

# **VILLAGE OF METAMORA ZONING ORDINANCE**

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**VILLAGE OF METAMORA  
COUNTY OF LAPEER, STATE OF MICHIGAN  
VILLAGE OF METAMORA ZONING ORDINANCE**

An ordinance establishing and governing the incorporated portions of the Village of Metamora, Lapeer County, Michigan, to protect the public health, safety and welfare; to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to define and regulate special land uses, to regulate the size of yards, courts, and open spaces; to regulate and limit the density of population, and for said purposes to divide the Village into districts and establishing the boundaries thereof, providing for changes in regulations, restrictions, and boundaries of such districts; defining certain terms and uses herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of the Ordinance, in accordance with the provisions of Act 33, Public Acts of 2008, as amended.

This Ordinance is also enacted pursuant to the provisions of Act 59, Public Acts of 1978, as amended, to regulate the condominium subdivision and condominium development of land; to promote the public health, safety and general welfare; to provide a procedure for condominium approval and assure that a condominium development meets the standards and requirements of the Metamora Village Zoning Ordinance.

**Whereas** Act 110, P.A. 2006 as amended, empowers the Village to enact a zoning ordinance and to provided for its administration, enforcement, and amendment, and

**Whereas** the Village Council deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the Village to enact such an ordinance, and

**Whereas** the Village Council, pursuant to the provisions of Act 33, P.A. 2008 as amended has appointed a Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

**Whereas** the Planning Commission has divided the Village, hereinafter also referred to as “municipality,” into districts and has prepared regulations pertaining to such districts designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

**Whereas** the Planning Commission has adopted a Master Plan enabling the future development of the Village, pursuant to the Municipal Planning Act, Act 33, P.A. 2008 as amended, and

**Whereas** the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village, and

**Whereas** Section 141 of Act 59, P.A. 1978, as amended, states that all condominium projects shall comply with applicable local law, ordinances, and regulations, and

**Whereas** the Planning Commission has submitted its report to the Village Council, and

**Whereas** the Village Council and Planning Commission have given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such public hearings as required, and

**Whereas** all requirements of Act 33, P.A. 2008 as amended, with regard to the preparation of this Ordinance and subsequent action of the Village Council have been met;



**THE VILLAGE OF METAMORA ORDAINS:**

**ARTICLE 1 - TITLE AND PURPOSE**

***SECTION 1.01 – SHORT TITLE***

This Ordinance shall be known and may be cited as the “Village of Metamora Zoning Ordinance.”

***SECTION 1.02 – PURPOSE***

The purpose of this Ordinance is to promote and protect the public health, safety and welfare of the inhabitants of the Village of Metamora by protecting and conserving the character and social and economic stability of the residential, commercial, industrial, and other use areas; securing the most appropriate use of land; preventing overcrowding of land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements and by other means, all in accordance with a comprehensive plan.

**ARTICLE 2 - ZONING**

***SECTION 2.01 – ZONING DISTRICTS***

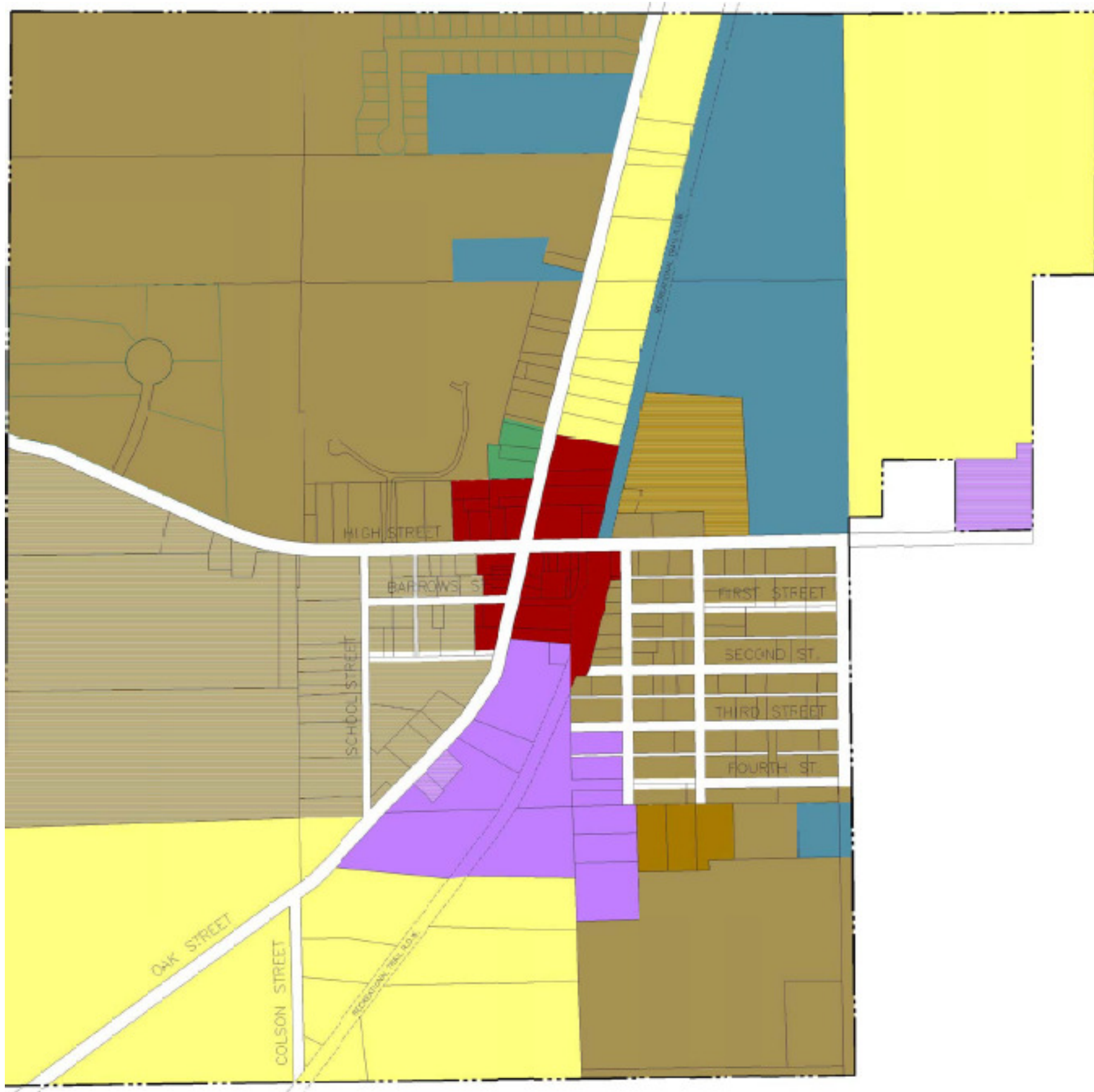
For the purpose of the Ordinance, the Village of Metamora is hereby divided into the following zoning districts:

- R-1 Low-Density Single Family Residential
- R-2 Single-Family Residential
- M Multi-Family Residential
- MH Manufactured Home Park District
- CBD Central Business District
- O Office
- I Industrial
- PI Public Institutional

***SECTION 2.02 – ZONING MAP***








The zoning districts are shown on the accompanying map entitled “Zoning Map, Village of Metamora,” which map – including the references, notations, and other information shown thereon – is made part of this Ordinance, and is of the same force and effect as if the zones therein

designated and other references and notations thereon, were fully set forth herein.



**VILLAGE OF METAMORA**  
 Lapeer County, Michigan  
**ZONING DISTRICTS MAP**

**ZONING DISTRICTS LEGEND:**

-  R-1 Low-Density Single Family Residential
-  R-2 Single Family Residential
-  M Multi-Family Residential
-  C Commercial (Central Business District)
-  O Office
-  PI Public Institutional
-  I Industrial

**MAP 6**  
**Page 2-10**



**ROWE INCORPORATED**  
 4400 S. Saginaw St, FLINT, MI 48507

AUGUST, 2008

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### ***SECTION 2.03 – LOCATION AND BOUNDARIES***

Unless otherwise designated, the boundary of zoning districts shall be interpreted as following along section lines, or highways, or waterways, or lines of customary subdivision of sections, or the centerlines of streets, or the shorelines of water boundaries or the boundaries of incorporated areas, or the boundary lines of recorded plates or subdivisions, or the property lines of legal record on the date of enactment of the Ordinance, or the extension of said lines. Where unzoned property may exist, or where due to its scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

### ***SECTION 2.04 – ZONING OF VACATED AREAS***

When any street, alley, or other public way within the Village of Metamora shall be vacated, such street, alley, or other public way or portion thereof shall automatically be classified in the same zone to which it attaches.

### ***SECTION 2.05 – ZONING OF ANNEXED AREAS***

Any area annexed to the Village of Metamora shall immediately upon annexation be automatically classified as Low-Density, Single Family (R-1) District until a Zoning Map for said area has been adopted by the Village Council.

## **ARTICLE 3 - DEFINITIONS**

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present include future tense; words in the singular include plural number, and words in the plural, the singular number. The word “shall” is mandatory and the word “may” is permissive.

### ***SECTION 3.01 – GENERAL DEFINITIONS***

- A. Accessory building or structure – a supplemental building or structure on the same parcel of land as the main building or buildings, structure, or use of land, the use of which is incidental or secondary to that of the main building or use

- B. Accessory use – a use normally incidental or subordinate to, and devoted exclusively to the main use of the land, building or structure
- C. Agriculture – the art or science of cultivating the ground, the production of crops or livestock on a farm; but excluding agricultural business or industry such as fur farms, piggeries, farms used for disposal of garbage, sewage, rubbish or offal, and slaughtering of animals, except animals raised on the premises for the uses and consumption by persons residing on the premises
- D. Altered – any change in the location or use of a building or structure and any change in supporting members of a building or structure such as bearing walls, columns, posts, beams, girders, and similar major components
- E. Automobile repair garage – a building or premises where the following services may be carried out in a completely enclosed building: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting and undercoating of automobiles
- F. Automobile service center – a building or premises used primarily for the sale and installation of major automobile accessories, such as tires, batteries, radio, air conditioners and mufflers, plus such services as brake adjustment, wheel alignment and balancing, but excluding any major mechanical repairs, collision work, undercoating or painting. Sale of gasoline (stored only in underground tanks) shall be incidental to the above enumerated activities.
- G. Automobile service station – an establishment for the sale and dispensing of gasoline, oil, and major accessories, and for minor repairs such as tune-ups and flat tire repair, but not including body repair, engine rebuilding, rust proofing and similar activities
- H. Basement – that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the average grade to the ceiling is over five (5) feet, such basement shall not be considered a basement.
- I. Bed & Breakfast Inn – a single-family dwelling with not more than eight (8) guest rooms in which the owner/operator provides overnight accommodations to guests in return for payment, and

without kitchen facilities for serving or preparing meals for the overnight guests which are separate from those for the residence.

- J. Building, height of – the vertical distance from the average grade to the highest point of the roof surface on a flat roof, to the deck line of mansard roofs, and to the mean height between the eaves and the ridge for gable, hip and gambrel roofs. Where a building is located on a terrace, the height may be measured from the average grade of the terrace along the front and back building walls.
- K. Block – the property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between one (1) intersecting street and a railroad right-of-way, un-subdivided acreage or stream; or between any of the foregoing and any other barrier to the continuity of development. In sparsely developed areas of the Village without identifiable blocks, a block shall constitute an area not more than one eighth (1/8) mile on either side of the building or building site in question.
- L. Boarding house – the terms boarding house, rooming house and lodging house are used synonymously in this Ordinance. A building, other than a hotel, where, for compensation and/or prearrangement for periods exceeding ten (10) days, lodging and meals are provided for three (3) or more persons, which may include one (1) dwelling unit for occupancy by management.
- M. Board of Appeals – the Zoning Board of Appeals of Metamora Village
- N. Building – any structure, temporary or permanent, having one (1) or more floors and a roof and intended for the shelter or enclosure of persons, animals and/or property
- O. Building, main or principal – a building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated
- P. Building line – a line parallel to the front lot line at the minimum required front setback line
- Q. Commercial service drive – a public or private roadway, usually parallel to a major thoroughfare, designed to provide access to businesses and business property while limiting the points of ingress and egress onto the major thoroughfare
- R. Drive-in – a business establishment serving food and/or beverages that is so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons who will consume the food

and/or beverages in the motor vehicles while on the premises of the drive-in establishment

- S. Dwelling, multiple-family – a building or portion thereof containing three (3) or more dwelling units
- T. Dwelling, one-family – a detached building containing one (1) dwelling unit
- U. Dwelling, two-family – a detached building containing two (2) dwelling units
- V. Dwelling unit – one (1) or more rooms with a bathroom and principal kitchen facilities as a self-contained unit for occupancy by one (1) family for living, cooking and sleeping purposes. In the case of mixed occupancy, the portion of a building occupied as a dwelling shall be regulated as a dwelling.
- W. Earth-sheltered building – a building where a significant portion of the walls and/or roof are covered with earth; that is specifically designed and constructed to meet the requirements of this Ordinance and the building code for minimum floor area, light and ventilation, emergency egress, waterproofing, and similar requirements, and approve by the Building Inspector
- X. Efficiency apartment – a dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking and sleeping purposes and having no separate, designated bedroom
- Y. Enlarged – any change in the area or dimension, either vertical or horizontal, or additions, improvements, enclosures, or changes less than altered as defined above
- Z. Erected – includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.
- AA. Essential services – the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate services to the Village by such utilities or municipal departments for general health, safety or welfare



- BB. Family – an individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or a collective number of individuals domiciled together in one (1) 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 group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration.
- CC. Farm – all of the contiguous, neighboring, or associated land operated as a single unit on which any agricultural activity or the raising of livestock or small animals is occurring; provided, however, that the land to be considered a farm shall include a continuous unplatted lot not less than ten (10) acres in area
- DD. Floor area, Gross – the total horizontal area of all floors of a building, measured from the exterior faces of the exterior walls and including all habitable basement areas, as determined by the Building Code. For nonresidential buildings, the floor area shall include accessory buildings and all basement space used for activities related to the principal use.
- EE. Garage, Private – a space or structure not over one story suitable for storing one (1) or more automobiles and designed and used for private rather than public, commercial or industrial purposes. Garages attached to dwellings shall be deemed a part of the dwelling for purposes of determining yard requirements, but not floor area.
- FF. Garage, Commercial – a building or structure designed or used for the storage, care, repair or commercial display of automobiles, tractors, trucks, or other power equipment
- GG. Greenbelt – a strip of land of specified width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip
- HH. Home Occupation – an occupation, activity or hobby that is traditionally or customarily carried on within the walls of a dwelling unit, provided;
1. that such occupation is incidental to the residential use to the extent that not more than twenty percent (20%) of the gross

- floor area of the principal building or fifty percent (50%) of the accessory building shall be occupied by such occupation;
2. that no article or service is sold or offered for sale on the premises except such as is produced by such occupation;
  3. that such occupation shall not require internal or external alterations or construction features, equipment or machinery not customary in residential areas;
  4. that there be not more than one (1) employee other than members of the resident family;
  5. that no sign greater than two (2) square feet shall be displayed and shall not be illuminated
- II. Junk Yard – an open area of more than two hundred (200) square feet, including an automobile wrecking yard, used for the purchase, sales, exchange, disassembly, storage, processing, baling or packaging of junk, including but not limited to scrap metals, unusable machinery or motor vehicles, tires, bottles and paper, and not including uses established entirely within enclosed buildings
- JJ. Kennel, Commercial – an establishment where three (3) or more dogs, cats or other pets are confined or kept for sale, boarding, breeding, or training purposes for remuneration; or where nine (9) or more pets are kept for any reason
- KK. Kennel, Private – an area where more than four (4) but less than nine (9) dogs, cats or other pets over the age of one (1) year are kept for recreation or personal use. If nine (9) or more are kept, it shall be classified as a commercial kennel.
- LL. Loading Space – on off-street facility or space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials
- MM. Lot Area – the total horizontal area within the lot lines of a lot. For lots fronting or adjacent to private streets, lot area shall mean that area within lot lines and not including any portion of the said private street.
- NN. Lot, Corner – any lot located at the intersection of two (2) streets. A lot on a curved street shall be considered a corner lot if the intersection of the two front lot lines forms an interior angle of less than one hundred thirty-five (135) degrees.
- OO. Lot Coverage – that part or percent of the lot occupied by principal and accessory buildings

- PP. Lot Depth – the horizontal distance between the front and rear lot lines measured along the median between the side lot lines
- QQ. Lot, Interior – any lot other than a corner lot or through lot
- RR. Lot Lines (Property Lines) – the lines bounding a lot as defined herein:
1. Front Lot Line: in the case of an interior lot, the line separating the lot from the street. In the case of a corner lot or through lot, the line separating the lot from both streets.
  2. Rear Lot Lines: that line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line, and wholly within the lot.
  3. Side Lot Line: any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. A lot line separating a lot from a side street is a front lot line.
- SS. Lot of Record – a parcel of land, the dimensions of which area shown on a recorded plat of file with the County Register of Deeds, or any parcel which has been separated there from in accordance with the provisions of the Subdivision Control Act and which exists as described. A lot of record must front a public street which is dedicated for access as a public street, or upon an approved private road.
- TT. Lot, Through – a double frontage lot, not a corner lot, having a street for both front and rear lot lines
- UU. Lot Width – the length of a straight line measured between the two points where the building line or minimum required front setback line intersects the side lot lines
- VV. Major Thoroughfare – an arterial street which is designated as a major thoroughfare on the Thoroughfare Plan for the Village. Also known as a Major Arterial.
- WW. Master Plan (Comprehensive Plan) – the official Comprehensive Plan for the development of the Village, including but not limited to graphic and written proposals for thoroughfares, parks, public buildings, land use and the general physical development of the Village, adopted by the Planning Commission
- XX. Marquee – a roof-like structure of a permanent nature projecting from the wall of a building

- YY. Mezzanine – an intermediate or fractional story between the floor and ceiling of a main story occupying not more than thirty percent (30%) of the floor area of such main story
- ZZ. Manufactured Home – a detached, portable, single-family dwelling unit, prefabricated on its own chassis, to be transported after fabrication to a location where it will be connected to existing utilities and utilized for long-term occupancy as a complete dwelling. This definition does not include a Travel Trailer.
- AAA. Manufactured Home Park – a parcel of land developed in conformity with Michigan Public Act 419 of 1976, as amended.
- BBB. Nonconforming Building (Nonconforming Structure) – a building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards of the zoning district in which it is located
- CCC. Nonconforming Use – a use of a building or structure or of a parcel, or tract of land, lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the use or regulations of this Ordinance for the zoning district in which it is situated
- DDD. Nonconforming Use and Building – a use and a building lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto which does not conform to the use, height, bulk, placement or yard provisions for the zoning district in which it is situated
- EEE. Nursery School –  
Class 1 (Family Day Care Home) – a private residence where care, protection, and supervision are provided, for a fee, to no more than six (6) children at one time, including the children of the adult provider  
Class 2 (Group Day Care Home) – a private home in which more than six (6), but no more than twelve (12), minor children are given care and supervision for periods less than twenty-four (24) hours per day unattended by a parent or guardian, except children related to an adult member of the family. It includes a home that gives care to unrelated minor children for more than four (4) weeks per calendar year.

- Class 3 (Group Child Care Facility) – a non-residential building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week
- FFF. Nursing Home (Convalescent or Rest Home) – a home for the care of the aged, infirm or those suffering from bodily and/or mental disorders, wherein more than six (6) persons are housed or lodged and furnished with professional care
- GGG. Occupied – used in any way at the time in question
- HHH. Odor Threshold – the minimum concentration, in air, of gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers
- III. Off-street Parking Lot – a facility other than for single or two-family dwellings providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles
- JJJ. Owner – the person or persons, firm, or corporation having legal or equitable title to a lot or parcel of land, or their leases or agents
- KKK. Park, Day-Use – a public or private park for outdoor recreation, such as a playground, sports playing field, picnic area, day camp of a church group or other quasi-public organization, or similar use, which does not include overnight camping facilities or outdoor lighting for use of the park property after dark
- LLL. Roadside Stand – a temporary or existing permanent structure containing not more than two hundred (200) square feet of enclosed floor area and operating for the purpose of selling agricultural, dairy or poultry products raised or produced only by the proprietor of the stand or by his/her family
- MMM. Sign – the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known to the general public and is visible off the lot
- NNN. Sign Area – the entire area within a regular geometric form comprising all of the display area and all of the elements of the matter displayed. The sign area shall be computed on one side of a single or two-sided sign and on all sides of a sign with three or more faces.
- OOO. Site Plan – a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A site plan must include all of the information required by Section 10.25 of this Ordinance.

- PPP. Setback Line, Required – a line, marking the setback distance from the street or plot lines, which establishes the minimum required front, side or rear open space of a lot
- QQQ. Stable, Private – an accessory building for the keeping of horses for non-commercial use of the residents of the principal building on the lot
- RRR. Stable, Riding or Boarding (Including Riding Academies) – a stable other than a private stable, carried on within an unplatted parcel of land of not less than forty (40) acres
- SSS. Story – that part of a building, except a mezzanine or basement, as defined herein, included between the surface on one floor and the surface of the next floor above it, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least fifty percent (50%) of the usable floor area of the floor immediately below it
- TTT. Street – a public thoroughfare or an approved private road which affords the principal means of access to abutting property
- UUU. Structure – any constructed or erected material, the use of which requires locations on the ground or attachment to something having location on the ground, including but not limited to buildings, towers, sheds, fences and signs, but excepting walks, drives, pavements, and similar access or circulation facilities
- VVV. Right-of-way Line – the dividing line between the street and a lot
- WWW. Temporary Use, Temporary Building – a use or building permitted to exist during periods of construction of a main building or use, or for special events
- XXX. Travel Trailer – a vehicle, self-propelled or non self-propelled, so designed and constructed as to permit its being used as a conveyance on the public streets and duly licensable as such, and of a nature that will permit nonpermanent occupancy as a dwelling unit or rooming unit by one or more persons
- YYY. Use, Principal – the primary and chief purpose for which a lot or parcel is used
- ZZZ. Variance – a modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals in situations or under circumstances where permitted by law
- AAAA. Wall – an obscuring structure of definite height and location, constructed of masonry, concrete or similar approved material

- BBBB. Yard – the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:
1. Front Yard – an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front setback line
  2. Rear Yard – an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear setback line
  3. Side Yard – an open space, extending from the front yard to the rear yard, the width of which is the horizontal distance from nearest point of the side lot line to the side setback line

### ***SECTION 3.02 – CONDOMINIUM DEFINITIONS***

As used in the Ordinance, the following words, terms and phrases are defined and, where applicable, equate words and terms utilized in the Condominium Act with words and terms used in Section 3.01 of the Zoning Ordinance, as amended.

- A. **Condominium Act** means Act 59 of 1978, as amended.
- B. **Condominium building site** shall mean that area containing the limited common elements together with its condominium unit and together shall equate to the requirements of a lot and a lot's required elements as contained in Metamora Village Zoning Ordinance.
- C. **Condominium subdivision plan** means the site, survey, and utility plans; flood plain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and appropriate size of common elements, and limited common elements. The Condominium Subdivision Plan, for purpose of this Ordinance, shall include the Master Deed and Bylaws of the Condominium Subdivision.

- D. **Condominium Unit** means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.
- E. **Equivalent word, term** – those words and terms and phrases in the Zoning Ordinance which correspond to that word, term or phrase set forth in this definition section
- F. **General common elements** – means the portion of the condominium project other than the condominium unit and limited common elements.
- G. **Limited common elements** – means a portion of the common elements reserved in the Master Deed for the exclusive use of less than all co-owners.
- H. **Master deed** – means the condominium document recording the condominium project as approved by the Village Council to which is attached as exhibits and incorporated by reference the approved Bylaws for the project and the approved condominium subdivision plans for the project.
- I. **Manufactured home condominium project** – means a condominium project in which manufactured homes are intended to be located upon separate condominium units.
- J. **Setback equivalent** – “The distance between the boundary of the condominium unit and the outer boundary of the limited common element for that unit,” or, where no limited common element is provided, “the distance between the nearest point on the condominium dwelling or structure and the outer boundary of the condominium unit” is the equivalent phrase for the word “setback” as contained in the Zoning Ordinance.
- K. **Site condominium** – the resulting “subdivision” or development of land created under the Condominium Act.
- L. **Subdivision ordinance** – mans the Metamora Village Subdivision Regulations Ordinance, as amended.



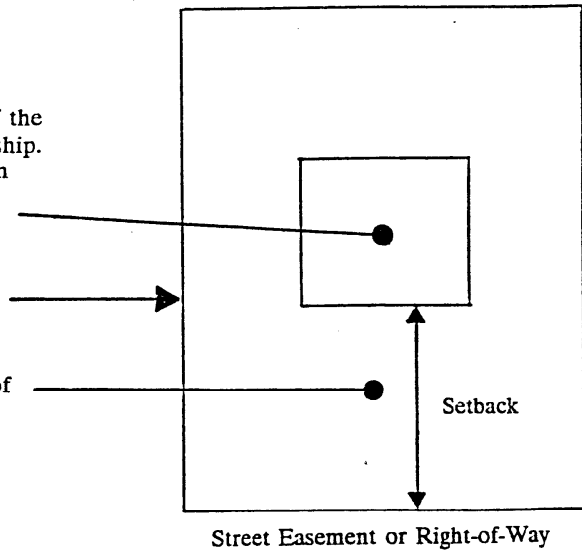
- M. **Yard area** – limited common element reserved exclusively for the unit located within the yard area.
- N. **Zoning ordinance** means the Metamora Village Zoning Ordinance, as amended.

The following drawing is provided to illustrate, in a general way, the correlation between a lot and elements of a lot as provided for in the Subdivision Control Ordinance and in the Zoning Ordinance and a Site Condominium Building site and its elements. Where there is a conflict between this illustration and the terms and conditions of another ordinance, the terms and conditions of this Section shall control.

"Condominium Unit" means the portion of the condominium intended for separate ownership. In this illustration, it is the area in which the structure may be erected to meet setback requirements.

"Boundary Line" means the boundary of the Limited Common Element.

"Yard Area" means the Limited Common Element for the exclusive use of this one condominium unit.

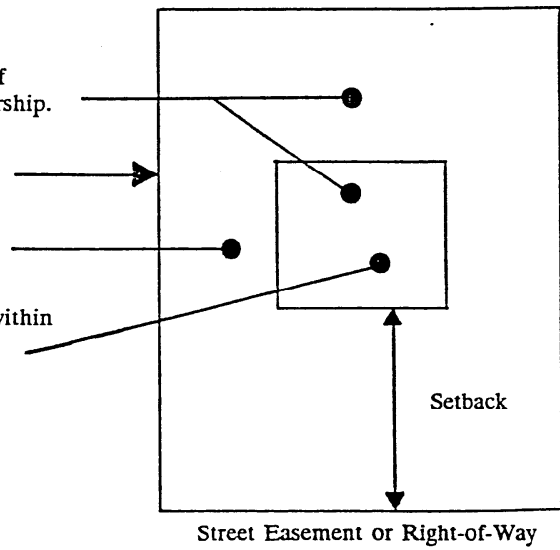


"Condominium Unit" means the portion of the condominium intended for separate ownership.

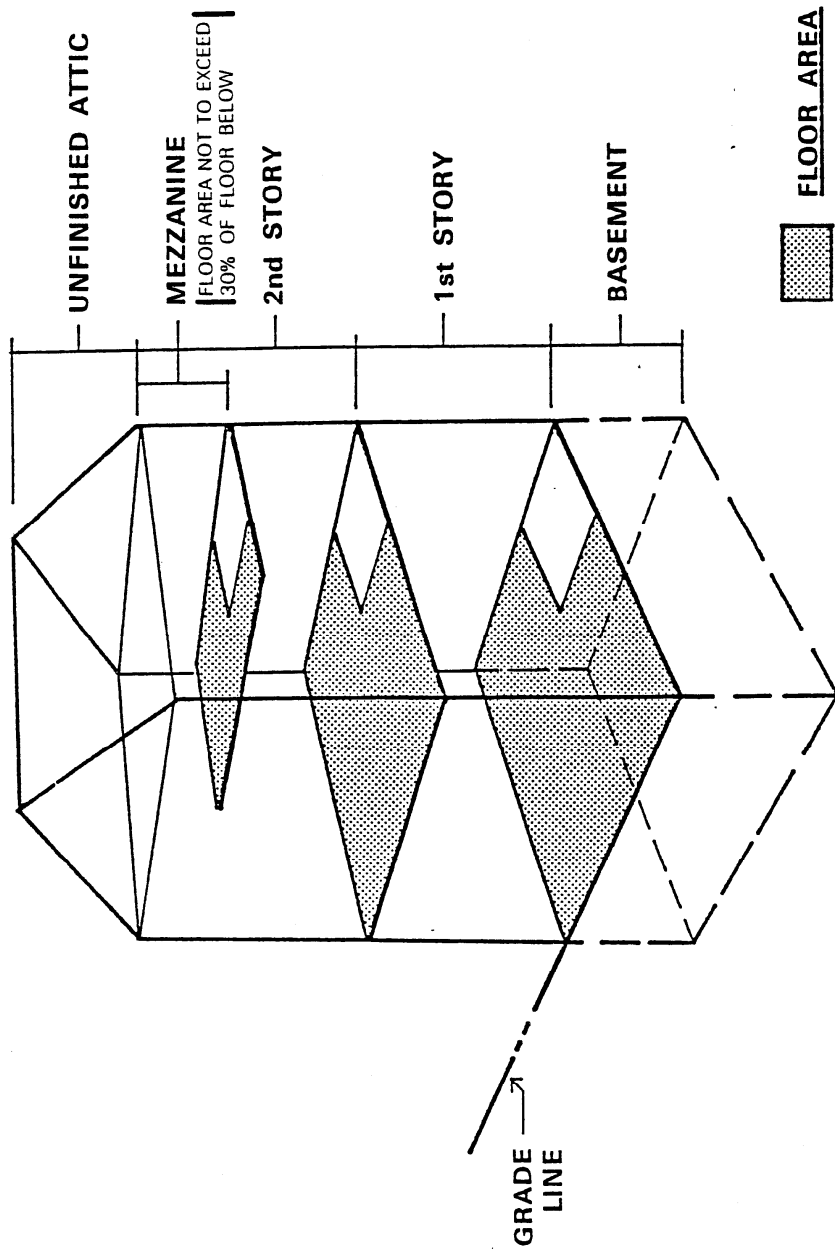
"Boundary Line" means the boundary of the Condominium Unit.

"Yard Area" means the area outside the structure placement area.

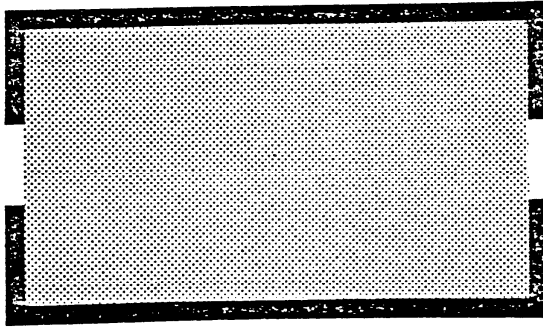
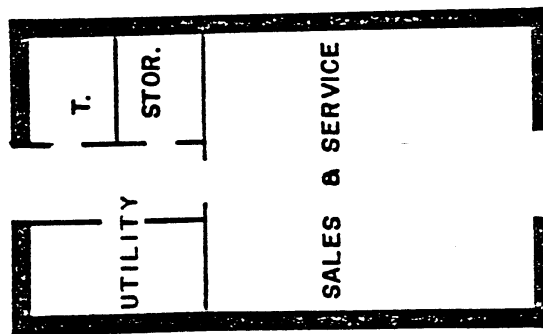
"Structural Placement Area" means the area within which the structure may be erected to meet setback requirements.



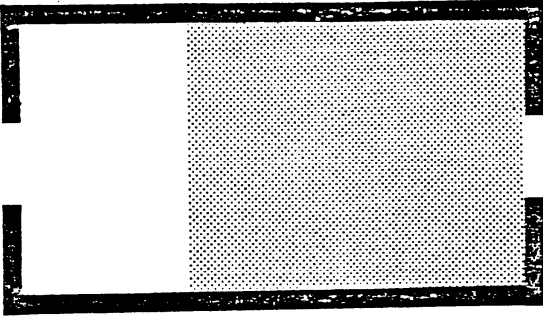
"LOT" OR "BUILDINGSITE" ILLUSTRATIONS



## BASIC STRUCTURAL TERMS

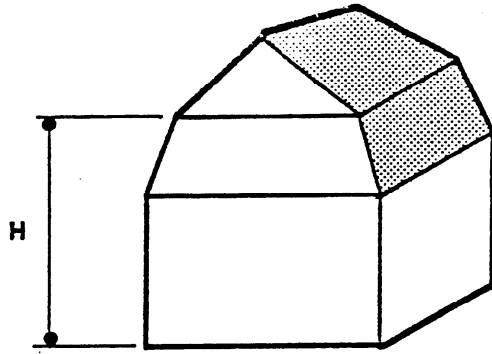


TOTAL FLOOR AREA

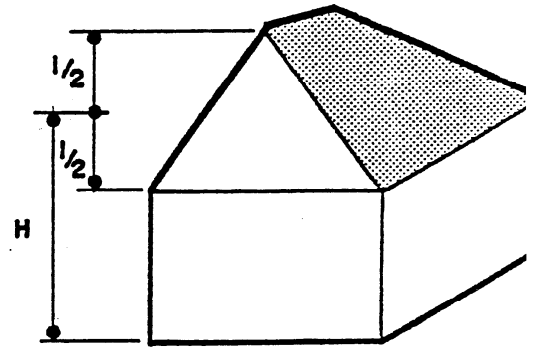


USABLE FLOOR AREA  
(FOR PURPOSES OF COMPUTING PARKING)

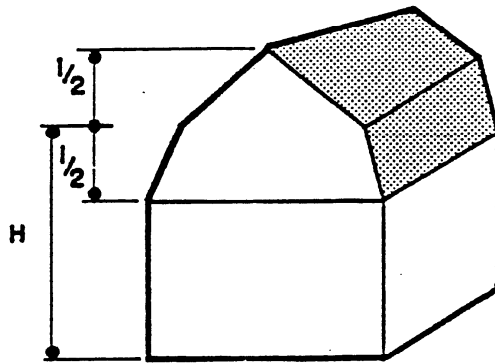
FLOOR AREA



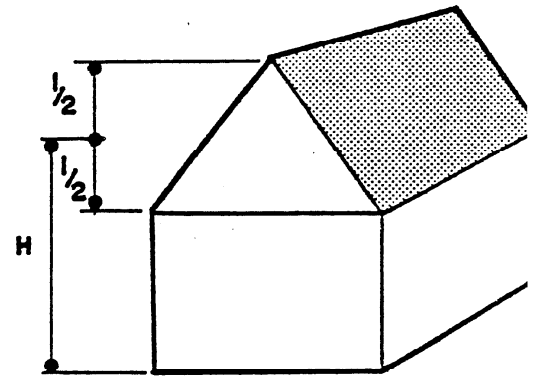
MANSARD ROOF



HIP ROOF



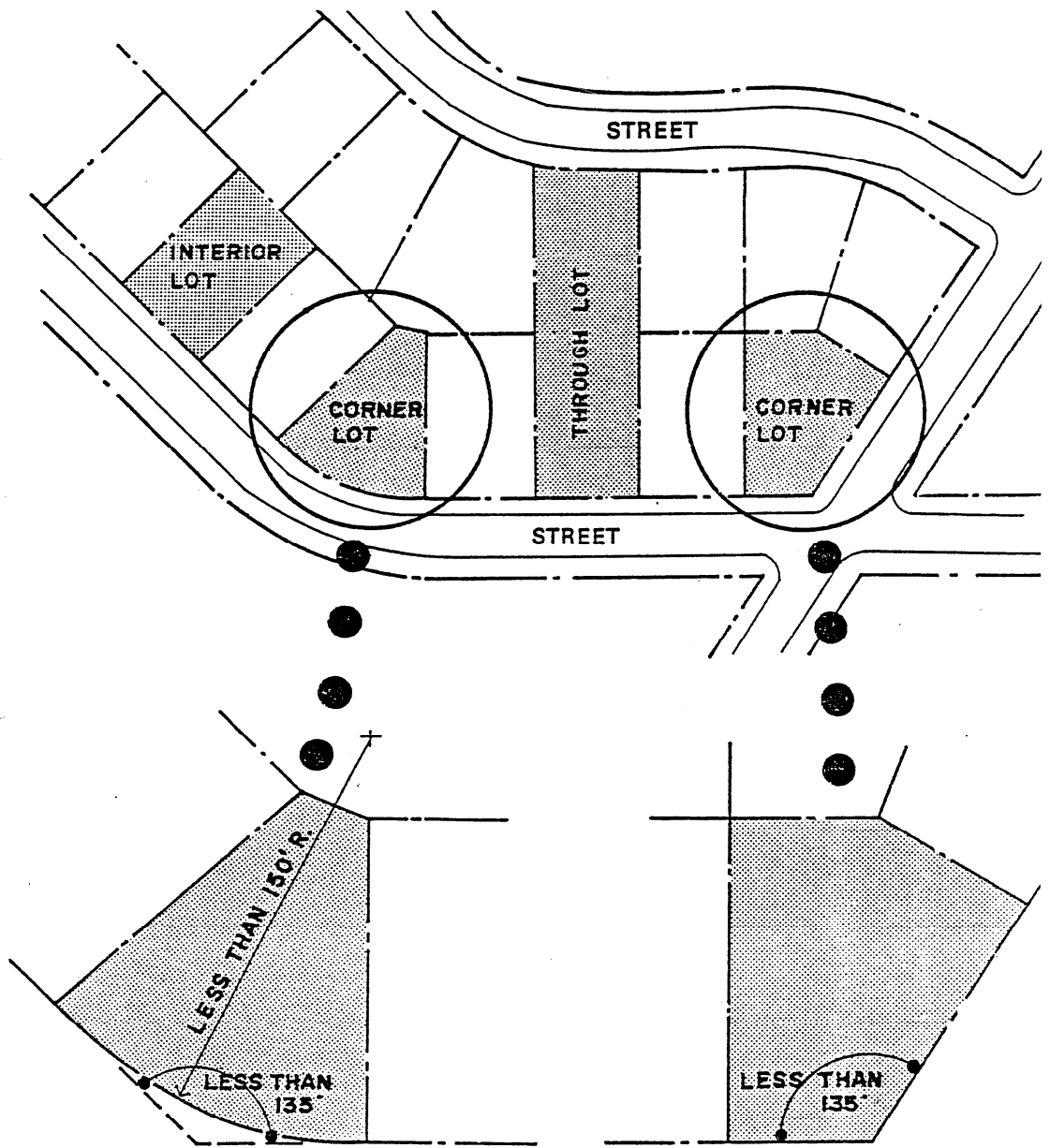
GAMBREL ROOF



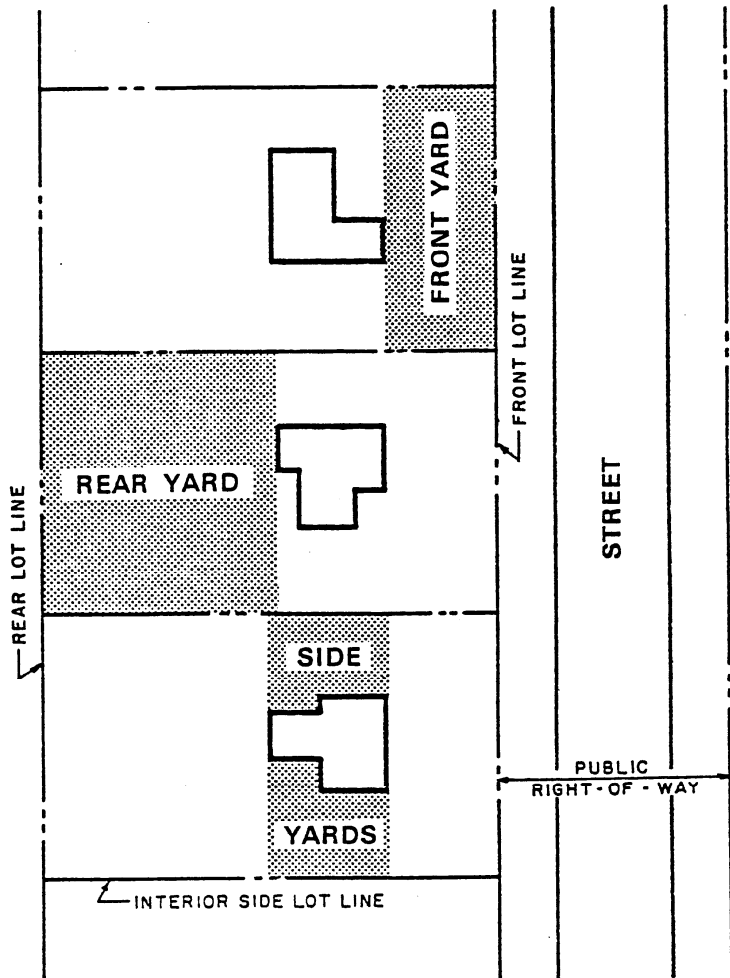
GABLE ROOF

H = HEIGHT OF BUILDING

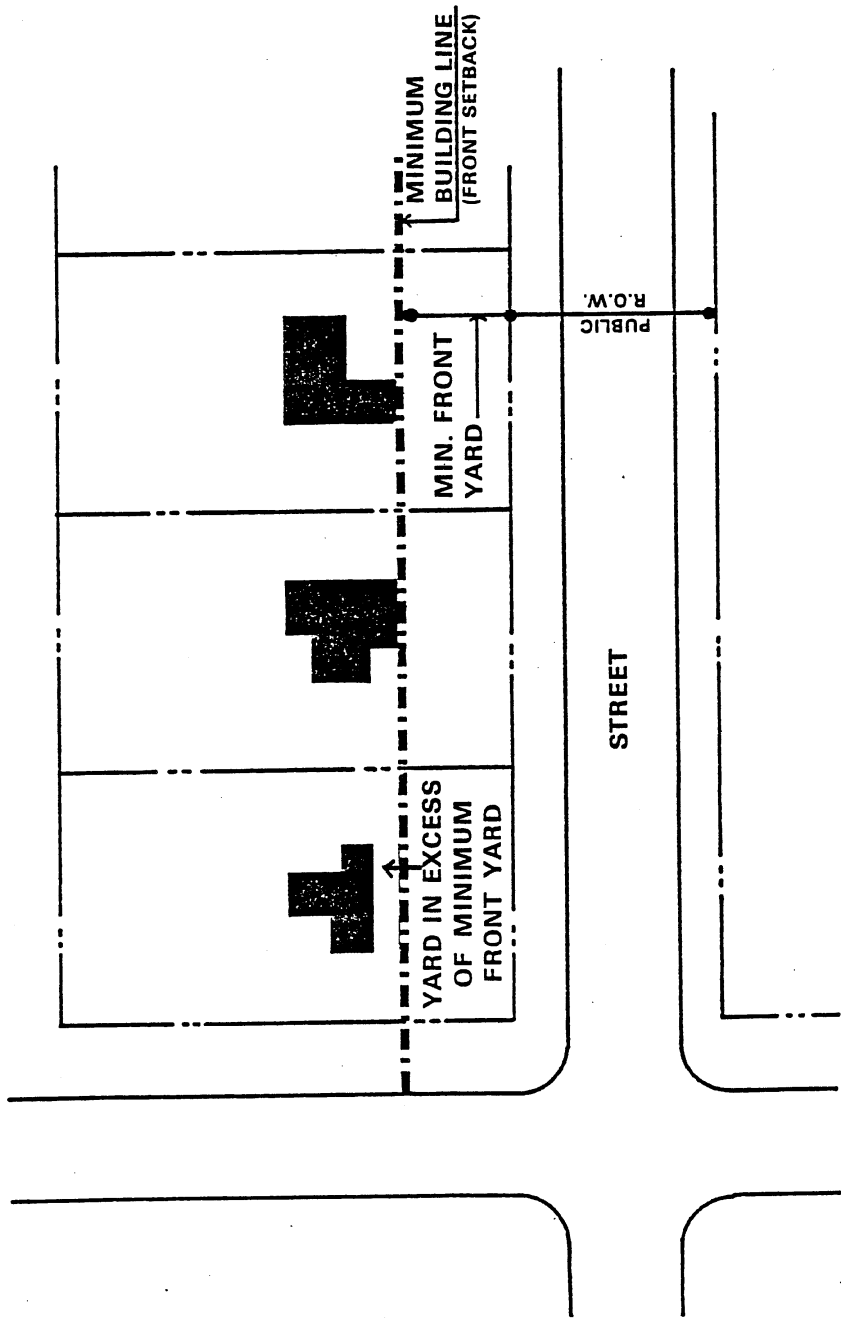
## BUILDING HEIGHT



INTERIOR, THROUGH & CORNER LOTS



**YARDS**



**BUILDING LINE**



## **ARTICLE 4 - LOW-DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)**

### ***SECTION 4.01 – INTENT***

The R-1 district is designed to provide areas for low-density, single family residential development on larger lots than the R-2 district.

### ***SECTION 4.02 – PRINCIPAL PERMITTED USES***

Unless otherwise provided in the Ordinance, no building shall be erected and no building or land shall be used in an R-1 district except for one or more of the following:

- A. Single-family dwellings
- B. Home occupations
- C. Accessory buildings and uses customarily incidental to any of the above permitted uses including not more than one garage with each dwelling in which may be housed not more than two (2) commercial farm vehicles. A family day care home is permitted as an accessory use to a single family home.
- D. Farms and agriculture, as defined in Article 3 (Section 10.31)
- E. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses

### ***SECTION 4.03 – SPECIAL LAND USES***

The following special land uses shall be permitted only after proper notice has been given and after review and approval by the Planning Commission, subject to the requirements and standards of Article 11. Site plan approval is required for all special land uses in this district. See Section 10.25.

- A. Accessory apartment (Section 11.03)
- B. Campgrounds, overnight camping parks (Section 11.07)
- C. Caretaker's residence (Section 11.08)
- D. Cemeteries (Section 11.10)

- E. Churches (Section 11.11)
- F. Colleges and universities (Section 11.13)
- G. Commercial greenhouse (Section 11.14)
- H. Convalescent, Nursing or Rest Home (Section 11.16)
- I. Golf course (Section 11.19)
- J. Kennels, private (Section 11.26)
- K. Limited business uses (Section 11.28)
- L. Ponds (Section 11.32)
- M. Public buildings (Section 11.33)
- N. Riding academies and stables, commercial (Section 11.36)
- O. Roadside stands/markets (Section 11.37)
- P. Schools (Section 11.38)
- Q. Local utility structures, electric stations (Section 11.40)
- R. Bed & Breakfast Inns (Section 11.42)
- S. Cluster Housing Option (Section 11.43)

***SECTION 4.04 – SITE PLAN APPROVAL***

A site plan shall be submitted for review and approval by the Planning Commission for any new multi-lot or condominium development not subject to the Subdivision Control Act or any substantial change in a multi-lot or condominium development. See Section 10.25.

***SECTION 4.05 – DEVELOPMENT REGULATIONS***

See Article 9, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

## **ARTICLE 5 - SINGLE FAMILY RESIDENTIAL DISTRICT (R-2)**

### ***SECTION 5.01 - INTENT***

The Single Family Residential District (R-2) is intended to provide home sites and a suitable environment for individuals, and families and individuals with children. To this end, uses are limited to single family dwellings, schools, parks, playgrounds, and similar uses which provide a neighborhood environment.

### ***SECTION 5.02 - PRINCIPAL PERMITTED USES***

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the R-2 district except for one or more of the following:

- A. Single family dwellings
- B. Home occupations
- C. Accessory buildings and uses customarily incidental to the above permitted uses, including a family day care home
- D. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses

### ***SECTION 5.03 - SPECIAL LAND USES***

The following special land uses shall be permitted only after proper notice has been given and after review and approval by the Planning Commission, subject to the requirements and standards of Article 11. Site plan approval is required for all special land uses in this district. See Section 10.25.

- A. Accessory apartment (Section 11.03)
- B. Cemeteries (Section 11.10)
- C. Churches (Section 11.11)
- D. Golf course (Section 11.19)

- E. Ponds (Section 11.26)
- F. Public buildings (Section 11.27)
- G. Schools (Section 11.31)
- H. Local utility structures, electric stations (Section 11.33)
- I. Bed & Breakfast Inns (Section 11.35)
- J. Cluster Housing Option (Section 11.36)
- K. (Reserved)

#### ***SECTION 5.04 – SITE PLAN APPROVAL***

A site plan shall be submitted for review and approval by the Planning Commission for any new multi-lot or condominium development not subject to the Subdivision Control Act or any substantial change in a multi-lot or condominium development. See Section 10.25.

#### ***SECTION 5.05 – DEVELOPMENT REGULATIONS***

See Article 9, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

### **ARTICLE 6 - MULTIPLE FAMILY DISTRICT (M)**

#### ***SECTION 6.01 – INTENT***

The Multiple Family District is intended to provide sites that serve the Village’s limited needs for apartment-type structures. Such development should be restricted to those sites where on-site soil conditions are suitable for septic tank/tile field sewage disposal and to areas where public sewers are likely.

#### ***SECTION 6.02 – PRINCIPAL PERMITTED USES***

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the M districts except for one or more of the following uses:

- A. Multiple family dwellings

- B. Two-family dwellings
- C. Rooming houses
- D. Group Child Care Facility
- E. Accessory uses customarily incidental to the above permitted uses
- F. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses

***SECTION 6.03 – SPECIAL LAND USES***

The following special land uses shall be permitted only after proper notice has been given and after review and approval by the Planning Commission, subject to the requirements and standards of Article 11. Site plan approval is required for all special land uses in this district. See Section 10.25.

Section 6.03 (cont'd)

- A. Cemeteries (Section 11.10)
- B. Churches (Section 11.11)
- C. Convalescent or nursing/rest home (Section 11.16)
- D. Schools (Section 11.30)
- E. Local utility structures, electric stations (Section 11.32)

***SECTION 6.04 – SITE PLAN APPROVAL***

A site plan shall be submitted for review and approval by the Planning Commission for any new multi-lot or condominium development not subject to the Subdivision Control Act or any substantial change in a multi-lot or condominium development. See Section 10.25.

***SECTION 6.05 – DEVELOPMENT REGULATIONS***

See Article 9, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

## **ARTICLE 6A - MANUFACTURED HOME PARK DISTRICT (MH)**

### ***SECTION 6A.01 - INTENT***

The Manufactured Home Park District is intended to provide an area that can serve the Village's limited needs for manufactured homes within a manufactured home park setting.

### ***SECTION 6A.02 - PRINCIPAL PERMITTED USES***

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the MH district except for one or more of the following uses:

- A. Manufactured home park or manufactured home condominium
- B. Parks and public recreation facilities
- C. Accessory uses customarily incidental to the above permitted uses
- D. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses

### ***SECTION 6A.03 - SPECIAL LAND USES***

The following special land uses shall be permitted only after proper notice has been given and after review and approval by the Planning Commission, and review and approval by the Village Council subject to the requirements and standards of Article 11. Site plan approval is required for all special land uses in this district. See Section 10.25.

- A. Local utility structures, electric stations (Section 11.32)
- B. Group Child Care Facilities (Section 11.23)

### ***SECTION 6A.04 - SITE PLAN APPROVAL***

A site plan shall be submitted for review and approval by the Planning Commission for any new use, addition to an existing use, structural alteration or substantial change in use. Site plan approval is required for all permitted uses and special land uses in this district. See Section 10.25.

### ***SECTION 6A.05 – DEVELOPMENT REGULATIONS***

See Article 9, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

### ***SECTION 6A.06 – OTHER REQUIREMENTS***

#### **Sewage**

All manufactured home park development shall be served by public sewer unless an alternative form of sewage disposal capable of handling the anticipated capacity without negatively impacting the health, safety, and welfare of the Village is approved by the Planning Commission.

#### **Landscaping**

In order to provide a buffer between a manufactured home park and an adjacent residential area with less density, a 15-foot wide landscaped greenbelt shall be provided along all property lines abutting an R-1 or R-2 district, per the requirements of Section 10.11. Furthermore, all exposed areas within a manufactured home park shall be seeded or sodded with grass or similar ground cover to reduce soil erosion and maintain a pleasing aesthetic appearance.

#### **Skirting**

All manufactured homes shall be skirted within thirty (30) days of placement within the manufactured home park. At a minimum, the skirting shall cover the entire undercarriage of the manufactured home, be manufactured with a material similar in appearance to the manufactured home exterior, and be sufficient to comply with the regulations of the State Mobile Home Commission.

#### **Roadways**

All dead-end roads shall have a cul-de-sac or similar means of allowing Fire Department and emergency vehicles to turn around smoothly and safely. In addition, the main entrance road connecting the manufactured home park to the public street system shall be at least 24 feet wide (27 feet back to back with curbs), have radii of at least 35 feet at the intersection with a public road, and meet the Village's 750-foot intersection sight distance standard.

## **Accessory Structures**

Any accessory structure (e.g., storage shed) placed on a manufactured home lot or parcel shall be located in the rear yard.

## **ARTICLE 7 - CENTRAL BUSINESS DISTRICT (CBD)**

### ***SECTION 7.01 - INTENT***

The Central Business District is designed to provide sites for office and diversified business types which would often be incompatible with nearby residential uses.

### ***SECTION 7.02 - PRINCIPAL PERMITTED USES***

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the Central Business District except for one or more of the following uses:

- A. Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to: groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, clothing or notions, and hardware
- B. Personal service establishments which perform services on the premises such as, but not limited to: watch, radio, television, or shoe repair, tailor shops, beauty parlors or barber shops, photographic studios, self-service laundries or dry cleaners, and printing
- C. Laundry, dry cleaning establishments or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- D. Restaurants
- E. Automobile service stations; tire, battery and accessory sales, and other similar types of facilities that do not have outdoor storage of materials, wastes, or damaged or wrecked vehicles



- F. Office buildings for occupations such as real estate, accounting, clerical, stenographic, insurance, legal, architectural, engineering and similar professions
- G. Medical and dental offices, including clinics
- H. Public buildings and utility company buildings, without service or storage yards or buildings
- I. Banks, credit unions, and similar uses
- J. Car wash (fully enclosed)
- K. Veterinary offices and clinics, excluding kennels
- L. New car or boat sales offices and showrooms, including accessory service facilities, provided that outdoor sales areas for used cars and boats are permitted only as an accessory use to the new vehicle dealership
- M. Clubs, lodge halls, rental or catering halls, and similar uses
- N. Funeral homes
- O. Hotels and motels
- P. Apartments located above commercial establishments
- Q. Utility distribution system structures
- R. Accessory uses customarily incidental to the above permitted uses
- S. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses

***SECTION 7.03 – SPECIAL LAND USES***

The following special land uses shall be permitted only after proper notice has been given and after review and approval by the Planning Commission, subject to the requirements and standards of Article 11.

- A. Auto service centers (Section 11.05)
- B. Car wash (Section 11.09)
- C. Commercial outdoor recreation (Section 11.15)
- D. Kennels, commercial (Section 11.20)
- E. Local utility structures (Section 11.32)
- F. (Reserved)

***SECTION 7.04 – SITE PLAN APPROVAL***

Site plan approval is required for all permitted uses and special land uses in this district. See Section 10.25.

***SECTION 7.05 – DEVELOPMENT REGULATIONS***

All new construction and major additions to existing structures within the Central Business District shall maintain the historic character and architecture of the district including exterior facades, exterior lighting and signage.

**ARTICLE 7A - OFFICE DISTRICT (O)**

***SECTION 7A.01 – INTENT***

The Office district is designed to provide sites for office development, serving as a transition area between the more intense commercial district and less intense residential areas.

***SECTION 7A.02 – PRINCIPAL PERMITTED USES***

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the O district except for one or more of the following uses:

- A. General office and medical office
- B. Office of a real estate business
- C. Banks and savings and loans and credit unions

- D. Accessory uses customarily incidental to the above permitted uses
- E. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses

***SECTION 7A.03 – SPECIAL LAND USES***

The following special land uses shall be permitted only after proper notice has been given and after review and approval by the Planning Commission, subject to the requirements and standards of Article 11.

- A. Local utility structures (Section 11.32)
- B. Group Child Care Facility (Section 11.23)

***SECTION 7A.04 – SITE PLAN APPROVAL***

Site plan approval is required for all permitted uses and special land uses in this district. See Section 10.25.

***SECTION 7A.05 – DEVELOPMENT REGULATIONS***

See Article 9, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

**ARTICLE 7B - PUBLIC INSTITUTIONAL DISTRICT (PI)**

***SECTION 7B.01 – INTENT***

The Public Institutional district is designed to provide sites for public and private recreation, public uses and utilities, commercial outdoor recreation facilities, and similar uses.

***SECTION 7B.02 – PRINCIPAL PERMITTED USES***

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the PI district except for one or more of the following uses:

- A. Public parks and recreation facilities
- B. Public utilities, including sewage treatment plants and facilities
- C. Lodge halls and similar meeting areas associated with a recreational site

- D. Accessory uses customarily incidental to the above permitted uses
- E. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses

***SECTION 7B.03 - SPECIAL LAND USES***

The following special land uses shall be permitted only after proper notice has been given and after review and approval by the Planning Commission, subject to the requirements and standards of Article 11.

- A. Local utility structures (Section 11.32)
- B. Group Child Care Facility (Section 11.23)
- C. Commercial Outdoor Recreation (Section 11.15)

***SECTION 7B.04 - SITE PLAN APPROVAL***

Site plan approval is required for all permitted uses and special land uses in this district. See Section 10.25.

***SECTION 7B.05 - DEVELOPMENT REGULATIONS***

See Article 9, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

**ARTICLE 8 - INDUSTRIAL DISTRICT (I)**

***SECTION 8.01 - INTENT***

The Industrial (I) district is intended to accommodate certain industrial, research and warehousing activities whose external physical effects are minimal and in no way detrimental to surrounding districts plus certain wholesale and intensive service activities of a nature that does not justify their inclusion in any commercial use district. To this end, all I uses shall comply with the Performance Standards of Section 10.18.

***SECTION 8.02 - PRINCIPAL PERMITTED USES***

Unless otherwise permitted in this Ordinance, no building shall be erected and no building or land shall be used in the I district except for one or more of the following uses:

- A. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement for enclosure.
- B. Research and office uses related to permitted industrial operations
- C. Any of the following uses when conducted wholly within a completely enclosed building:
  - 1. Warehousing and wholesale establishments, tool, die, gauge and machine shops
  - 2. The manufacture, compounding, processing, packaging or treatment of such products as: cosmetics, pharmaceuticals, toiletries, food products, hardware and household supplies
  - 3. The manufacture, compounding, assembling or treatment of articles or merchandise from the following types of previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fur, glass, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), ferrous and non-ferrous metals (excluding large castings and fabrications), shell, wax, wire, wood (excluding saw and planing mills) and yarns
  - 4. The manufacture of pottery and figurines, or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas
- D. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products, or injection molded or vacuum-formed plastic products
- E. Manufacture or assembly of electrical appliances, electronic instruments, radios and phonographs, computers, and similar products
- F. Experimental, film or testing laboratories

- G. Manufacture and repair of electric or neon signs, light sheet metal products, such as heating and ventilating equipment and ductwork, gutters, downspouts, and the like
- H. Storage, transfer and trucking terminals, mini-warehouses, electric and gas company and municipal service buildings and yards, sewage treatment and disposal plants
- I. Lumber yards, building materials storage and sales
- J. Heavy automobile repair garages (excluding junk yards or storage of wrecked vehicles)
- K. Indoor racquet sports building, ice arena, and similar uses involving large structures of the type that can be easily converted to industrial usage
- L. Contractor or builder's office, including an equipment storage yard if related to the contractor or builder's business
- M. Rental space for storage of travel trailers, motor homes, recreational vehicles, campers, boats and the like, provided all sides which abut property zoned for residential use shall have a six (6)-foot-high, completely obscuring wall or fence
- N. Accessory uses customarily incidental to the above permitted uses
- O. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses

***SECTION 8.03 – SPECIAL LAND USES***

The following special land uses shall be permitted only after proper notice has been given, after review and recommendation by the Planning Commission and after review and approval by the Village Council, subject to the requirements and standards of Article 11.

- A. Drive-in movie theater (Section 11.17)
- B. Kennels, commercial (Section 11.20)

- C. Retail uses (Section 11.27)
- D. Shooting ranges, gun clubs (Section 11.31)
- E. Utility uses (Section 11.32)
- F. Yard compost facilities (Section 11.12)
- G. Commercial Greenhouse (Section 11.14)
- H. Bus Passenger Station

***SECTION 8.04 – SITE PLAN APPROVAL***

Site plan approval is required for all permitted uses and special land uses in this district. See Section 10.25.

***SECTION 8.05 – GREENBELT***

Whenever an industrial use is adjacent to a Residential (R-2), Multi-Family (M), Low-Density (R-1), or Commercial (CBD) use, a greenbelt shall be provided as set forth in Section 10.11.

***SECTION 8.06 – DEVELOPMENT REGULATIONS***

See Article 9, Schedule of Regulations, for height, bulk, density, area, and setback requirements.

**ARTICLE 9 - SCHEDULE OF REGULATIONS**

***SECTION 9.01 – GENERAL PROVISIONS***

Except as otherwise specifically provided in this Ordinance, no lot shall be smaller than the minimum size specified in Section 9.02, nor shall the buildings or structures on any lot occupy a greater percentage of the lot than the maximum specified below.

Also, except as provided otherwise in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below, and no building shall be erected or maintained which exceeds the height limit specified below. The side setback requirement applies to a side lot line and shall also apply to any lot line which is neither a front, rear or side lot line as defined in the ordinance. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard,

front yard or other open space, may be counted or calculated to satisfy a yard or other open space requirement for any other building which is not located on the same lot.



**SECTION 9.02 – SCHEDULE OF DISTRICT REGULATIONS**

The following table lists the schedule of regulations for height, bulk, density, area, and setback requirements.

	<b>ZONING DISTRICTS</b>							
<b>REQUIREMENTS</b>	<b>R-1</b>	<b>R-2</b>	<b>M</b>	<b>MH</b>	<b>O</b>	<b>CBD</b>	<b>I</b>	<b>PI</b>
<b>Minimum Lot Size<sup>A</sup></b>								
W/sewers (sq.ft.)	19,200	9,000	19,200	5,500	19,200	1,200	--	10,000
W/out sewers (sq.ft.)	43,560	22,000	19,200	5,500	19,200	1,200	--	10,000
<b>Lot Width</b>								
w/sewers	90'	75'	120'	42'	120'	20'	--	75'
w/out sewers	130'	110'	120'	42'	120'	20'	--	75'
<b>Maximum Height</b>								
Feet	35'	35'	35'	35'	35'	35'	40'	35'
Stories	2.5	2.5	2.5	2	2	2	2	2
<b>Minimum Setbacks<sup>B</sup></b>								
Front <sup>C</sup>	50'	30'	25' <sup>E</sup>	25'	30'	0'	50'	30'
Side <sup>D</sup>								
Least	10'	10'	15' <sup>E</sup>	10'	10' <sup>F</sup>	0' <sup>F,G</sup>	0' <sup>F,G</sup>	10'
Total	30'	30'	30' <sup>E</sup>	25'	30' <sup>F</sup>	0' <sup>F,G</sup>	0' <sup>F,G</sup>	30'
Rear	25'	25'	25' <sup>E</sup>	20'	25'	0' <sup>G</sup>	0' <sup>G</sup>	25'
<b>Minimum Floor Area (sq.ft.)</b>	1,200	1,100	-- <sup>H</sup>	720	900	1,200	2,000	900
<b>Maximum Lot Coverage</b>	25%	25%	25%	--	25%	--	--	--

**SECTION 9.03 – FOOTNOTES TO SECTION 9.02**

- A.** The ratio of lot depth to lot width shall not exceed 4:1 for any lot 20 acres or less in any district. Also, the “with sewer” densities may be permitted for developments proposed to have all units connected to the Village sewer system and for any development providing its own master wastewater treatment facility meeting the standards of the State Health Department and the Department of Natural Resources and Environment.
- B.** In determining required yard spaces (minimum setbacks) for all land uses in any zoning district, the determination of such yard spaces shall be the distance from the building or structure on the lot at the nearest lot line. Front yard setbacks for the yard spaces shall be measured from the edge of the existing right-of-way line for such thoroughfare to the building or structure on a lot. See Section 10.01 for setbacks applying to accessory buildings.
- C.** Where a front yard of less depth than the specified depths exists in the front of more than 50 percent of the lots of record on one side of the street in any block at the time of the passage of this Ordinance, the depth of the front yard of any building subsequently erected on that side of the street in the block shall not be less than the average depths of the front yards of such existing dwellings. In rural areas, a block shall be measured 1,300 feet in each direction from the centerline axis of the lot in question or to the nearest intersecting street, whichever is less.
- D.** The following shall apply to all districts: where a side yard abuts upon a street, it shall constitute a front yard and all buildings, structures and accessory uses shall be located not less than the required front setback.

- E.** Multiple Family Residential Development Requirements: Front, side, and rear yards relating to the spacing between buildings in multiple family developments shall have the following overall dimensions:

<b>Building Relationship</b>	<b>Overall Distance Between Buildings (Exclusive of Parking Area)</b>
Front to Front	50'
Front to Side	40'
Front to Rear	50'*
Rear to Rear	50'*
Rear to Side	40'
Side to Side	30'
Corner to Corner	25'

\*Parking may be permitted in up to 50 percent of the required yard, provided there is at least 25' of yard space between the building and parking area.

- F.** For side yards which border on a residential district, there shall be provided a setback of at least thirty (30') feet.
- G.** Walls must meet appropriate fireproof rating (see building code) or a 10' setback will be required.
- H.** The minimum floor area, per unit, for multiple family dwellings shall be as follows:

Efficiency unit	600 square feet
One bedroom unit	720 square feet
Two bedroom unit	840 square feet
Three bedroom unit	960 square feet
Each additional bedroom	120 square feet

## ARTICLE 10 - GENERAL PROVISIONS

### ***SECTION 10.01 - ACCESSORY BUILDINGS***

All accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to the main building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the main building.
- B. No accessory building shall be erected in any required yard, except a rear yard.
- C. Where a building in a non-residential district is accessory to a use of land, it shall comply with all setback requirements for a main building.
- D. Accessory buildings on corner lots shall maintain the specified front setback from both streets, as required for main buildings in the same zoning district.
- E. No accessory building shall be erected prior to the construction of the main building unless approved by the Zoning Board of Appeals. The Zoning Board of Appeals shall require that a cash performance guarantee be posted to insure completion of the main building, as a condition of approval for prior construction of an accessory building.
- F. Buildings accessory to residential building, in R-1, R-2, M, and MH districts shall comply with the following:
  - 1. No residential accessory building shall have exposed or uncovered cement block walls, tarpaper, plywood sheathing, or similar materials. All exposed walls shall have a finished appearance by the application of face brick, wood, aluminum or composition siding, or similar materials approved by the Building Inspector.
  - 2. In order to maintain the appearance of a residential accessory building, overhead or similar doors over 8 feet high, and similar equipment and features shall not be permitted.

3. A minimum setback of 10 feet from all property lines shall be maintained. In no instance shall an accessory structure be closer than 15 feet from any traveled way.
4. The combined gross floor area of all accessory structures on a lot shall not exceed the gross floor area of the main building.

### ***SECTION 10.02 – APPROVED FACING MATERIALS***

All residential dwellings in R-1, R-2, MH, and M districts shall have their exposed exterior walls covered by face brick, aluminum, wood or composition siding, or other similar materials approved by the Building Inspector. In no instance shall any dwelling have exposed concrete, cement, or cinder block, or other similar unfinished exterior surfaces.

### ***SECTION 10.03 – BUILDING GRADES***

- A. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. There shall be a sloping grade beginning at the finished grade line at the front of the building to the front lot line. However, this shall not prevent the maintenance of naturally existing grades or the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties.
- B. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent properties. A minimum grade of eighteen (18”) inches shall be established above the crown of the road for all dwellings.
- C. Final grades shall be approved by the Building Inspector. The Building Inspector may require the developer to submit a written opinion of a registered civil engineer or land surveyor.

### ***SECTION 10.04 – CONFLICTING REGULATIONS***

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or

ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

***SECTION 10.05 – CORNER CLEARANCE (VISIBILITY AT INTERSECTIONS)***

In all districts, no fence, wall shrubbery, sign or other obstruction to vision above the height of thirty (30) inches from the established street grades shall be permitted within the intersection of any street drawn between right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

***SECTION 10.06 – ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT***

In all R-1 and R-2 districts and on subdivision lots in M districts, there shall not be more than one (1) residential dwelling on a recorded lot or parcel except for a Caretaker’s Residence approved under Section 11.08. See Section 10.29 for Condominium Approval requirement.

***SECTION 10.07 – ESSENTIAL SERVICES***

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, supply or disposal systems, including mains, drains, sewer pipes, conduits, wires, cables, fire alarm boxes, police call boxes, accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service to the residents of the Village by such utilities or municipal departments for the general health, safety and welfare are exempt from the requirements of this ordinance unless otherwise provided for herein. Essential services, as used in this Ordinance, do not include utility structures, utility transmission systems, or utility transmission structures regulated by Section 11.32.

***SECTION 10.08 – FLOOD PLAINS AND WETLANDS PROTECTION***

The Village of Metamora finds that flood plain protection is important in order to reduce the flood risk to Village residents and other communities upstream. Likewise, wetlands conservation is a matter of Village concern since loss of wetlands may deprive people in the Village of: flood and storm control by hydrologic absorption and storage capacity of the wetland; wildlife habitat through loss of breeding, nesting and feeding grounds; protection of subsurface water resources and provision of valuable watersheds and groundwater recharge areas; pollution treatment by serving

as a biological and chemical oxidation basin; and erosion control by serving as a sedimentation area and filtering basin, absorbing silt and organic matter.

For the above reasons it shall be unlawful to construct any building or otherwise fill any area that causes a reduction in the floodway of a river or stream in the Village. Likewise, it shall be unlawful to deposit or permit the placing of fill material in a wetland; dredge, remove, or permit the removal of soil or minerals from a wetland; construct, operate, or maintain any use or development in a wetland; or drain surface water from a wetland unless a permit is granted by the Michigan Department of Natural Resources and Environment. A wetland shall be defined as any area shown as a marsh, wooded marsh or submerged marsh on United States Geological Survey (USGS) data or any other area so defined by the Michigan Department of Natural Resources and Environment or Public Act 203 of 1979.

All proposed development on property with identified wetlands shall require site plan review and approval by the Planning Commission prior to beginning construction. Where there is an identified flood plain, no development shall occur within the flood plain or an area 30 feet above the established 100-year flood plain level. Where no official flood plain level has been established, there shall be no development within an area 30 feet above the water's edge.

***SECTION 10.09 – FRONTAGE***

Every dwelling or principal building shall be located on a lot or parcel which fronts upon a public road for the minimum width of the lot or upon an approved private road which meets all requirements of the Village's Road Ordinance. Modification of this requirement may be permitted by the Village Council only in the specific instance of private drives as provided for in the Road Ordinance.

***SECTION 10.10 – GENERAL YARD AND AREA LIMITATIONS***

- A. **Nonduplication.** In determining area and yard requirements, no area shall be counted as accessory to more than one dwelling or main building or use, and no area necessary for the compliance with the open-space requirements for one dwelling or main building or use shall be counted in the calculation of the open-space accessory to any other dwelling or main building or use.
- B. **Minimum Area.** No parcel of land shall be so reduced that the yards or other open spaces or the area thereof is less than the

minimum required by this Ordinance. Accessory buildings, including garages, enclosed porches and carports attached to a dwelling or other main building shall be deemed part of such building for the purpose of determining yard requirement.

- C. **Yard Abutting Highways.** Where a rear yard abuts upon a public highway, the setback of all buildings from the nearest side of the highway right-of-way shall be no less than the yard requirements of other buildings fronting upon such highway.
- D. **Established Front Yards.** In the event that any vacant parcel of land on which a dwelling or other main building is to be erected is located between other lots or parcels of land on which existing dwellings or main buildings have front yards less than the depth required by appropriate section of this Ordinance, then the front yards shall not be less than the average depth of the front yards of all such buildings within one hundred (100) feet of the side lines of such parcel.
- E. **Rear Yard Uses.** No accessory building or structure shall be erected, nor shall any vehicle or structure shall be erected, nor shall any vehicle or structure be stored in any yard except the rear yard.

### ***SECTION 10.11 – GREENBELTS, LANDSCAPING, AND PLANT MATERIALS***

- A. Whenever a greenbelt is required by this ordinance or landscaping is proposed by a developer, it shall be planted within six (6) months from the date a certificate of occupancy is issued and shall thereafter be maintained in a healthy, growing condition to provide a screen to abutting properties. Specific planting requirements for greenbelts are as follows:
  - 1. The planting strip shall be no less than fifteen (15) feet in width.
  - 2. Plant materials shall not be placed closer than four (4) feet from the property line.
  - 3. A minimum of one (1) evergreen tree shall be planted at ten (10) foot intervals.
  - 4. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees.
  - 5. Plant materials within the greenbelt should have a pleasing natural appearance by staggering the plants in one or more rows or by grouping of materials.



6. No earthen berm shall exceed a height of four (4) feet. To avoid a monotonous appearance and insure proper drainage in the area, the berm shall be broken or provided with openings at least every seventy-five (75) feet.

B. Suggested plant materials:

1. The following evergreens and all similar plants proposed shall be a minimum of four (4) feet in height with an average spread of thirty (30) inches:

Fir	Pine
Juniper	Red Cedar
American Arborvitae	Pyramidal Arborvitae
Columnar Juniper	Irish Juniper

2. The following types of single stem, tree-like shrubs shall have a minimum caliper of two (2) inches installed:

Flowering Crabs	Russian Olive
Smoke Bush	Clump Bush
Mountain Ash	Dogwood
Red Bud	Rose of Sharon

3. The following types of deciduous shrubs shall have a minimum height of three (3) feet when installed:

Honey Suckle	Viburnum
Mockorange	Tall hedge
Holly (Varieties)	Forsythia
Barberry	Ninebark

4. The following types of trees shall have a minimum caliper of three (3) inches when installed:

Marshall Seedless Ash  
Birch  
Linden  
Thornless, Seedless Varieties of Locust  
Hard Maples  
Oak

***SECTION 10.12 – NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES***

A. Intent:

It is the intent of this Ordinance to permit nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such uses are declared by this Ordinance to be incompatible permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon or expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Nonconforming Lots:

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirements variances may be obtained through approval of the Zoning Board of Appeals.
2. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by the Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

C. Nonconforming Uses of Land:

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If such nonconforming use of land ceases for any reason for a period of six (6) consecutive months or for eighteen (18)

months during any three year period, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D. Nonconforming Structures:

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
2. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

E. Nonconforming Uses of Structures and Land:

If a lawful use of a structure, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, constructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located

2. Any nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. In any district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land or a structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure and premises in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Repairs and Maintenance:

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on

ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official.

G. Uses Allowed as Special Land Uses:

Any use which is permitted as special land use as provided in this Ordinance shall not be deemed a nonconforming use but shall without further action be deemed as a conforming use in such district.

H. Change of Tenancy or Ownership:

There may be a change in tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

***SECTION 10.13 – OFF-STREET LOADING AND UNLOADING***

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- A. All spaces shall be provided so as not to interfere with any off-street parking spaces or maneuvering lanes.
- B. All spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in I district shall be provided in the ratio of one (1) space for each 20,000 square feet of gross floor

area up to a maximum of five (5) required loading spaces. All industrial and commercial businesses shall provide at least one (1) off-street loading/unloading space.

***SECTION 10.14 – OFF-STREET PARKING SPACE STANDARDS***

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, or the establishment of any use, automobile off-street parking space with adequate access to all spaces, in conjunction with all land or building uses (including the principal use and all auxiliary uses).

- A. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant when an application for a building permit or a certificate of occupancy is filed.
- B. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, parking lot, or combination thereof. Such spaces shall be located on the premises they are intended to serve. Single and two-family residential off-street parking are exempt from regulations of the Article governing a parking lot.
- C. Any area designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided in a location which meets all requirements of this Ordinance.
- D. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

- E. Where the owners of two buildings, or uses, whose operating hours do not overlap, desire to utilize common off-street parking facilities, application shall be made to the Zoning Board of Appeals. The Board may grant approval of such dual function off-street parking facilities, subject to a finding that the following conditions have been met:
1. The office hours of the two buildings, or uses, in no way overlap, except for custodial personnel.
  2. The common parking lot meets the off-street parking requirements of the larger building or use plus fifteen (15) percent.
  3. The common parking lot meets all location requirements of this Ordinance with respect to each building or use.
- F. Required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Under no circumstances shall it be rented, used for other than parking purposes, or allowed to become unusable (except for temporary repairs). The storage of vehicles or the repair of vehicles on any off-street parking space is prohibited.
- G. For those uses not specifically mentioned, the requirements of off-street parking facilities shall be interpreted by the Planning Commission from requirements for uses similar in type.
- H. For the purpose of computing the number of parking spaces required in commercial or industrial uses, the definition of Gross Floor Area, in Article 3, definitions, shall govern.
- I. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule (multiple-page table):



USE	MINIMUM NUMBER OF PARKING SPACES PER INDICATED AREA OR UNIT OF MEASURE
<b>RESIDENTIAL</b>	
One-Family Residential	Two (2) for each unit
Two-Family Residential	Two (2) for each unit
Multiple-Family Residential	Two (2) for each unit
Independent Elderly, where residents live in their own independent apartment or other housekeeping unit	One (1) for each dwelling unit and one (1) for each employee
Congregate Elderly, where residents occupy a private or shared room, and have meals, medical, laundry, and other services provided daily	One (1) for each four (4) units

USE	MINIMUM NUMBER OF PARKING SPACES PER INDICATED AREA OR UNIT OF MEASURE
<b>INSTITUTIONAL</b>	
Homes for the Aged (assisted living, convalescent care, and nursing homes)	One (1) for each two (2) beds
Churches or Temples	One (1) for each three (3) persons allowed under state, county or local fire and health regulations or one (1) for each five (5) feet of pews in the main unit of worship, whichever is greater
Hospitals	Two (2) for each one (1) bed plus parking for related uses
Private and Public Elementary and Junior High Schools, and similar institutions	One (1) for each two (2) seats in the auditorium or assembly hall, or one (1) space for each employee, plus ten (10) visitor spaces, whichever is greater
Public and Private High Schools and similar institutions	One (1) for each two (2) seats in the auditorium or assembly hall, or one (1) space for each employee, plus one (1) space for each four (4) students, whichever is greater
Public and Private Schools converted for Adult Education Classes	One (1) space for each one and one-half (1-1/2) students based on the maximum occupancy as determined by local or state fire codes
Commuter/Community College, University, Business Vocational, or similar school principally enrolling students 17 years of age or older	One (1) parking space for each pupil plus parking requirements for places of public assembly shall be met if used during periods of classroom assembly
Small Residential Colleges, religious schools, and similar institutions	One (1) for each three (3) students plus one (1) for each employee

USE	MINIMUM NUMBER OF PARKING SPACES PER INDICATED AREA OR UNIT OF MEASURE
<b>INSTITUTIONAL (continued)</b>	
Private clubs or lodges	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire and health codes
Private swimming pool clubs or other similar uses	One (1) for each two (2) member families or individuals, plus spaces required for each accessory use such as a restaurant or bar
Fraternity or Sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater
Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each employee
Theaters and auditoriums in shopping centers	One (1) for each four (4) seats
Stadia, Sports Arenas, or other place of outdoor assembly	One (1) for each three (3) seats or five (5) feet of benches
Libraries, Museums, or Post Offices	One (1) for each two hundred (200) square feet of gross floor area (5 spaces per 1,000 sq.ft. GFA)
Nursery Schools, day nurseries, or child care centers	One (1) for each three hundred fifty (350) square feet of usable floor area (2.86 spaces per 1,000 sq.ft), plus one (1) space for each employee
<b>OFFICES</b>	
Banks, Savings & Loans, or Credit Unions	One (1) for each two hundred (200) square feet of usable floor area (5 spaces per 1,000 sq.ft), plus five (5) automobile standing (queue) areas for each drive-thru teller window. The automobile standing space shall not be less than twenty (20) feet by nine (9) feet. The standing area shall not be considered parking space.

USE	MINIMUM NUMBER OF PARKING SPACES PER INDICATED AREA OR UNIT OF MEASURE
<b>BUSINESS OFFICES &amp; PROFESSIONAL OFFICES</b> <i>EXCEPT AS INDICATED IN THE MEDICAL/DENTAL CATEGORY*</i>	
Offices under 50,000 square feet GFA	Four and one-half (4.5) spaces for each 1,000 square feet of GFA
Offices containing 50,000 – 99,999 square feet GFA	Four (4) spaces for each 1,000 square feet of GFA
Offices containing 100,000+ square feet GFA	Three and one-half (3.5) spaces for each 1,000 square feet of GFA
<i>*Professional offices of doctors, dentists, veterinarians, or similar professions; also Outpatient Clinics</i>	One (1) space for each seventy-five (75) square feet of GFA
<b>INDUSTRIAL</b>	
Industrial or Research establishments and related accessory offices	Five (5) plus one (1) for each employee in largest working shift, or five (5) plus one (1) for each five hundred (500) square feet GFA (2 spaces per 1,000 square feet), whichever is greater
Warehouses and Wholesale establishments and related accessory offices	Five (5) plus one (1) for each employee in largest working shift, or five (5) plus one (1) for each seventeen hundred (1,700) square feet of GFA (0.59 spaces per 1,000 square feet), whichever is greater
Self-storage or Mini-warehouses	One (1) for each ten (10) storage units
<b>BUSINESS/COMMERCIAL</b>	
Commercial or Shipping Center	One (1) for each two hundred (200) square feet of GFA (5 spaces per 1,000 square feet)
Furniture and Appliance, Hardware, household equipment repair shops, showroom of a plumber, decorator, electrician, similar trade; other similar uses	One (1) for each eight hundred (800) square feet of GFA (1.25 spaces per 1,000 square feet), plus one (1) for each two (2) employees

USE	MINIMUM NUMBER OF PARKING SPACES PER INDICATED AREA OR UNIT OF MEASURE
<b>BUSINESS/COMMERCIAL (continued)</b>	
Beauty and Barber Shops	Three (3) for each chair, tanning station, or similar use area
Mortuaries and Funeral Parlors	One (1) for each three (3) persons allowed under state, county, or local fire and health codes
Miniature Golf establishments	Two (2) for each one (1) hole and one (1) for each employee, plus parking for accessory uses
Golf Driving Ranges	One and one-half (1-1/2) for each driving pad
Bowling Alleys	Five (5) for each bowling lane plus parking for accessory uses
Dance halls, Pool or Billiard parlors, Roller Skating rinks, and Exhibition halls without fixed seats	One (1) for each three (3) persons allowed under state, county, or local fire and health codes
Establishments for the sale and consumption on the premises of Beverages, Food or Refreshments (except fast food restaurants)	One (1) for each one hundred (100) square feet of GFA (10 spaces per 1,000 square feet)
Fast Food Restaurants	One (1) space for each sixty (60) square feet of GFA (16.7 spaces per 1,000 sq.ft), plus a minimum of eight (8) automobile standing spaces for drive-up window (if provided). The automobile standing space shall not be less than twenty (20) feet by nine (9) feet. The automobile standing area shall not count towards the parking requirement.

USE	MINIMUM NUMBER OF PARKING SPACES PER INDICATED AREA OR UNIT OF MEASURE
<b>BUSINESS/COMMERCIAL (continued)</b>	
Carry-out only Restaurants	One (1) for each twenty-five (25) square feet of usable floor area (40 spaces per 1,000 sq.ft), plus a minimum of eight (8) automobile standing spaces for drive-up window (if provided). The automobile standing space shall not be less than twenty (20) feet by nine (9) feet. The automobile standing area shall not count towards the parking requirement.
Laundromats and coin-operated laundry, and Dry Cleaners	One space (1) for each two (2) machines
Automobile Wash (automatic)	One (1) space for each one (1) employee plus an automobile standing area outside the car wash structure equal to four (4) times the maximum capacity of the auto wash. The maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).
Automobile Wash (self-service)	One (1) space for each employee plus five (5) automobile standing spaces for each washing stall in addition to the stall itself. The automobile standing spaces shall be no less than twenty (20) feet by nine (9) feet.

USE	MINIMUM NUMBER OF PARKING SPACES PER INDICATED AREA OR UNIT OF MEASURE
<b>BUSINESS/COMMERCIAL (continued)</b>	
Gasoline Service Stations (full-service)	Four (4) parking spaces, exclusive of stall space, for each stall, plus one (1) for each fuel pump. In no instance shall required parking space or maneuvering area conflict with vehicles being re-fueled or awaiting fuel.
Gasoline Stations (no vehicle repair, alterations or service)	One (1) space for each fuel pump plus one (1) space for each employee. In no instance shall required parking space or maneuvering area conflict with vehicles being re-fueled or awaiting fuel.
Gasoline Stations with convenience retail food and beverage sales other than machine sales	Same as above plus one (1) space for each two hundred fifty (250) square feet of GFA devoted to retail food & beverage sales
Motel, Hotel or other commercial lodging establishments	One and one-quarter (1.25) spaces for each unit plus parking for accessory uses
Motor Vehicle Sales and Service	One (1) space for each two hundred (200) square feet of usable floor area of sales room and one (1) for each one (1) auto service stall exclusive of the stall itself
Conference Facility	One (1) for every three (3) persons allowed within the maximum occupancy established by the fire department or state, county, or local building and health codes, plus parking for accessory uses
Retail stores except as specified herein	One (1) space for each one hundred fifty (150) square feet of GFA

When units of measurement determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.

**SECTION 10.15 – OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE**

Whenever the off-street parking requirements in Section 10.14 require the building of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector or Official. Applications for a permit shall be submitted in such form as may be determined by the Building Inspector or Official, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
  
- B. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern (in degrees)	Lane Width	Space Width	Space Length	Total width of 2 tiers of spaces plus maneuvering lane
0 (Parallel)	12'	8'	23'	40'
30 – 53	12'	9'	18'	52'
54 – 74	15'	9'	18'	58'
75 – 90	24'	9'	18'	60'

- C. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto the street shall be prohibited.



- D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

- E. All maneuvering lane widths shall permit one-way traffic movement, except that the 90 degree pattern may permit two-way movement.
- F. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from any adjacent property located in any single-family residential district.
- G. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district (R-1, R-2, MH or M) and shall be subject further to the requirements of Section 10.22.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

- H. The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Planning Commission. The parking area shall be surfaced within one year of the date the permit for its construction is issued or within six months of completion of an associated principal structure, whichever comes first.

Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the Village.

I. All lighting used to illuminate any off-street parking area shall be installed as to be confined within and directed onto the parking area only.

J. Parking Lot Landscaping Requirement

In addition to requirements for landscaping setback areas, all off-street parking lots of more than forty (40) spaces shall incorporate and provide curbed or otherwise protected landscaped islands located within the parking lot itself. The minimum size for a landscaped island shall be five by fifty (50) square feet. The ratio of landscaped area to number of parking spaces shall be one hundred (100) square feet or each twenty (20) parking spaces. The landscaped islands shall be provided with a variety of plant materials including trees of a selected variety and size as may be practical for planting and architectural effect, and a variety of low-growing shrubs. Maximum mature shrub height shall be twenty-four inches (24") and minimum canopy height of deciduous trees shall be six feet (6').

K. End Islands Required

In order to delineate on-site circulation, ensure adequate sight distance at the intersection of parking aisles, ring roads, and private roads; protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, end islands (painted, landscaped, or raised curb) shall be required at the end of all parking bays in off-street parking lots of more than forty (40) spaces. At a minimum, one landscaped island (see J. above) or raised curb island shall be provided for every two (2) painted islands.

L. In all cases where a screen wall extends to a driveway which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than fifteen (15) feet from

such driveway line in order to permit a wider means of access to the parking area.

- M. The Village may substitute a screen fence and/or a greenbelt in place of the wall, as provided in Section 10.22, where no good purpose would be served by the wall.

***SECTION 10.16 – OFF-STREET WAITING SPACE***

All businesses which provide a drive-up window or similar method for serving customers while staying in their automobiles shall provide adequate off-street waiting space. Each off-street waiting space shall occupy an area eight (8) feet wide by twenty (20) feet long and shall be exclusive of all required parking and maneuvering aisles.

***SECTION 10.17 – PERFORMANCE GUARANTEE***

Whenever improvements such as paving of parking areas, greenbelts, screen walls, or other improvements are required by the Ordinance, they shall be shown on a site plan for the proposed use. In addition, the owner of the subject property shall deposit with the Village Clerk a cash performance guarantee or equivalent financial instrument in the amount of \$500.00 or 20% of the estimated cost of the required improvements, whichever is the larger amount. The entire sum shall be returned to the owner upon satisfactory completion of the required improvements within the time limits specified herein.

***SECTION 10.18 – PERFORMANCE STANDARDS***

Except for agricultural operations using generally recognized good farming techniques, no use otherwise allowed shall be permitted within any district which does not conform to the following minimum requirements and standards of use, occupancy and operation:

- A. Smoke

It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to an opacity greater than twenty percent (20%), such measurement being taken as the average over a period of six minutes, as measure by U.S. EPA Method #9. In no case shall any property, business, or use emit smoke in a way which becomes offensive or a nuisance to adjoining properties.

B. Dust, Dirt, and Fly Ash

No person, firm, or corporation shall operate any process, device, or equipment in a manner that causes dust, dirt, or fly ash to settle upon or otherwise interfere with the use of other properties.

C. Open Storage

The open storage of any industrial or commercial equipment, vehicles and all materials, including wastes, except new vehicles for sale and/or display, shall be screened from public view, from a public street and from adjoining properties by an obscuring masonry wall or pressure treated wood fence not less than the height of the equipment, vehicles, or materials to be stored to a maximum height of eight (8) feet. Whenever such open storage is adjacent to any residential zone, the required obscuring wall or fence shall be at least six (6) feet in height. In no instance shall any open storage of equipment, vehicles and/or materials be permitted within a required front yard in any zoning district.

D. Glare and Radioactive Materials

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

E. Fire and Explosive Hazards

The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the Rules and Regulations of the State of Michigan.

F. Noise

No operation or activity shall cause or create noise that has any annoying or disruptive effect on adjoining properties, that becomes a nuisance to adjacent uses and/or that exceeds the sound levels prescribed below, using an A-weighted decibel scale dB(A), when measured at the lot line of any adjoining use, based upon the following maximum allowable levels for each use district:

Zoning of Adjoining Land Use	Maximum Allowable Noise Level Measured in dB(A)	
	6 am to 9 pm	9 pm to 6 am
R-1, R-2, M	60	45
C	70	60
I	85	75

G. Odors

Odorous matter released from any commercial or industrial uses or district shall not exceed the odor threshold concentration beyond the property lines when measured either at ground level or habitable elevation. The air samples shall be taken at the common property line with an adjoining use.

H. No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes, and crates, or other offensive or obnoxious matter shall be piled, placed, stored or dumped on any land within the Village until the operator has obtained a landfill permit from the Michigan Department of Natural Resources and Environment and Village Board approval. All uses in every zoning district shall place waste materials in an appropriate covered container and properly dispose of same at least once each month in accordance with State Law and Village Ordinance. Nothing contained herein shall prevent the reasonable use of fertilizers, manures, and similar materials for the improvement of land utilized for agricultural purposes where such use does not constitute a public or private health hazard.

**SECTION 10.19 – PRIVATE DRIVES**

Private drives, other than private roads, which serve parcels of land without frontage are subject to the following requirements:

- A. Only one (1) residence may have access to and from a private drive.
- B. The private drive easement shall be a minimum of sixty-six feet (66') wide for its entire length. It shall be shown on the deed or land contract as being for ingress, egress and roadway purposes, and a copy of same provided to the Village.
- C. A copy of the property deed or land contract shall be submitted and shall clearly indicate that the maintenance of the private drive is the responsibility of the owners of said parcel.
- D. The driveway shall be properly landscaped and maintained, and dust shall be controlled at all times by hard surfacing or chemical treatment.
- E. The address of the subject parcel shall be permanently posted, to assist the Fire Department in identifying homes during a fire call. The location and design of the address sign shall conform to standards adopted by resolution of the Village Council.

***SECTION 10.20 - PRIVATE ROADS***

No private road shall be developed in Metamora Village unless it has been approved by the Village and meets all requirements of the Metamora Village Road Ordinance and any subsequent amendments.

***SECTION 10.21 - SCOPE OF ORDINANCE***

Except as otherwise provided in this Ordinance, no land or existing building or structure, and no new building or structure, or part thereof, shall hereafter be located, erected, used or altered other than in conformity with the provisions of this Ordinance.

***SECTION 10.22 - SCREEN WALL AND FENCE REQUIREMENTS***

- A. All fences of any nature, type or description located in the Village shall conform to the following regulations:
  - 1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Inspector as conforming to the requirements of the

zoning district wherein they are located and to the requirements of this Section.

2. Fences in Residential Districts, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
  - a. No fence shall hereafter be erected, along the line dividing lots or parcels of land or located within any required side or rear yard, in excess of six (6) feet in height or less than three (3) feet in height above the grade of the surrounding land.
  - b. No fence shall hereafter be located in the front yard of the lots or parcels in question more than three (3) feet in height.
  - c. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited, except as provided below. Barbed wire cradles may be placed on top of fences enclosing public utility buildings as deemed necessary in the interests of public safety.
3. Fences in R-1 districts and fences for agricultural uses in other districts, after approval as to location and type by the Building Inspector, may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in a good condition and do not result in an unreasonable hazard to persons who might come near them.
4. No fence or wall shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, within a triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street right-of-way extended.

5. Whenever a fence is proposed in other than a residential or agricultural district, it shall require the issuance of a building permit and shall comply with the following:
- a. The maximum height for all fences, including security fences and obscuring fences, shall be six (6) feet, unless otherwise provided for in this Ordinance.
  - b. Open, wire fences shall be of a chain-link variety only. Plastic, vinyl, aluminum or wood slats, or similar devices placed through the wire fences, shall not be used to satisfy the requirements of this Ordinance for screening or an obscuring fence.
  - c. When an obscuring wood fence is proposed, it shall be constructed entirely of pressure treated wood or metal posts and pressure treated wood panels, to assure durability and relative freedom from the need for regular maintenance.

B. For those Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below:

USE	REQUIREMENTS
Off-street Parking Area	4'6" high wall
CBD Districts	4'6" high wall
I Districts (open storage areas, loading & unloading areas, service areas)	5' to 8' high wall

- C. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts.
- D. Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided in the Ordinance and except such openings as may be approved by the Building Inspector. All walls herein required shall be



constructed of material approved by the Building Inspector to be durable, weather resistant, rust proof and easily maintained. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Building Inspector and shall not be less than four (4) inches wider than the wall to be erected.

Masonry walls may be constructed with openings higher than thirty-two (32) inches above grade provided such openings are not larger than sixty-four (64) square inches, provided that the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum wall height requirements.

- E. The Planning Commission may substitute an obscuring fence and/or a greenbelt for the required masonry screen wall where they determine that a wall would serve no good purpose and the obscuring fence and/or a greenbelt would uphold the intent of this Ordinance. An obscuring fence shall meet all requirements of this section and all greenbelts shall comply with Section 10.11.

### ***SECTION 10.23 – SIGN REGULATIONS***

- A. General requirements that apply to all signs
  - 1. A building permit shall be required for the erection, construction or alteration of any sign and all such signs shall require site plan approval by the Planning Commission. This shall not be construed to require a permit for a change of copy on a changeable copy sign, or the re-painting, cleaning and other normal maintenance or minor repair of a sign or sign structure, so long as the sign or sign structure is not substantially altered.
  - 2. There shall be no flashing, oscillating or intermittent type of illuminated sign or display; nor shall there be any streamers, windblown devices, spinners, temporary or portable signs, pennants or flags other than those permitted by specific action of the Planning Commission.
  - 3. Portable and vehicle advertising signs are hereby prohibited regardless of form, size, character, or placement. A portable sign is a freestanding sign not permanently anchored or secured

to either a building or the ground. A vehicle sign is a vehicle advertising sign, other than a vehicle “for sale” sign (4 square feet maximum), when the vehicle upon which the sign is painted or attached is parked or placed upon the owner’s or tenant’s premises primarily for advertising purposes.

4. No sign, except those established and maintained by the Village, County, State or Federal government, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
5. All directional signs required for the purpose of orientation, when established by the Village, County, State or Federal government, shall be permitted in all use districts.
6. No sign, unless otherwise permitted, shall project above twenty-five (25) feet in height or be greater in sign area than one hundred (100) square feet. All calculation of total sign area shall be measured on one side of the face of the sign for one and two-sided signs. The area of a sign that is irregular in shape shall be calculated by multiplying its tallest dimension times its longest dimension.
7. No sign above a height of thirty (30) inches shall be located within, project into, or overhang the triangular area formed at the intersection of street right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection or in any location that may hinder driver sight distance.
8. Except for freestanding signs all signs shall be displayed flat against the wall of the building or parallel to the wall of the building and shall not project from or be perpendicular to said wall.
9. All signs shall be lighted by internal illumination only unless the lighting equipment is designed as an integral part of the display. This means that the lights themselves are not visible and will in no way interfere with driver visibility or project onto adjoining property.
10. Signs used for advertising land or buildings for rent, lease, and/or sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold. Such sign(s) area shall be no greater than sixteen (16) square feet in non-residential districts and no greater than six (6) square feet in residential districts.

11. Wall signs shall not project beyond or overhang the wall, or any permanent architectural feature, by more than one (1) foot, and shall not project above or beyond the highest point of the roof or parapet.
12. Freestanding signs shall not be located closer than twenty-five (25) feet to any property line or any adjacent residential district. In addition, no freestanding sign shall be constructed in a manner as to impair the vision of pedestrians and vehicles.
13. Parking lot directional signs that are not illuminated and do not exceed two (2) square feet are exempt from calculation of total allowable sign area.
14. No signs or advertising devices shall be permitted which:
  - a) Contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
  - b) Contain or are in imitation of any official traffic sign or signal or contain the words: "stop," "go slow," "caution," "danger," "warning," or similar words, except for official governmental signs
  - c) Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal, except of official government signs.
  - d) Turn in any manner or have moving parts, have flashing lights, have exposed illuminated vacuum tubes or bulbs, or are portable in nature; provided however, that permanent electronic changeable copy signs are permitted provided they meet the requirements of this ordinance and do not change displays more frequently than once every 30 seconds
  - e) Are not maintained in condition and repair at all times
  - f) Are erected or suspended from the roof of a building
  - g) Project into a public right-of-way or easement, or constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers necessary to safely operate a vehicle or by reflecting light so as to be a safety hazard to drivers.

- h) Signs and billboards, as defined in the “Highway Advertising Act of 1972” (1972 PA 106), as amended, bordering interstate highways, freeways, or primary highways as defined in said Act shall be regulated and controlled by the provisions of such statute and the provisions of this ordinance. Non-accessory signs (billboards) shall not be permitted in any district.

B. Permits

1. No person shall erect, construct, enlarge, move, convert or substantially alter any sign within the Village of Metamora, or cause the same to be done, without first obtaining from the Planning Commission site plan approval, followed by a sign permit from the Zoning Administrator or his/her designated agent. Approvals shall be obtained for each sign, as required by this ordinance. This requirement shall not be construed to require a permit for a change in copy on a changeable copy sign, or the re-painting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not substantially altered. A new permit will not be required for signs heretofore erected in conformity with the ordinance of the Village of Metamora prior to the date of the adoption of this ordinance.
2. A sign permit issued by the Zoning Administrator or his/her designated agent shall become null and void if the construction permitted thereon is not commenced within 180 days from the date of issuance. If the work which is authorized by such permit is suspended, a new permit shall first be obtained before construction is again commenced.
3. Failure to obtain a permit under this article or to pay a required fee, shall subject a sign to removal or fines/imprisonment, as provided for in the Zoning Ordinance.
4. The Zoning Administrator may order the removal of any sign which is abandoned or erected or maintained in violation of this ordinance. He or she shall give thirty (30) days’ notice in writing to the owner of such sign or billboard or of the building, structure, or premises on which such sign or billboard is located, to remove the sign or billboard or to bring it into

compliance. The Zoning Administrator or his/her designated agent may remove a sign or billboard immediately and without notice if, in his/her opinion, the condition of the sign or billboard is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or billboard of the building, structure or premises on which it is located.

5. Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this ordinance. The exemptions shall apply to the requirements for sign permit only, and no sign permit shall be required for the erection of the following signs:
  - a) Signs erected by an official government body or agency and deemed necessary for the protection of the public health, safety or welfare
  - b) Official flags of government
  - c) Signs required to be maintained by law or government order, rule or regulation
  - d) Signs directing pedestrian and vehicular traffic on private property and, to the maximum extent practical, consistent with Michigan Manual of Uniform Traffic Control Devices, up to a maximum of four (4) square feet of display surface area per sign. One informational sign at each entrance or exit on a lot parcel stating "entrance" or "exit," provided such sign does not constitute a traffic hazard and is no larger than four (4) square feet. The restrictions on the location and number of freestanding signs prescribed by this Section shall not apply to the traffic-related signs noted above.
  - e) All signs located within a building that are not visible to the public outside said building
  - f) Any single, non-illuminated sign with a display surface area of four (4) square feet or less provided no other sign exists on the lot or parcel (excluding traffic control signs and house/building address signs)

- g) Any sign which sets forth the house or building address, provided that the individual characters on the sign do not exceed twelve (12) inches in height
- h) Scoreboards on athletic fields
- i) Price, volume, warnings and similar information required to be displayed by law including, but not limited to; information on pay phones, warnings on equipment (e.g., gas pumps), price and volume/quantity displays on machines (e.g., price and volume on gas pumps and digital displays showing the amount of money deposited in a coin-operated vending machine); provided, however, that (1) the information is displayed at the minimum size required by law up to a maximum of four (4) square feet and (2) the information is not intended to be legible to a person of average eyesight standing on the property line
- j) Memorial tablets, building dedication tablets, historical markers, and similar signs incorporated into the architecture of the building by moldings, embossing or engraving on the face of the building or when constructed of bronze or other non-combustible material, up to a maximum of four (4) square feet
- k) Holiday decorations and greetings in season without any commercial message

C. Signs permitted in R-1, R-2, MH, and M districts

1. For each lot or parcel, one non-illuminated sign with a display surface area of six (6) square feet or less and is a maximum of four (4) feet above grade is permitted, exclusive of building house numbers and traffic control signs. Such sign shall be temporarily or permanently affixed to the ground or permanently attached to the building as a wall sign. Said sign shall not advertise a business, product, service or similar use not offered on the site.
2. One (1), permanent subdivision sign may be placed at each entrance to a residential subdivision. None of the signs may be illuminated. The sign shall not exceed thirty-two (32) square

feet. One additional sign may be permitted if the subdivision has access to two thoroughfares. Non permanent subdivision sign shall exceed a height of five (5) feet.

3. Approved Special Land Uses may have a single, non-illuminated sign that does not exceed sixteen (16) square feet nor exceed ten (10) feet in height above the ground.

D. Signs permitted in CBD, O and I districts

1. For each lot or parcel, one ground-mounted or freestanding sign not exceeding thirty-two (32) square feet in total area is permitted. All ground-mounted and freestanding signs shall be set back at least ten (10) feet from all property lines. If a lot contains more than six hundred (600) feet of frontage on a public road, a second sign meeting the criteria above may be erected. No freestanding sign or ground-mounted sign shall be located closer than fifty (50) feet to another sign along the same right-of-way.
2. The base of a ground-mounted or freestanding sign shall not be more than four (4) feet above grade level and the top of the sign shall not be more than twenty (20) feet above grade level.
3. In addition to a freestanding or ground-mounted sign for each lot (see 1. above), each business establishment may have one wall sign not to exceed ten (10) percent of its wall area facing the front lot line, up to a maximum of one hundred (100) square feet.

As illustrated above, a building with a 12' x 30" wall (360 square feet) facing the front lot line and containing one tenant would get one wall sign up to thirty-six (36) square feet. If the same building has two tenants, which divide the building in half (equal frontage), each tenant would have one sign up to eighteen (18) square feet maximum (36 square feet total).

At the discretion of the owner/applicant, up to eight (8) square feet on the allotted wall sign space may be used for a projecting sign, provided that the bottom of the sign is at least ten (10) feet above grade and the sign does not project more than five (5) feet from the side of the building.

4. A building mounted sign that projects from the face of building shall have a minimum clearance of ten (10) feet above grade.
5. Signs placed inside a window shall be permitted to advertise special events for up to fourteen (14) days; however, the aggregate area of such sign or signs shall not exceed twenty (20) percent of the aggregate area of the window glass facing the front lot line.

E. Obsolete signs

All signs that are obsolete, due to discontinuance of the business or activity advertised thereon, shall be removed within thirty (30) days of the close of said business or activity.

***SECTION 10.24 – SINGLE FAMILY DWELLING STANDARDS***

All single family dwellings, whether site-built or factory built, shall comply with the following:

- A. All such dwelling units must meet the current construction standards of the State of Michigan and Metamora Village prior to being brought into the Village and prior to issuance of a building permit. The minimum acceptable standard for factory-built homes shall be the Department of Housing and Urban Development “Manufactured Home Construction and Safety Standards” being 24 CFR 3280, and as from time to time such standards may be amended.
- B. All such dwelling units must meet the minimum floor area requirements of this ordinance for the district in which they are located. Any addition to a factory-built home must be designed and constructed by the original manufacturer or an architectural plan for a compatible addition may be submitted to the Village Council for review/approval. All additions shall be constructed with similar quality workmanship as the original structure, shall be permanently attached to the principal structure, and permanently supported by and anchored to an approved foundation.
- C. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code in effect in the Village and shall have a wall of the same perimeter dimensions as the dwelling, and constructed of such



materials and type as required in the building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

- D. All wheels, axles and towing apparatus must be removed from a manufactured home prior to issuance of a certificate of occupancy.
- E. All such dwellings shall be connected to a public sewer and water system or private facilities approved by the local health department.
- F. All such dwellings shall be compatible in appearance with other site-built homes in the Village. To this end, a roof with a minimum pitch of 3/12 shall be required with overhangs or eaves of at least six (6) inches. There shall not be less than two (2) exterior doors, on different sides of the dwelling, with access to both doors by means of exterior steps or porches, where a difference in elevation requires the same. All such dwelling units shall have a minimum width on all sides of at least twenty-three (23) feet.
- G. All such dwellings shall contain a storage capability area in a basement under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- H. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by State Law or Federal Law.

### ***SECTION 10.25 – SITE PLAN REVIEW***

- A. Scope

A site plan shall be prepared and submitted for every construction project and every proposed change in land use, except that no site plan shall be required for single-family dwellings, farm buildings, or buildings which are accessory to single-family dwellings.

#### B. Procedure

All site plans shall be submitted first to the Zoning Administrator who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan review and recommendation(s) to the Planning Commission for consideration and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission. Projects involving minor alterations, accessory uses or structures or additions that do not diminish the purpose or any required standard of this ordinance may be approved by the Zoning Administrator without action by the Planning Commission.

#### C. Supplemental Reviews

The Zoning Administrator or Planning Commission may also require reviews by the Village Attorney, Village Engineer, or Village Planner and all costs shall be paid by the applicant for said reviews.

#### D. Submission Requirements

All site plans shall be drawn to a minimum scale of 1" = 20' or 1" = 100' for sites over five acres with benchmarks and shall include the Base Flood Elevation. The Site Plan Review Package shall be submitted with a minimum of ten (10) copies, the application and site plan review fees to the Village Clerk's office. The site plan shall include the entire site under the control or ownership of the applicant with all areas proposed for improvement and all unplanned areas also included.

#### E. Design Requirements

All site plans shall be prepared by and carry the seal and signature of the design professional responsible for the development of the site plan. The Planning Commission shall have the authority to waive this requirement when it constitutes an undue burden on the developer in view of the size and scope of the proposed project.

#### F. Content Requirements

Each site plan shall include the following:

1. Area of the site
2. Date, north point, and required scale
3. Dimensions of all property lines with complete legal description
4. Location and dimensions of all existing and proposed structures on the property or adjacent properties within one hundred (100') feet of the property lines with zoning classifications
5. Location and dimensions of all existing and proposed roads including right-of-ways, driveways, sidewalks, and parking areas (see Section 10.14 – 10.17)
6. Location of all existing and proposed utilities including electrical, gas, water and sanitation
7. Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Section 10.11)
8. Exterior elevational drawings of proposed new buildings or existing buildings to which major additions are proposed
9. Location, dimensions and drawing of existing or proposed signs (see Section 10.23)
10. Site drainage and storm water management plan and methods

#### G. Standards

In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

1. Adequacy of traffic ingress, egress, circulations, and parking
2. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community
3. Location and design of proposed structures so as to ensure the detrimental effects on adjacent properties will be minimized
4. Adequacy of storm drainage
5. Location and design of signs so as to prevent highway viability obstructions, driver distractions, encroachments, and other adverse impacts of the community environment

#### H. Site Plan Bond

A cash deposit shall be posted with the Village Treasurer as a guarantee that the project will be completed in accordance with the approved site plan. Upon completion of the project in accordance with the approved site plan, the bond shall be released. The amount of the bond shall be five percent (5%) of the site improvement cost and shall be based on true cost estimates, but in no case shall the bond be less than twenty-five hundred dollars (\$2,500.00).

#### I. Time for Completion

Each site plan shall be fully complied with and all construction completed within one (1) year of the date the building permit is issued. Site plan approval shall expire two (2) years from the date of Planning Commission approval, unless the site plan has been fully completed, or unless an extension has been granted by the Planning Commission.

### ***SECTION 10.26 - TEMPORARY DWELLING STRUCTURES***

No garage, tent, trailer, basement, or similar fixed or moveable structure shall be used as a dwelling except under the following conditions:

- A. A tent, travel trailer, motor home or similar enclosure may be occupied for periods up to thirty (30) days only within an approved and licensed campground or other overnight camping facility.
- B. The owner of a property in an R-1 district may obtain approval from the Building Inspector for placement of one (1) manufactured home on the property for not more than six (6) months from the date of issuance of a building permit, during the actual construction on the property of the owner's single-family dwelling. The temporary dwelling shall be connected to an approved water supply and sewage disposal system.

***SECTION 10.27 - WATER SUPPLY AND SEWAGE DISPOSAL***

- A. Every building and principal structure hereafter erected, or moved upon any premises and used in whole or in part for dwelling, recreational, camping, business, commercial, farming, agricultural or industrial purposes, including churches, schools, and other buildings and structures in which persons customarily congregate shall be provided with a safe and sanitary water supply, and safe means of sewage collection and disposal. All industrial wastes shall be pre-treated for hazardous contents. Under no conditions shall such waste be deposited upon the surface of the ground or in lagoons in such manner as to create a nuisance or health hazard.
- B. Every dwelling hereafter erected, altered or moved shall be connected to a public sanitary sewer or to a private sewage disposal system approved by the Lapeer County Health Department.

***SECTION 10.28 - HAZARDOUS MATERIALS***

All businesses and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per months (equal to approximately 25 gallons or 220 pounds) shall comply with the following requirements:

- A. Aboveground storage:
  - 1. Primary containment of hazardous substances shall be product-tight.

2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance.
3. Outdoor storage of hazardous substances is hereby prohibited.
4. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, recordkeeping, spill prevention, emergency response, transport, and disposal shall be met.

B. Underground storage:

1. Existing and new underground storage tanks shall be registered with the Michigan Department of Natural Resources (MDNR) in accordance with Federal and State requirements.
2. Installation, operation, and maintenance of underground tanks shall be in accordance with the requirements of the Fire Department, the Michigan State Police, Fire Marshall Division, and the MDNR.
3. Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground if they have been out of service for more than nine (9) months, unless an extension is approved by the Village Council, after consultation with the Fire Chief.

***SECTION 10.29 – CONDOMINIUM APPROVAL***

The following standards are adopted to insure that Condominium Subdivisions comply with the Condominium Act, the City or Village Zoning Act, and the requirements of the Village.

A. REVIEW AND MEETING MINIMUM REQUIREMENTS

All condominium developments (including site condominiums) shall be submitted to the Metamora Village Planning Commission for review and approval, pursuant to the terms of this Ordinance and all building sites and condominium units created from the subdivision or development of land under Condominium Act shall, at a minimum, contain the required square footage, dimensions,

ratios, setbacks and other requirements of a lot as provided in the Zoning Ordinance.

## B. VARIANCE

A variance from the terms and conditions herein may be obtained, as provided for in the Zoning Ordinance, from the Zoning Board of Appeals.

## C. CONDOMINIUM PLAN AND DOCUMENT REQUIREMENTS

1. All condominiums submitted for review by the Planning Commission shall contain all required information for the site plan review as set forth in Section 10.25 of this Ordinance. Nothing in this section shall be construed as requiring a condominium subdivision (site condominium) to obtain plat approval under the Subdivision Control Act.
2. A copy of the proposed Master Deed and By Laws shall be submitted to the Planning Commission for review.
3. All condominium plans submitted for review by the Planning Commission shall include the information required by Section 66 of the Condominium Act and the following:
  - (a) a survey plan of the condominium development
  - (b) a flood plain plan when appropriate
  - (c) a site plan showing the location, size, shape, area and width of all condominium units and building sites, including building setback lines showing the width of each lot/building site at the front setback line
  - (d) the boundaries of all wetlands as determined by an individual recognized by the MDNR as a Wetlands Consultant
  - (e) a utility plan showing all sanitary sewer, water and storm sewer lines and easements granted to the Village for installation, repair and maintenance of all utilities
  - (f) a street construction, paving, and maintenance plan for all private and public streets within the proposed condominium subdivision showing conformance with the requirements of the Village Road Ordinance

- (g) a storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities
- (h) easements for utilities; the Condominium shall include all necessary easements granted to the Metamora Village for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or moving pipelines, mains, conduits, and other installations of a similar character (hereinafter collectively called “Public Structures”) for the purpose of providing public utilities, including conveyances of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of such structures

**D. INTERPRETATION BY THE PLANNING COMMISSION**

Where there is no equivalent term or phrase defined in this Ordinance, the Planning Commission shall interpret the appropriate equivalent term in the Zoning Ordinance and/or Subdivision Ordinance for the purpose of applying the standards and requirements of those Ordinances to the proposed site condominium so as to carry out the purpose of the Ordinance as set forth in the introductory paragraph in this Ordinance.

**E. MINIMUM BUILDING SEPARATION REQUIREMENTS**

Where there is any ambiguity in the application of minimum setback requirements of the Zoning Ordinance to a condominium subdivision plan, the individual condominium units shall maintain the following minimum separation requirements between individual units and from individual units to the center of all internal streets:



<b>Minimum Building Separation From:</b>						
Zoning District	Front to Center of street*	Side to Side	Side to Rear	Rear to Rear	Side to Center of street*	Rear to Center of street*
R-1	88'	20'	35'	50'	43'	58'
R-2	63'	20'	35'	50'	43'	58'
M	58'	20'	35'	50'	43'	58'
MH	58'	20'	35'	50'	43'	58'
C	33'**	0'	15'	30'	33'**	48'
O	63'	20'	35'	50'	43'	58'
I	83'	0'	10'	10'	33'	38'

\* These figures are based on a standard of 33 feet half right-of-way from the street centerline (Local Street). Increase by 10 feet if street is classified as a collector street and increase by 27 feet if street is classified as a secondary or major thoroughfare.

\*\* In the CBD district, no front or side setback is required. Hence the separation from the center of the street would be 33 feet; or, if greater, the width of the right-of-way from the centerline

**F. ENCROACHMENT PROHIBITED**

Encroachment of one condominium unit upon another as described in Section 40 of the Condominium Act shall be prohibited by the Condominium Bylaws and shall be recorded as part of the Master Deed. In addition, no common elements shall be permitted within the limited common elements utilized as part of the building site.

**G. MANUFACTURED HOME CONDOMINIUM PROJECTS**

Manufactured Home Condominium Projects shall conform to all requirements of this Ordinance and shall be located only in manufactured home park districts.

#### H. PRIVATE STREETS

If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design and construction standards, and maintenance requirements of the Road Ordinance.

#### I. MASTER DEED REQUIRED PROVISIONS

The Master Deed for condominium subdivisions shall be approved by the Village Council and shall contain a provision that the Master Deed shall not be amended without the prior approval of the Metamora Planning Commission.

#### J. APPROVAL/AMENDMENT

Approval by the Planning Commission of a condominium subdivision plan shall confer upon the applicant the right to a building permit for a period of twelve (12) months from and after approval. Upon receipt of a building permit, reasonable construction shall be commenced within twelve (12) months and reasonably continued or the site plan and the building permit shall be declared invalid, unless the applicant requests and obtains a new approval from the Planning Commission.

#### K. AMENDMENTS AND RENEWALS

Any amendments or renewals to a condominium plan, including its Master Deed, shall require the approval of the Planning Commission. The Planning Commission shall apply, as its standards in determining whether to grant a renewal or amendment, the Village's then existing condominium standards and requirements.

#### L. AMENDMENT TO ZONING ORDINANCE

Any amendments to the Zoning Ordinance shall, where applicable, be the zoning ordinance provision to be applied under this section, Condominium Approval.

## M. CONFLICTING REGULATIONS

Where other sections of the Zoning Ordinance are in conflict with this Section, the provisions of this Section shall control.

### ***SECTION 10.30 – EARTH-SHELTERED BUILDINGS***

Because of the unique nature of earth-sheltered and underground buildings, all such buildings, including single-family residences, shall submit the following for approval by the Building Inspector:

- A. Structural integrity of the building, particularly the increased wall and roof loads involved in building underground, shall be certified by a Registered Architect or Professional Engineer (Structural) licensed by the State of Michigan.
- B. Special attention shall be given to the design of the systems for waterproofing all areas of the building to be located cracks and accommodate minor structural movements, resist temperature extremes, soil chemicals and aging in underground service, and have the ability to locate a leak should it be necessary; the Building Inspector may seek the advice of the Village's engineers in evaluation such systems.
- C. Guard rails should be provided on or near the edge of any accessible roof where there is a grade change greater than thirty (30) inches.
- D. Alternative fire-fighting entrance provisions should be made for inner courts below grade, such as a stairway within the court leading directly to the exterior ground level.
- E. Total window area must exceed 8% of total inhabitable floor area, but individual rooms may be windowless where ventilation and exit requirements are met.
- F. Setbacks shall be the same as those for above-ground buildings.

### ***SECTION 10.31 – KEEPING OF LARGE ANIMALS***

Large animals may be kept by the occupant of a property in the R-1 and R-2 districts only. The keeping of large animals may be permitted as an

accessory use only, and the following shall apply to the keeping of large animals in the Village:

- A. Large animals shall be defined as including horses, ponies, cattle, and similar animals (not including pigs).
- B. The minimum required parcel size for keeping up to two (2) large animals shall be three (3) acres with an additional two (2) acres for each additional large animal.
- C. All buildings or areas used to house large animals shall maintain a fifty foot (50') setback from any property line or dwelling.
- D. A suitable fence or other enclosure shall be erected around the entire premises for outside use by all large animals.

## **ARTICLE 11 - SPECIAL LAND USES**

### ***SECTION 11.01 - GENERAL REQUIREMENTS***

Special land uses are uses which would ordinarily not be appropriate in a particular district but at certain locations can be compatible with other uses in the district subject to meeting special standards and any specific conditions imposed by the Planning Commission that are designed to insure their compatibility with neighboring uses.

For all special land uses, a site plan shall be submitted for approval by the Planning Commission and shall conform to the requirements and procedures for site plan review set forth in Section 10.25. If the plans meet the required standards of this Ordinance and indicate no adverse effects, which in the opinion of the Planning Commission cause injury to the residents, users, or owners of adjoining property, or the Village as a whole, the Commission shall approve the use. In consideration of all applications for special land use approval, the Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions and safeguards deemed necessary within the scope of the law as set forth below:

- A. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location of an access to off-street parking, and provisions for pedestrian safety.
- C. The location, size, intensity, site layout and periods of operation of any such proposed use shall be designed to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- D. The proposed use shall be such that the proposed location and height of building or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- E. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Village.
- F. The proposed use is necessary for the public convenience at the proposed location.
- G. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
- H. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

***SECTION 11.02 - PRODEDURES***

- A. Approval

If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Village not later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked; however, the Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding six (6) months as it shall determine to be necessary and appropriate.

#### B. Denial

If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the Village, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial. The decision to deny the special land use may be appealed before the Metamora Village Zoning Board of Appeals. The Board of Appeals shall prepare a transcript of the proceeding of any such appeal which shall constitute the official record of appeal.

#### C. Record

The decision on a special land use shall be incorporated in the minutes of the Planning Commission meeting at which it was considered. The minutes shall specify any conditions imposed.

#### D. Hearings

The Planning Commission shall investigate the circumstances of each such application and give notice of any hearing, meeting or review which may be held relative thereto. 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, including a listing of all existing street addresses 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.
- 5) Indicate that a public hearing on a special land request may be requested by any property owner or the occupant of any structure located within three hundred (300') feet of the property being considered for a special land use regardless of whether the property or occupant is located within the zoning jurisdiction.

The notice shall be published in a newspaper of general circulation in the Village not less than fifteen (15) days before the date of the hearing. In addition, the notice shall be sent not less than fifteen (15) days before the date of the hearing via mail or through personal delivery to all owners of property and occupants of any structure within three hundred (300) feet of the subject property, regardless of whether the property is located within the zoning jurisdiction. Notice need not be provided to more than one (1) occupant of the 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 (4) 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 of the structure.

#### E. Conditions

The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State Law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary 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, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land and to promote the use of the land in a socially and economically desirable manner. Conditions imposed shall be all the following:

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

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.

### ***SECTION 11.03 - ACCESSORY APARTMENT***

One (1) accessory apartment per single family dwelling unit may be permitted in R-1 and R-2 districts subject to the following:

- A. The dwelling unit must be situated on a lot or parcel in conformance with the minimum lot area and setback requirements of the Schedule of Regulations.
- B. Either the principal unit or the accessory apartment must be owner-occupied. The Zoning Board of Appeals may modify this requirement only when it is clearly demonstrated that the single family character of the neighborhood will not be affected.
- C. The Health Department shall certify that the on-site septic system is properly designed to handle the anticipated additional load.
- D. Exterior changes to the dwelling shall be kept to a minimum and shall not change the overall single family character of the dwelling unit or the surrounding neighborhood.



- E. Only one accessory apartment shall be permitted per lot and per single family dwelling.
- F. One (1) additional off-street parking space shall be provided, exclusive of the driveway.
- G. Only one entrance to the building shall face the street on which the dwelling is located.
- H. An accessory apartment shall contain at least 550 square feet and shall not exceed 35% of the total floor area of the principal unit and the accessory apartment combined. This shall be construed to prohibit the creation of an accessory apartment in a single family dwelling unit with a total floor area of less than 1,600 square feet.
- I. No accessory apartment shall include more than 2 bedrooms or exceed 650 square feet.

#### ***SECTION 11.04 - AGRIBUSINESS USES***

Agribusiness uses, such as but not limited to, cider mills, farmers markets, farm dairies and pick-your-own farms, may be permitted in I district, subject to the following:

- A. All such uses shall be located on a paved, major or secondary thoroughfare unless the use is seasonal in nature and has no permanent buildings for use by the public.
- B. All buildings, any equipment, materials or produce being stored or for sale shall be set back at least one hundred (100) feet from all property lines.
- C. One (1) non-illuminated sign, not exceeding a total of thirty-two (32) square feet and eight (8) feet in height, is permitted for all agribusiness uses on the same parcel.
- D. Adequate off-street parking shall be provided to serve the expected number of patrons and shall have at least a gravel surface properly graded and dust-free at all times. In determining the adequacy of the number of spaces being proposed, the Planning Commission shall compare the proposed use to similar uses.
- E. Whenever the proposed use is adjacent to a Residential Zoning District (R-1, R-2 or M), a fifteen (15) foot wide landscaped greenbelt shall be provided along the entire property line between the Residential Zoning District and the agribusiness use.

### ***SECTION 11.05 - AUTO SERVICE CENTERS***

Auto service centers such as muffler and brake shops, new tire sales, tune-up shops, quick oil change shops, and similar establishments for minor repairs, routine maintenance and auto accessories, may be permitted in the CBD and I Districts subject to the following:

- A. The use shall be completely enclosed within a building.
- B. No vehicles awaiting repair shall remain on-site for more than 72 hours.
- C. All parking areas shall be paved and screened from view of an abutting residential district by a 4 foot 6 inch high masonry wall of face brick or precast masonry panels with the appearance of face brick.
- D. All trash storage areas shall be screened from view by a 6 foot high enclosure approved by the Planning Commission. Old parts such as tires, mufflers, pipes, and the like, shall be kept inside the enclosure and shall not be permitted to accumulate for periods longer than 1 week unless stored within the building.
- E. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all used or waste automotive fluids resulting from repair or service operations.

### ***SECTION 11.06 - AUTO SERVICE STATIONS***

Auto service stations for sale of gasoline, oil, minor accessories and minor repairs, but not including body repair, engine rebuilding, rust-proofing, and similar activities, may be permitted in the CBD and I districts, subject to the following:

- A. No vehicles awaiting service shall remain on-site for more than 36 hours.
- B. All repair services shall be conducted within a completely enclosed building.
- C. All trash storage areas shall be screened from view by a 6 foot high enclosure approved by the Planning Commission. The trash containers shall be emptied at least once each week.
- D. All parking areas shall be paved and screened from view of an abutting residential district by a 4 foot 6 inch high masonry wall of face brick or precast masonry panels with the appearance of face brick.

- E. Management plans shall be submitted for the collection, storage, and recycling or proper disposal of all used or waste automotive fluids resulting from repair or service operations.

***SECTION 11.07 - CAMPGROUNDS, OVERNIGHT CAMPING PARKS***

Campgrounds and overnight camping parks for tents, campers, travel trailers, and similar recreational vehicles may be permitted on a minimum site of twenty (20) acres in R-1 and R-2 districts, subject to the following:

- A. There will be no permanent storage of tents, campers, or travel trailers, and manufactured home units will not be allowed in the development. No individual tent or recreational vehicle may occupy the same site in any campground for periods longer than 30 days.
- B. Accessory commercial uses, such as convenience food stores, gift shops, self-service laundries, and similar uses, shall be housed in a single building and designed to serve primarily the needs of park users and shall provide off-street parking in accordance with the standards of this ordinance.
- C. Where a campground site abuts property zoned residential, the entire perimeter shall be properly fenced. In addition, no active use areas shall be situated within 100 feet of the abutting residential zone and a 30 foot wide greenbelt shall be provided unless a dense growth of natural vegetation already exists.

***SECTION 11.08 - CARETAKER'S RESIDENCE***

One caretaker's residence, where such residence is accessory to a permitted agricultural use, may be permitted in R-1 district, subject to the following:

- A. Where a caretaker's residence will be located within or attached to a permitted agricultural building, it shall not be constructed prior to a permanent residence on the same parcel.
- B. Where a caretaker's residence will be located as a separate building on the property, it shall meet all requirements of the appropriate zoning district for lot size, house size, setbacks and height limits.

***SECTION 11.09 - CAR WASH***

A car wash may be permitted in the CBD district, subject to the following:

- A. Where the site abuts a residential district, a 4 foot 6 inch high masonry wall of face brick or precast masonry panels with the appearance of

- face brick shall be provided around all off-street parking and waiting areas.
- B. The design of the facility shall insure that vehicles entering or leaving the site will not have to stand in the public right-of-way.

### ***SECTION 11.10 - CEMETERIES***

Cemeteries may be permitted in all Residential districts, subject to the following:

- A. Minimum site size shall be 20 acres with a minimum lot width of 330 feet.
- B. There shall be no burial plots within 50 feet of any property line.
- C. No service building shall be located closer than 100 feet to any property line and all service and storage yards shall be screened from view by an obscuring wall or fence at least 6 feet high.
- D. On all sides abutting property in a zoning district that permits residential uses, there shall be a landscaped greenbelt at least 25 feet wide.

### ***SECTION 11.11 - CHURCHES, HOUSES OF WORSHIP***

Churches and other places of worship may be permitted in all Agricultural and Residential districts, subject to the following:

- A. The site shall have direct access to a major or secondary thoroughfare as designated on the Village's adopted Master Plan.
- B. All parking areas shall be screened from adjoining properties by a four foot six inch high masonry wall or similar material suitable to the Planning Commission. The Planning Commission may permit the substitution of a landscaped greenbelt or earth berm after submission and review of a Landscape Plan.
- C. A Drainage and Retention Plan shall be submitted for the parking area and all other impervious surfaces showing the method of holding storm water and preventing it from flowing onto or otherwise affecting adjoining properties.
- D. The principal building shall comply with all setback requirements of the district in which it is located provided, however, that in no case shall the principal building be located closer than twice its height to any property line.

- E. The applicant shall provide evidence of Health Department approval of all on-site water supply and sewage disposal facilities to be used by the public.

***SECTION 11.12 - COMPOSTING, YARD WASTE***

Yard Waste Composting Facilities, those that manage the biological decomposition of organic matter under controlled, aerobic conditions, may be permitted in Industrial districts only, subject to the issuance of a Special Land Use Permit and compliance with the following conditions and standards:

- A. Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings.
- B. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors.
- C. Ponded water shall not be permitted to collect on a yard waste composting site. A plan for collection, retention and drainage of storm water shall be provided for review and approval. Vegetation filtration of runoff prior to discharge off-site shall be accomplished by use of a 50 foot wide (minimum) perimeter strip/swale of grass, or similar measure.
- D. The operator shall provide sufficient equipment on-site to properly manage the composting process. As a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
- E. The site shall be level and well-drained. If the site abuts property shown as residential on the Village Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to 500 feet from existing residences and 50 feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants.
- F. All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete.
- G. The volume of yard wastes handled by the facility shall not exceed 7,000 cubic yards of incoming yard wastes per acre of active

- composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
- H. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to the Village.
  - I. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Village.
  - J. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
  - K. Treated yard wastes shall be actively rotated in an aerobic condition. It shall not be allowed to accumulate for longer than 3 years before being finished and removed from the site.
  - L. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment.
  - M. Because of the level of truck traffic associated with this use, direct access to a paved public roadway is required.
  - N. An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of Village council.
  - O. Copies of all Michigan Department Natural Resources applications/permits, if required, shall be provided to the Planning Commission as part of the application package.
  - P. All internal roads and operation areas shall be kept dust-free at all times.
  - Q. The use must conform with the Performance Standards of this ordinance.
  - R. A landscaped greenbelt shall be provided along all property lines abutting residential districts and public right-of-way.

### ***SECTION 11.13 - COLLEGES AND UNIVERSITIES***

Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education may be permitted in R-1 districts subject to the following:

- A. All ingress and egress from said site shall be directly onto a major or secondary thoroughfare.
- B. No building other than a single family residential dwelling shall be closer than 100 feet to any property line and/or existing or proposed public right-of-way.
- C. All service and storage areas shall be screened from view by a masonry wall or a decorative fence of pressure-treated wood panels at least 6 feet high, approved by the Planning Commission.
- D. All areas for student and staff parking shall be set back at least 100 feet from an abutting residential district or residential use.

***SECTION 11.14 - COMMERCIAL GREENHOUSE***

A commercial greenhouse may be permitted in I districts, subject to the following:

- A. Accessory retail sales shall be limited to only those products which are grown
- B. All areas for customer and employee parking shall be set back at least 100 feet from all property lines. A Drainage and Retention Plan shall be submitted for proper control of storm water run-off from the parking areas.
- C. All greenhouse buildings shall be set back at least 50 feet from any property line.
- D. All service and storage areas for equipment and materials shall be screened from view of an abutting residential district or residential use by a 6 foot high masonry wall or obscuring fence approved by the Planning Commission.
- E. One (1) non-illuminated sign may be placed no closer than twenty-five (25) feet to any lot line.

***SECTION 11.15 - COMMERCIAL OUTDOOR RECREATION***

Commercial outdoor recreation such as, golf driving ranges, miniature golf, batting practice cages, water slide parks, tourist-oriented outdoor amusements, and similar uses, may be permitted in CBD districts, subject to the following:

- A. No activities shall take place within 100 feet of an abutting residential district.

- B. Use of loudspeaker or public address systems for broadcasting music or continuous announcements shall be prohibited.
- C. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or interfere with driver visibility on any public or private street or public right-of-way.
- D. Hours of operation may be restricted by the Planning Commission where protection of abutting residential areas is desirable and necessary.

***SECTION 11.16 - CONVALESCENT OR NURSING/REST HOME***

A convalescent or rest home, orphanage, or home for the elderly may be permitted, in the R-1 and M districts, subject to the following:

- A. All vehicular ingress and egress shall be directly onto a major or secondary thoroughfare.
- B. The minimum site size shall be twenty (20) acres in R-1 districts and five (5) acres in M districts.
- C. All buildings shall be set back at least 75 feet from all property lines.

***SECTION 11.17 - DRIVE-IN MOVIE THEATER***

Because drive-in or outdoor movie theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I districts only, subject to the following:

- A. The proposed internal layout shall be designed to properly collect and store storm water so that it is not allowed to run off onto adjoining properties.
- B. All vehicular access shall be directly from an abutting major thoroughfare.
- C. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space in the ratio of one (1) space for every ten (10) viewing spaces within the drive-in. No vehicle shall be permitted to wait or stand within a public right-of-way.
- D. The entire site shall be completely screened with an obscuring wall or fence with a minimum height of eight (8) feet. Such wall or fence may be modified in height to not less than six (6) feet, depending upon



terrain features of the site and adjacent uses, as determined by the Planning Commission.

### ***SECTION 11.18 - DRIVE-IN RESTAURANT***

Because of the auto-oriented character of drive-in restaurants and similar establishments, they shall be permitted in CBD Districts only, provided the following conditions are met:

- A. A setback of at least sixty (60) feet from the planned future street right-of-way lines shall be maintained.
- B. Ingress and egress points shall be located at least fifty (50) feet from the intersection of any two (2) street right-of-way lines or abutting residential district.
- C. Lighting shall be shielded so that it does not project onto abutting residential districts, nor shall it interfere with driver visibility on nearby streets.
- D. The side and rear of the parcel abutting any residential district shall be screened from view by a 6 foot high masonry wall of face brick or precast masonry panels with the appearance of face brick. The Planning Commission may substitute a decorative, pressure treated wood fence where a fence is determined to be more appropriate.

### ***SECTION 11.19 - GOLF COURSE***

Golf courses which do not include driving ranges or miniature golf courses, may be permitted in R-1, and R-2 districts, subject to the following:

- A. Major accessory uses such as a restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop may be located in separate structures. No structure shall be located closer than seventy-five (75) feet from the lot line of any adjacent residential district or public right-of-way.
- B. All maintenance, service, and storage yards shall be screened from view by a 6 foot high masonry wall or pressure treated wood fence approved by the Planning Commission.
- C. All parking areas shall be paved and shall be located or screened so as not to affect any adjoining residential district.
- D. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare.

- E. All outdoor lighting shall be shielded to reduce glare and arranged so as to reflect the light away from abutting residential areas.
- F. Whenever included, swimming pools shall be provided with a protective fence not less than six (6) feet in height, and entry shall be provided by means of a controlled gate or turnstile.

***SECTION 11.20 - KENNELS, COMMERCIAL***

Commercial kennels, animal hospitals, offices of a veterinarian and the like, may be permitted in CBD and I districts only, subject to the following:

- A. The site shall abut a public road shown as a major or secondary thoroughfare on the Village's adopted Master Plan.
- B. Pens and runs shall be located no closer than one hundred fifty (150) feet to any property line.
- C. All runs and breeding areas shall be enclosed.
- D. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.
- E. Kennels housing more than 10 dogs shall provide one (1) off-street parking space for each five (5) kennel runs. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time. The parking area shall be screened from view of an abutting residential district in a manner that is satisfactory to the Planning Commission.
- F. All objectionable noise shall be controlled as required by the Performance Standards of this ordinance.
- G. Any use permitted by the Village under this section shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this ordinance violated.

***SECTION 11.21 - KENNELS, PRIVATE***

Private kennels for housing only those animals owned by the proprietor may be permitted in R-1 districts, subject to the following:

- A. A private kennel must be accessory to a permitted single family residence.
- B. No animal shall be allowed to run free. Pens and runs shall be located no closer than one hundred (100) feet to any property line.

- C. The minimum site size shall be 5 acres with a minimum width of three hundred (300) feet.
- D. The proprietor shall not keep more than four (4) dogs over the age of one year. No animal shall be housed that is not the personal property of the proprietor except for incidental breeding.
- E. All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties, or create any hazard or detriment to public health, safety or general welfare.

***SECTION 11.22 - LIMITED BUSINESS USES***

Limited business uses that are primarily engaged in producing a product or providing a service, where the external physical effects will not extend beyond the property lines, may be permitted in R-1 and R-2 districts subject to the following:

- A. Only owner/operator types of businesses shall be allowed.
- B. All such uses shall be completely enclosed within a building and shall be designed and operated by the owner/operator as a use accessory to his or her permitted residential use.
- C. There shall be no open storage of equipment, vehicles, materials, or wastes.
- D. The product manufactured on-site shall not be sold primarily at retail on-site, rather, the product should be distributed elsewhere by the owner/operator.
- E. The building used for production or servicing shall not exceed six thousand (6,000) square feet in floor area and shall be no more than one (1) story or twenty (20) feet in height.
- F. All areas for employee and customer parking shall be designed and arranged so as to be screened from public view. Where necessary, the Planning Commission may require screening of the parking area.
- G. One non-illuminated sign, no larger than 12 square feet and stating only the name of the business or profession of the owner/operator shall be displayed flat against the wall of the building.
- H. The minimum size parcel required for all limited business uses in R-1 districts shall be five (5) acres and in R-2 districts shall be 10 acres, both requiring a minimum width of three hundred (300') feet.
- I. The owner/operator shall have restroom facilities available for all employees on-site.

***SECTION 11.23 - GROUP CHILD CARE FACILITIES***

Group Child Care Facilities and similar uses shall be permitted in the CBD and O districts, subject to the following:

- A. All such uses shall provide adequate drop-off and waiting spaces so that parents' cars are not required to stand in a public right-of-way.
- B. Outdoor play space shall be provided in the ratio of 100 square feet per child to be cared for, to a maximum required of 10,000 square feet. No outdoor play area shall be less than 1,000 square feet.
- C. To insure child safety, all outdoor use areas shall be enclosed by a 4 foot 6 inch high chain link fence. On those sides abutting residential property, it shall be a 6 foot high obscuring fence of masonry or pressure treated wood.
- D. The site layout shall be designed to insure pedestrian safety by separating play areas from parking and driveways.

***SECTION 11.24 - OUTDOOR SALES LOTS***

Outdoor sales lots for automobiles, trucks, trailers, boats, manufactured homes, and similar uses may be permitted in CBD districts subject to the following:

- A. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.
- B. There shall be no strings of flags, pennants or bare light bulbs permitted.
- C. No vehicles or merchandise for sale shall be displayed within any required yard.
- D. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
- E. On all sides adjacent to a residential district, there shall be provided a masonry wall of face brick or a pressure treated, completely obscuring wood fence, as approved by the Planning Commission.

***SECTION 11.25 - PONDS***

Private residential ponds, and agricultural or farm ponds may be permitted on a minimum of five (5) acres in the R-1 and R-2 districts, subject to the following:

- A. There shall be a setback of at least one hundred (100) feet from the edge of the excavation to all property lines.
- B. There shall be a minimum setback from any septic tank and/or tile disposal field of at least one hundred (100) feet.
- C. Where a pond will be used for swimming, there shall be no slope in excess of 5:1 (five feet horizontal to one foot vertical) until the water reaches a depth of five (5) feet, on the beach side of the pond. In no case shall any slope exceed 3:1.
- D. Excavated materials, in excess of 1,000 cubic yards, may not be hauled off the site.
- E. All applications for pond approval shall be accompanied by a permit fee, in an amount established by resolution of the Village Council.
- F. A performance bond, in an amount established by resolution of the Village Council, shall be posted by the applicant prior to issuance of a permit to insure completion of all required improvements.
- G. All approved ponds shall be completed within six (6) months of issuance of a permit. The Planning Commission may grant a six (6) month extension of the permit for just cause.
- H. Use of any residential, agricultural or farm pond by the public for swimming, fishing or the like, shall be prohibited.

***SECTION 11.26 - PUBLIC BUILDINGS WITHOUT STORAGE YARDS***

Public buildings such as libraries, fire stations, recreation centers, and similar uses, may be permitted in any agricultural or residential district, subject to the following:

- A. There shall be no storage yard or uses like a public works garage.
- B. The site shall have all access from a major or secondary thoroughfare.
- C. All off-street parking shall be screened from abutting residential property by a brick wall, decorative wood fence, or a landscaped greenbelt at least 15 feet wide.

***SECTION 11.27 - RETAIL USES IN INDUSTRIAL ZONES***

Retail uses may be permitted by the Planning Commission in the I district upon a finding that they meet one of the following two standards:

- A. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, such as lumber yards, building materials outlets, outdoor boat, house trailer, automobile or agricultural implement sales, and similar uses.

- B. Retail uses which serve the convenience needs of the establishments and employees of the I district such as, restaurants, branch offices of financial institutions, automotive service stations and service centers, motels, trade or industrial schools, medical offices and clinics, and similar uses.

***SECTION 11.28 – RIDING ACADEMIES AND STABLES, COMMERCIAL***

Commercial riding academies and stables may be permitted only in the R-1 districts, subject to the following:

- A. All buildings, corrals, or other enclosures for animals shall be set back at least 250 feet from any property line abutting a residential use.
- B. The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties.
- C. There shall be no storage of customers' trailers or other vehicles for transporting horses except in a completely enclosed building.
- D. Adequate off-street parking shall be provided for customers in the ratio of one space for every horse boarding stall. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.
- E. All areas for stockpiling manure shall be screened from view, shall not be located closer than 200 feet to any property line, and shall not be allowed to become a nuisance.

***SECTION 11.29 – ROADSIDE MARKETS / STANDS***

Because roadside markets are seasonal in character and utilized on a temporary basis, roadside markets may be allowed in R-1 districts, for periods not to exceed six (6) months subject to the following:

- A. The sale of farm products in a roadside market shall not take place within the dedicated right-of-way of any road within the Village, and assurances shall be made to the Village that ample off-street parking has been provided, and adequate ingress and egress provided to the market.
- B. No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.

### ***SECTION 11.30 – SCHOOLS***

Public and private primary and secondary schools (Prekindergarten through grade 12) may be permitted in all Residential districts, subject to the following:

- A. Adequate off-street parking shall be provided for all teachers, employees, and visitors.
- B. Off-street waiting space shall be available so that school buses and parents' automobiles are not forced to stand within the right-of-way of any public street.
- C. The layout of all parking lots, driveways, waiting areas and loading zones shall be designed with pedestrian safety as the primary consideration.
- D. All buildings shall be set back at least 50 feet from all lot lines abutting a residential use.

### ***SECTION 11.31 – SHOOTING RANGES AND GUN CLUBS***

Shooting ranges, gun clubs, and similar uses, such as survival and other air-gun games, may be permitted in I districts subject to the following:

- A. The minimum site size shall be eighty (80) acres with a minimum width of one thousand three hundred twenty (1320) feet.
- B. Off-street parking shall be provided in the ratio of one (1) space for each three (3) users at capacity. All parking areas shall be kept dust-free at all times so as not to become a nuisance to adjoining properties.
- C. All parking areas shall be screened from view of an adjoining residential district or use by either a greenbelt, obscuring fence, or a masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.
- D. The hours when shooting is permitted at a gun club or shooting range shall be limited from 9 a.m. to 9 p.m. Monday through Saturday and 12 noon to 6 p.m. Sundays. The Planning commission may apply more restrictive hours where protection for adjoining residents is necessary.
- E. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued.

- The design of all ranges shall incorporate the recommended safety features of the National Rifle Association or similar safety features.
- F. The firing range shall be fenced on all sides except the firing line, by a fence no less than 8 feet in height. Such a fence shall be either of a chain-link type or of board construction sufficient to prevent persons from passing over or through the fence.
  - G. The firing line or other area from which firearms are discharged shall be located no closer than 150 feet from any property line, nor closer than 500 feet from any existing residential structure other than those on the premises.
  - H. Properties used for survival games or other air-gun games shall be completely fenced to prevent participants from trespassing on adjoining properties. Signs warning participants not to cross the fence shall be placed every two hundred (200) feet along its perimeter. Failure to follow this requirement shall be grounds for immediate revocation of the applicant's Special Land Use Permit.

***SECTION 11.32 – UTILITY STRUCTURES, UTILITY TRANSMISSION SYSTEMS, WIRELESS TRANSMISSION/RECEPTION RELAY TOWERS***

**A. Local Utility Structures**

Utility structures, such as but not limited to, electric transformer stations and sub-stations, gas regulator stations, sewer lift stations, and the like, shall be permitted in all districts subject to Site Plan Approval by the Planning Commission and the following standards:

1. Operating requirements necessitate the proposed location in order to serve the residents of the Village.
2. All such uses shall be completely enclosed and without storage yards.
3. No structure shall exceed the height limit of the district in which it is to be located.
4. All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.
5. No building shall be located closer than fifty (50) feet to any property line abutting land zoned for residential use.
6. A minimum fifteen (15)-foot landscaped greenbelt shall be provided around the entire perimeter of the utility building site.
7. Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be paved with



asphalt or concrete.

## B. Utility Transmission Systems

Utility transmission systems, such as but not limited to, high voltage electric transmission lines, high pressure gas pipelines, and oil pipelines shall require Special Land Use Approval by the Planning commission subject to the following requirements and standards:

1. All such utility lines shall follow existing utility corridors where possible, and reasonable, as determined by the Planning Commission.
2. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
3. Any area destroyed by necessity in the construction of such approved facilities, may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
4. During construction or repair of any facilities approved hereunder, the following shall be required:
  - a. All internal roads shall be kept dust-free by chemical treatment.
  - b. Any damages to public or private roads, fences, structures, or facilities shall be repaired immediately.
  - c. No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
  - d. All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted in writing by the Planning Commission.
5. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

## C. Utility Transmission Structures

Utility transmission structures, such as but not limited to, high voltage electric stations, gas compressor stations, oil well pumping/storage

facilities, and wireless communications, receiving or transmitting towers, shall require Special Land Use Approval by the Planning commission subject to the following requirements and standards:

1. The following types of utility transmission structures shall be permitted only in the listed districts:

<b>USE</b>	<b>DISTRICT</b>
Electric Stations	R-1, I
Gas Compressor Stations	I
Oil Storage Facility	I
Wireless Communications Tower	R-1, I

2. In order to provide a pleasing community appearance and to prevent noise levels, odors, dust, and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in subsection "3" below are followed, as approved by the Planning Commission.
3. If the equipment proposed will not be enclosed within a building, a setback of three hundred (300) feet from all property lines shall be required. In addition, an obscuring, landscaped buffer shall be provided, based on the following guidelines, as determined by the Planning Commission after considering the type, size, height, and anticipated noise levels of all equipment being proposed:
  - a. A landscaped earthen berm at least eight (8) feet high, along all sides of the equipment.
  - b. A landscaped greenbelt at least twenty-five (25) feet in width, along all sides of the equipment.
  - c. An obscuring fence or a masonry wall at least six (6) feet high, completely surrounding the equipment.
  - d. Any combination of the above requirements approved by the Planning Commission.
4. All buildings and equipment permitted under this section shall be setback at least one hundred (100) feet from all adjoining property lines. Expansions of transmission facilities, which facilities existed prior to the effective date of this amendment, may be placed within one hundred (100) feet of an adjoining property line only after approval of the

Zoning Board of Appeals and only when fully enclosed within a building.

5. Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.
6. There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.
7. Where the utility transmission structure proposed is a wireless transmission, receiving or relay tower which exceeds the height limit of the particular zoning district in question, it shall comply with the following special standards:
  - a. No wireless transmission tower in excess of one hundred (100) feet in height shall be located closer than 2,000 feet to any other such tower.
  - b. All wireless transmission towers not subject to the regulations of the Federal Aviation Administration shall be painted with a color designed to cause the tower to blend in with the surrounding landscape.
  - c. No new wireless transmission tower shall be constructed where there exists another tower that could reasonably be used to carry the transmission or receiving equipment proposed. The purpose of this section is to require the sharing of tower space by more than one company where broadcast and receiving frequencies do not prohibit such sharing of tower space.

### ***SECTION 11.33 – WAREHOUSE FOR SELF-STORAGE***

Self-storage or mini warehouses may be permitted in the CBD district, subject to the following requirements:

- A. The owner and/or operator shall not permit any business activity to be conducted from an individual storage unit or units. The purpose of self-storage warehouses shall be limited to storage of private property by individuals.

- B. The minimum spacing between self-storage buildings shall be thirty (30) feet where a one-way traffic pattern is used and sixty (60) feet for two-way movement of customer vehicles.
- C. If an office and caretaker's quarters are proposed on-site, they shall occupy a single building.
- D. If the site of a self-storage warehouse directly abuts or lies across the street from a residential district, a masonry screen wall, obscuring fence and/or a landscaped greenbelt shall be provided, at the discretion of the Planning Commission. In deciding what type of screening to require, the Commission shall evaluate which would be most appropriate to the neighborhood area in question.
- E. Every self-storage warehouse shall have an employee on-site at all times during business hours.
- F. No individual storage unit shall have an interior width greater than ten (10) feet and there shall be no electrical service to individual units that could be used by customers.

***SECTION 11.34 - BED & BREAKFAST INNS***

Bed & Breakfast Inns may be permitted in the R-1, M, and R-2 districts, subject to approval by the Planning Commission and the following special standards.

- A. All guest rooms shall be a minimum of one hundred (100) square feet for double occupancy, equipped with a smoke detector/alarm, and shall have lavatory and bathing facilities available to the overnight guests.
- B. The Bed & Breakfast Inn shall have a minimum of two (2) means of exit directly to the outdoors. A floor plan and elevation drawings (or photographs) shall accompany the application.
- C. There shall be no exterior alterations to the dwelling that are not customary for other principal single family residences in the Village. If guest rooms are not part of the original structure but are proposed to be added, plans prepared by a Registered Architect shall be submitted to the Planning Commission for approval which demonstrate the following:
  - 1. The addition is compatible in style and design with the original structure.
  - 2. The rooms proposed to be added could be incorporated into the structure for single family residential use in the future, if

the owner chooses to terminate the use of the dwelling as a Bed & Breakfast Inn.

- D. Two (2) off-street parking spaces for the dwelling and one (1) for each double-occupancy room shall be provided. All off-street parking shall be designed and arranged to maintain the residential character of the principal use. To that end, parking "lots" are to be avoided and the use of grass pavers or similar materials is encouraged.
- E. One (1) non-illuminated sign, not to exceed four (4) square feet may be displayed flat against the wall of the building or within the non-required front yard only.
- F. The applicant shall submit proof of the local Health Department's evaluation regarding the adequacy of the on-site sewage disposal system, in relation to the number of guest rooms proposed, in addition to the principal residential use.
- G. The maximum length of stay of any guest(s) shall be fourteen (14) days.
- H. The permit shall be issued to an owner/operator only and shall not run with the land.

### ***SECTION 11.35 – CLUSTER HOUSING OPTION (Open Space Plan)***

The Cluster Housing Option may be permitted in the R-1 and R-2 districts. The purpose of this option is to preserve certain natural features such as wetlands, water bodies, mature tree stands (woodlands), unusual topography, flood plains and similar natural features by providing for variation in minimum lot sizes and widths and the types of single family dwellings permitted. A proposal for cluster housing must comply with the following:

- A. The land must be platted and subdivided under the Subdivision Control Act or developed as a site condominium under the Condominium Act.
- B. The parcel of land must possess one or more of the following physical or locational characteristics:
  - 1. Topography of the site exceeds twenty (20) percent slope on at least 20 percent of the site.
  - 2. Street slopes would exceed six (6) percent without mass grading of the site.
  - 3. The area of open space planned (not including paved surfaces) accounts for at least twenty-five (25) percent of the total horizontal development area of the parcel (land under water shall not be included in this calculation).

- C. The parcel must contain a readily identifiable physical resource which is to be conserved by the developer. Items classified as a physical resource may include streams / watercourses, wetlands, areas of unique topography having a slope of 20 percent on at least 20 percent of the site, mature tree stands and/or other native vegetation areas and similar items.
- D. The development plan should encourage a more efficient, aesthetic, and desirable use of the land by preserving certain natural features, thereby allowing a consolidation of the developed areas that could result in lower overall development costs.
- E. Sanitary sewers must be available to all lots within the proposed cluster development.
- F. The following guidelines shall be used in designing a cluster subdivision:
  - 1. Individual lots may be reduced to not less than 17,200 square feet in the R-1 district and to not less than 7,900 in the R-2 district. Minimum lot widths may be reduced to 80 feet in the R-1 district and to 70 feet in the R-2 district.
  - 2. For every square foot reduction in lot size, an equal area shall be dedicated as public, subdivision, or condominium open space. No individual open space shall be less than 4 acres in size.
  - 3. Up to 20 percent of the housing units may be attached, provided that no 2 units shall share more than 30 percent common wall and no more than 3 units may be attached in any one group.
  - 4. Deed restrictions shall provide for common ownership of all open space and shall provide an approved mechanism and financing for permanent maintenance.
  - 5. All dwelling units in a cluster development shall meet the minimum floor area requirements of the applicable zoning district.

## **ARTICLE 12 - GENERAL EXCEPTIONS**

### ***SECTION 12.01 - ESSENTIAL SERVICES***

Essential services, as defined in this Ordinance, shall be permitted, as authorized and regulated by State Law and other ordinances of the Village, it being the intent to exempt essential services from the provisions of this Ordinance.

***SECTION 12.02 – VOTING PLACE***

The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a Village or other public election.

***SECTION 12.03 – HEIGHT LIMIT***

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles or public monuments, provided, however, that the Board of Appeals may specify a height limit for any such structure when it requires authorization as a special land use.

***SECTION 12.04 – LOT AREA***

Any lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than special land uses for which special lot area requirements are specified in this Ordinance, provided all yard area and setback requirements of the specific zoning district are complied with, and provided that not more than one (1) principal building occupies the lot.

***SECTION 12.05 – PORCHES AND PATIOS***

An open, unenclosed, and uncovered porch or patio may project into a required front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies or other roof-like structures.

***SECTION 12.06 – PROJECTIONS INTO YARDS***

Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard not more than three (3) feet.

***SECTION 12.07 – ACCESS THROUGH YARDS***

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yard and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing the like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yards.

## **ARTICLE 13 - ADMINISTRATION AND ENFORCEMENT**

### ***SECTION 13.01 - ZONING ADMINISTRATOR***

The provisions of this ordinance shall be administered and enforced by the Village Zoning Administrator, appointed by the Village Council for such term and to such conditions and at such rate of compensation as the Board shall determine.

### ***SECTION 13.02 - ELIGIBILITY OF ZONING ADMINISTRATOR***

If the Zoning Administrator is personally interested in the construction of a building subject to the provisions of this Ordinance, the Village Council shall designate some other person to examine the plans, and to issue the necessary permits, approvals, and certificates.

### ***SECTION 13.03 - CERTIFICATE OF APPROVAL***

- A. Certificate of Approval Required. No building or structure subject to the provisions of this Ordinance shall be erected, altered, enlarged, or moved upon any premises until a “Certificate of Approval” has been issued to the owner of the premises by the Zoning Administrator, certifying that the proposed undertaking is in conformity with the provisions of the Ordinance. No certificate shall be transferrable. The certificate shall be obtained before any work, excavation, erection, alteration, enlargement, or movement is begun. No certificate shall be required for any agricultural building or structure on bonifide farms except for buildings used for dwelling purposes. The certificate shall be posted in a prominent place on the premises during the period of construction, alteration, enlargement, or movement.
- B. Application for Certificate of Approval. An application for a Certificate of Approval shall be made at least ten (10) days prior to the commencement of any construction, alteration, enlargement or movement. The application shall be accompanied by the following:
  - 1. Proof of ownership
  - 2. Two (2) copies of a plot plan, drawn to scale, showing the actual dimensions of all existing and proposed structures, the location and width of all abutting public and private streets, rights-of-way, easements, and public open spaces, the location of all buildings on



abutting properties that are within eight (8) feet of the common property line, location of the domestic water well, septic tank, and tile field disposal system.

- C. Issuance of Certificate of Approval. Whenever the Zoning Administrator shall determine that the building or structure is in conformity with the provisions of this Ordinance, he shall issue a Certificate of Approval to the applicant within ten (10) days after receipt of the application, and when such certificate is refused, he/she shall state the reasons for such refusal in writing. The Zoning Administrator shall deposit one (1) copy of the application with the Village Clerk with notations relative to its approval or disapproval, including the date thereof, and one (1) copy shall be returned to the applicant with similar notations.
- D. Fees. For each Certificate of Approval issued, a fee shall be paid by the applicant, said fee to be established by the Village Board. No Certificate of Approval shall be issued or be valid until the required fee has been paid.
- E. Expiration of Certificate of Approval. Any Certificate of Approval issued by the Zoning Administrator under which no work has been done above the foundations within one (1) year from the date of issuance shall expire; but upon request, such permit shall be renewable for an additional one (1) year from the date of expiration of the original permit, after payment of a renewal fee subject however, to the provisions of the Zoning Ordinance in force at the time of such renewal.
- F. Cancellation of Certificate of Approval. The Zoning Administrator shall have power to revoke and cancel any Certificate of Approval in case of failure or neglect to comply with any of the provisions of this Ordinance or in case of any false statement or misrepresentation made in the application for a Certificate of Approval. The owner or his duly authorized agent shall be notified of such revocation and cancellation in writing.

## **ARTICLE 14 - BOARD OF APPEALS**

### ***SECTION 14.01 - CREATION AND MEMBERSHIP***

There is hereby established a Zoning Board of Appeals of which the Village Council shall constitute the same, in accordance with Section 5(a) of Act 207 of the Public Acts of 1921, as amended. The Zoning Board shall annually select its own Chairman, Vice-Chairman, and Secretary.

### ***SECTION 14.02 - PROCEDURE OF ZONING BOARD OF APPEALS***

Meetings of the Board shall be heard at the call of the Chairman and at such other times as the Board may determine by rule. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance or witnesses. The Board shall adopt its own rules or procedures and shall maintain a record of its proceedings which shall be filed in the office of the Metamora Village Clerk and shall be a public record. The fees to be charged for appeals shall be set by resolution of the Village Council. In those instances wherein lot area and yard requirements in lots existing of record cannot be complied with and must therefore be reviewed by the Board, the required fees for appeal, in whole or in part, may be refunded to the petitioner at the discretion of the Board of Appeals.

### ***SECTION 14.03 - APPEALS - HOW TAKEN***

An appeal to the Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board, or bureau affected by the decision of the Zoning Administrator. Such appeal shall be taken by filing a notice of appeal with the Board of Appeals on appropriate forms provided by the Zoning Administrator; payment of the required fee, and shall specify the grounds for such appeal. The Zoning Administrator shall transmit all papers constituting the records of such appeal to the Board. The Board may require the applicant to furnish such surveys, plans, or other information as may be reasonably required to said Board for the proper consideration of the matter. Upon a hearing before the Board, any person or party may appear in person, or by agent, or by attorney.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to all persons to whom any real property within three hundred (300) feet of the premises in question shall be assessed, and to the occupant of all single- and two-family dwellings within three

hundred (300) feet, such notice to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll, and shall decide the same within a reasonable time. If the tenant's name is not known, the term "occupant" may be used. Upon the hearing, any party may appear in person or by agent or by attorney. The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the power of the officer from whom the appeal is taken. The concurring vote of two-thirds of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to decide under this Ordinance or to effect any variation in this Ordinance. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the Board of Appeals or by the Circuit Court on application, on notice to the Zoning Administrator and on due cause shown.

***SECTION 14.04 – POWER OF ZONING BOARD OF APPEALS***

The Board of Appeals acting in that capacity, shall not have the power to alter or change the Zoning District classification of any property, shall not make any change in the terms of this ordinance, and shall not grant any land use variances. The Board does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, or exception and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:

- (1) ADMINISTRATIVE REVIEW. To hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.

- (2) EXCEPTIONS. To hear and decide in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special situations on which this Ordinance specifically authorizes the Board to pass. Any exception permit shall be subject to such conditions as the Board may require to preserve and promote the character of the Zoning District in question, and otherwise promote the purpose of this Ordinance.
- (3) VARIANCE. To authorize, upon an appeal, a variance from the strict applications on the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

#### ***SECTION 14.05 - STANDARDS***

Each case before the Board of Appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring Board approval for a permit shall be of such location, size, and character, that, in general, it will be in harmony with

the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. The Board shall give consideration to the following:

- (1) The location and size of the use
- (2) The nature and intensity of the operations involved in or conducted in connection with it
- (3) Its size, layout, and its relation to pedestrian and vehicular traffic to and from the use
- (4) The assembly of persons in connection with the use so that it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood
- (5) Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children
- (6) Vehicular turning movements in relation to routes of traffic flow; in relation to street intersections, site distance and the general character and intensity of development of the neighborhood
- (7) The location and height of building, the location, nature and heights of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof
- (8) The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics
- (9) The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger public safety

#### ***SECTION 14.06 - MISCELLANEOUS***

No order of the Board of Appeals permitting the erecting or alteration of buildings shall be valid for a period longer than one (1) year, unless a

building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; PROVIDED HOWEVER, that the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.

## **ARTICLE 15 - PLANNING COMMISSION**

### ***SECTION 15.01***

The Village of Metamora Planning Commission is designated and created as the commission specified in Public Act 33 of 2008 and Public Act 110 of 2006 to have all the authority to perform all of the duties of said Commission as provided in such statutes. The Village of Metamora Planning Commission consists of seven (7) members, and is created pursuant to and shall perform its duties and shall be organized pursuant and subject to Public Act 33 of 2008 and Public Act 110 of 2006. The Metamora Village Council hereby ratifies the creation of the existing Planning Commission and further establishes what shall be in the future known as the “Village of Metamora Planning Commission.”

## **ARTICLE 16 - AMENDMENTS**

### ***SECTION 16.01***

Amendments to the Zoning Map and/or the text of this Ordinance shall follow the requirements and procedures of the City or Village Zoning Act, as amended.

## **ARTICLE 17 - LEGAL PROCEDURES AND PENALTIES FOR VIOLATION**

### ***SECTION 17.01 – ABATEMENT OF NUISANCE***

Any use of land or buildings, and any building or structure that is erected, altered or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se. The Village, the Prosecuting

Attorney for Lapeer County, the Zoning Administrator, or any citizen may take action in any court of competent jurisdiction to cause the abatement of such nuisance.

***SECTION 17.02 - ENFORCEMENT***

Any person, person who violates a provision of this Ordinance shall be guilty of a misdemeanor punishable by fines not to exceed five hundred dollars (\$500.00) and/or imprisonment for not more than ninety (90) days. Any zoning administrator retained by the Village, any elected or appointed Village official, and any police officers or police agencies which provide police protection for the Village of Metamora shall be authorized to issue appearance tickets for violations of this ordinance. Upon authorization of the Village Council, the Village attorney may also initiate enforcement action and seek injunctive, equitable or any other relief by civil action. The Village may institute an action for injunction, mandamus, abatement or any other appropriate action or actions, proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance provided by this Ordinance and the person or entity violating the Ordinance shall be responsible to pay for the attorney fees, expert fees and other costs and expenses incurred by the Village in such enforcement action. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by this Ordinance.

**ARTICLE 18 - FEES**

***SECTION 18.01***

The Village Council shall establish by resolution a schedule of fees and charges and a collection procedure for zoning compliance permits, site plan review, special land uses, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Village Clerk, and may be altered or amended from time to time by resolution of the Village Council.

Until all applicable fees and charges have been paid in full, no action shall be taken on any application or appeal.

**ARTICLE 19 - VALIDITY AND SEVERABILITY**

**SECTION 19.01**

Each and every part of this Ordinance is hereby declared to be severable. Should any Article, Section, subsection or provision be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**ARTICLE 20 - REPEAL OF PRIOR ORDINANCE**

**SECTION 20.01**

Metamora Village Zoning Ordinance, which became effective on May 9, 1977, and all amendments thereto, is hereby repealed in its entirety.

**ARTICLE 21 - PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS**

**SECTION 21.01**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive or that imposing the higher standards shall govern.

**ARTICLE 22 - EFFECTIVE DATE**

**SECTION 22.01**

This Ordinance shall take effect 7 days after publication in a newspaper of general circulation with in the Village a notification of adoption which complies with MCL 125.3401.

**CERTIFICATION OF VILLAGE CLERK**

I, \_\_\_\_\_, Metamora Village Clerk, hereby certify that this Zoning Ordinance was adopted by the Metamora Village Council at a meeting held on \_\_\_\_\_ after a public hearing had been held by the Metamora Village Planning Commission on \_\_\_\_\_ and a recommendation for adoption was transmitted to the Metamora



Village Council, pursuant to the requirements of the City of Village Zoning Act, as amended.

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\_\_\_\_\_, Clerk  
Village of Metamora