. 215, § 7, 10-20-2008; Ord. No. 216, § 9C., 12-15-2008; Ord. No. 220, § 9, 6-7-2010)

Secs. 62-455—62-480. - Reserved.

ARTICLE XVIII. - SIGNS

Sec. 62-481. - Statement of purpose.

The purpose of this article is to regulate signs in a manner which will minimize their harmful effects upon the health, safety and welfare of the general public and economic values in the community as well as the attractive appearance and natural beauty of the Village of Schoolcraft. It is not the purpose of this article to regulate the message displayed on any sign, but to achieve non-speech objectives. The village intends to accomplish the following important governmental interests as the rationale and basis of its various regulations relative to signs.

- (a) To promote the safety of persons and property by providing signs that do not create a hazard due to collapse, fire, collision, decay or abandonment, do not obstruct firefighting or police surveillance, and do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, other vehicles, or traffic signs.
- (b) To protect property values within the village by allowing signs that perform their intended purpose while maintaining village character and supporting neighborhood stability.
- (c) To promote and improve the attractiveness and scenic beauty of the community which is considered to be important to the tourist industry and provides the economic base for the Village of Schoolcraft while creating stability and predictability of sign allowances, which promotes business success.
- (d) To encourage a concern for the visual environment which makes the village a more desirable place to live, work and visit. Blight and visual clutter create nuisance-like conditions, which are contrary to the public welfare.
- (e) To control the quality of materials, construction, electrification, and maintenance of all signs.

(Ord. No. 241, § 39, 10-18-2021)

Sec. 62-482. - Definitions.

- (a) *Abandoned sign.* Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more. Signs attached to a nonresidential use temporarily suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant for 1 year or more. Any sign remaining after the demolition of the principal structure shall also be deemed to be abandoned.
- (b) *Awning.* A sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, or doorway.
- (c) *Awning sign.* A message painted on, printed on, or attached flat against the surface of an awning.
- (d) *Balloon sign.* An air or gas filled sign, at least 17 inches in height or taller, that is secured to a structure or the ground.
- (e) *Banner sign.* A sign intended to be hung either with or without frames, possessing message applied to paper, plastic, or fabric of any kind.
- (f) *Billboard (poster panel).* An off-premises sign structure typically designed for outdoor advertising.
- (g) *Canopy.* A structure, free of enclosing walls, that extends from a building for the purpose of providing shelter over a storefront or entryway.
- (h) *Canopy sign.* A message painted on, printed on, or attached flat against the surface of a canopy.
- (i) *Changeable copy.* That portion of a sign that is designed or used to display characters, letters, words, or illustrations that can be readily changed or rearranged by manual, mechanical, or electronic means without altering the face of the sign.
- (j) *Channel letter sign.* Individual custom-made letters, typically metal or plastic, that are applied to sign panels or attached to structures to convey a message. Channel letters may also be described as dimensional letters.
- (k) *District.* A zoning district specified in the Schoolcraft Village Zoning Ordinance.
- (l) *Electronic billboard.* An off-premises sign that displays digital images to convey a message that is changed every few seconds generally by a computer.
- (m) *Electronic message sign.* A sign with a fixed or changeable display or message composed of a series of lights that may be changed through electronic means.
- (n) *Entrance way sign.* A sign that designates the entrance way to a residential or nonresidential subdivision.
- (o) *Feather sign.* A vertically oriented sign, generally made of fabric, attached to a single pole allowing the fabric to hang loose at one or two of the four corners.
- (p) *Festoons.* A string of ribbons, tinsel, flags, pennants, or pinwheels used to attract attention.
- (q) *Flashing sign.* Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.
- (r) *Freestanding sign.* Any and every exterior sign or sign structure affixed to the land.
- (s) *Human sign.* Any device containing a message carried or displayed by a person, any person wearing clothing containing a message, or any person wearing a costume for advertising purposes, that are intended to attract attention.
- (t) *Identification sign.* A sign that identifies the business name, owner or resident and/or the street address and which sets forth no other advertisement.
- (u) *Illuminated sign.* A sign that provides artificial light by either emission or reflection.

- (v) *Inflatable sign*. An object that can be distended with a gas, usually air, and is generally made of metallic and/or cloth material for the purpose of attracting attention.
- (w) *Incidental sign*. A sign internal to a site which provides information, generally directional, to the public where goods, facilities, or services are available on site.
- (x) *Marquee*. Any permanent roof-like structure that is attached to a building, generally above the building entrance, and projects beyond the wall of the building.
- (y) *Marquee sign*. A sign attached to a marquee.
- (z) *Monument sign*. A freestanding sign typically installed low to the ground, where the sign surface is attached to a proportionate solid base or structural frame.
- (aa) *Nit*. A measure of luminance equal to one candela per square meter.
- (bb) *Nonconforming sign*. A sign that was lawfully permitted at the time it was erected but is no longer permitted under current ordinance requirements.
- (cc) *Off-premises commercial sign*. A sign which contains a commercial message unrelated to a business or profession conducted or to a commodity, service, or activity, not sold or offered upon the premises where such sign is located.
- (dd) *Pennant sign*. Any lightweight plastic, fabric, or other material, whether containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind and attract attention.
- (ee) *Pole sign*. A sign supported by one or more uprights, poles, or braces placed in the ground and not attached to any building.
- (ff) *Portable sign*. A freestanding sign not permanently anchored or secured to either a building or the ground, such as but not limited to "A" frame, poles temporarily driven into ground, T shaped, or inverted T shaped sign structures.
- (gg) *Projecting sign*. A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.
- (hh) *Roof sign*. Any sign which is erected above the roof of a building.
 - (ii) *Sandwich board signs*. A sign constructed in such a manner as to form an "A" or tent-like shape, which is moveable and not secured to the ground or surface upon which it is located.
 - (jj) *Setback*. The required minimum horizontal distance between the property line and the sign.
- (kk) *Sign display structure*. A device designed or used to display, incorporate, hold, or otherwise exhibit the message of a sign.
- (ll) *Snipe sign*. A temporary and moveable sign made of any material that is found in unauthorized or permitted areas such as tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences, or other objects, or located within the road right-of-way.
- (mm) *Spinners*. Signs held by a human that are used to draw attention through movements such as twisting or spinning the sign or dancing with the sign.
- (nn) *Temporary sign*. A sign with or without a structural frame intended for a limited period of time.
- (oo) *Vehicle sign*. A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, busses, airplanes, and trailers.
- (pp) *Wall sign*. A sign that is attached directly to or painted upon a building wall which does not project more than 18 inches therefrom. The exposed face of the sign must be in a plane parallel to the building wall or structure (such as a water tower).
- (qq) *Window sign*. A sign placed inside or upon a window facing the outside which is intended to be seen from outdoors.

(rr) *Yard sign, temporary.* A removable, light weight, and portable sign that is intended to be displayed for a limited period : not designed to be permanently affixed to the ground, building, or structure.

(Ord. No. 210, art. I, 9-17-2007; Ord. No. 241, § 39, 10-18-2021)

Sec. 62-483. - General provisions.

- (a) *Permitted signs.* A sign not expressly permitted by this article is prohibited. Signs shall pertain to the use or lot on which it is located, unless expressly authorized by this article.
- (b) *Sign location.* All signs must be placed on private property and no sign shall be located within or above any public right-of-way except for projecting signs as permitted within the CBD district.
- (c) *Area calculation.* The area of a sign shall be the computed area of the background upon which lettering, insignia, or other devices are placed. Where said display area is the face of a building, the area of such sign shall be the product of the total width and the total height occupied by such lettering, devices, or insignia. For signs having two sides, the maximum display area shall be permitted on both sides and the total area of one side only shall be deemed to be the total sign area. The supporting structure shall not be included in the area computation unless utilized as part of the total display area.
- (d) *Height calculation.*
- (1) *Freestanding sign.* The height of a freestanding sign shall be measured as the vertical distance from the base of the sign at grade to the top of the highest attached component of the sign. Grade shall be interpreted as the final ground elevation after construction. Earth mounding for landscaping and/or screening is not part of the final grade for sign height calculations.
 - (2) *Wall sign.* The height of a wall sign shall be measured as the maximum vertical distance of the lettering, insignia, or other devices utilized for the sign.
- (e) *Sign illumination.* Except for electronic displays as allowed by this article, signs shall be illuminated only by continuous indirect or direct lighting. All sign illumination shall be employed in such a manner so as to prevent intense or brilliant glares or rays of light from being directed at any street or any adjoining property.
- (f) *Prohibited signs.* The following signs are prohibited, unless expressly authorized by this article:
- (1) Any sign that gives the appearance of motion, including moving, oscillating, animated, or flashing elements, and change to illumination levels.
 - (2) Exterior pennants, spinners, inflatables, feather signs, streamers, balloons, banners, and festoons.
 - (3) Human signs, where a person walks, carries, holds, or in any other way, displays a sign.
 - (4) Snipe signs.
 - (5) Roof signs.
 - (6) Signs located on a vehicle, not used during the normal course of business, which are parked or located for the primary purpose of displaying an advertisement.
 - (7) Any sign, signal, marking, or device which imitates or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device.
 - (8) Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles or similar public structures.
 - (9) Rope light, string light, or similar lighting attached to, surrounding, or otherwise drawing attention to a sign.
 - (10) Abandoned signs.

(f) *Nonconforming signs.*

- (1) Unless otherwise outlined in this article, nonconforming signs lawfully constructed prior to the adoption of this article may be used, maintained, or repaired in the same form and type as existing at the time they become nonconforming.
- (2) No nonconforming sign shall be structurally altered to change the shape, type, or size unless the change brings the sign into compliance with this article; however, the sign face may be replaced as long as it does not alter the sign in any other way.
- (3) If a nonconforming sign is damaged to the extent that the cost of reconstruction is equal to or less than one-half the value of the sign prior to the damage occurrence, the nonconforming sign may be restored within 180 days of the damage.
- (4) No nonconforming sign shall be changed to another nonconforming sign.
- (5) Nonconforming signs shall be removed once abandoned.
- (6) No nonconforming sign shall be moved to a new location unless such sign shall conform or shall be made to conform to the provisions of this article.
- (7) Any nonconforming sign which is structurally repaired shall require a new permit.

(g) *Indoor signs.*

- (1) A sign attached to the inside of a window or door of a nonresidential building shall not require a permit provided that the total sign area shall not exceed 25 percent of the total window or door area.
- (2) Window signs shall not exceed 25 percent of the total area of the particular window or door in which the sign is located.

(h) *Electronic message signs.*

- (1) An electronic message sign may serve as one component of a permanent freestanding sign and is permitted up to a maximum of 25 percent of the total permanent sign area per sign face. This limit shall not apply to electronic billboards.
- (2) Electronic message signs shall not emit more than 5,000 nits in full daylight and 125 nits during night hours, which commence no later than one hour after sunset and extend through no earlier than sunrise. The displays shall transition smoothly at a consistent rate from the permitted daytime brightness to the permitted nighttime brightness levels. All electronic message signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In order to verify compliance, the interface that programs an electronic message sign shall be indicated in the requested sign permit and made available to village staff for inspection upon request. If the interface is not or cannot be made available upon request, the sign shall cease operation until the village has been provided proof of compliance.
- (3) Changeable copy.
 - a. Changeable copy shall not change more than once per every 10 seconds.
 - b. Changeable copy shall not appear to flash, scroll, travel, undulate, pulse, blink, expand, contract, bounce, rotate, spin, or twist.
 - c. All electronic message signs shall default to an unlit black screen when more than 50 percent of the light source fails or if the light source otherwise is not displaying properly.

(i) *Exempt signs.* Signs exempt from permits:

- (1) Building and/or unit addresses.

- (2) Legal notices and government signs.
 - (3) Inscriptions on buildings provided they are no larger than three square feet and the sign copy is limited to building name, construction, or establishment date and/or similar historical information.
 - (4) Incidental signs located in nonresidential zoning districts, which do not exceed two square feet in area per sign and are located in the interior portions of any parcel, lot, or building site.
 - (5) Temporary signs in residential districts per the requirement of section 62-491.
 - (6) Signs deemed necessary or ordered by the village council.
- (j) *Sign permits.* All permanent signs erected, altered, or constructed in the village shall conform to the provisions of this article and shall require a sign permit from the building inspector.
- (1) Before issuing said permit, the building inspector shall determine that:
 - a. The sign meets all of the requirements of this article.
 - b. The construction, support, and location of said signs will in no way constitute a hazard to the safety of the public or to adjacent properties, the provisions of this article notwithstanding.
 - c. Street signs conform to all the provisions of this article and if on a state highway, to any additional regulations which may be set forth by the state highway department.
 - d. Projecting signs meet all the requirements of this article.
 - e. Illuminated signs conform in all respects to the electrical codes of the village and the state.
 - f. The illumination of building signs, merchandise, or products displayed will in no way be confused with standard traffic safety devices.
 - g. Said sign or signs will not by design or arrangement simulate or imitate the size, color, lettering or design of any official traffic sign or any word, phrase, or symbol used as a traffic safety control in such a manner as to confuse traffic.
 - h. The light sources will be shielded from the direct view of vehicular traffic or adjacent property.
 - i. Signs using glass shall be adequately constructed and located so as to produce no safety hazard should breakage occur.
 - j. Signs will not be erected in a manner or location which will obstruct passage from windows or doorways.
 - k. Sign supports and construction shall be designed and built in accordance with the Michigan Building Code.
 - (2) *Application for sign permit.* Application for sign permits shall be made upon forms provided for by the village and shall contain the following information:
 - a. Name, address, and telephone number of the applicant.
 - b. Location of building, structure, or lot to which the sign is to be attached or erected.
 - c. Position of the sign in relation to nearby buildings, structures and property lines, or placement on the building façade.
 - d. Two drawings of the sign including the dimensions, specifications, and method of construction and attachment to the building or in the ground.
 - e. Name and address of the person, firm, corporation, or association erecting the structure.
 - f. Such other information as the village may require showing full compliance with this and all other applicable laws of the village and the State of Michigan.
 - g. Permit applications for illuminated electronic signs shall include a copy of the manufacturer's specifications for luminance.

- (3) No permit shall be required for ordinary servicing, repainting of existing sign message or cleaning of a sign.
- (4) A permit issued pursuant to this article becomes null and void if work is not commenced within 180 days of issuance. If work authorized by the permit is suspended or abandoned for more than 180 days, the permit must be renewed.
- (k) *Substitution.* Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this article. This substitution of noncommercial speech may be made without any additional approval or permitting as long as all requirements of this article are met. The purpose of this substitution clause is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any noncommercial message over any other noncommercial message. This provision prevails over any more specific provision that may be contrary within this article.

(Ord. No. 210, arts. II, III, 9-17-2007; Ord. No. 216, § 10, 12-15-2008; Ord. No. 241, § 39, 10-18-2021)

Sec. 62-484. - Responsibility and removal.

All signs located in the village shall be erected, altered, and maintained at the risk of the owner who shall assume full responsibility for consequences or damage caused by the sign.

Where such signs are deemed to have become unsafe or not properly maintained, the village shall give the owner 30 days to correct this situation or have the sign removed. Upon failure to remove or correct such conditions within 30 days after notice, the building inspector shall have such sign summarily removed as a public nuisance, the cost incurred in removal to be borne by the owner of said sign.

(Ord. No. 241, § 39, 10-18-2021)

Sec. 62-485. - Signs in the R-A, R-1, R-2, R-3 and RMH districts.

In the R-A, R-1, R-2, R-3 and RMH districts only the following signs shall be permitted:

SIGN/USE TYPE	PLACEMENT	MAXIMUM SIGN AREA (square feet)	SIGN HEIGHT (maximum)	MAXIMUM NUMBER OF SIGNS
Wall signs: Permitted non-residential uses	Front façade. Maximum height of 20 ft.	30 sq. ft.	N/A	1 per façade, maximum of 2 signs.
Awning and/or Canopy Signs: Permitted non-residential uses	Located above building entrances and sign shall be placed on the face of the awning or canopy surface.	30 sq. ft.	No higher than the top of the awning or canopy	1 per business façade, maximum of 2 and if no wall sign is present.

Freestanding signs: Multiple family dwellings, subdivisions, site condominiums, and permitted non-residential uses	10 ft. from all property lines.	30 sq. ft.	5 ft. maximum	1 per major entrance, maximum of 2 signs.
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(Ord. No. 241, § 39, 10-18-2021)

Sec. 62-486. - Signs in the RM district.

In the RM residential district, the provisions of section 62-485 shall apply, except that the customary professional sign or nameplate as regulated above in all other respects, may be increased to a total area of four square feet. An apartment or a group of apartment buildings with eight or more dwelling units may display one identification sign of not more than 24 square feet.

Sec. 62-487. - Signs in the B-1, B-2, I-1, and I-2 districts.

No sign shall be permitted which is not accessory to the principal use of the building or property. The following signs are permitted, provided all requirements are met:

SIGN TYPE	SIGN PLACEMENT	MAXIMUM SIGN AREA (square feet)	SIGN HEIGHT (maximum)	SIGN WIDTH (maximum)
Building-Mounted Signs: Maximum of two (2) signs				
Wall signs	Street facing façade. Minimum of 10 ft. above grade.	15% of the façade upon which the sign will be attached.	Cannot project above the building roofline.	70% of the width of the façade upon which the sign will be attached.
	Secondary façade. Minimum of 10 ft. above grade.	5% of the façade upon which the sign will be attached.	Cannot project above the building roofline.	40% of the width of the façade upon which the sign will be attached.

Awning and canopy signs	Awnings: on the awning surface, drip edge is preferred. Minimum of 10 ft. above grade.	No more than 25% of the awning or canopy area.	No higher than the top of awning or canopy.	70% of the width of the awning or canopy upon which the sign will be attached.
	Canopies: on face of canopy. Minimum of 10 ft. above grade.			
Freestanding Signs: Maximum of one (1) sign				
Monument signs	10 ft. from all property lines.	60 sq. ft.	8 ft.	N/A
Pole signs	10 ft. from the front property line and the height of the sign from all side yards.	60 sq. ft.	30 ft.	N/A
Freestanding Interior Site Signs: Maximum of two (2) signs				
Incidental signs	Located interior to the development, but at least 10 ft. from any property line.	2 sq. ft.	4 ft.	N/A

- (a) Where the second story of a building is occupied by a separate nonresidential use, one additional wall sign attached to the face of the second story wall meeting the requirements of this section shall be permitted.
- (b) Buildings on corner lots shall be deemed to have two street façades and one additional wall sign shall be permitted for a total of three wall signs.
- (c) Multi-unit buildings shall be allowed one wall sign for each tenant space. Sign size will be determined by the square footage of the individual unit façade.
- (d) Nonresidential properties with 400 feet or more of frontage shall be allowed one additional freestanding sign meeting the area and height requirements of this section.
- (e) Multi-unit centers shall be permitted an additional eight square feet of freestanding sign display area for each

tenant space over the first two. The additional freestanding sign area shall not exceed 50 percent of the permitted sign area.

(Ord. No. 241, § 39, 10-18-2021)

Sec. 62-488. - Signs in the B-2 general business district.

In the B-2 district, all provisions of section 62-487 shall apply, but projecting signs and pylon signs are permitted as follows, provided the total number of signs shall conform to section 62-487.

(1) *Freestanding or pylon signs:* One of the permitted signs may be a freestanding pylon sign located behind the front street property line; provided, however, that no such sign shall be erected on a lot of less than 150 feet in width, except that on lots abutting a marked state highway on 100 feet or more width, such signs may be erected on lots of 100-foot width. No such sign shall be erected on a lot adjoining a lot in a residential use under separate ownership where the principal residential building is less than 150 feet distant from said sign location, the provisions of this chapter notwithstanding. The following conditions must be complied with:

- a. The sign shall not be closer than five feet to the front street property line and shall be perpendicular to said line.
- b. No sign shall exceed 30 feet in height or 80 square feet in total area.
- c. The sign shall meet the side yard requirements of the principal building.

Sec. 62-489. - Signs in the CBD central business district.

In the CBD district, no sign shall be permitted that is not accessory to the principal use of the building or property. The following signs are permitted, provided all requirements are met:

SIGN TYPE	SIGN PLACEMENT	MAXIMUM SIGN AREA (square feet)	SIGN HEIGHT (maximum)	SIGN WIDTH (maximum)
Building-Mounted Signs: One (1) sign				
Wall signs	Street facing façade. Minimum of 8 ft. above grade.	15% of the façade upon which the sign will be attached.	Cannot project above the building roofline.	70% of the width of the façade upon which the sign will be attached.
Awning and canopy signs	Awnings: on the awning surface, drip edge is preferred. Minimum of 8 ft. above grade. Canopies: on face of canopy. Minimum of 8 ft. above grade.	No more than 25% of the awning or canopy area.	No higher than the top of awning or canopy.	70% of the width of the awning or canopy upon which the sign will be attached.

Marquee signs	Above the entrance to the building. Minimum of 8 ft. above grade.		50% of the marquee.	No higher than the top of the marquee.	70% of the width of the marquee upon which the sign will be attached.
Projecting signs	A minimum of 8 ft. above the sidewalk.	Street facing façade more than 14 ft. above grade.	32 sq. ft.	Shall not exceed a height of 24 ft. or project above the building roofline, whichever is less.	8 ft.
		Street facing façade at or below 14 ft. above grade.	16 sq. ft.	Shall not exceed a height of 24 ft. or project above the building roofline, whichever is less.	8 ft.
Portable Signs: Maximum of one (1) sign					
Sandwich board signs	May not be located within two feet of the curb or within an area on the sidewalk that is more than 4 feet but less than 8 feet from the front face of the building. This sign free area is provided for open passage of pedestrians on the sidewalks.		6 sq. ft. on each side.	3 ft.	3 ft.

- (a) Multi-unit buildings shall be allowed one wall sign for each tenant space. Sign size will be determined by the square footage of the individual unit façade.
- (b) Where a public entrance to the business is also provided at the rear or side from an adjoining parking area, the rear or side wall of the building façade facing upon such parking area shall be permitted one additional sign for a total of two wall signs.

- (c) Buildings on corner lots shall be deemed to have two street façades and one additional wall sign shall be permitted.
- (d) Where the second story of a building is occupied by a separate nonresidential use, one additional wall sign attached to the face of the second story wall meeting the requirements of this section shall be permitted.
- (e) No awning, canopy, or marquee sign shall project beyond the ends of said awning, canopy, or marquee.
- (f) If projecting signs are to be internally illuminated, they shall not exceed 16 square feet in size and cut-out, or channel letters only shall be permitted. Illuminated box signs are prohibited. Externally illuminated projecting signs are preferred.
- (g) Monument, pole, or other freestanding signs are prohibited in the CBD district.
- (h) Sandwich board signs may not be illuminated.

(Ord. No. 210, arts. IV—VII, 9-17-2007; Ord. No. 241, § 39, 10-18-2021)

Sec. 62-490. - Billboards.

- (a) *Permitted districts.* Billboards may only be permitted within the I-1 of I-2 industrial districts.
- (b) *General requirements.*
 - (1) Billboards may be allowed as the principal use on vacant lots and may advertise products or entities not related to the use of the property.
 - (2) Any lot to be used for a billboard shall have at least 60 feet of frontage on a major thoroughfare and be at least 750 feet from a similar use on the same side of the street.
 - (3) Such signs shall meet all yard requirements of its zone provided that no such sign shall be closer than ten feet to any property line nor closer than three feet to the ground, and such three feet shall be kept open and unobstructed.
 - (4) Billboard illumination shall be from lighting fixtures mounted on the top of the structure and directed down and directly on said billboard. No light shall be emitted above the billboard's highest horizontal plane or onto any adjacent lot, building site, or parcel.
 - (5) In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 - (6) Billboards shall not contain any visible moving parts, revolving parts, or mechanical movement of any description or other apparent visible movement, except for electronic displays as described in this section.
- (c) *Sign area and height.* The area of said sign shall not exceed 100 square feet and shall not exceed 20 feet in height.
- (d) *Electronic billboards.* Electronic billboards are subject to the same requirements as traditional billboards as outlined in this section, as well as the following:
 - (1) The images and messages displayed must be static or still images. Such images and messages shall be permitted to fill the entire sign area. Animation, video streaming, moving images, or other pictures and graphics displayed in a progression of frames that give the illusion of motion or moving objects shall be prohibited. Under no circumstances shall any message or display appear to flash, undulate, pulse, move, portray flashes of light or blinking lights, or otherwise appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or make other comparable or hypnotic movements.
 - (2) An electronic billboard may not allow the display or message to change more frequently than once every 10 seconds, with a transition period of one second or less.
 - (3) The transition from one static image or message to another shall be instantaneous without any delay or special effects accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity

or appears to dissipate and lose legibility simultaneously with the gradual increase in intensity, appearance and legibility of the second message, such as, but not limited to: flashing; blinking; spinning; revolving; shaking; zooming; fading; dissolving; scrolling; dropping; traveling; chasing; exploding; or similar effects that have the appearance of movement, animation, changing in size, or being revealed incrementally rather than all at once.

- (4) Sequential messaging as part of an electronic billboard shall be prohibited. The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other billboard.
- (5) The maximum brightness levels shall not emit more than 5,000 nits in full daylight and 125 nits during night hours, which commence no later than one hour after sunset and extends through no earlier than sunrise. Certification must be provided to the village demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower.
- (6) An electronic billboard must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this section.
- (7) Electronic billboards shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the billboard owner must immediately stop the electronic display when notified by the village that it is not complying with the standards of this section. Prior to issuing any necessary permits for an electronic billboard, the applicant shall submit to the village written verification from the manufacturer that the electronic billboard is so designed and equipped.

(Ord. No. 241, § 39, 10-18-2021)

Editor's note— Ord. No. 241, § 39, adopted October 18, 2021, amended § 62-490 in its entirety to read as herein set out. Former § 62-490 pertained to signs in the I-1 light industrial and I-2 general industrial districts.

Sec. 62-491. - Temporary signs.

- (a) *Permitted temporary signs.* Exterior pennants, spinners, inflatables, feather signs, streamers, balloons, banners, festoons, sandwich boards, and temporary yard signs.
- (b) *Temporary signs requirements.*

DISTRICT	PERMITTED TYPES OF SIGNS	NUMBER OF SIGNS	MAXIMUM SIGN AREA (square feet)	SIGN HEIGHT (maximum)	SIGN WIDTH (maximum)
R-A, R-1, R-2, and R-3	Freestanding	N/A	Total sign area shall be 36 sq. ft. Maximum area of any one sign shall be 12 sq. ft.	5 ft.	3 ft.

RMH	Freestanding	N/A	Total sign area shall be 36 sq. ft. Maximum area of any one sign shall be 12 sq. ft.	5 ft.	3 ft.
	Wall	1	32 sq. ft.	4 ft.	8 ft.
B-1, B-2, I-1, and I-2	Freestanding	N/A	64 sq. ft. Maximum area of any one sign shall be 32 sq. ft.	10 ft.	8 ft.
	Wall	1	72 sq. ft.	6 ft.	12 ft.
CBD	Wall	1	60 sq. ft.	6 ft.	10 ft.

(c) *Display time.*

(1) The maximum display time of temporary signs is 60 days for nonresidential properties. This time period is not required to be consecutive. A temporary sign permit must be approved for each display period. At the expiration of the temporary sign permit, the sign must be removed.

(2) Residential properties shall be permitted one additional sign 32 square feet in size from November 20 through January 5 each calendar year.

(d) *Setbacks.* Freestanding temporary signs shall be setback five feet from all property lines and at no times should be located within a road right-of-way.

(e) *Wall placement.* Wall signs shall be a minimum of eight feet above grade and cannot project beyond the building roof line. They must be flush to the wall. Projecting temporary wall signs are prohibited.

(f) *For sale or lease.* When all or a portion of a building or land area is listed or advertised for sale or lease, the maximum display time for temporary signs shall be the duration the building, building unit, or land is actively listed or advertised for sale or lease. Once leased or sold, the sign shall be removed. In all cases, the sign area limits as outlined in subsection (b) above shall apply.

(g) *Maintenance.* Temporary signs shall be subject to the maintenance standards of this article.

(h) *Illumination.* Illumination of temporary signs is prohibited.

(i) *Prohibited placement.* Temporary signs shall not be attached to fences, trees, utility poles, or the like; and shall not be placed in a position that will obstruct the vision of traffic or create a hazard or disturbance to the safety, health, and welfare of the public in any manner.

(j) *Temporary sign permit.* Application for temporary signs on nonresidential property shall be made upon forms provided for by the village and shall contain the following information:

(1) Name, address, and telephone number of the applicant.

- (2) Location of building, structure, or lot to which the sign is to be attached or erected.
- (3) Position of the sign in relation to nearby buildings, structures and property lines, or placement on the building façade.
- (4) A drawing or picture of the sign with size dimensions.
- (5) Such other information as the village may require showing full compliance with this and all other applicable laws of the village and the State of Michigan.

(Ord. No. 241, § 39, 10-18-2021)

Editor's note— Ord. No. 241, § 39, adopted October 18, 2021, amended § 62-491 in its entirety to read as herein set out. Former § 62-491 pertained to signs in the P parking district.

Secs. 62-492—62-520. - Reserved.

ARTICLE XIX. - ADMINISTRATION AND ENFORCEMENT

Sec. 62-521. - Administrative officials.

This chapter shall be enforced by appropriate village officials as designated by the village council, such as but not limited to the village police department and the village manager, who shall, in no case except under a written order of the village council for a special use permit or the zoning board of appeals for a variance pursuant to state law, issue any permit for the erection or structural alteration of any building, nor grant any occupancy permit for any building or land where the proposed erection, structural alteration or use thereof would be in violation of any of the provision of this chapter. The designated official(s) shall investigate any alleged violation of the zoning ordinance coming to his or her attention whether by complaint or arising from his or her own personal knowledge, and if the violation is found to exist, he or she shall serve notice upon the owner and notify the village council and prosecute a complaint to terminate said violation before the appropriate magistrate. The building inspector and/or other designated official shall make an inspection of all new construction from time to time to ascertain that the dimensions and conditions stated on the application are complied with. The designated official(s) may also make periodic inspections throughout the village to ascertain that the requirements of this chapter are complied with.

It shall be the duty of the village manager and/or his or her designee to keep all records of all inspections and applications for building permits and of all such permits issued, with a notation of all special conditions involved. He or she shall file and safely keep copies of all plans other than for one-family houses and fees submitted with such application, and the same shall form a part of the records of his or her office and shall be available to the village council and all other officials of the village.

(Ord. No. 216, § 11, 12-15-2008; Ord. No. 220, § 10, 6-7-2010)

Sec. 62-522. - Certificate of occupancy.

No land shall be occupied or used and no building hereafter erected or altered, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the building inspector stating that the premises or building complies with all the provisions of the approved plans and all ordinances of the village. Such certificate of occupancy shall be granted or denied within ten days from the date written application therefore has been received by the building inspector. Where any special use conditions are applicable said conditions shall be stated on the certificate of occupancy.

A record of all certificates of occupancy shall be kept on file in the office of the building inspector and copies shall be furnished upon request to any person having a proprietary or leasehold interest in the building or land affected.

Sec. 62-523. - Violation and penalty.

Any owner or agent, and any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any buildings or structures or who shall put into use any lot or land without a site plan, where required, or contrary to any approved site plan, or use any lot or land in violation of this chapter or who shall refuse or fail to permit the reasonable inspection of the premises in order to determine compliance with this chapter shall be responsible for a municipal civil infraction subject to a fine provided for by the Schoolcraft Village Code of Ordinance and as established by the Schoolcraft Village Council. Each day a violation occurs shall constitute a separate offense subject hereto. The remedy set forth herein is not exclusive. The village reserves the right to enforce the ordinance by any and all means permitted by law.

(Ord. No. 215, § 8, 10-20-2008)

Secs. 62-524—62-550. - Reserved.

ARTICLE XX. - ZONING BOARD OF APPEALS

Footnotes:

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Editor's note— Ord. No. 216, § 12, adopted December 15, 2008, amended article XX in its entirety to read as herein set out. Former article XX, §§ 62-551—62-556, pertained to board of zoning appeals, and derived from Ord. No. 95, 8-3-92.

Sec. 62-551. - Creation and membership.

- (a) There is hereby established a Zoning Board of Appeals (ZBA) which shall perform its duties and exercise its power as provided for in the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended, and in such a way that the objectives of this chapter may be achieved; that there shall be provided a means for competent interpretation and controlling flexibility in the application of this chapter that the health, safety, and welfare of the public be secured. The ZBA shall consist of five members as appointed by the village council, for three-year terms.
- (b) The village council may appoint up to two alternate members for three-year terms. An alternate member may be called on a rotating basis by the village clerk to serve as a member of the ZBA in the absence of a regular member if a regular member is absent from or will be unable to attend one or more meetings. An alternate member may also be called to serve as a member of the ZBA for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate members having been appointed shall serve in the case until the final decision has been made. The alternate member shall have the same voting rights as a regular member of the ZBA.
- (c) The regular and alternate members of the ZBA shall be selected and appointed by the village council from among the electors residing in the village, and shall be representative of the population distribution and of the various interests present in the village. One of the regular members of the ZBA may be a member of the village planning commission, selected by the planning commission and appointed by the village council. One regular member may be a member of the village council but shall not serve as chairperson of the ZBA. An employee or contractor of the village council may not serve as a member of the ZBA.

- (d) The terms of office of each regular and alternate member shall be for three years, except for members serving because their membership on the village planning commission or village council, whose terms shall be limited to the time they are members of the planning commission or council, respectively. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- (e) A member of the ZBA may be removed by the village council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- (f) The ZBA shall not conduct business unless a majority of the regular members of the ZBA is present.
- (g) A member of the ZBA who is also a member of the village planning commission or village council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the planning commission or council. However, the member may consider and vote on other unrelated matters involving the same property.

(Ord. No. 216, § 12, 12-15-2008)

Sec. 62-552. - Organization and meetings.

- (a) *Rules or procedures.* The ZBA shall adopt its own rules or procedures as may be necessary to conduct its meetings and carry out its function. The ZBA shall annually elect its own chairperson, and in his or her absence, an acting chairperson.
- (b) *Meetings.* Meetings of the ZBA shall be held at the call of the chairperson and at such times as the board may determine. Such chairperson, or in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings of the ZBA shall be open to the public.
- (c) *Records.* The village clerk shall maintain an accurate file of the ZBA's proceedings and findings, which shall be filed in the office of the village clerk and shall be a public record.

(Ord. No. 216, § 12, 12-15-2008)

Sec. 62-553. - Authority of the zoning board of appeals.

The ZBA shall have the authority to act on those matters where this chapter provides for administrative appeal or interpretation of the zoning ordinance, and shall have the authority to authorize a variance as defined in this chapter and laws of the State of Michigan. Such authority shall be subject to the rules and standards in this article. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this chapter.

- (1) *Administrative appeal.* The ZBA shall have the authority to hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with administration or enforcement of the zoning ordinance.
- (2) *Interpretation of the zoning ordinance.* The ZBA shall have the authority to hear and decide appeals or requests for interpretation of the zoning ordinance, including the zoning map. The ZBA shall make such decisions so that the spirit and intent of this chapter shall be observed.
- (3) *Variance.* The ZBA shall have the authority in specific cases to authorize one or more variances from the strict letter and terms of this chapter by varying or modifying any of its rules or provisions so that the spirit of this chapter is observed, public safety secured, and substantial justice done. A dimensional or nonuse variance allows

a deviation from the dimensional or site development requirements of the Ordinance. These include but are not limited to lot area and width regulations, building height and bulk regulations, yard width and depth regulations, and off-street parking and loading space requirements. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is not permitted to grant use variances by this chapter.

- (4) *Decision by the ZBA.* The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of an administrative official, commission or council made in the enforcement of this chapter, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under this chapter, or to grant a variance from the terms of this chapter. The ZBA shall render its decision within 60 days of filing of notice of appeal, interpretation, or request for a variance unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the applicant and a majority of members of the ZBA present. The decision of the ZBA shall be final.
- (5) *Additional information and recommendations.* To assist with their review and decision making, the ZBA may request a review and recommendation by village staff; the village attorney, planner, or other consultants; and/or the planning commission.

(Ord. No. 216, § 12, 12-15-2008)

Sec. 62-554. - Procedures.

An appeal to the ZBA may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or of the village, filing a written notice of appeal with the village clerk. A variance shall be applied for in the same manner and include all information as required by the village. Upon receipt of a notice of appeal, the village clerk shall immediately transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken. Any appeal from the ruling of the building inspector concerning the enforcement of the provisions of this chapter shall be filed within ten days after the date of the Building Inspector's decision.

- (1) *Fees.* Upon the filing of an appeal or application to the ZBA by any person other than an officer, department, board or agency of the municipality, the appellant or applicant shall pay a fee to defray the cost of publishing notice of the appeal or application and the ZBA's decision thereon, of hearing and recording the matter, as may be set from time to time by the village council.
- (2) *Stay of proceedings.* An appeal to the ZBA stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the ZBA after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the ZBA or a circuit court.
- (3) *Notice for variances.* Following receipt of a written request for a variance, the ZBA shall fix a reasonable time for the hearing of the request. A notice of the public hearing shall be published in a newspaper of general circulation in the village not less than 15 days before the date of the hearing. A notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request. Written notice shall be sent to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the Village of Schoolcraft. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be

given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice. The notice shall do all of the following:

- a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- (4) *Notice for appeals and interpretations.* Following receipt of a written request for an appeal of an administrative decision or interpretation of the Zoning Ordinance, the ZBA shall fix a reasonable time for the hearing of the request, not to exceed 30 days from the date of filing of the notice of appeal or request for interpretation. A notice of the public hearing shall be published in a newspaper of general circulation in the village not less than 15 days before the date of the hearing. A notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request. If the request for an appeal or interpretation involves a specific parcel, written notice shall be sent to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the Village of Schoolcraft. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice. The notice shall do all of the following:
- a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- (5) *Appearance and decision.* A party may appear personally or by agent or attorney at the public hearing. The ZBA may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

Sec. 62-555. - Variances.

- (a) *Required findings.* The ZBA shall have the power to authorize specific variance from the site development requirements - such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, and off-street parking and loading space requirements of this chapter - provided that all the required findings listed below are met:
- (1) That there are practical difficulties which prevent carrying out the strict letter of this chapter. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 - (2) That practical difficulties exist because of unique circumstances or physical condition such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property uses in the same zoning district, and shall not be recurrent in nature.
 - (3) That the practical difficulties or special conditions or circumstances do not result from actions of the applicant.
 - (4) That the variance will be in harmony with the general purpose and intent of this chapter and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
 - (5) That granting the variance 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.
 - (6) That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulties.
 - (7) That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within the zoning district, or any use for which a special use permit or a temporary use permit is required.
- (b) *Conditions.* In granting the variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards when made part of the terms under which the variance is granted shall be deemed a violation of this chapter and shall automatically invalidate the permit. The conditions may include requirements necessary to achieve any of the following:
- (1) To insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 - (2) To protect the natural environment and conserve natural resources and energy.
 - (3) To insure compatibility with adjacent uses of land.
 - (4) To promote the use of land in a socially and economically desirable manner.
- (c) *Granting a variance.* No variance in the provisions or requirements of this chapter shall be authorized by the ZBA unless the ZBA finds from reasonable evidence that all the following facts conditions exist:
- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning classification.
 - (2) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the vicinity, provided that the possibility of increased financial return shall not be deemed sufficient to warrant a variance.
 - (3) That the authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purposes of this chapter or the public health, safety and welfare.
- (d) *Bonding.* In authorizing any variance, the ZBA may require that a cash deposit, certified check, irrevocable letter of

credit, or surety bond acceptable to the village covering the estimated cost of improvements associated with a project for which zoning approval is sought, be deposited with the village clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. The ZBA may not require the deposit of the performance guarantee before the date on which the permit is to be issued. The ZBA shall establish procedures under which a rebate of any cash deposits in reasonable proportions to that ratio of work completed on the required improvements will be made as work progresses.

- (e) *Expiration.* An approval of a variance shall last for 24 months at which time it will expire unless a building permit (and/or other necessary permits) has been applied for and granted within that time period. Variance approval may be extended one time for a period of up to 12 months with approval of the zoning board of appeals. If the variance approval expires, it may be reapproved through the same process by which it was originally approved.

(Ord. No. 216, § 12, 12-15-2008; Ord. No. 220, § 11, 6-7-2010)

Sec. 62-556. - Appeal of ZBA decision.

- (a) *Appeal.* Any party aggrieved by a decision of the ZBA may appeal to the Kalamazoo County Circuit Court. The Circuit Court shall review the record and decision to ensure the decision meets all of the following requirements:
- (1) Complies with the constitution and the laws of the state.
 - (2) Is based on proper procedure.
 - (3) Is supported by competent, materials, and substantial evidence on the record.
 - (4) Represents the reasonable exercise of discretion granted by law to the ZBA.
- (b) *Circuit court review.* If the court finds the record inadequate to make the review required or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The ZBA may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision. The court may make other orders as justice requires.
- (c) *Filing.* An appeal from a decision of the ZBA shall be filed within 30 days after the ZBA issues its decision in writing signed by the chairperson, or within 21 days after the ZBA approves the minutes of its decision.

(Ord. No. 216, § 12, 12-15-2008)

Secs. 62-557—62-580. - Reserved.

ARTICLE XXI. - AMENDMENTS

Footnotes:

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Editor's note— Ord. No. 216, § 13, adopted December 15, 2008, amended article XXI in its entirety to read as herein set out. Former article XXI, §§ 62-581—62-583, pertained to similar subject matter, and derived from Ord. No. 95, 8-3-92.

Sec. 62-581. - Procedure.

The village council may from time to time amend, modify, supplement or repeal the regulations and provisions of this chapter in the manner prescribed by Act Number 110 of the Public Acts of Michigan for 2006, as amended, and in accordance with the following procedural outline:

- (1) A proposed ordinance amendment may be originated by the village council, village planning commission, or by petition proposals not originating with the village planning commission shall be referred to the commission for a report thereafter any action is taken on the proposal by the village council.
- (2) The village planning commission shall study the proposed Ordinance amendment. If it decides the proposal merits further consideration and/or public hearing, the village planning commission shall hold a public hearing thereon in accordance with procedures stated in Act 110 of the Public Acts of Michigan for 2006, as amended, and make a report of its findings and recommendation to the village council.

If the village planning commission decides that a proposed ordinance amendment does not have merit, it shall so report to the village council, without holding a public hearing.
- (3) When the village council receives an adverse report on a proposed ordinance amendment that has not received a public hearing by the village planning commission, it may concur with the recommendation and stop further action, or, if it does not agree with the recommendation, the village council shall refer the proposed amendment or change back to the village planning commission, with a request that the village planning commission hold a public hearing on the proposed ordinance amendment and make a final report to the village council.

When the village council receives a recommendation from the village planning commission on a proposal that has been given a public hearing by the planning commission, the village council may hold a public hearing thereon.
- (4) A public hearing notice on the proposed Ordinance amendment shall be published in a newspaper of general circulation in the village not less than 15 days before the date of the hearing.
 - a. If an individual property, or ten or fewer adjacent properties, are included in the proposal for rezoning, a notice must be published as required above, and a notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request. If the request for an appeal or interpretation involves a specific parcel, written notice shall be sent to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the Village of Schoolcraft. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice. The notice shall do all of the following:
 1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.

- b. If 11 or more adjacent properties are included in the proposal, a notice must be published in the newspaper as but need not be distributed to adjacent properties as provided in paragraph a. The notice shall do all of the following:
 - 1. Describe the nature of the request.
 - 2. Indicate the property that is the subject of the request.
 - 3. State when and where the request will be considered.
 - 4. Indicate when and where written comments will be received concerning the request.
- (5) The village council shall grant a public hearing on the proposed ordinance amendment to an interested property owner who requests a hearing by certified mail, addressed to the village clerk. Written notice of the public hearing shall be given to the interested property owner. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- (6) The village council shall vote upon the Ordinance amendment after all proceedings. Any amendments shall be approved by a majority vote of the members of the council.

(Ord. No. 216, § 13, 12-15-2008)

Sec. 62-582. - Effective date and publication.

Following village council approval to amend the zoning ordinance, notice of the amendment shall be filed with the village clerk and notice of the amendment shall be published in a newspaper of general circulation in the village within 15 days after adoption. The notice of adoption shall include the following information:

- (1) Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- (2) The effective date of the amendment.
- (3) The place where and time when a copy of the amendment may be purchased or inspected.

Unless a notice of intent to file a petition is filed, the ordinance amendment shall take effect seven days after such publication.

(Ord. No. 216, § 13, 12-15-2008)

Sec. 62-583. - Petition.

Within seven days after publication of a ordinance amendment, a registered elector residing in the Village of Schoolcraft may file with the village clerk a notice of intent to file a petition. The petitioner shall have 30 days following publication of the zoning ordinance amendment to file a petition signed by a number of qualified and registered electors residing in the Village equal to

not less than 15 percent of the total vote cast within the village for all candidates for governor at the last preceding general election at which the governor was elected. The petition shall be filed with the village clerk requesting the submission of the zoning ordinance amendment to the electors residing in the village for their approval or rejection and determining the result of the election.

Upon filing a notice of intent to petition the amendment, the Zoning Ordinance amendment shall not take effect until one of the following occurs:

- (1) The expiration of 30 days after publication of the Ordinance amendment, if a petition is not filed within that time.
- (2) If a petition is filed within 30 days after publication of the ordinance amendment, the village clerk determines that the petition is inadequate.
- (3) If a petition is filed within 30 days after publication of the ordinance amendment, the village clerk determines that the petition is adequate and the ordinance amendment is approved by a majority of the registered electors residing in the Village of Schoolcraft voting on the petition at the next regular election or at any special election called for that purpose. The village council shall provide the manner of submitting the ordinance amendment to the electors for their approval or rejection and determining the result of the election.

(Ord. No. 216, § 13, 12-15-2008)

Secs. 62-584—62-610. - Reserved.

ARTICLE XXII. - MISCELLANEOUS

Sec. 62-611. - Severability of provisions.

In case any section or provision of this chapter shall be held invalid in any court, the same shall not affect any other article, section or provision of this chapter, except so far as the article, section or portion so declared invalid shall be inseverable from the remainder or any portion thereof.

Sec. 62-612. - Conflicting ordinances repealed; effect.

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

Sec. 62-613. - Headings.

Headings are for information purposes only and shall not be considered substance. The text of the Ordinance shall take precedence over any heading.

Sec. 62-614. - Effective date.

This chapter has hereby declared to have been adopted by the village council of the Village of Schoolcraft, Kalamazoo County, Michigan, at a meeting thereof, duly called and held on the 3rd day of August, 1992, is ordered to be given publication in the same manner prescribed by law, and shall be effective September 4, 1992.