

TABLE OF CONTENTS

PREAMBLE	1-1
ENACTING CLAUSE	1-1
ARTICLE I - SHORT TITLE	
1.1 Short Title	1-2
1.2 Scope	1-2
ARTICLE 2 - DEFINITIONS	
2.1 Definitions	2-1
Figure 2.1 - Basement and Story	2-17
Figure 2.2 - Height of Building	2-17
ARTICLE 3 - DISTRICT REGULATIONS	
3.1 Districts	3-1
3.2 Map	3-1
3.3 District Regulations	3-1
3.4 R-1 Single Family Residential - Rural	3-2
3.5 R-2 Single Family Residential - Medium Density	3-3
3.6 R-3 Single Family Residential	3-4
3.7 R-4 Single Family Residential - Attached	3-5
3.8 R-M Multiple Family Residential	3-6
3.9 RMHC Manufactured Home Community	3-7
3.10 C-1 Local Business	3-7
3.11 C-2 General Commercial	3-8
3.12 I-1 Light Industrial	3-9
3.13 WO Waterfront Protection Overlay Zone	3-10
3.14 Table of Zoning District Regulations	3-14
Figure 3.1 - Minimum Distance Between Multi-Family Dwellings	3-16
ARTICLE 4 - GENERAL PROVISIONS	
4.1 Access to Water Bodies/Riparian Use	4-1
4.2 Accessory Buildings in Residential Districts	4-1
4.3 Access, Curb cuts and Driveways	4-3
4.4 Construction Begun Prior to Adoption of Ordinance	4-4
4.5 Corner Clearance	4-4
4.6 Division of Existing Parcels	4-4
4.7 Excavation of Holes	4-6
4.8 Exceptions	4-6
4.9 Exterior Lighting	4-7
4.10 Fence and Wall Standards	4-7
4.11 Filling and Stockpiling Operations	4-9
4.12 Lot Limitations	4-9

4.13	Occupancy, Prohibited	4-9
4.14	Performance Standards	4-9
4.15	Porches, Decks, Patios and Terraces	4-9
4.16	Private Roads	4-10
4.17	Raising of Livestock	4-11
4.18	Screening of Trash Storage Areas	4-12
4.19	Signs	4-12
4.20	Soil Erosion and Sedimentation Control	4-13
4.21	Storage and Repair of Vehicles	4-13
4.22	Street or Road Frontage	4-14
4.23	Swimming Pools	4-14
4.24	Yard Sales	4-14
	Figure 4.1 - Area Where Accessory Structures is Permitted	4-16
	Figure 4.2 - Corner Clearance	4-16
ARTICLE 5 - NON-CONFORMING USES		
5.1	Continued Use Permitted	5-1
5.2	Non-Conforming Lots of Record	5-1
5.3	Non-Conforming Uses of Land	5-1
5.4	Non-Conforming Structures	5-2
5.5	Non-Conforming Uses of Structures	5-2
5.6	Repairs and Maintenance	5-3
5.7	Changes of Tenancy or Ownership	5-3
ARTICLE 6 - OFF-STREET PARKING REQUIREMENTS		
6.1	Parking Requirements	6-1
6.2	Table of Off-Street Parking Requirements	6-3
6.3	Off-Street Loading Requirements	6-5
6.4	Off-Street Parking Construction	6-6
	Table 6-3 - Michigan Barrier Free Parking Requirements	6-7
	Figure 6.4 - Parking Layouts	6-8
ARTICLE 7 - LANDSCAPE STANDARDS		
7.1	Intent	7-1
7.2	Buffer Zones	7-2
7.3	Green Belts	7-4
7.4	Plant Materials	7-4
7.5	Maintenance	7-5
	Prohibited Plant Species	7-6
ARTICLE 8 - DESIGN STANDARDS		
8.1	Purpose	8-1
8.2	Architectural Standards	8-1
8.3	Adult Uses	8-2
8.4	Automobile (Motor Vehicle Sales) Dealership	8-3
8.5	Automobile (Motor Vehicle) Repair Facilities	8-4

8.6	Bed and Breakfast Establishments	8-4
8.7	Campgrounds	8-4
8.8	Communications Towers and Antennae	8-5
8.9	Day Care, Commercial	8-5
8.10	Day Care Homes	8-6
8.11	Home Occupations	8-6
8.12	Kennels, Commercial	8-7
8.13	Kennels, Private (3 dogs maximum)	8-7
8.14	Solar Energy Systems	8-8
8.15	Storage Facilities	8-8
8.16	Wind Energy Systems (On-site Use)	8-9
8.17	Veterinary Clinics	8-10
ARTICLE 9 - SITE PLAN REVIEW STANDARDS		
9.1	When Site Plans are Required	9-1
9.2	Required Information	9-1
9.3	Site Plan Approval	9-3
9.4	Changes to Approved Site Plans	9-3
9.5	Time Limits	9-3
9.6	Required Information - Residential	9-4
ARTICLE 10 - SPECIAL USE PERMIT REVIEW REQUIREMENTS		
10.1	When a Special Use Permit is Required	10-1
10.2	Required Information	10-1
10.3	Hearing	10-1
10.4	Changes to Approved Special Use Permit	10-2
10.5	Expiration of Special Use Permit	10-2
10.6	Standards of Determination	10-2
ARTICLE 11 - ADMINISTRATION AND ENFORCEMENT		
11.1	Responsibilities	11-1
11.2	Zoning Permits	11-2
11.3	Certifications of Occupancy	11-3
11.4	Fees	11-3
11.5	Sanctions for Violations	11-3
ARTICLE 12 - ZONING BOARD OF APPEALS		
12.1	Zoning Board of Appeals	12-1
12.2	Meetings	12-1
12.3	Responsibilities	12-1
12.4	Variances	12-2
12.5	Interpretations	12-2
12.6	Appeals and Special Approvals	12-3
12.7	Procedures	12-3
12.8	Time Limits	12-4
12.9	Conditions	12-4

ARTICLE 13 - CONDOMINIUMS		
13.1	Intent	13-1
13.2	Review Requirements	13-1
13.3	Zoning Ordinance Standards	13-1
13.4	Condominium Design Requirements	13-2
13.5	Survey Requirements	13-2
13.6	Recorded master Deed	13-3
ARTICLE 14 - SUBDIVISION DEVELOPMENT REQUIREMENTS		
14.1	Intent	14-1
14.2	Optional Pre-Preliminary Plat Conference	14-1
14.3	Tentative Preliminary Subdivision Plat	14-1
14.4	Final Subdivision Plat	14-4
14.5	Subdivision Design Standards	14-5
14.6	Subdivision Open Plan	14-8
ARTICLE 15 - AMENDMENTS		
15.1	Initiating Amendments	15-1
15.2	Procedures	15-1
ARTICLE 16 - VALIDITY, REPEAL OF PRIOR ORDINANCE, VESTED RIGHT, ENACTMENT AND EFFECTIVE DATE		
16.1	Validity	16-1
16.2	Repeal of Prior Ordinance	16-1
16.3	Vested Right	16-1
16.4	Enactment and Effective Date	16-1
Zoning Classifications Map		

ZONING ORDINANCE
VILLAGE OF OTTER LAKE
LAPEER AND GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 100.1

Adopted: May 3, 2010

An ordinance to regulate and restrict the use of land and buildings by dividing the Village of Otter Lake into districts; imposing regulations, prohibitions and restrictions governing the erection, construction or reconstruction of structures and buildings and lands to be used for the proposes of residence, commerce, industry, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating and limiting lot occupancy and size, size of yards and other open spaces; regulating and limiting the density of population; regulating and limiting congestion on the public streets by providing for the off-street parking and loading of vehicles; establishing the boundaries of districts; creating a Board of Zoning Appeals, defining and limiting the powers and duties of said board and setting standards to guide actions of said board and providing the means of enforcing said ordinance and providing a penalty for violation of said ordinance.

PREAMBLE

In accordance with the authority and intent of Act 184, of the Public Act of 1943, as amended, the Village of Otter Lake desires to provide for the orderly development of the Village, which is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Village further desires to assure the provision of adequate sites for industry, commerce, and residences, including open space and recreation, to provide for the free movement of vehicles upon proper streets of the Village; to protect industry, commerce, and residences against economic well-being of the Village as a whole. This ordinance, which is based on the goals and policies of the Village's master land use plan, will promote and protect the public health, safety, comfort, and general welfare of the residents and visitors in the Village of Otter Lake.

ENACTING CLAUSE

THE VILLAGE OF OTTER LAKE, COUNTIES OF LAPEER AND GENESEE, MICHIGAN
ORDANS:

ARTICLE I

Section 1.1 Short Title

This ordinance shall be know and cited as the Village of Otter Lake Zoning Ordinance.

Section 1.2 Scope

No building or structure, or part thereof, shall hereinafter be erected, constructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

End of Article I

ARTICLE 2

DEFINITIONS

Section 2.1 Definitions

Accessory Building - Any building related to the principle use of the premises or to an accessory use.

Accessory Structure - Anything constructed or erected which requires permanent location on the ground or attachment to something having such location which is subordinate to the principle building on the same lot.

Accessory Uses - A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

Adult Foster Care, Group Homes - A group home that has the capacity to receive adults. Any occupant of a home, other than the licensee or persons who are related to the licensee, live-in staff's spouse and minor children, or a person related to a resident who is not in need of foster care, shall be considered a resident and be counted as part of the licensed capacity. The total number of occupants shall not be more than six (6) over the licensed capacity. Care is provided by paid staff who do not necessarily live on site.

1. Adult Foster Care, Small Group Homes (1-6 persons) - A group home that has the capacity to receive six (6) or fewer adults.
2. Adult Foster Care, Medium Group Homes (7-12 persons) - A group home that has the capacity to receive not less than seven (7) or more than twelve (12) adults.
3. Adult Foster Care, Large Group Homes (13-20 persons) - A group home that has the capacity to receive not less than thirteen (13) or more than twenty (20) adults.

Adult Uses - Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas".

1. Adult entertainment use shall include, but not be limited to the following:
 - a. Adult Book or Video Establishment - An adult book or video establishment is a business having as a substantial or significant portion of its stock in trade, video tapes, films, books, magazines, and other publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".

- b. Adult Motion Picture Theater - An adult motion picture theater is a building or open air site used for presenting motion pictures distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
2. Significant Portion - As used in the above definitions, the phrase "significant portions" shall mean and include:
 - a. The aggregate or portions of the display having a duration equal to ten (10) percent or more of the display.
 - b. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.
 3. Display - As used in the above definitions, the word display shall mean any single motion or still picture presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, computer generated images, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
 4. Specified Sexual Activities - As used in the above definitions, the phrase "specified sexual activities" shall mean and include:
 - a. Human genitals in a state of sexual stimulation or arousal, acts or human masturbation, sexual intercourse or sodomy, and fondling of other erotic touching of human genitals, pubic regions, buttocks or female breasts.
 5. Specified Anatomical Areas - As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:
 - a. Less than completely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Alley - A public way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alteration - Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred as "altered" or "reconstructed".

Ambient Sound Pressure - The sound pressure level exceeded 90 percent of the time or L₉₀.

Arcades - A building or part of a building that houses a business whose principal purpose is the operation of pinball machines, video games, pool tables or similar player operated amusement devices.

Architectural Features - Exterior items and features of a building, including but not limited to; cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Assisted Living Facilities - A special combination of housing, personalized supportive services, and health care to help individuals to maintain maximum independence and choice outside a skilled setting.

Automotive Dealers - An area of land and structures used to display and sell new and/or used automobiles, and may include auto servicing and repair as accessory uses.

Automobile Service Stations - A building or structure designed or used for the retail sale of fuel, lubricants, air, water, and other operating commodities for motor vehicles, including space and facilities for minor repair or servicing, but not including bumping, painting, refinishing, major repairs and overhauling. The term covers such uses as quick oil change facilities and muffler/brake replacement facilities provided no major repairs as described above are undertaken.

Automobile Wash Establishment - A building, or person thereof, the primary purpose of which is that of washing motor vehicles. These establishments may be self-serve stationary cleaning areas or have the characteristic of a conveyor belt that moves the vehicle through the washing cycle.

Bars, Cocktail Lounges, Taverns and Nighclubs - A business serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches, snacks and other prepared food may also be sold. Establishment may also include dancing.

Basement - A story of a building having fifty (50) percent or more of its height below average grade.

Bed and Breakfast Establishments - A house, or portion of a house where short-term lodging rooms and meals are provided. A bed and breakfast is distinguished from a motel or hotel in that it shall have only one (1) set of kitchen facilities, employ only those living in the house or up to one (1) additional employee, and have a facade consistent with the surrounding homes.

Boarding Houses - A dwelling wher meals, or lodging and meals, are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

Boat Dock or Slip - A boat dock or boat slip shall mean a space designed for the mooring of a watercraft(s). Such spaces may extend from a dock or a shoreline.

Boathouse - A structure especially designed for the storage of watercraft located on or next to open water.

Buildable Area - The buildable area of a lot is the space remaining after the minimum setback requirements of this Ordinance have been complied with. Wetlands, floodplains or submerged land such as lake, pond or stream shall be excluded from the calculation of buildable area.

Building - A structure, either temporary or permanent, having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or chattels, is a building. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building Area - The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on the lot.

Building Height - The vertical distance measured from the established grade at the center of the front of the building to the highest point of the roof structure if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Building, Main or Principal - A building in which is conducted the principal use of the lot on which it is situated.

Business Service Establishments - Establishments which are primarily engaged in rendering services on a contract or fee basis to business establishments. *Examples include:* Office machine repair, computer repair, printing and other uses similar to a compatible with above establishments.

Campgrounds - A parcel or tract of land under the control of a person or company on which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters in tents or other recreational vehicles. Campgrounds include a children's camp and adult foster care camp.

1. Campgrounds, Permanent - A campground where the sites are sold or leased for long term use, including semi-permanent installation of campers, trailers or mobile homes at the campsite.
2. Campgrounds, Transient - A campground where the sites are rented out on a nightly or weekly basis and does not involve the long term installation of campers, trailers or mobile homes at the campsite.

Cemeteries - Land used or intended to be used for the burial of the deceased.

Child Care Centers - See Day Care Center, Commercial

Clubs - An organization of persons for special purposes or for the publicizing of agriculture, sports, arts, science, literature, politics or the likes, but not for a profit. A club must be recognized or certified as a non-profit organization.

Commercial Outdoor Display, Sales or Storage - A permitted or accessory use, including sales or storage of; building/lumber supply, contractors yards, flea markets, auctions, garden/landscape supplies, nurseries, greenhouses, stone, farm implement, automobiles, trucks, recreation vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment.

Commercial Vehicles - Any vehicle bearing or required to bear commercial license plates.

Communication Towers - A radio, telephone or television transmission, reception or relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunication towers and any tower erected by a public entity for hazard warning or other communication purpose.

1. Communication Antennae - Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals and radio frequencies.
2. Alternative Tower Structure - Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
3. Backhaul Network - The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Condominium Project - A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of dwelling or other principal structure and most of the land in the development is part of the general common area.

Convalescent or Nursing Home - See Long Term Care

Day Care, Adult - These facilities provide temporary care for less than a twenty-four (24) hour period for persons over the age of eighteen (18) in a supervised environment. Generally, these establishments provide care for the elderly or disabled.

1. Day Care, Adult (1-6 persons) - There shall be no more than six (6) clients cared for on the property at any given time.
2. Day Care, Adult (7 or more persons) - There shall be no less than seven (7) clients cared for on the property at any given time.

Day Care Centers, Commercial - Day care centers are facilities (publicly or privately operated), other than a private home, having as their principal function the receiving or one (1) or more preschool or school age children (under the age of eighteen (18) for care and supervision. Day care centers include facilities that provide care for not less than two (2) consecutive weeks, despite the number of hours per day of care. Day care centers receive minor children for care for periods of less than twenty-four (24) hours a day, where the parents, relatives, or legal guardians are not immediately available. Day care centers are also commonly known as child care centers, day nurseries, child care facilities, nursery schools, parent cooperative preschools, play groups, or drop-in centers. These may also include inter-generational day care facilities for both children and the elderly.

Day Care Homes - A child care facility that provides licensed day care in private homes for unrelated minor children under the age of eighteen (18). Children receive care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian for more than four (4) weeks during a calendar year. Facilities that provide care to thirteen (13) or more minor children constitute a commercial day care center.

1. Day Care Homes (1-6 persons) - There shall be no more than six (6) unrelated children cared for on the property at any given time.
2. Day Care Homes (7-12 persons) - There shall be no less than seven (7) or no more than twelve (12) unrelated children cared for on the property at any given time.

Deck - A platform other than a porch, either freestanding or attached to a building that is supported by pillars or posts above ground.

Detention - The process of restricting the rate of stormwater flowing off a parcel as a result of rain or snowfall.

District - A portion of the Village within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

Drive-thru - An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits or receive other services, or obtain goods without leaving their motor vehicles, and then proceed elsewhere.

Driveway - A private roadway providing vehicular ingress / egress to a parcel of property

to an improved street for accessing parking space, a garage, dwelling or other structure.

Dwelling Unit - A dwelling unit is any house or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, automobile chassis, tent or portable building be considered a dwelling. In the case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

Egress - A defined path or means of exiting a parcel or structure.

Erected - The work erected includes built, constructed, reconstructed, moved on to, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Excavating / Excavation - The removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever is the highest.

Fence Height - The vertical distance between the ground, on the exterior side of the fence, and the highest point of the fence, excluding gates, posts, and other decorative features.

Floor Area, Gross - The sum of horizontal areas of all the floors of a building, measured from the interior faces of the exterior walls, not including breezeways, unenclosed porches and attached garages.

Floor Area, Usable - Usable floor area, for the purpose of computing parking needs for off-street parking spaces, is net floor area used for or intended to be used for the sale of merchandise or services or for the use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise, or for utilities shall be excluded from this computation of Usable Floor Area. Measurement of floor area shall be the sum of horizontal areas of the floors of the building, measured from the interior faces of the exterior walls.

Foster Care - A private home in which up to six (6) minor children who are not related to an adult member of the household by blood, marriage or adoption, are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive three (3) weeks for compensation.

Funeral Homes or Mortuaries - A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used for preparation of the dead for burial, the performance of autopsies and other surgical procedures, the storage of caskets, funeral urns, and other related funeral supplies, and storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall be permitted.

Gasoline Service Station - A facility used for the retail sale of gasoline, oil and similar fuels for motor vehicles.

Greenbelt - A strip of land of specified width and location reserved for the planting of vegetation or installation of landscaping intended to serve as a buffer or screen.

Halls - A building or structure used for the purpose of public assembly that may be rented to individuals for use. Halls may also be used by and/or located on the premises of clubs as defined in this Ordinance. The term hall includes assembly, rental, dance, country clubs, banquet halls or other places of public assembly when conducted within an enclosed building.

Home Occupations - A business or commercial pursuit conducted by a person or business entity in a residential dwelling.

Hospitals - An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to sick or injured human patients and including accessory facilities such as laboratories, out-patient departments, training facilities and staff offices.

Hotel - A building used as a temporary abiding place of individuals or groups of individuals in which there are more than five (5) sleeping rooms sharing a common entrance to the structure.

Industrial Parks - An area of land with or without buildings, planned and developed to provide appropriate sites for industrial operations, offices and other similar types of uses.

Industrial Service Establishments - These establishments are engaged in the repair or servicing of industrial, business or consumer machinery, equipment products or by-products. Establishments that service consumers goods do so mainly providing a centralized service for separate retail outlets. Building maintenance services and similar uses and services that are performed off-site. In most cases, few customers, especially the general public, come to the site.

Ingress - A defined path or means of access to a parcel or structure

Junk - Any motor vehicle, machinery, appliances, products, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junk Yard - Any outdoor area used for the storage or abandonment of junk, or for the dismantling or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennels - The housing or keeping of more than (3) dogs over four (4) months of age, for any purposes or the keeping of any number of dogs for training, breeding or boarding.

Laboratories - A place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of a product or products, except prototypes, is not performed.

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

Long Term Care Facilities - Establishments primarily engaged in providing in-patient nursing and health related personal care, other than a private home, in which one (1) or more adults who are aged or physically impaired by accident, disease, or otherwise disabled are received for care and supervision for extended periods. Establishments of this type include; nursing homes, subacute care facilities, home for the aged, intermediate care facilities, hospice, convalescent homes and rest homes.

Lot - A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. In the case of a site condominium, each condominium unit and its contiguous associated limited common area shall constitute a lot.

Lot Area - The total horizontal area within the lot lines of the lot.

Lot Corner - A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street.

Lot Coverage - That part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth - The mean horizontal distance from the front street line to the rear lot line.

Lot, Lake - A lot having frontage on a natural or man-made lake, excluding rivers, streams, channels and ponds.

Lot Lines - The property lines bounding the lot.

1. Front Lot Line - In the case of an interior lot, abutting upon a public or private street, the front lot line shall mean the line separating said lot from such street right-of-way. In the case of a through lot, the front lot line shall mean the line separating said lot from that street which is designated on the zoning permit. In case of a corner lot, both street lot lines are front lot lines.
2. Rear Lot Line - Ordinarily, that lot line which is opposite and most distant from the front lot line of that lot. In the case of an irregular or triangular shaped lot, the Zoning Administrator shall designate the rear lot line.

3. Side Lot Line - Any line not a front lot line or rear lot line.

Lot of Record - A lot which actually exists in a subdivision plat or condominium plan as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, Through - A lot having its front and rear yards each abutting a street or road.

Lot Width - The horizontal distance between the side lot lines, measured at the required front yard setback or the actual front yard setback, whichever is less.

Manufactured Home - A factory built single family structure that is manufactured under the authority of the National Manufactured Housing Construction and Safety Standards Act of 1974.

Medical Care Establishments - Healthcare facilities that provide medical, dental, surgical, preventive health services and other related services to patients.

Mezzanine - An intermediate floor in any story occupying one third (1/3) or less of the floor area of said story.

Motel - A series of attached, semi-detached, detached rental units containing bedroom, bathroom and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building.

Municipal Offices or Buildings - A building or office used and dedicated for the official functions of the Village.

Non-conforming Building - A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of this Ordinance in the zoning district in which it is located.

Non-conforming Use - A use of land or structure for purposes which conflict with the provisions of this Ordinance.

Nursery Schools - See "Child Care Centers"

Nursing Homes - See "long Term Care Facilities"

Occupied - The word occupied includes arranged, designed, built, altered, converted to rented or leased, or intended to be occupied.

Off-street Parking Lot - An off-street parking lot shall consist of space for parking motor vehicles with properly related access to a public street, alley and maneuvering room, and located in an area with the land use to which it is related.

Office Establishments - Office establishments are characterized by activities conducted in an office setting and generally focusing on business, government, professional, financial or other related services.

On-Site Wind Energy Systems - A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

Open Storage - All outdoor storage of building materials, equipment and other supplies.

Parking Space - An area for parking of individual automobiles or motor vehicles, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the parking of permitted vehicles.

Parks - An area or parcel open to the general public and reserved for the recreational, educational or scenic purposes.

Pavilion or Gazebo - An open decorative shelter, display stand or other open structure in a park or large garden.

Personal Service Establishments - Personal service establishments are primarily engaged in providing services involving the care of a person or this or her personal goods, apparel or other belongings.

Planned Unit Developments - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Porch - A covered open or enclosed entrance to a building or structure which projects out from the main wall of said building or structure and has a separate or integral roof with the principal building or structure to which it is attached.

Premises - A lot, together with all of the buildings, structures on it and other improvements.

Recreation, Indoor Commercial - Indoor entertainment establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality that may include food service or accommodations, but does not include drive-through establishments. Additional regulations apply to indoor establishments that service alcohol.

Recreation, Outdoor Commercial - Outdoor recreation and entertainment establishments provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and restrooms, caretaker's quarters, maintenance facilities and other facilities in addition to structures for the principal uses. Additional regulations apply to outdoor entertainment establishments

that serve alcohol. *Examples Include:* Tennis courts, archery courts, shuffleboard, horseshoe courts, children's amusement park or other type of amusement and water parks, theme parks, fairgrounds, go-carts, race tracks, amphitheaters, airgun or survival games, batting cages, skate board parks and other uses similar to and compatible with the above establishments.

Recreational Vehicles - Any vehicle or craft intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, pontoons, jet-skis, snowmobiles, all-terrain and off-road vehicles and other similar vehicles or trailers required to bear state issued license plates, license numbers, or licence tags. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Religious Institutions - Institutions that primarily provide meeting areas for religious activities for the general public. They may be associated with a convent (group housing) or provide housing or a parsonage on-site as an accessory use.

Residential - Dwelling intended for use as a residence by a single person, a single family or a group of individuals living together as a single housekeeping unit.

1. Apartments - A group of rooms or suites which include bath(s) and kitchen facilities in a two-family or multiple dwelling arranged and intended for use as a residence by a single family or a group of individuals living together as a single housekeeping unit.
2. Duplex - Two (2) residences attached by a common wall or ceiling/floor.
3. Efficiency Unit - A dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred fifty (350) square feet of floor area.
4. Multiple Family - A building used or designed as a residence for three (3) or more families living independent of each and each doing their own cooking in said building. This definition includes three (3) or more family houses and apartment houses which share common entrances.
5. Single Family Attached - An attached building designed for, or occupied exclusively by one (1) family. This definition includes townhouses, patio or row houses.
6. Single Family Detached - A detached building designed for, or occupied exclusively by one (1) family.

Restaurants - An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory "take-out" services.

Retail Establishments - An establishment that is primarily engaged in the purchase and

resale of goods or merchandise to the public for personnel, household, or business use or consumption and rendering services incidental to the sale of such goods. These may be some processing of products incidental or subordinate to the selling activities.

Retention - The process of preventing stormwater from flowing off a parcel as a result of rain or snowfall.

Riparian - To have rights to water, including access to a body of water.

Riparian Lot - A lot that is contiguous to a body of water so as to provide the owner of the lot riparian rights with respect to the body of water.

Senior Citizens Center - A facility that houses an organization of persons over a defined age, either privately or publicly funded, for the purpose of social fellowship.

Senior Housing - Housing type that provides individual dwelling units to allow seniors to live independently with regards to cooking, housekeeping, laundry and general activities of daily living.

Setback - The minimum horizontal distance between the principal building, excluding steps and unenclosed porches and the lot line. In the case of a lot adjacent to a lake, the setback is measured from the nearest point on the shore.

Shed. Storage - A simple roofed structure used for storage or to shelter animals.

Sign - An device and/or structure that is designed to inform, advertise or attract attention.

Sign Area - The total of the surface of a sign, computed in square feet in accordance with the following:

1. One (1) Sided Signs - The total shall be determined by multiplying the total height of the sign surface by the total width of the sign surface, edge to edge.
2. Two (2) Sided Signs - The total of the surface of one (1) side of the sign determined by multiplying the total height of the side surface by the total width of the sign surface, edge to edge.
3. No signs with more than two (2) sides shall be permitted.

Sign, Permanent - Any sign designed or intended to be placed on a parcel of land for more than six (6) months.

Sign, Temporary - Any sign designed or intended to be placed on a parcel of land for less than six (6) months. Also any sign, which is not permanently attached to real estate in accordance with the construction requirements of the building code.

Sight Line - A line across the width of a lake lot which connects the point closest to the lake on the foundation to the principle structure on either side of the lot or parcel of land upon which the proposed structure is to be constructed.

Special Land Use - Authority granted by the Planning Commission for a specific use on a specific parcel authorized by a Special Use Permit in the zoning district in which the parcel is located.

Stacking Space - A space designed to accommodate a motor vehicle waiting to use a drive-through facility.

Storage Facilities - A building or series of buildings containing separate storage spaces of varying sizes leased or rented as individual leases. Facilities may or may not include separate storage spaces and areas outside of buildings used for storage.

Story - That portion of a building, other than a basement or mezzanine, including between the surface of any floor and floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half - That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one half ($\frac{1}{2}$) the floor area of said story.

Strip Malls - A group of stores attached or separate, all of which are accessed from a separate outside entrance.

Structure - Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. A structure does not include physical improvements that are flush with the ground such as patios, sidewalks, and driveway.

Swimming Pool - Any structure or container intended for swimming, located in-ground, on-ground and above ground designed to hold water to a depth greater than twenty-four (24) inches.

Tents - A shelter of fabric supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Tower - Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above ground.

Use - The purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is occupied, maintained, let or leased.

Variance - An authorized permitting change in the requirements of this Ordinance by the Zoning Board of Appeals in cases where the general requirements of this Ordinance and the literal enforcement of such would result in a practical difficulty upon the variance applicant.

Veterinary Clinic - A facility for the examination and treatment of animals, excluding temporary boarding facilities.

Wind Energy System - A land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the utility grid.

Wireless Telecommunication Antennae/Towers - See "Communication Towers"

Wholesale and Warehousing - These establishments or places of business are primarily engaged in the selling of merchandise to retailers or storing of merchandise, to industrial, commercial, institutional, or professional business users, to other wholesalers, or acting as agents or broker and buying merchandise for, or selling merchandise to such individuals or companies. There is little on-site sales activity with the customer present. Accessory use may include offices, truck fleet parking, fueling and maintenance.

Woodworking, Commercial - A business involved in the construction of cabinets, case goods, furniture, small portable structures and similar products, primarily out of wood.

Yard - An open space of identified width or depth on the same land with a building or group or buildings, which open space lies between building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight (8) foot height clearance is provided above the ground level.

1. Front Yard - An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
2. Rear Yard - An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line to the main building.
3. Side Yard - An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the side lot line and nearest line of the main building.

Zoning Board of Appeals - The Zoning Board of Appeals for the Village established under the authority of Public Act 168 of 1959.

Zoning District - A portion of the Village within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established by this Ordinance.

Zoning Permit - Written verification from the Village Zoning Administrator or their designee, that a proposed land use, new construction, addition, or excavation or grading of property complies with the terms of this Ordinance.

End of Article 2

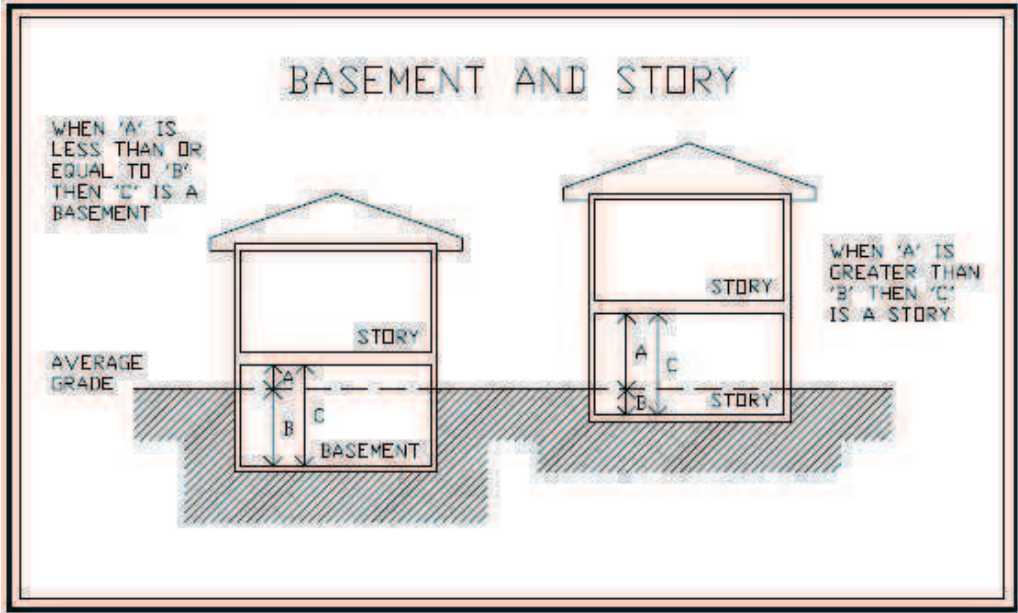


Figure 2.1

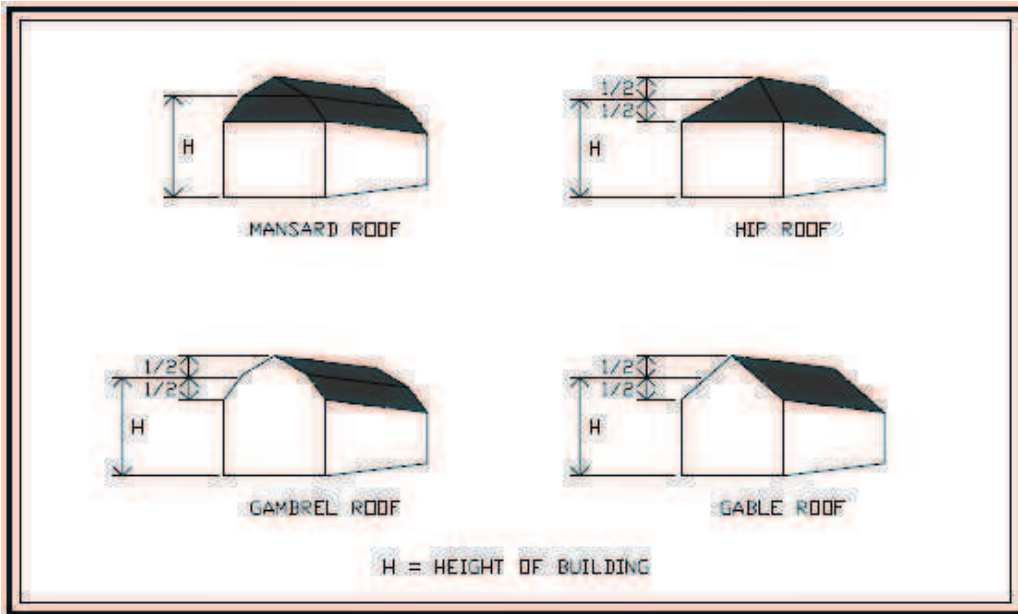


Figure 2.2

ARTICLE 3

DISTRICT REGULATIONS

Section 3.1 Districts

The Village is hereby divided into the following zoning districts as shown on the official Zoning Map:

R-1	Single Family Residential - Rural
R-2	Single Family Residential - Medium Density
R-3	Single Family Residential
R-4	Single Family Residential - Attached
R-M	Multiple Family Residential
RMHC	Manufactured Home Community
C-1	Local Business
C-2	General Commercial
I-1	Light Industrial

In addition, the following shoreline protection overlay zone is established for the preservation and enhancement of surface water through regulation of uses and activities of land within one hundred (100) feet of the lake's shore and Butternut Creek.

WO	Waterfront Protection Overlay Zone
----	------------------------------------

Section 3.2 Map

The boundaries of these zoning districts are shown upon the map attached to and made a part of this Ordinance. The map shall be designated as the Village of Otter Lake Zoning Map. Zoning district boundary lines follow lot lines or the centerline of the streets, alleys, lakes or such line extended and corporate limits of the Village as they existed at the time of the adoption of this Ordinance.

Section 3.3 District Regulations

Every building or structure erected, any use of land, building, or structure, any structural alteration or relocation of an existing building or structure and any enlargement of or addition to, an existing use of land, building or structure, and any creation or splitting of a lot, occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning district in which such land use, building or structure shall be located.

1. Principal Uses Permitted - All uses of land or structures listed as principal uses permitted are permitted throughout the district under which they are listed, subject to the review and approval by the Zoning Administrator for those uses requiring issuance of a zoning permit and following review and approval by the Planning

Commission for those uses requiring site plan approval under the procedures outlined in Article 9, Site Plan Review Requirements. Any uses not expressly listed as “Principal Uses Permitted” are prohibited in that district, unless they are listed as “Uses Permitted by Special Use Permit”.

2. Uses Permitted by Special Use Permit - All uses of land or structures listed as “Uses Permitted by Special Use Permit” are permitted within the district under which they are listed, provided that Planning Commission approval has been granted in accordance with this Ordinance. Uses not specifically permitted within a district are prohibited.
3. Open space, off-street parking and other similar provisions required in connection with a particular use may not be used at the same time to meet the requirements for a separate use, unless specifically authorized by this Ordinance.
4. Area, Height, Setback and Placement Requirements - All uses of land or structures shall comply with the area, setback, and height requirements of the attached Schedule of Regulations, Section 3.12.
5. Design Standards - Some uses permitted in the zoning districts have required design standards as listed in Article 8.
6. Prohibited Uses - Use of any residentially zoned waterfront property for the purpose of providing access to such body of water for non-riparian property owners is prohibited.
7. Raising of livestock where permitted in the zoning districts have required standards as listed in Article 4 - Section 4.13.

Section 3.4 R-1 Single Family Residential - Rural

The R-1 Single Family Residential - Rural zoning district is intended to conserve and protect the rural and open character of the townships surrounding the village and to provide a suitable environment for families typically with children. The principles of conservation planning/design are strongly encouraged for planned developments with this zoning district. Uses are typically limited to one (1) family dwellings, along with certain other uses with few traffic generators.

A. Permitted Principal Uses

1. Residential, single family detached
2. Adult foster care small group homes (1-6 persons)
3. Agriculture and horticulture (10 acre minimum)
4. Day care, adult (1-6 persons)
5. Day care homes (1-6) persons)
6. Foster family homes

- B. Permitted Accessory Uses: Accessory uses are only permitted if the associated principal use is already established on the lot.
 - 1. Home occupations
 - 2. Horses, keeping of
 - 3. Household pets, keeping of
 - 4. Large livestock, keeping of (10 acre minimum)
 - 5. Small livestock, keeping of (non-commercial, one (1) acre minimum)
 - 6. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

- C. Uses Permitted by Special Use Permit
 - 1. Adult foster care medium group homes (7-12 persons)
 - 2. Bed and breakfast establishments
 - 3. Campgrounds
 - 4. Day care, adult (7-12 persons)
 - 5. Day care homes (7-12 persons)
 - 6. Kennels, commercial
 - 7. Religious facilities
 - 8. Residential, duplex developments
 - 9. Stables and/or riding academies (10 acre minimum)
 - 10. Veterinary clinics (5 acre minimum)

Section 3.5 R-2 Single Family Residential - Medium Density

The R-2 Single Family Residential - Medium Density zoning district is intended to encourage a suitable environment for families typically with children. The principles of conservation planning/design are strongly encouraged for planned developments within this zoning district. Uses are typically limited to one (1) family dwellings, along with certain other uses, such as schools, parks and playgrounds, which provide a desirable neighborhood land use pattern with moderate density traffic generators.

- A. Permitted Principal Uses
 - 1. Residential, single family detached
 - 2. Adult foster care small group homes (1-6 persons)
 - 3. Agriculture and horticulture (10 acre minimum)
 - 4. Day care, adult (1-6 persons)
 - 5. Day care homes (1-6 persons)
 - 6. Foster family homes

- B. Permitted Accessory Uses: Accessory uses are only permitted if the associated principal use is already established on the lot.
 - 1. Home occupations

2. Household pets, keeping of
3. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Adult foster care medium group homes (7-12 persons)
2. Bed and breakfast establishments
3. Campgrounds
4. Day care, adult (7-12 persons)
5. Day care homes, group (7-12 persons)
6. Educational facilities
7. Small livestock, keeping of (non-commercial, one (1) acre minimum)
8. Nursery schools and children day care centers
9. Parks
10. Public buildings
11. Religious facilities
12. Residential, duplex developments

Section 3.6 R-3 Single Family Residential

The R-3 Single Family Residential zoning district is intended to maintain and encourage the traditional plotted grid pattern and to provide a suitable environment for families typically with children. Uses are typically limited to one (1) family dwellings, along with certain other uses, such as schools, parks and playgrounds which provide a desirable neighborhood land use pattern. In keeping with this intent, development is restricted to a high density single family residential development with medium density traffic generators.

A. Permitted Principal Uses

1. Residential, single family detached
2. Adult foster care small group homes (1-6 persons)
3. Day care, adult (1-6 persons)
4. Day care homes (1-6 persons)
5. Foster family homes

B. Permitted Accessory Uses: Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations
2. Household pets, keeping of
3. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Adult foster care medium group homes (7-12 persons)
2. Bed and breakfast establishments
3. Day care, adult (7-12 persons)
4. Day care homes, group (7-12 persons)
5. Educational facilities
6. Medical care facilities, small
7. Nursery schools and children day care centers
8. Parks
9. Public buildings
10. Religious facilities
11. Residential, townhouses, patio or row houses

Section 3.7 R-4 Single Family Residential - Attached

The r-4 Single Family Residential - Attached zoning district is intended to permit and relate the type, design and layout of attached and detached single family residential development to the particular site in a manner consistent with the preservation of the property values in established residential areas. It is specifically intended to increase the density of residences permitted over that of the single family detached residential zoning districts while maintaining the character of a single family residential area.

A. Permitted Principal Uses

1. Residential, single family attached
2. Residential, duplex
3. Residential, townhouse, patio or row houses
4. Residential, single family detached
5. Adult foster care small group homes (1-6 persons)
6. Adult foster care medium group homes (7-12 persons)
7. Day care, adult (1-6 persons)
8. Day care homes (1-6 persons)
9. Foster family homes

B. Permitted Accessory Uses: Accessory uses are only permitted if the associated principal use is already established on the lot.

1. Home occupations
2. Household pets, keeping of
3. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Adult foster care large group homes (13-20 persons)

2. Assisted living facilities
3. Cemeteries
4. Day care, adult (7-12 persons)
5. Day care center, commercial
6. Day care homes, (7-12 persons)
7. Educational facilities
8. Medical care facilities, small
9. Parks
10. Public buildings
11. Religious facilities
12. Senior housing

Section 3.8 R-M Multiple Family Residential

The R-M Multiple Family Residential zoning district is intended to permit a more intensive residential use of land with various types of attached single-family houses, townhouses, and apartments. These areas would be located near major roads for good accessibility and between single family residential area and other non-residential uses.

A. Permitted Principal Uses

1. Residential, apartments
2. Residential, townhouses, patio or row houses
3. Residential, single family attached
4. Residential, duplex
5. Residential, single family detached
6. Adult foster care small group homes (1-6 persons)
7. Adult foster care medium group homes (7-12 persons)
8. Assisted living facilities
9. Day care, adult (1-6 persons)
10. Day care homes (1-6 persons)
11. Foster family homes
12. Senior housing

B. Permitted Accessory Uses

1. Home occupations
2. Household pers, keeping of
3. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Adult foster care large group homes (13-20 persons)
2. Boarding houses
3. Day care, adult (7-12 persons)

4. Day care center, commercial
5. Educational facilities
6. Long term care facilities
7. Medical care establishments, small
8. Parks
9. Public buildings
10. Public utility buildings and uses
11. Religious facilities
12. Retirement communities, mixed use

Section 3.9 RMHC Manufactured Home Community

The RMHC Manufactured Home Community zoning district is intended to allow the development of a state-licensed manufactured housing community, or mobile home park that comply with the requirements of Public Act 96 of 1987, as amended. These areas would be located near major roads for good accessibility and between other family residential areas and non-residential uses.

Section 3.10 C-1 Local Business

The C-1 Local Business zoning district is intended to permit non-drive through business and service uses to service the Village and surrounding areas. The intent of this zoning district is to encourage the concentration of business uses in a compatible way within a central “downtown” location, mutually advantageous to both customers and merchants.

A. Permitted Principal Uses

1. Bakeries, retail
2. Bars, cocktail lounges, taverns and nightclubs
3. Business service establishments
4. Clubs
5. Medical care facilities
6. Office establishments
7. Personal service establishments
8. Photography studios
9. Residential, apartments (in upper floors of commercial buildings)
10. Restaurants, conventional
11. Retail establishments
12. Service or repair establishments

B. Permitted Accessory Uses

1. Household pets, keeping of
2. Other accessory uses customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Arcade or video game rooms
2. Billiard halls
3. Dry cleaning facilities
4. Halls
5. Public buildings
6. Religious facilities

Section 3.11 C-2 General Commercial

The C-2 General Business zoning district is intended to permit a wider range of business, service, and entertainment uses than permitted in the local business zoning district. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading and would require more planning to integrate such zoning districts with adjacent residential areas.

A. Permitted Principal Uses

1. Ambulance stations, private
2. Bakeries, retail
3. Bars, cocktail lounges, taverns and nightclubs
4. Bowling alleys
5. Business service establishments
6. Clubs and halls
7. Day care, adult (1-6 persons)
8. Day care, adult (7-12 persons)
9. Day care centers, commercial
10. Drive-thru establishments
11. Drive-in establishments
12. Funeral homes or mortuaries
13. Hotels and motels
14. Marine sales and service
15. Medical care establishments
- 16.. Office establishments
17. Personal service establishments
18. Photography studios
19. Recreation, indoor and outdoor commercial
20. Restaurants, conventional, drive-in and drive-through
21. Retail establishments
22. Service and repair establishments

B. Permitted Accessory Uses

1. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Automobile (motor vehicle) dealerships
2. Automobile (motor vehicle) repair facilities
3. Automobile service stations
4. Contractor's establishments
5. Dry cleaning facilities
6. Long term care facilities
7. Medical care establishments
8. Public buildings
9. Public utility buildings and uses
10. Religious facilities
11. Rental and sales of automobiles and other motor vehicles
12. Residential, apartments (in upper floors of commercial buildings)
13. Veterinary clinics
14. Woodworking facilities, commercial

Section 3.12 I-1 Light Industrial

The I-1 Light Industrial zoning district is intended to provide locations for industrial operations which have low levels of off site impact and to encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic stability and growth, protection from blight, deterioration, and non-industrial encroachment, and efficient traffic movement including employee and truck traffic.

A. Permitted Principal Uses

1. Automobile (motor vehicle) dealerships
2. Automobile (motor vehicle) repair facilities
3. Automobile wash establishments
4. Industrial service establishments
5. Laboratories
6. Manufacturing establishments
7. Public utility buildings and uses
8. Research and development facilities
9. Storage facilities, indoors
10. Wholesale and warehousing
11. Woodworking

B. Permitted Accessory Uses

1. Other accessory uses and/or buildings customarily incidental to the above permitted principal uses.

C. Uses Permitted by Special Use Permit

1. Contractor's establishments
2. Storage facilities, outdoors

Section 3.13 WO Waterfront Protection Overlay Zone

The WO Waterfront Protection Overlay zone is intended to provide for the preservation and enhancement of surface water through regulation of uses and activities of land within one hundred (100) feet of the lake's shoreline and Butternut Creek. The provisions of the waterfront overlay zone are intended to protect the unique and sensitive natural environment of the shore areas within the Village of Otter Lake.

Its purpose is based on the following recognitions:

- a) The economic and environmental well being and health, safety, and general welfare of the Village of Otter Lake is dependent on, and connected with the preservation of its shoreline areas;
- b) The shoreline zone has unique physical, biological, economic, and social attributes;
- c) Future land development and redevelopment should not be conducted at the expense of these attributes;
- d) Property values will be enhanced when the natural features of the shoreline zone are preserved;
- e) Pollution, impairment or destruction of the shoreline area and the adjacent bottomlands and waters should be prevented or minimized.

A. Allowable Uses

The uses allowed by the underlying zoning districts are not altered by the overlay. All allowable uses and uses permitted by special use permit allowed in the zoning districts of this ordinance shall comply with the standards set forth in this section regulating activity within the Waterfront Protection Overlay Zone. These requirements shall be considered in addition to use restrictions or other applicable regulations for each zoning district. These requirements only apply to properties that fall within the waterfront overlay district, as described above and shown on the zoning map.

In the event that regulations imposed by this section conflict with regulations of an underlying zoning district, the regulations established by this section shall prevail to the extent of the conflict and no further.

B. Waterfront Setback Requirements

To preserve natural resources, water quality and community scenic and recreational values, a waterfront setback shall be established and maintained on all waterfront

property. All structures proposed to be built within the Waterfront Protection Overlay Zone shall be setback in accordance with the requirements below, except for the following uses: recreational docks, storm water and erosion control devices, picnic tables, benches, recreational watercraft, stairways and walkways, and an accessory building for the storage of water recreational equipment.

1. The setback area shall include all the land area within fifty (50) feet of the ordinary high water mark of the lake or creek abutting or traversing the property in question. No structure shall be allowed within fifty (50) feet of the ordinary high water mark.
2. Average Setback Line: If there are existing principal buildings within two hundred (200) feet on each side of a proposed building location within the district, a proposed building or structure may be located the same distance from the body of water as the average distance of the principal buildings located within two hundred (200) feet, but shall be located no closer than fifty (50) feet. If there is an existing principal building within two hundred (200) feet on only one (1) side, the proposed building may be located the same distance from the body of water as the average of the distance of the principal building within two hundred (200) feet and the district setback of fifty (50) feet from the surface water feature.
3. Historical Setback Line: A proposed building or structure may be located the same distance from a body of water as either an existing principal building that has suffered either loss or removal due to the casualty or demolition with one (1) year before the submission of an application for a building permit as long as such principal building is or was a lawful non-conforming building. For a demolition, the one (1) year period begins running when the demolition permit was issued. For a casualty, the one (1) year period shall run from the date of the casualty.

C. Development and Use Standards

Within the fifty (50) foot waterfront setback the following development or use restrictions shall apply:

1. No structure shall be allowed except for those stated above in paragraph B and decks complying with the following:
 - a) Decks, attached or free-standing.
 - b) Decks may also be constructed within the required waterfront setback area. Decks constructed with the required twenty-five (25) foot vegetative buffer zone shall not exceed, in size, thirty percent (30%) of the total square footage of the required vegetative buffer zone.

2. One (1) accessory building, maximum 100 square feet in size with 8 foot side walls shall be permitted to be located within the fifty (50) foot waterfront setback, but outside of the required twenty-five (25) foot vegetative buffer zone, for the storage of water recreational equipment (life vests, flotation devices, etc).
3. No dredging or filling shall be allowed except where permitted by state or federal law, with appropriate permits.
4. The use of asphalt, concrete, wood or other similar non-porous surfaces shall be limited to walkways, four (4) foot wide maximum, or stairs necessary for water access. Walkways shall be designed to minimize and control the direct runoff of storm water into the lake or creek.
5. Slopes created by the grading of the site should generally not exceed a slope ration of one (1) foot of vertical slope to three (3) feet of horizontal distance. All slopes shall be properly stabilized to prevent erosion and destruction of the natural vegetation.
6. Natural drainage course shall be protected from grading activities.
7. Stairs, walkways, decks, and steps on embankments having a grade exceeding twelve percent (12%) must be constructed above grade. Steps may not be embedded into the ground surface. Height area requirements apply to all areas within fifty (50) feet of the high water mark.
8. Setbacks for septic systems must meet the minimum requirements set by the Genesee County Health Department. It is strongly encouraged that septic fields be located as far as possible from the shoreline of the lake or creek.
9. All dock and yard lighting shall be shielded and directed so as to prevent light and glare on adjoining properties.

D. Vegetative Buffer Zone Requirements

1. Within twenty-five (25) feet of the ordinary high water mark, a natural vegetative strip shall be established and/or maintained on at least seventy percent (70%) of the shore frontage for new construction or any renovation that results in a increase of the structure's footprint by five hundred (500) square feet or greater. The natural vegetation strip shall consist of trees, shrubs or herbaceous plants, excluding lawn and shall be twenty-five (25) feet wide commencing at the high water mark and measured leeward (inland). Up to, but not exceeding, thirty percent (30%) of the total required vegetative buffer zone may consist of the following items: lawns, decks, walkways, stairways and other surface pavements.

2. Within the vegetative buffer strip, natural vegetation shall be retained in a natural, undisturbed condition. Minimum alteration of vegetation using selective pruning or thinning techniques necessary to obtain a view of the water shall be acceptable.
3. Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention.
4. Vegetation shall be restored in areas affected by construction activities. Within the vegetative buffer zone it is strongly recommended that vegetative indigenous and native to the area be planted. The planting of invasive species is **prohibited**.
5. Individual trees within the natural vegetation strip may be removed which are dead, in danger of failing, causing damage to dwellings or other structures, and selective cutting of trees to provide a filtered view of the water. Those trees removed to provide a filtered view of the water shall be identified and approved by the Planning Commission prior to removal.
6. Where native vegetation does not exist within a buffer zone, the landowner is encouraged to replant the buffer zone with native species.
7. The natural vegetation strip shall not be used for any motorized vehicular traffic, parking or for storage of any kind, including junk, waste or garbage or for any other use not otherwise authorized by this ordinance.
8. The use of pesticides, herbicides, fungicides and fertilizers is prohibited in the natural vegetation strip or within twenty-five (25) feet of the ordinary high water mark, except for the allowed limited use of herbicides for the eradication of poison ivy, poison sumac or poison oak. Fertilizer used with the waterfront protection overlay zone (100 feet) shall be zero phosphorous fertilizer.
9. No burning of brush or leaves or stockpiling of grass, leaves or compost is allowed in the natural vegetation strip.
10. Any dwelling permitted on the lake or along the creek shall have its lowest floor, including the basement, constructed at least four (4) feet above the ordinary seasonal high water mark of the lake or stream.

End of Article 3

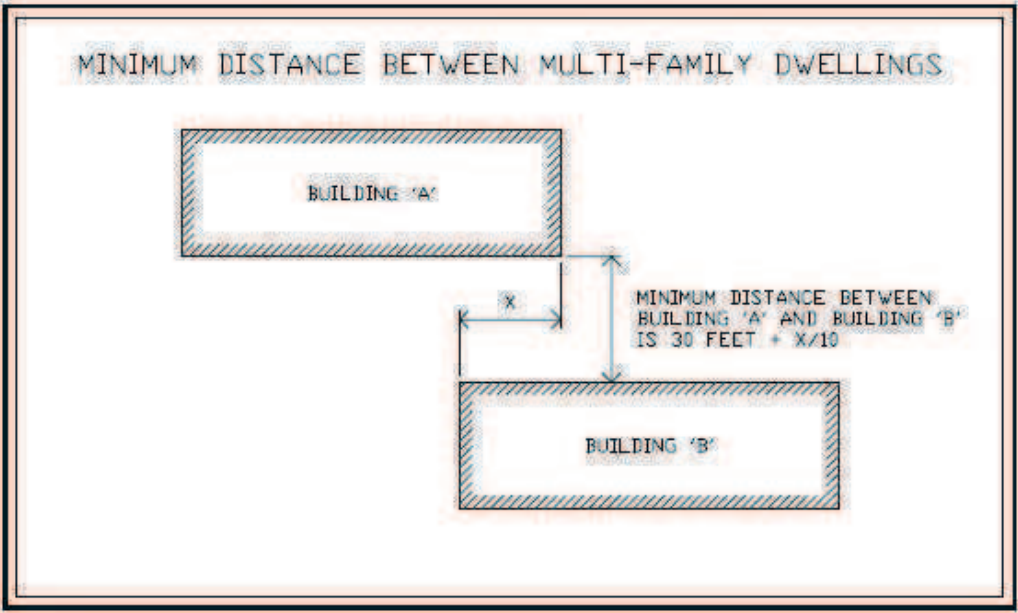


Figure 3.1

Section 3.14 Table of Zoning District Regulations

Table 3-1 Zoning District Regulations										
Designation	Zoning District Description	Minimum Lot Size/ Dwelling Unit (Area in Square Ft)	Maximum Density in Subdivisions and Condominium Projects (Dwelling Units / Acre)	Lot Width at Road Frontage (Feet)	Maximum Building Height (Feet)	Maximum Coverage of Lots by all Buildings (% of lot area)	Minimum Yard Setbacks			Minimum Floor Area / Dwelling Unit (Square Feet)
							Front (a,b)	Side	Rear	
R-1	Single Family Residential - Rural	5 acres	N/A	200	29	30	50	50	50	1000(j)
R-2	Single Family Residential - Medium Density	1 acre	N/A	100(f)	29	30	50	25	25	1000(j)
R-3	Single Family Residential	8,000	N/A	80(f)	29	30	25	10	25	800(j)
R-4	Single Family Residential - Attached	---	4.00(g,h)	80	29	30	25	10(c)	25	600(j)
R-M	Multiple Family Residential	---	8.00(g,h)	80	29	30	25	10(c)	25	(d)
RMHC	Manufactured Home Community	Per the Manufactured Housing Commission Act (1987 PA 96, as amended) and its associated rules.								
C-1	Local Business			--	50	--	0(e)	0	0	
C-2	General Business	20,000	N/A	100	36	--	35(e)	20	35	
I-1	Light Industrial	1 acre	N/A	150	50	--	50	20	35	

Footnotes:

- a. The required front yard setback shall not be used for off-street parking and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. All yards abutting upon a public or private street shall be considered as front yards for setback.
- b. In all residential zoning districts, the front yard setback shall apply to both lot lines of a corner lot which abut upon a public or private street.
- c. Where two (2) or more multiple, row or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet plus one (1) foot for each ten (10) feet, or part thereof, by which the total length of that portion of the two (2) structures lies opposite each other.

- d. The minimum required floor space per dwelling unit in each multiple dwelling structure shall be:
- | | | | |
|-----------------------|-----------------|-------------------------|-------------------|
| Efficiency apartment | 350 square feet | Two bedroom apartment | 800 square feet |
| One bedroom apartment | 600 square feet | Three bedroom apartment | 1,000 square feet |
- Plus an additional eighty (80) square feet for each bedroom in excess of three (3) bedrooms in any unit.
- e. Loading space and parking spaces shall not be located in a required front yard.
- f. Required road frontage may be reduced to sixty-five (65) feet in cases of lots fronting on cul-de-sacs and curvilinear streets, provided that the lot meets the required lot width at the required front yard setback line.
- g. For purposes of determining whether a residential development complies with the maximum density requirement and/or whether a parcel meets the minimum requirement for area (square footage), only usable land area shall be considered. Wetlands, floodplains or submerged land such as a lake, pond or stream shall be excluded from the land area calculations.
- h. To encourage the preservation of unique natural features and the Village's rural character, a single family residential condominium development or a single family platted subdivision in a R-2 or R-3 zoning district is strongly encouraged to utilize a clustering option (conservation planning / design concept) in lieu of a traditional subdivision development.
- i. The minimum ground level floor area for 1-1/2 story, 2 story and split-level homes shall be 600 square feet.

End of Article 3

ARTICLE 4

GENERAL PROVISIONS

Section 4.1 Access to Water Bodies/Riparian Use

A riparian lot shall not be used for riparian purposes by more than one functional family and in the case of lots created after the effective date of this Ordinance, the riparian lot must have a minimum of one hundred (100) feet of frontage on the water. Where a lot is not contiguous to a body of water, it shall not be used in conjunction with a riparian lot to allow the owners or occupiers or the invitees of the non-riparian lot to engage in riparian uses. For the purpose of this section, a riparian lot which is owned by a partnership, corporation, limited liability company or other legal entity is deemed to be owned solely by the entity and such a riparian lot shall not be used to provide riparian access to any owner of the entity unless all such owners are members of a single functional family. For the purposes of this section, the general common element of a condominium project is deemed to be owned by the condominium association as whole and the ownership of a riparian lot by the association shall not be used to grant riparian access or rights to any of the individual members of the association or to any of the owners of the related condominium units. The intent of this section is to prevent non-riparian owners by others or riparian lots owned jointly or in common with others. This section is also intended to prevent the exercise of riparian rights by more than one functional family where a riparian lot is owned, in whole or in part, by a legal entity or in situations where the riparian lot is owned jointly or in common by multiple individuals, unless all such owners are members of a single functional family. This section shall not be construed to prevent riparian use from being engaged in by the members of a single functional family.

Section 4.2 Accessory Buildings in Residential Districts

In any residential zoning district 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 a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to the main buildings. Detached accessory buildings shall not be erected in any required minimum front yard setback. No detached accessory building shall be located closer than ten (10) feet to any building nor shall it be located closer than ten (10) feet to any side or rear lot line. Accessory buildings in residential districts include detached garages, storage buildings, sheds, and dog kennels.
- B. No detached accessory building shall be erected with the WO, Waterfront Protection Overlay Zone, except as permitted in Article 3.13.
- C. No detached accessory building in a residential zoning district shall exceed sixteen (16) feet in height.

- D. No building permit for a detached accessory building shall be issued prior to the issuance of the building permit for its principal structure.
- E. When determining allowable square footage for accessory buildings associated with a residential dwelling, detached garage area as well as any sheds or other buildings will be totaled.
1. In residential zoning districts the total square footage of all residential accessory buildings, excluding attached garages, shall be as follows:
 - a. On lots ten thousand (10,000) square feet or less in size, the total square footage of accessory buildings shall not exceed six hundred (600) square feet. The total number of detached accessory buildings shall not exceed two (2).
 - b. On lots greater than ten thousand (10,000) square feet up to and including twenty thousand (20,000) square feet in size, the total square footage of accessory buildings shall not exceed one thousand (1,000) square feet plus two (2) percent of the lot area over ten thousand (10,000) square feet. The total number of detached accessory buildings shall not exceed three (3).
 - c. On lots greater than twenty thousand (20,000) square feet up to and including two (2) acres in size, the total square footage of accessory buildings shall not exceed one thousand (1,000) square feet plus one and one half (1.5) percent of the lot area over twenty thousand (20,000) square feet. The total number of detached accessory buildings shall not exceed four (4).
 - d. On lots over two (2) acres in size the total square footage of accessory buildings shall not exceed two thousand (2,000) square feet plus one (1) percent of the lot area over twenty thousand (20,000) square feet. However, the total square footage of the accessory buildings may not exceed four thousand five hundred (4,500) square feet.
 2. The Planning Commission may permit up to a twenty percent (20%) increase in the total allowable square footage for accessory buildings, as stated above, if the proposed structure(s) meets the following conditions:
 - a. Buildings method of construction, finish materials and architectural details are compatible with the characteristics of the surrounding areas as determined by the Planning Commission.
 - b. Exterior building materials are composed of high quality and durable materials.
 - c. Large roof areas have variations in roof lines to reduce the scale of the building and add visual interest.
 - d. The number of overhead doors are minimized and the use of standard sectional overhead doors is strongly discouraged.
-

In all case, as stated above, total square footage of principal structure plus accessory buildings shall not exceed allowable maximum coverage of lot as defined in Table of Zoning District Regulations, Section 3.12.

- F. Accessory buildings shall be repaired and maintained in good condition by the property owner. The following will not be considered as an accessory building(s) and shall be prohibited:
1. Buildings constructed of and/or clad with fabric, sheet plastic, and/or other non-durable materials, except for greenhouse/hothouse structures used only for the growing of plants.
 2. Pre-fabricated structures or containers not designed and/or intended for use as a long term, tree-standing accessory storage building, i.e., shipping containers, tow trailers, cargo van boxes, children's play structures, etc..

Section 4.3 Access, Curb cuts and Driveways

- A. All proposed new or modified curb cuts and driveways located on public roads or streets shall required the approval of the Lapeer County Road Commission or Genesee County Road Commission, as applicable. Where any proposed curb cuts and driveways are not regulated by either road commission, the Planning Commission shall consider the design standards of the appropriate road commission in granting approval of the proposed curb cuts and driveways.
- B. R-1, R-2 and R-3 Single Family Residential zoned properties shall be limited to one (1) driveway per property in accordance with the following:
1. Driveways shall be designed so as to enter the street as nearly as possible at a 90 degree angle.
 2. Driveways shall be a minimum eight (8) feet in width. Within the required front yard setback, the maximum width of any driveway shall be equal to the width of the approved curb cut for that driveway.
 3. Driveways shall be constructed so as not to interfere with existing drainage flow. Any culverts needed to facilitate drainage shall be installed.
 4. Driveway shall be located so as far as practical to preserve any trees within the street right-of-way.

Additional curb cuts / driveways may be approved by the Planning Commission if the property owner can demonstrate the following:

1. Lapeer County Road Commission or Genesee County Road Commission, as applicable, has no objections to proposed curb cut / driveway.

2. Other options for ingress / egress do not exist or are not economically feasible.
 3. Proposed curb cut / driveway provides a safer alternative to use of existing driveway.
- C. Planning Commission approval shall be acquired before any driveway, commercial or residential, is constructed or used.
- D. Driveways shall be constructed of industry recognized materials to provide permanent, durable, and dustless surface.

Section 4.4 Construction Begun Prior to Adoption of Ordinance

Nothing in this Ordinance shall be deemed to require any change in plans, construction or design use of any building for which an unexpired building permit was issued prior to the adoption of this Ordinance or an amendment thereto, and upon which building actual construction as been carried on, and provided that such building shall be completed within two (2) years from the date of passage of this Ordinance. If construction is based on an approved site plan, a developer may build in accordance with an approved site plan provided a building permit is applied for within two (2) years of approval and all work is completed within two (2) years of issuance of the building permit.

Section 4.5 Corner Clearance

No fence, wall, hedge, other protective barrier, or other planting of trees, shrubs, or flowers shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above street level. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height from ground level. The area which shall remain unobstructed shall be a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street property lines extended.

Section 4.6 Division of Existing Parcels

Village Council approval of a division of land is required before it is sold or deeded to another, when a new parcel is less than forty (40) acres and not just a property line adjustment. All division so of land shall comply with Sec. 108 and 109 of the Michigan Land Division Act. (Formerly the subdivision control act P.A. 288 of 1967 as amended particularly by P.A. 591 of 1996 and P.A. 87 of 1997, MIC 560 et. Seq.)

- A. The minimum size of any parcel of land created pursuant to this section shall be in accordance with the minimum requirements of the Zoning Ordinance, except when the dividing of such land is for use of such divided land in conjunction with an adjoining parcel of land.

- B. If the division of the parcel(s) will result in a lot size less than the requirements of the Zoning Ordinance, the applicant shall submit an affidavit in a form legally sufficient for recording with the Register of Deeds and signed by all parties who have any ownership interest in the parcel acknowledging that they understand that the divided parcel shall be thereafter be used only in conjunction with said adjoining parcel, or said divided parcel and adjoining parcel of land shall be jointed into one parcel.
- C. Petitioner shall provide proof of ownership of the lots or lots to be split.
- D. Petitioner shall provide proof that no outstanding liens, claims or other entities have a legal interest in the lot or lots to be split.
- E. Petitioner shall submit three (3) site drawings of the proposed lot split(s) prepared and sealed by a Registered Civil Engineer or Registered Land Surveyor. Site drawings shall contain the following information:
 - 1. General Project Information, including:
 - a. Location (address) of parcel to be split.
 - b. Existing legal description(s), including tax identification number(s).
 - c. Name and address of Owner(s).
 - d. Name and address of design professional preparing site drawings.
 - e. Scale, not greater tha 1"=50'.
 - f. Location map and north arrow.
 - g. Width and depth of each parcel.
 - h. Gross acreage of each parcel.
 - i. Proposed new legal description(s).
 - j. Zoning classifications.
 - k. All previous divisions made after March 31, 1997.
 - 2. Property lines, existing and proposed easements. location of existing buildings, all dimensioned.
 - 3. Vehicular traffic and pedestrian circulation features, including driveways, drives, sidewalks, and streets or driveways within one hundred (100) feet of the property.
 - 4. Location of all existing or proposed public or private utilities.
 - 5. Existing natural features, including streams, marshes, ponds, one hundred (100) year floodplain boundaries, limits of wetlands as determined by a recognized consultant, soil types.
 - 6. Indicate number of future divisions being transferred from the parent parcel to another parcel.
 - 7. Indication of no objections to the proposed division(s) from the Village Tax Assessor.
 - 8. A copy of any reserved division rights (sec. 109(4) of the act) in the parent parcel.
 - 9. Affidavit and permission for Village, county and state officials to enter the property for inspections.

Section 4.7 Excavations or Holes

The construction, maintenance or existence with the Village of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, are hereby prohibited. However, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector.

Section 4.8 Exceptions

The following are exceptions to the general standards in this Ordinance.

- A. Permitted Height Exceptions: No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for zoning districts in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers steeples, stage lofts, and screens, flagpoles, chimneys, smoke stakes, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected to exceed by more than fifteen (15) feet the height limits of the zoning districts in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use permit, the Planning Commission may permit structures that exceed these standards.

- B. Permitted Exceptions to Side Yard Setbacks: On legal non-conforming lots with a width of sixty (60) feet or less and recorded as such prior to the date of the adoption of this Ordinance, the minimum width of each side yard for all structures shall be five (5) feet.

- C. Permitted Projections into Yards: Architectural features, as defined, not including vertical projections, may extend or project into a required yard in accordance with the following:
 - 1. Yard Side: Not more than two (2) inches for each one (1) of width of such side yard.
 - 2. Front or Rear Yard: May extend or project not more than three (3) feet.
 - 3. Temporary projections such as window air conditioners shall be permitted so long as they project no more than three (3) feet into a required front, side or rear yard.

- D. Voting Place: The provisions of the ordinance shall not be so 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 4.9 Exterior Lighting

All outdoor lighting in all zoning districts other than residential shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public right-of-ways.

- A. Illumination guidelines shall generally be in accordance with the following standards:

1. Parking Illumination: 2 Lux / 0.2 Footcandles
2. Building Exterior:
 - a. Entry/Active Use Area: 50 Lux / 5.0 Footcandles
 - b. Building Surrounds: 10 Lux / 1.0 Footcandles
 - c. Gardens (General): 5 Lux / 0.5 Footcandles
 - d. Walkways: 5 Lux / 0.5 Footcandles
 - e. Signs/Monuments (Flood Lighted): 150 Lux / 15 Footcandles
3. Outdoor lighting shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures shall be of the full cut-off design directing light on-site only and no more than twenty (20) feet above average grade.
4. The Planning Commission may permit taller or required shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would reduce the number or size of light fixtures, not adversely impacting neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings.

Section 4.10 Fence and Wall Standards

Barriers including, but not limited to, fences, walls, hedges and other protective barriers of any type or description, but not including temporary fences, shall conform to the following requirements:

- A. They shall be durable, weather resistant, rustproof and easily maintainable.
- B. They shall be maintained in good condition by the property owner.
- C. Barriers (fences, walls, etc.) shall be a maximum six (6) feet in height, however posts may extend six (6) inches above the height of the fence, and gates may extend eighteen (18) inches above the height of the fence, with the following exceptions:

1. In residential districts, no fence, wall, or other protective barrier shall exceed forty (40) inches in height when located within the actual front yard setback.
 2. In non-residential districts, no fence, wall, or other protective barrier shall exceed eight (8) feet, except that a security fence for a permitted commercial or industrial use may include a minimum of one (1) additional foot of barbed wire.
 3. Within any zoning district, opaque barriers shall be a maximum forty (40) inches in height when located within the actual front yard set back.
 4. Open fences (over 80% open) may be constructed to a height not to exceed ten (10) feet for uses listed below. Such fences shall conform to all setback requirements for structures.
 - a,. Tennis courts
 - b. Volleyball courts
 - c. Swimming pools
 - d. Goals and backstops
- D. The finished side or most visibly attractive side of a wall or fence shall face the exterior of the property line (adjacent view). Post shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed or be located within the fence line and used as a decorative element.
- E. On any lot or parcel touching a lake in any zoning district, no barriers in excess of thirty-six (36) inches in height shall be erected beyond the sight line. If a sight line cannot be established because of one or more adjacent lots is unimproved or the subject parcel is on a peninsula, point, bay or otherwise positioned differently, then the barrier shall be no more than thirty-six (36) inches in height within the lake side setback required for the zoning districts it is located in.
- F. Barbed wire fences and low-voltage electric fences shall be permitted only to restrain livestock. Barbed wire cradles may be placed on top of fences enclosing public utility, municipal, commercial, or industrial buildings as deemed necessary in the interests of public safety.
- G. No fence, wall, hedge, screen or other protective barrier shall be erected within any public right-of-way.
- H. Corner and sight line clearance will be maintained per Section 4.5 of this Ordinance.
- I. Nothing in this Ordinance shall be deemed to interfere with the erection of temporary fences around construction works, erected or maintained pursuant to building code and other Ordinances of the Village.

Section 4.11 Filling and Stockpiling Operations

Following the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with materials of any kind without approval of the Planning Commission by issuance of a fill permit and subject to requirements as may be appropriate.

Section 4.12 Lot Limitations

In Single Family Residential zoning districts, only one (1) principal building shall be erected on a lot of record.

Section 4.13 Occupancy, Prohibited

No basement or below grade apartment, or accessory structure, including detached garages, shall be used or occupied for dwelling purposes at any time.

Section 4.14 Performance Standards

No use otherwise allowed shall be permitted within any district, which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained.

- A. Drifted and Airborne Matter: The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.
- B. Noise: The emission of measurable noise from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property lines. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel reading shall be controlled so as not to become a nuisance to adjacent uses.
- C. Open Storage: The open storage of junk, scrap materials, or other products, where permitted in zoning districts, shall be screened from public view and from adjoining residential properties by an enclosure consisting of an obscuring fence maximum eight (8) feet in height. The type of fence shall be reviewed and approved by the Planning Commission prior to construction.
- D. Smoke and/or Air Pollution Control: The emission of gases, smoke, dust, dirt, and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare.

Section 4.15 Porches, Decks, Patios and Terraces

On any lot or parcel in a residential zoning district, an open, unenclosed porch, deck,

paved patio or terrace shall comply with the side yard setbacks for principal structures in the zoning district in which they are located, but may project into a required front and/or rear setback area for a distance not to exceed ten (10) feet.

Section 4.16 Private Roads

- A. A private road is a road that provides direct access to two or more lots and which is not dedicated to and accepted by an authorized governmental road agency.
- B. Application, review and approval of a proposed private road shall follow the site plan review process.
- C. Application for approval of a private road shall include a site plan sealed by a professional engineer illustrating:
 - 1. Existing and proposed lot lines.
 - 2. The location of existing and proposed structures.
 - 3. The width and location of the private road easement.
 - 4. A cross section of the proposed road, showing the types of materials to be used to construct the road base and surface.
 - 5. Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic systems, water lines or private wells, and private utilities such as telephone, electrical or cable service.
 - 6. Proposed locations, widths and radii of driveways off the private road.
 - 7. Any existing or proposed structures, trees or other obstructions within the proposed right-of-way.
 - 8. All divisions of land, showing compliance with the Land Division Act.
 - 9. Proposed locations and type of permanent signing.
- D. The proposed private road shall meet the following standards:
 - 1. The minimum right-of-way width shall be thirty-three (33) feet.
 - 2. The minimum grade for roadways shall be five-tenths (0.5) percent. The maximum grade shall be six (6) percent. The maximum grade within one hundred (100) feet of an intersection shall be three (3) percent.
 - 3. No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct the clear vision zone, as required in Section 4.5 of this Ordinance.
 - 4. The maximum number of residences permitted on a cul-de-sac is twenty (20), but in no instances may a cul-de-sac be over one thousand (1,000) feet in length.
 - 5. All driveways off of a private road shall be at least forty (40) feet from the intersection of the private road right-of-way and a public road right-of-way.
 - 6. Intersections of private roads with public roads shall be at an angle as close to ninety (90) degrees as possible, but in no case shall it be less than eighty (80) degrees or more than one hundred (100) degrees.

7. The width of the roadway shall be a minimum of twenty-two (22) feet with three (3) foot wide shoulders provided for bicycle and pedestrian traffic for roads servicing lots over one hundred (100) feet in width. Roads service lots one hundred (100) feet wide or less shall have a minimum twenty-four (24) foot wide roadway with three (3) foot wide shoulders. Roads with curb and gutter shall be minimum twenty-five (25) feet back of curb to back of curb.
8. The minimum radius for circular cul-de-sac roadway is fifty-two (52) feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is no less than twenty-six (26) feet wide.
9. A written maintenance agreement signed by the owners of each lot or residence to be served by the private road shall be recorded with the appropriate County Register of Deeds. The agreement shall allocate the responsibility to maintain the private road between or among the owners, and shall be binding upon the successive owners of the lots or residences. It shall be the responsibility of the owners to enforce the terms of the agreement.
10. Sight distances on horizontal and vertical curves shall be a minimum of two hundred (200) feet measured at a point ten (10) feet from the edge of the traveled roadway at a height of forty-two (42) inches to an object height of forty-two (42) inches based on a posted speed of twenty-five (25) mph.
11. Parcels fronting on private roads shall meet the required front yard setback and lot width for their zoning district.
12. The private road shall comply with the cross-sectional design criteria standards for road surfaces established by the Village Engineer of record for residential streets.
13. Any road that provides connection to any other two (2) public roads or provides access to C-1, C-2 or I-1 zoned property shall be constructed to road standards established by the Village Engineer and/or appropriate County Road Commission.

Section 4.17 Raising of Livestock

Raising of livestock, poultry or rabbits where permitted in zoning districts shall comply with the following requirements:

- A. Any parcel of land on which livestock, poultry or rabbits are kept shall contain at least one (1) acre.
- B. Adequate fencing and housing shall be constructed and maintained for the livestock, poultry or rabbits so that the animals are kept confined to the property at all times. Any such animal housing shall be located at least fifty (50) feet from the nearest property line.
- C. Manure shall not be allowed to accumulate so as to cause any odor offensive to nearby residents.

Section 4.18 Screening of Trash Storage Areas

The Planning Commission may require trash dumpsters or other trash containers to be screened on three sides with a fence or wall meeting the minimum requirements of Article 7 of this Ordinance when the abutting property is zoned Single Family Residential (R-1, R-2, R-3 or R-4). The opening of the trash storage area shall be oriented to minimum off-site visual impact.

Section 4.19 Signs

All signs shall comply with the requirements and regulations set forth in this Ordinance. A building permit and site plan review shall be required for the erection, construction or alternation of any signs permitted, except for signs permitted under paragraphs C and D of this Section.

- A. There shall be no flashing, oscillating or intermittent type of illumination of any sign. No mechanical moving parts shall be allowed on any signs.
- B. No sign shall overhang or encroach upon any public right-of-way.
- C. Temporary signs advertising real estate for sale or rent or directing the public to such real estate are permitted in all districts, provided that they are not larger than six (6) square feet in area.
- D. Temporary signs are permitted in all districts, which advertise for sale either garden produce grown on the premises, or personal property owned by a resident of such premises; provided such personal property was not purchased for the purpose of resale. Such signs shall not exceed four (4) square feet.
- E. A single sign advertising a home occupation which have been approved by the Planning Commission shall be permitted providing said sign is not illuminated and does not exceed six (6) square feet in area per face. Sign shall be erected only on the parcel for which the advertised home occupation is located.
- F. Signs advertising commercial, industrial, or other facilities located on the same parcel of land as the facility advertised shall be permitted subject to the following conditions:
 - 1. Any direct illumination for the sign shall be shielded from the view of persons on public road or adjacent properties.
 - 2. Sign may not exceed ten (10) feet in height and shall not block corner and sight line clearance per Section 4.5 of this Ordinance.
 - 3. No more than one (1) permanent sign shall be permitted for each facility.

4. Permanent signs may be double-faced and may not exceed fifty (50) square feet in sign area per face.
 5. No more than two (2) temporary signs shall be permitted at any one time for any facility.
 6. Temporary signs may be double-faced and may not exceed sixteen (16) square feet in area per face.
- G. Signs located on parcels of land separate from the facilities advertised on the signs shall be permitted only in the Commercial (C-1 and C-2) and Light Industrial (L-1) zoning districts. Such signs may be double-faced and may not exceed thirty-two (32) square feet in sign area per face.
- H. Temporary signs advertising non-commercial public events shall be permitted in all zoning districts not to exceed sixty (60) days. Such signs may be double-faced and may not exceed thirty-two (32) square feet in total sign area.
- I. Temporary signs promoting political candidates or election issues shall be permitted in all zoning districts, provided that such signs shall not exceed thirty-two (32) square feet in area. No building permit or site plan review shall be required for such signs. All such signs shall be removed within five (5) business days after the election.
- J. Reader Board signs, either temporary or permanent must be approved by the Planning Commission and must not interfere with traffic safety. Reader Board signs may operate by electrical or mechanical means and must comply with paragraph A above.
- K. Signs or murals painted directly to the surface of a structure must be approved by the Planning Commission.

Section 4.20 Soil Erosion and Sedimentation Control

All proposed developments shall require compliance with the Soil Erosion and Sedimentation Control Act, Act 347 of 1972, as amended, and shall meet all minimum standards established by the Lapeer County Drain Commissioner or Genesee County Drain Commissioner, as applicable, and any State or Federal laws or regulations.

Section 4.21 Storage and Repair of Vehicles

- A. The repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district shall be subject to the following limitations:
1. Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be inoperable for forty-eight (48) hours shall be carried out within

an enclosed building.

2. Inoperable vehicles and vehicle parts shall be store inside an enclosed building.
- B. Travel trailers, campers and other vehicles intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.

Section 4.22 Street or Road Frontage

Any parcel of land which is to be occupied by a use or building, shall have frontage on and direct access to a public street or road. All lots must have a minimum frontage equal to the lot width required in Article 3, except as otherwise permitted.

Section 4.23 Swimming Pools

All swimming pools constructed in the Village shall comply with all requirements of the Michigan Residential Code, latest adopted edition.

- A. Zoning Permit: An application for a zoning permit to construct a swimming pool shall include the name of the owner, the location of the pool, a plat plan showing the location of adjacent buildings, fencing, gates, and public utilities, specifications and plans, to scale, of the pool walls, slope, bottom, walkway and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affectiing construction and safety features deemed necessary by the Planning Commission.
- B. Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard nor less than ten (10) feet from any lot line.

Section 4.24 Yard Sales

No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than two (2) yard sales may be held during any calender year.
- C. No yard sale shall be operated before 9:00 a.m. or after 9:00 p.m. on any day.
- D. Any temporary signs advertising the yard sale shall be removed within twenty-four (24) hours after the completion of the yard sale.
- E. For the purpose of this Ordinance, the term "yard sale" shall mean any offering for

sale of personal property in an area zoned for residential use. The term “yard sale” shall include commonly known as “garage sales”, “porch sales”, “basement sales” and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a “yard sales”. Any sales, which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be a “yard sale” covered by this ordinance.

End of Article 4

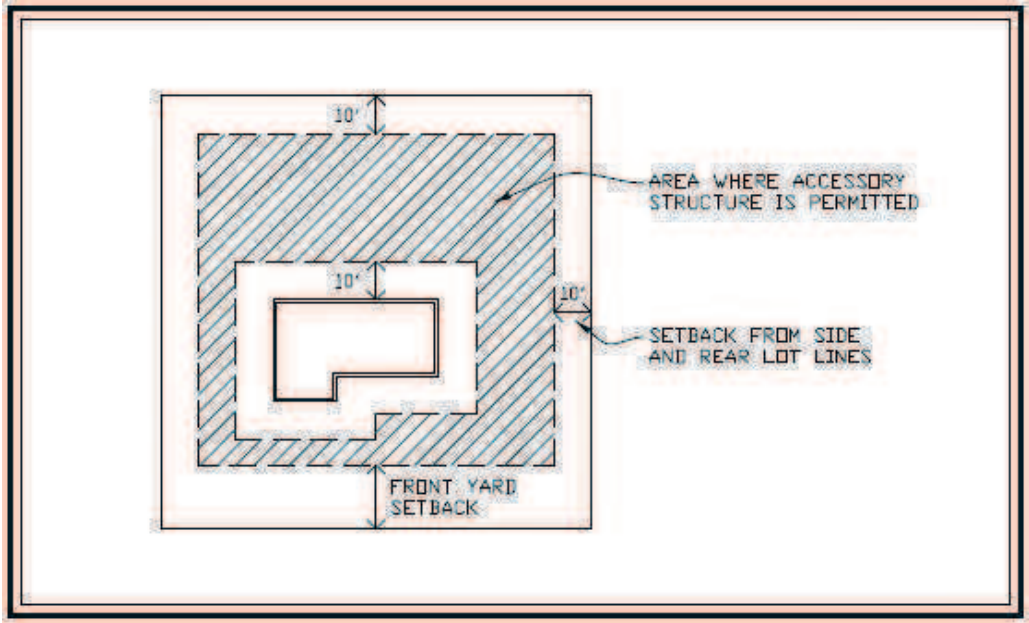


Figure 4.1

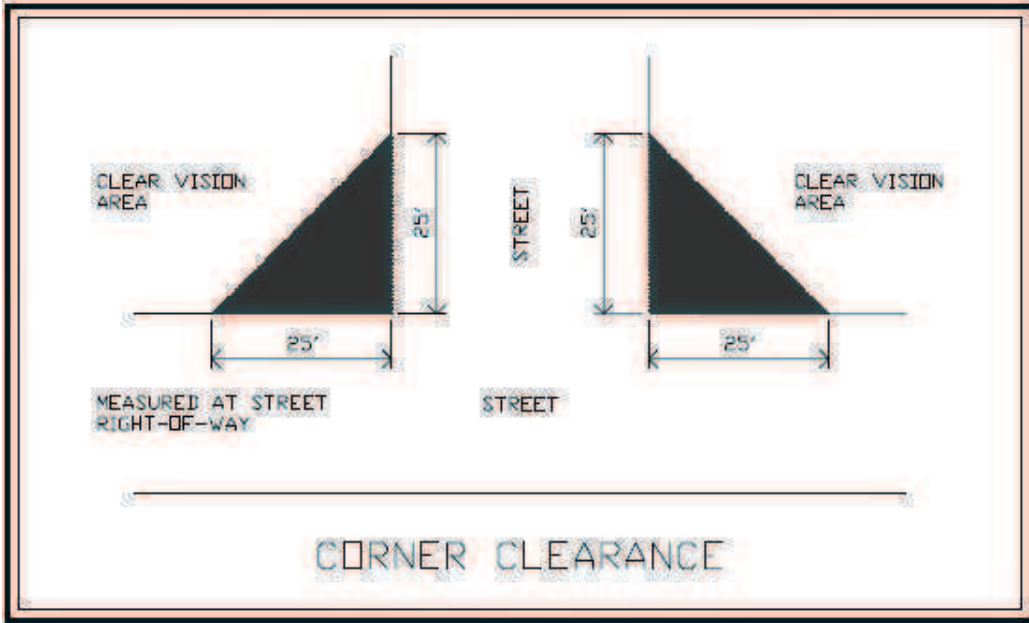


Figure 4.2

ARTICLE 5

NON-CONFORMING USES

Section 5.1 Continued Use Permitted

Within the districts established by this Ordinance there exist lots, structures, uses of land and structures, which were lawful prior to the adoption of this Ordinance, but do not conform to provisions of this Ordinance, or which may be made non-conforming as a result of future amendments to this Ordinance. These include structures that were granted variances under the provisions of a previous ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

Section 5.2 Non-Conforming Lots of Record

In any district in which single family dwellings are permitted, a legal non-conforming lot of record may be used as a building lot for single family dwelling and customary accessory buildings even though it does not meet the lot width or area requirements for the zoning district in which it is located, provided all structures comply with all other requirements of Section 3.12, Table of Zoning District Regulations for the zoning district in which it is located.

Section 5.3 Non-Conforming Uses of Land

Where a lawful use of land exist which would not be permitted by the regulations imposed by this Ordinance, or a future amendment to this Ordinance, the use may be continued provided:

- a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than was occupied at the date of adoption or amendment of this Ordinance.
- b) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the date of adoption or amendment of this Ordinance.
- c) If any such non-conforming use of land ceases for any reason for a period of twelve (12) consecutive months, such cessation of activity shall be determined to demonstrate an intent to abandon the non-conforming use and any subsequent use of such land shall conform to the regulations specified by this Ordinance for the zoning district in which such land is located.
- d) No additional structure not conforming to the requirements of this Ordinance shall

be erected in connection with such non-conforming use of land.

- e) A non-conforming use of land may be changed to another non-conforming use by approval of the Zoning Board of Appeals, provided that the Zoning Board of Appeals determines that the proposed use is more consistent with the current zoning classification than the current use. Whenever a non-conforming use of land has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.

Section 5.4 Non-Conforming Structures

Where a lawful structure exist at the date of adoption of this Ordinance or future amendment to this Ordinance, that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity, or in a way that neither increase or decreases the non-conformity.
- b) Should a non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than one hundred percent (100%) of its state equalized value (SEV) or fifty percent (50%) of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The Zoning Board of Appeals may grant a variance for a structure deemed of historical significance to the character of the Village.
- c) Should such structure be moved for any reason, it shall be thereafter conform to the regulations for the zoning district in which it is located after it is moved.

Section 5.5 Non-Conforming Uses of Structures

Where a lawful use of individual structures or structure and premise in combination exists at the date of adoption of this Ordinance or future amendments to the ordinance that would not be allowed in the zoning 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:

- a) No existing structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.
- b) If no structural alternations are made, any non-conforming use of a structure, or structure and premise, may be changed to another non-conforming use by approval of the Zoning Board of Appeals provided that the Zoning Board of Appeals

determines that the proposed use is more consistent with the current zoning classification than the current use. Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.

- c) If a non-conforming use of structure, or structures and premise in combination, ceases for any reason for a period of twelve (12) consecutive months, such cessation of activity shall be determined to demonstrate an intent to abandon the non-conforming use and any subsequent use of such structure, or structure and premise, shall conform to the regulations specified by this Ordinance for the zoning district in which it is located.
- d) Where non-conforming use status applies to a structure and premise in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent more than one hundred percent (100%) of the state equalized value (SEV), or fifty percent (50%) of its market value at the time of destruction.

Section 5.6 Repairs and Maintenance

- A. For any non-conforming structure or portion of a structure containing non-conforming use, work may be done for ordinary repairs, or on repair or replacement on non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty percent (20%) of the current state equalized value (SEV) of the non-conforming structure or non-conforming portion of the structure, provided such work is done in any period of twelve (12) consecutive months.
- B. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.
- C. 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 the Building Inspector.

Section 5.7 Change of Tenancy or Ownership

A non-conforming structure, or use of land or structure, may be sold or change tenants without affecting its non-conforming status.

End of Article 5

ARTICLE 6

OFF-STREET PARKING REQUIREMENTS

Section 6.1 Parking Requirements

In all zoning districts, except C-1 Local Business, off-street parking facilities for the storage and parking of motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- A. Area for Parking Space: An area minimum nine (9) feet wide by eighteen (18) feet long shall be required per parking space, not including access aisles. Variations in the minimum parking space area is permitted in the case of angle parking for angles less than ninety (90) degrees as shown in the illustration that is part of this Section. A stacking space shall required an area a minimum ten (10) feet wide and twenty (20) feet long.
- B. Location of Parking Space for One and Two Family Dwellings: Required off-street parking facilities for one (1) and two (2) family dwellings shall be located on the same lot as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage. Parking in addition to the minimum required may be located off site.
- C. Location of Parking Space for Other Land Use: Required off-street parking facilities for all other uses shall be located within five hundred (500) feet of the permitted use being served, such distance shall be measured along public access to the property between the nearest point of the parking facility and the building or use being served. In all zoned districts, other than those permitting one (1) and two (2) family dwellings, no parking shall be allowed in the required front setback area, except for vehicle access drives.
- D. Similar Use and Requirements: In the case of a use not specifically mentioned, the parking requirements of a use listed that is excepted to generate similar off-street parking demands will be used. The selection of a similar use will be made by the Planning Commission for developments requiring site plan review.
- E. Existing Off-Street Parking at Effective Date of Ordinance: Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the provisions of this Ordinance.
- F. Protective Screening: Protective screening for parking lots may be required by the Planning Commission when the abutting property is zoned Single Family Residential

(R-1, R-2, R-3 or R-4) as required under the provisions of Article 7 of this Ordinance.

- G. **Collective Provisions:** Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or principal uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately. Uses accessory to the principle use shall also meet the parking requirements of this section.
- H. **Joint Use:** Parking spaces already provided to meet off-street parking requirements for one use and lying within the five hundred (500) feet of another use with demonstrably offsetting hours of operation may be used to meet not more than fifty percent (50%) of the off-street parking requirements of the other use, with Planning Commission approval as part of the site plan review.
- I. **Change in Use:** For change in use which increase the number of required parking spaces, the additional parking spaces shall be provided.
- J. **Parking for Events:** For infrequent events held at places of assembly, including but not limited to churches, clubs, and lodges, which generate a higher parking demand than normal, parking may be provided in a temporary, unimproved overflow parking area on site.
- K. **Commercial Vehicles on Residential Lots:** Not more than one (1) commercial vehicle may be parked outside on a residential lot. In addition, it shall be unlawful for the owner, tenant or lessee of any lot to permit the open storage or outdoor parking of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless the storage or sales of such vehicles is an approved use for the principal building on the site or unless the vehicles are temporarily parked while in use for approved construction on the property. The use of a residential lot for parking of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, does not constitute a legal non-conforming use as defined in this Ordinance.
- L. **General Use Conditions:** Except when permitted land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements to provide for the public safety in keeping parked cars off the streets, but such requirements is not designed to provide storage or parking on such open land of wrecked, junked, or inoperable vehicles. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within the required off-street parking area.

Section 6.2 Table of Off-Street Parking Requirements

The amount of required off-street parking space for new uses of buildings and additions to existing buildings shall be determined in accordance with the following table, and the space so required shall be stated in the application for a zoning permit and shall be irrevocable reserved for such use and shall comply with the requirements of this Article.

TABLE 6-1 Table of Off-Street Parking Requirements		
Use	Required Number of Parking Spaces	Per Unit of Measure as Follows
Assembly halls or spaces, Auditoriums, Churches, Theaters	1	per 2 seats base upon maximum seating capacity in main place of assembly therein, plus 1 for every employee
Accessory buildings and uses customarily incidental to permitted principal uses, other than those accessory to single family detached and duplex residences	1	per 400 sq. ft. of usable floor area, accessory buildings used for storage only are exempt from this parking requirement
Adult foster care, Assisted living facilities, Child care institutions, Group homes, Long term care facilities	1	per employee, plus 1 per 2 beds
Automobile repair facilities	1	per employee, plus 3 per service bay
Automobile service stations/ Convenience stores	1	per employee, plus 1 per 500 sq. ft. of usable floor space
Banks, Business or Professional offices	1	per 400 sq. ft. of usable floor space (plus drive-through requirements)
Barber shops, Beauty parlors	2	per station or chair
Bars, Cocktail lounges, Taverns and Nightclubs	1	per 100 sq. ft. of usable floor space
Bed and breakfast establishments	1	per guest bedroom, plus 2 for residence
Bowling alleys	3	per alley or land, plus 1 per employee, plus spaces for each accessory use, such as bar or restaurant

**TABLE 6-1
Table of Off-Street Parking Requirements**

Use	Required Number of Parking Spaces	Per Unit of Measure as Follows
Business service establishments	1	per employee, plus 1 per 200 sq. ft. usable floor space
Clubs, Lodges, Fraternal Organizations	1	per employee, plus 1 per each 2 persons permitted on maximum occupancy
Day care, adult or children	1	per employee, plus 1 per each 5 customers
Drive-in and drive through establishments	1	per employee, plus 5 stacking spaces (in addition to requirements for non-drive-through uses)
Funeral homes or mortuaries	1	per employee, plus 1 per vehicle maintained on premises, plus 1 per 5 seats
Home occupations	2	per home occupation in addition to requirements for dwelling
Industrial establishments, Storage and Warehouse Facilities	1	per employee, plus 1 per 50 sq. ft. of usable floor area in waiting room
Laundromat	1	per 2 washing machines
Libraries	1	per 200 sq. ft. of usable floor area
Medical care facilities	1	per employee, plus 1 per 50 sq. ft. of usable floor area in waiting room, plus 1 each exam room, dental chair or similar use area
Public buildings	1	per 200 sq. ft. of usable floor area used by public, 1 per 600 sq. ft. of gross floor area not used by public
Residential	2	per dwelling
Restaurants	1	per 2 seats based upon maximum seating in dining room, plus 1 per employee
Retail establishments	1	per 150 sq. ft. of usable floor area dedicated to retail sales, plus 1 per employee

The Planning Commission may approve less than off-street parking than is required in Table 6-1, provided the applicant can demonstrate the following:

- A. The premises' peak period of use required less parking spaces than calculated. Under these circumstances the number of required parking spaces may be reduced to the actual peak period use, as determined, provided that open space is provided on site for the additional parking required under Table 6-1.
- B. The proposed addition or structure modification will not increase the need for any additional parking spaces.

Section 6.3 Off-Street Loading Requirements

On the same premises with every building, structure, or part thereof, erected an occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, convalescent home mortuary, laundry, dry cleaning, or similar for the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

- A. Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with a minimum fourteen (14) foot height clearance, and shall be provided in accordance with the following schedule. Whenever possible, a rear entrance shall be used for loading and unloading.

Table 6-2 Table of Loading and Unloading Spaces		
Use Category	Total Floor Area of the Building (square feet)	Off-Street Loading Space Requirements
Office Use	0 - 10,000	0
	10,001 - 50,000	One (1) usable loading space
	Over 50,000	Two (2) usable loading spaces
Commercial and Industrial Uses	0 - 1,500	0
	1,501 - 20,000	One (1) usable loading space
	20,001 - 50,000	Two (2) usable loading spaces
	Over 50,000	Three (3) usable loading spaces plus one (1) space for each 50,000 square feet in excess of 50,000 square feet

Section 6.4 Off-Street Parking Construction

The construction of any parking lot shall be in accordance with the recommendations of the Village Engineer of record and the provisions of this Ordinance. Any person desiring to establish or change a parking area other than for a single family or duplex residence on an individual lot, shall submit a site plan to the Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking lot. The plan shall be submitted to the Planning Commission for review and approval based on the procedures for site plan review.

- A. All such parking lots shall be hard-surfaced having a cross section meeting the recommendations of the Village Engineer and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property except through a public drain.
 - 1. The use of porous, drainage surface paving and/or alternative surface pavement is strongly encouraged. The Planning Commission shall consider and encourage the use of these or combination of these surface pavements as long as the application can demonstrate that the purposed surface pavement(s) are applicable for the parking conditions anticipated on site.
- B. All parking shall be illuminated. All illumination for or on such parking shall be deflected away from adjacent residential areas and streets.
- C. Off-street parking lots shall be so arranged and marked with adequate drives and aisles for safe and convenient maneuvering.
- D. Side yards shall be maintained for a space of not less than six (6) feet between the side lot lines of adjoining residential lots and the parking area. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles.
- E. Parking spaces for handicapped citizens shall be located as close as possible and on the most direct route to the barrier free building entrances. Where possible, this route shall not cross parking lot maneuvering lanes. At least one (1) of every ten (10) handicapped spaces shall be "Van Accessible". Each accessible parking space shall be designed and constructed in accordance with the Michigan Barrier Free Design Law. Two (2) handicap parking spaces may share the same access aisle.

**TABLE 6-3
Michigan Barrier Free Parking Requirements**

Total Spaces in Lot	Minimum Number of Accessible Parking Spaces Required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total parking spaces
More than 1,000	20 plus 1 for each 100 over 1,000

Note: The above requirements are to be used as a guide only. Verify current requirements as adopted by the State of Michigan.

End of Article 6

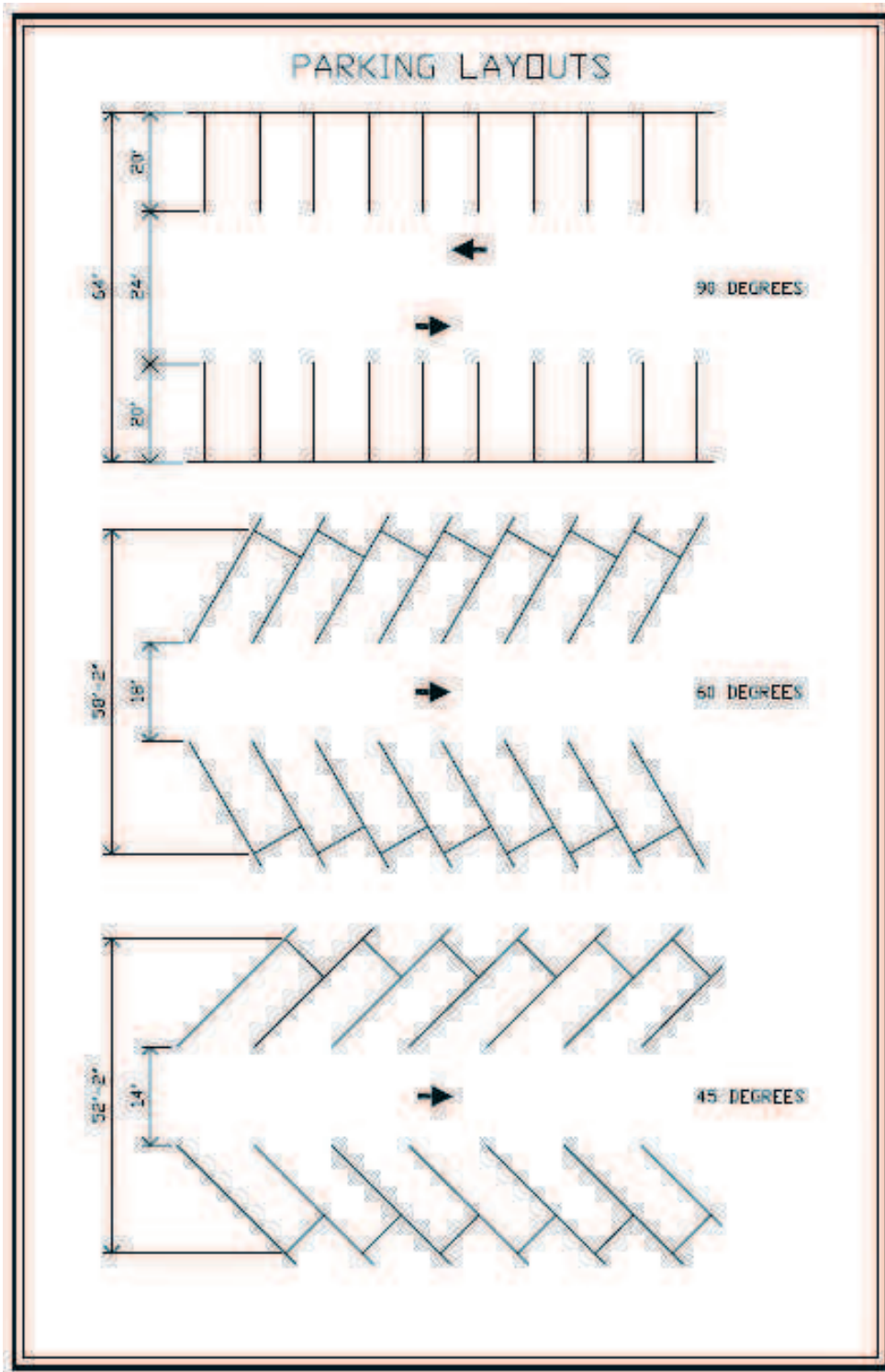


Figure 6.4

ARTICLE 7

LANDSCAPE REQUIREMENTS

Section 7.1 Intent

The standards of this article are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this Ordinance to improve the function, appearance and value of their property.

No site plan or land use will be approved unless said site plan provides landscaping consistent with the provisions of this Article.

The Planning Commission may also determined that dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking area, landscaping or green belts. If such a determination is made, the Planning Commission may grant an exception from the landscaping provisions of this Article.

The following are minimum landscaping standards and nothing shall preclude the developer and Village from agreeing to more stringent standards.

- A. Landscape Plan Requirements: A separate detailed landscape plan shall be submitted as part of the site plan review. The landscape plan shall include, but not limited to the following items:
1. Minimum scale one (1) inch to twenty (20) feet.
 2. Existing and proposed contours on site and one hundred (100) feet beyond the boundaries of the site at intervals not to exceed two (2) feet.
 3. Identification of existing trees and plant materials proposed to be saved, including individual tree caliper size and species.
 4. Identification of existing trees over two and one-half (2-1/2) inches in caliper proposed to be removed.
 5. Proposed new plant location, spacing, size, species (common and botanical name) and necessary descriptions for use.
 6. Straight cross section including slope, height and width of berms and type of ground cover and plants, or height and type of construction of wall or fence, including footings.
 7. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage patterns.
 8. Identification of grass and/or other ground cover and method of planting.
 9. Clearly indicate on the plan the total number of proposed parking spaces.
 10. Site plan review for pre-existing sites shall clearly identify the proposed building and/or parking expansion and label the net percent site increase.

Section 7.2 Buffer Zones

A buffer zone shall be provided within the setback between the subject site and all adjacent properties. Wall and berms, or combination thereof, with a height greater than forty (40) inches shall typically be prohibited along a public street right-of-way or a in a front yard unless specifically approved by the Planning Commission. Buffers utilizing a combination of plant materials, berming and walls shall be encouraged. The Planning Commission may waive this requirement if the applicant can demonstrate that omitting the buffer zone will have no adverse affect on the adjacent property.

- A. Screening Standards: Required screening shall comply with the following standards.
1. Parking lot screens shall be designed with a hedge, wall, berm or combination thereof forming a continuous screen at least forty (40) inches in height above parking lot grade. The parking lot screen shall be located in the buffer zone to provide maximum screening of the parking lot.
 2. All loading and unloading areas which are visible from residential zoning districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.
 3. All storage areas, including areas for storage of refuse, which are visible from residential zoning districts or public thoroughfares, shall be screened on three (3) sides by a fence or wall not less than six (6) feet in height. The fence or wall shall not allow light to penetrate through it. The three (3) sides screen shall be those sides where the potential visual impact of the storage areas is greatest for adjacent property owners.
- B. Wall Standards: Required walls shall comply with the following standards.
1. Walls shall be located on the lot line except where underground utilities interfere and/or where this Ordinance requires conformance with yard setback lines.
 2. Walls shall be constructed of high quality, durable, weather resistant, rustproof an easily maintainable materials. Walls shall be sight obscuring, sufficient to shield light and block blowing debris. The finish side or most visibly attractive side of a wall or decorative wood fencing shall face the exterior of the property line. Posts shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed or be located with the fence line as a decorative element.
 3. Curbing, bollards, or plant material shall be required where parking is adjacent to walls. Bumper blocks shall not be permitted.

4. Walls shall be maintained in good condition by the property owner.
- C. Berm Standards: Required berms shall be constructed as landscaped earth mounds with a crest area at least three (3) feet wide. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means acceptable to the Planning Commission. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). Free form naturalistic contouring and berm shaping is encouraged.
- D. Minimum Buffer Zones for Zoning Districts: The following minimum landscaping requirements apply to said zoned property abutting all other zoning districts. When said zoning property abuts liked zoned property landscaping requirements do not apply. The Planning Commission may reduce the minimum landscaping requirements for any zoning district abutting another zoning district other than those abutting a residential zoning district.
1. Single Family Residential - Rural (R-1) Zoning District: No requirements.
 2. Single Family Residential - Medium Density (R-2) Zoning District: No requirements.
 3. Single Family Residential (R-3) Zoning District: No requirements.
 4. Single Family Residential - Attached (R-4) Zoning District: No requirements.
 5. Multiple Family Residential (R-M) Zoning District: Two (2) deciduous canopy trees and four (4) large shrubs per each twenty-five (25) linear feet along the property line. One (1) evergreen tree may be substituted for one (1) canopy tree.
 6. Manufactured Home Community (RMHC) Zoning District: The following is recommended landscape screening, but is not required. Either of, or a combination of, the following:
 - a.) Two (2) deciduous canopy trees and four (4) large shrubs per each twenty-five (25) linear feet along the property line abutting a public right-of-way.
 - b.) Five (5) foot high wall/berm structure along the property line abutting a public right-of-way.
 7. Local Business (C-1) Zoning District: No requirements.
-

8. General Commercial (C-1) Zoning District: When abutting or within two hundred (200) feet of any residential zoning district. Either of, or a combination of, the following:
 - a.) One (1) deciduous canopy tree, one (1) evergreen tree and four (4) large shrubs per each twenty (20) linear feet along the property line.
 - b.) Five (5) foot high wall/berm structure.
9. Light Industrial (L-1) Zoning District: When abutting or within four hundred (400) feet of any residential zoning district. Either of, a combination of, the following:
 - a.) One (1) deciduous canopy tree, one (1) evergreen tree and four (4) large shrubs per each twenty (20) linear feet along the property line.
 - b.) Five (5) foot high wall/berm structure.
10. Waterfront Protection Overlay (WO) Zone: Per requirements of Article 3, Section 3.13.

Section 7.3 Green Belts

A green belt shall be planted adjacent to the right-of-way of any public street. The green belt plantings shall be planted within the required setback. The Planning Commission may allow such planting to be placed anywhere within the front yard. The green belt shall meet the following standards:

- A. The green belt shall include only plant materials and planting beds, except for approved sidewalks, signs, driveways and essential services.
- B. The green belt shall include one (1) deciduous canopy tree per thirty (30) linear feet of the frontage, including any openings for driveways, sidewalks, or easements. The Planning Commission may approve substitution of evergreen trees for up to fifty (50) percent of the required green belt trees, if consistent with the existing character of the area.
- C. Arrangement of landscaping materials shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Plant materials within the twenty-five (25) foot site distance triangle shall not be more than thirty (30) inches in height.

Section 7.4 Plant Materials

All plant material shall be free of disease and insects at time of planting, and conforming to the American Standard for Nursery Stock of the American Association of Nurseryman

ANZI A60.1. The use of plant species native to Michigan and Otter Lake area is strongly encouraged. Planting of invasive plant species is prohibited. See list of invasive plant species at end of this section.

Size and Space Requirements		
General Plant Type	Minimum Size Allowable	Recommended On-Center Spacing
Evergreen Trees	5'-6' height	15 feet
Narrow Evergreen Trees (Tall hedges)	5'-6' height	5 feet
Large Deciduous Trees	2.5" caliper	25 to 30 feet
Small Deciduous Trees (Ornamental)	2" caliper	15 feet
Large Evergreen Shrubs	2' to 3' height or 1'-6" to 2' spread	6 feet
Small Evergreen Shrubs	1'-6" to 2' spread	4 to 5 feet
Large Deciduous Shrubs	3' to 4' height	4 feet
Small Deciduous Shrubs	1'-6" to 2' height	3 to 4 feet
Ground Covers	2" peat pot	1 foot
Vines	2 gallon	3 to 4 feet

Section 7.5 Maintenance

Within all zoning districts, all land areas disturbed during construction shall be finish graded and restored with final vegetation having a minimum overall density coverage of eighty (80) percent and be at least one (1) inch in height within six (6) months of the completion of the exterior envelope of the structure for with a building permit has been issued.

If a certificate of occupancy is issued prior to the completion of the required landscaping, the owner may be required to provide a performance bond to ensure installation of required landscaping in the next planing season. Said bond shall be in the amount of one hundred twenty-five (125) percent of the material and labor value of the required landscpacing.

Greenbelt areas, planting beds, and plant materials required by this Ordinance shall be kept free from debris and refuse. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance in perpetuity from the time of planting. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced by the applicant/owner within thirty (30) days of written notice from the Village or within time period as specified in said notice.

End of Article 7

PROHIBITED PLANT SPECIES

The following plant materials are commonly recognized as invasive species and are prohibited from being planted within the village limits. Plan applicants/property owners are strongly encouraged to remove and/or destroy any existing invasive species growing upon the parcel presented for site plan review.

TREES

Common Name

Scientific Name

Norway Maple	<i>Acer platanoides</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Black Alder	<i>Alnus glutinosa</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
Black Locust	<i>Robinia pseudoacacia</i>
Princess Tree	<i>Paulownia tomentosa</i>

SHRUBS

Common Name

Scientific Name

Japanese Barberry	<i>Berberis thunbergii</i>
Privet	<i>Ligustrum vulgare</i>
Amur Honeysuckle	<i>Lonicera maackii</i>
Morrow's Honeysuckle	<i>Lonicera marrowii</i>
Tartarian Honeysuckle	<i>Lonicera tatarica</i>
Bell's Honeysuckle	<i>Lonicera xbella</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Glossy Buckthorn	<i>Rhamnus frangula</i>
Black Jetbead	<i>Rhodotypos scandens</i>
Multiflora Rose	<i>Rosa multiflora</i>

WOODY VINES

Common Name

Scientific Name

Oriental Bittersweet	<i>Celastrus orbiculata</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Kudzu	<i>Pueraria lobata</i>

HERBACEOUS PLANTS

Common Name

Garlic Mustard
Narrow-leaved Bitter-cress
Spotted Knapweed
Canada Thistle
European Swamp Thistle
Leafy Spurge
Giant Hogweed
Dame's Rocket
Purple Loosestrife
White Sweet Clover
Yellow Sweet Clover
Japanese Stilt Grass
Wild Parsnip
Reed Canarygrass
Giant Reed
Japanese Knotweed
Giant Knotweed
Mile-a-minute Weed
Narrow-leaved Cat-tail
Swallow-worts

Scientific Name

Alliaria petiolata
Cardamine impatiens
Centaurea maculosa
Cirsium arvense
Cirsium palustre
Euphorbia esula
Heracleum mantegazzianum
Hesperis matronalis
Lythrum salicaria
melilotus alba
Melilotus officinalis
Microstegium viminium
Pastinaca sativa
Phalaris arundinacea
Phragmites australis
Polygonum cuspidatum
Polygonum sachalinense
Polygonum perfoliatum
Typhía angustifolia
Vincetoxicum spp.

AQUATIC PLANTS

Common Name

Water-hyacinth
Hydrilla
European Frog-bit
Eurasian Water Milfoil
Curly Pondweed

Scientific Name

Eichornia crassipes
Hydrilla verticillata
Hydroncharis morsus-ranae
Myriophyllum spicatum
Potamogeton crispus

ARTICLE 8

DESIGN STANDARDS

Section 8.1 Purpose

The purpose of this Article is to identify specific design standards required of specific types of uses, both uses permitted by right and those that require a special use permit. These design standards are in addition to zoning district regulations, general provisions and other requirements for uses and structures identified in this Ordinance.

Section 8.2 Architectural Standards

These standards are intended to encourage the conservation of the aesthetic, rural character of the Village. Also they are intended to minimize incompatible and unsightly surroundings and visual blight which reduce overall community property values.

- A. General Standards: The following standards shall be applied by the Planning Commission as part of site plan review.
1. Exterior building materials shall be composed of high quality and durable materials, compatible with the structures within the surrounding area.
 2. The front facade of the building should address the main street with entrances, windows, and architectural features facing the street. In all zoning districts, except in residential districts, no overhead doors, docking bays or loading/unloading areas shall face the main street, unless approved by the Planning Commission and their visual impact from the street is minimized by recessing back from the front facade and/or screened from public view.
 3. Variation in architectural details will be encouraged to provide visual variation and interest.
 4. Long, massive, unbroken or monotonous buildings are discouraged. Instead, building facades shall incorporate recesses and projections to add architectural interests.
 5. It will be encouraged that large areas of roofs have variations in roof lines to reduce the massive scale of the structures and to add visual interests.
 6. Size and height of buildings should be compatible with the character of the surrounding areas as determined by the Planning Commission.
 7. The use of high intensity colors or fluorescent colors on building facades is discouraged. Building trim may consist of brighter colors, but neon tubing or other similar type lighting as a building accent may be prohibited.
 8. All signs shall conform to the standards of the Village Sign Ordinance.
 9. All mechanical equipment, including but not limited to heating, ventilating and air conditioning equipment, and antennas, shall be placed in an inconspicuous location or screened from view. If equipment is placed on rooftops it shall also be screened from public view in a manner that does not

- draw attention to the equipment and/or its placement.
10. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious design and/or devices such as solar energy collectors, views, unique land contour, or relief from common or standard design.
- B. Single Family Dwelling Regulations: A one-family dwelling and any additions or alterations, thereof, erected or placed in the Village, shall conform to the following regulations in addition to all other regulations of this ordinance.
1. It shall comply with all current adopted editions of the building, construction and fire codes for single family residential dwellings, including the current adopted edition of the State Energy Conservation Code.
 2. It shall be anchored to a permanent foundation constructed on the site in accordance with the Village 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 Act and its rules, and shall have a perimeter wall as required above.
 3. In the event the dwelling is a manufactured home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
 4. The roof shall have a minimum 4/12 pitch.
 5. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious design and/or devices such as solar energy collectors, views, unique land contour, or relief from common or standard designs.

Section 8.3 Adult Uses

Adult uses are regulated to protect the community from the negative secondary affects of these uses, including increased crime from as excessive concentration of these uses, and the blighting affect these uses have on residential property values. Therefore, adult uses are permitted in the C-2 General Commercial zoning district by special use permit provided the parcel on which the use is located is:

- A. Located at least five hundred (500) feet from a residential zoning district.
- B. Located at least one thousand (1,000) feet from another adult uses.
- C. Located at least one thousand (1,000) feet from all churches, convents, temples and similar religious institutions.

- D. Located at least one thousand five hundred (1,500) feet from all public, private or parochial nursery, primary or secondary schools, public parks, campgrounds, cemetery and hospitals.
- E. Located at least one thousand five hundred (1,500) feet from all child care organizations.
- F. Located at least one thousand (1,000) feet from any indoor or outdoor recreation and amusement establishment or any other use catering to minors.
- G. Located within a freestanding building. A shared or common wall structure or a shopping center is not considered to be a freestanding building.
- H. Located so that all access to the site is from a primary roadway.
- I. In addition to the locational criteria above, the building and site shall be designed, constructed and maintained so material such as display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be viewed by any vehicle or pedestrian on a public right-of-way or from an adjacent land use and shall comply with the architectural design standards contained in Section 8.2 of this Ordinance.

Section 8.4 Automobile (Motor Vehicle Sales) Dealerships

Motor vehicle sales establishments are permitted by right in the L-1 Light Industrial zoning district and by special use permit in a C-2 General Commercial zoning districts:

- A. Outdoor sales space for the sale or rental of new or secondhand automobiles, motorcycles, recreational vehicles, and watercrafts.
- B. The facility fronts and its access is primarily gained from a primary road.
- C. All vehicle preparation, repair, washing, maintenance, etc., is performed completely within an enclosed building.
- D. The display lot or area shall be hard surfaced with asphaltic pavement, concrete, paver units, or other paving material approved by the Planning Commission, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
- E. Display of vehicles shall be considered an accessory use. Such use may be permitted within a front yard except that a twenty (20) foot landscaped open space shall be provided between any street and the display area.
- F. There shall be no unscreened, outdoor storage of vehicle parts or equipment.

Section 8.5 Automobile (Motor Vehicle) Repair Facilities

Vehicle repair facilities are permitted by right in the L-1 Light Industrial zoning district and by special use permit in the C-2 General Commercial zoning permit.

- A. The facility fronts and its access is primarily gained from a primary road.
- B. All work is performed completely within an enclosed building.
- C. Building housing intensive activities such as body work, frame straightening or other heavy repair activities shall be set back one hundred (100) feet from residentially zoned parcels.
- D. There shall be no outdoor storage or unlicensed automobiles, parts or equipment. Outdoor, overnight storage of licensed automobiles shall be limited to one vehicle per service bay.

Section 8.6 Bed and Breakfast Establishments

Bed and breakfast establishments are permitted by special use permit in the R-1, R-2 and R-3 Single Family Residential zoning districts provided:

- A. Customers are limited to a maximum continuous stay of fourteen (14) days.
- B. The bed and breakfast establishment is limited to the residence only. Accessory buildings such as garages may not be converted into uses for the bed and breakfast establishment.
- C. The owner/operator shall reside in the establishment.
- D. There will be no change in the exterior appearance so that the establishment is out of character with the other single family homes in the area in which it is located.
- E. Off-street parking areas for guests shall be located in a side yard or the rear yard and shall be adequately buffered from adjacent residences so that the parking area is not out of character with the surrounding homes.

Section 8.7 Campgrounds

Campgrounds, permanent or transient, are permitted by special use permit in R-1 and R-2 Single Family Residential zoning districts provided:

- A. Campground design and layout is in accordance with all currently adopted Public Acts and Rules Governing Campgrounds and is licensed under the Michigan Department of Environmental Quality (DEQ) Drinking Water and Radiological Protection Division.

- B. Campground shall abut and have direct vehicular access to a public roadway. The direct access shall not impair pedestrian or vehicular traffic safety, and will minimize any adverse impact on the site or surrounding natural resources.
- C. No camp site, parking spaces, internal roadways, structures, permanently mounted equipment, etc., shall be located within any required setback area.
- D. Required setback areas shall be kept in a natural state to provide a buffer zone with neighboring residential areas. The Planning Commission may require enhanced planting and landscaping of these areas to provide a visual/noise barrier for adjacent residential dwelling units.
- E. The term “campground” may include a “children’s camp” as defined in the Child Care Organizations Act or an “adult foster care camp” as defined in the Adult Foster Care Licensing Act provided the facility is properly licensed as such by the State of Michigan.

Section 8.8 Communications Tower and Antennae

Communication towers and antennae are permitted in all zoning districts as an accessory use provided:

- A. Amateur Radio Station Operators/Receiver Only Antennas - Tower or antenna is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- B. Emergency Responder - Tower or antenna is part of an emergency response system as defined under state law.
- C. General Provisions:
 - 1. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal governments with the authority to regulate towers and antennas.
 - 2. To ensure the structural integrity of towers, the owner of a tower or antenna shall ensure that is maintained in compliance with applicable state building codes and applicable standards for towers that are published by the Electronic Industries Association, including any adopted amendments.
 - 3. No signs shall be allowed on an antenna or tower.

Section 8.9 Day Care Center, Commercial

Day care centers are permitted by right in C-2 General Commercial zoning district and by special use permit in the R-4 Single Family Residential - Attached and R-M Multiple Family

Residential zoning districts provided:

- A. The center shall provide and maintain an outdoor play area of adequate size for the number of children being cared for. This play area shall not be in the front yard and must be fenced or otherwise enclosed on all sides and screened from adjacent properties with a privacy fence or landscaping.
- B. An on-site drive shall be provided for drop offs and pick ups. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.

Section 8.10 Day Care Homes

Day care homes (1-6 persons) are permitted by right in R-1, R-2, R-3 and R-4 Single Family Residential and R-M Multiple Family Residential zoning districts. Day care homes, group (7-12 persons) are permitted by special use permit in R-1, R-2, R-3 and R-4 Single Family Residential and R-M Multiple Family Residential zoning districts provided:

- A. The facility is licensed by the State of Michigan.
- B. Fencing is provided around any outdoor play areas and play area shall be screened from adjacent properties with a privacy fence or landscaping.
- C. The building retains the appearance of a single family residence.
- D. The use does not exceed sixteen (16) hours of operation in a twenty-four (24) hour period.
- E. The use is no closer than one thousand five hundred (1,500) feet to another licensed day care facility.

Section 8.11 Home Occupations

- A. No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.
- B. The use of the dwelling for the home occupation shall be clearly accessory, incidental and subordinate to its use for residential purposes, and not more than twenty (20) percent of the floor area of the dwelling shall be used for the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation provided, however there may be one (1) sign.
- D. Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or in any case no more than ten (10)

vehicular trips per day. There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment, by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries.

- E. The home occupation shall be conducted entirely within the confines of the dwelling.
- F. There shall be no sale of products or services on the premises where the home occupation is located except those that are produced or used in the normal conduct of the home occupation.
- G. Any necessary parking spaces for vehicles generated by the conduct of the home occupation, as calculated by Article 6, shall be provided on the site, but not within any required yard setback area.
- H. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes or odors detectable to the normal senses off of the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premise or cause fluctuation in the line voltage off the premise.
- I. Maximum inventory stored indoors shall be 100 cubic feet.

Section 8.12 Kennels, Commercial

Kennels, commercial are permitted by special use in C-2 General Commercial and R-1 Single Family Residential - Rural zoning districts provided:

- A. The facility shall be licensed by the Lapeer County Department of Animal Control or Genesee County Department of Animal Control as appropriate.
- B. Kennels housing dogs shall be a minimum one hundred fifty (150) feet from a residential zoning district.
- C. All dog runs must be enclosed and have a concrete surface.
- D. The applicant must identify an acceptable method of disposing of the animal waste.

Section 8.13 Kennels, Private (3 dogs maximum)

Kennels, private (3 dogs maximum) are permitted by right as an accessory use in R-1, R-2, R-3 and R-4 Single Family Residential zoning districts and by special use permit in the R-M Multiple Family Residential zoning district provided:

- A. All dogs within the facility shall be licensed by the Lapeer County Department of

Animal Control or Genesee County Department of Animal Control as appropriate.

- B. Kennels, including dog runs, housing dogs shall be a minimum of ten (10) feet from side or rear lot lines.
- C. All dog runs must be enclosed.

Section 8.14 Solar Energy Systems

Solar energy collection systems, both active and passive, are permitted by right in all zoning districts. Use of these systems is strongly encouraged in all developments, however to assure that the design of solar energy systems conform in appearance to the surrounding neighborhood the following standards shall apply.

- A. The installation of free-standing, ground mounted collector systems are strongly discouraged in the R-3 and R-4 Single Family Residential, R-M Multiple Family Residential, and C-1 Local Business zoning districts.
- B. When feasible, solar collectors shall be integrated into the design of the building with structural support for the collectors screened in a manner that is compatible with the building's design.
- C. Roof mounted solar collectors shall be placed in a location that is the least visible from the front public right-of-way without reducing the operating efficiency of the collectors. Wall mounted and ground mounted solar collectors shall be screened from the public (front street) view.
- D. Roof mounted solar collectors may exceed the allowable maximum building height provided they do not extend more than five (5) feet above the permitted height.
- E. Equipment related to the system, including plumbing lines, shall be installed in an interior space of the building, where feasible.
- F. Any large accessory fixture which must be exposed shall be screened where possible by the use of architectural features that are compatible with the design of the building. When feasible, it is encouraged that these fixtures be located so as to be the least visible from the front public right-of-way.
- G. Where possible, exterior surfaces shall have a matte finish and shall be color coordinated with the surrounding building materials.

Section 8.15 Storage Facilities

Storage facilities, excluding outdoor storage, are permitted by special use permit in the I-1 Light Industrial zoning district provided:

- A. Access to the facility is from a public roadway.
- B. All outdoor storage areas shall be appropriately screened from the surrounding property, as determined by the Planning Commission.
- C. Maximum building side wall height shall be ten (10) feet.
- D. A minimum ten (10) foot wide parking strip shall be provided in front of each row of storage units in addition to a minimum twelve (12) foot wide travel lane.
- E. Parking strips and travel lanes shall be constructed of industry recognized materials to provide a permanent, durable, and dustless surface, properly drained to eliminate areas of ponding water.

Section 8.16 Wind Energy Systems (On-site Use)

On-site use wind energy systems are permitted by right in all zoning districts as an accessory use which shall meet the following standards:

- A. Designed to primarily serve the needs of a home, farm, or small business.
- B. Shall have a tower height of 20 meters (65.6 feet) or less.
- C. Property Setback: The minimum distance between an on-site use wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower, including the top of the blade in its vertical position. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
- D. Sound Pressure Level: On-site use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 db(A).
- E. Construction Codes, Tower and Interconnection Standards: On-site use wind energy systems, including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site use wind energy systems, including towers, shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950), the Michigan Tall Structures Act (Public Act 259 of 1959), and local jurisdiction airport overlay zone regulations. An interconnected on-site use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off grid systems are exempt from these requirements.

- F. Safety: An on-site use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lighting protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for wind energy system employing a horizontal axis rotor.

Section 8.17 Veterinary Clinics

Veterinary clinics are permitted by right in C-2 General Commercial zoning district and by special use permit in the R-1 Rural Residential zoning district, provided:

- A. The use shall be operated by a licensed or registered veterinarian.
- B. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be set back at least one hundred (100) feet from abutting residential districts, churches or restaurants on the same side of the street; fifty (50) feet from the front property line and fifty (50) feet from all other property lines.
- C. All principal use activities shall be conducted within a totally enclosed principal building. No outdoor pet enclosures or runs are permitted, unless facility is located on a minimum five (5) acre site.
- D. Any indoor boarding shall be limited to that incidental to treatment or surgery.
- E. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to or within a residential district shall have the following construction features:
 - 1. Wall are soundproofed to a maximum transmission of 65 dB measured ten (10) feet from any point on the outside of the exterior wall,
 - 2. Doors must be solid core or insulated,
 - 3. Ventilation must be forced air.
- F. Outdoor exercising is allowed when the pet is accompanied by an employee provided no animals shall be permitted outside of the building between 9:00 p.m. and 7:00 a.m.
- G. A caretaker's quarters may be permitted in the C-2 General Commercial zoning district.
- H. A veterinarian/owner dwelling unit is permitted in the R-1 Rural Residential zoning district.

End of Article 8

ARTICLE 9

SITE PLAN REVIEW REQUIREMENTS

Section 9.1 When Site Plans are Required

Site plans are required to be prepared and submitted under any of the following circumstances:

- A. Whenever a building permit is required for the erection or structural alteration of any building.
- B. As part of an application for a special use permit.
- C. Any change in use which requires construction of ten (10) or more parking spaces.
- D. As part of an application for approval of a condominium development.

A zoning permit shall be withheld pending verification that the applicant has received all required county, state or federal permits, including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetland permits; culverts and driveway permits.

Section 9.2 Required Information

Before site plan approval is granted, five (5) copies of a site plan, a completed application for site plan approval, including completed and signed checklist, with necessary fees shall be submitted to the Village, for review and approval. The site plan may be submitted not less than fifteen (15) days prior to the meeting. The site plan shall contain the following information:

- A. General Project Information, including:
 - 1. Number of dwelling units, including number of bedrooms
 - 2. Gross square footage of building(s)
 - 3. Gross acreage
 - 4. Buildable area
 - 5. Lot coverage as a percentage of total area
 - 6. Density of dwelling units per acre
 - 7. Parking calculations
 - 8. Scale, not greater than 1" = 50'
 - 9. North arrow
 - 10. Location map
 - 11. Legal description, including tax identification number
 - 12. Lot dimensions and square footage of individual lots
 - 13. Name and addresses of public utility providers
 - 14. Name and address of Owner(s)

15. Name and address of design professional.
- B. Property lines, setbacks, easements, location of proposed and existing buildings, all dimensioned.
 - C. Vehicular traffic and pedestrian circulation features, including driveways, drives, sidewalks, and streets or driveways within one hundred (100) feet of the property.
 - D. Location, dimensions and type of surface for all parking spaces, maneuvering lanes, and loading spaces.
 - E. Height and dimensions of all structures.
 - F. Location and capacity of public or private utilities, including:
 - 1. Storm sewer lines, open drains, detention/retention structures, system capacity and storm sump lines.
 - 2. Storm calculations for items above based on the 100 year storm.
 - G. Location, dimensions and lighting of signs.
 - H. Location, intensity and orientation of all lighting.
 - I. Buildings within one hundred (100) feet of the site property lines.
 - J. Existing natural features, including streams, marshes, ponds, one hundred (100) year floodplain boundaries, limits of wetlands as determined by a recognized consultant.
 - K. Outdoor storage or activity areas.
 - L. Existing and proposed grades at two (2) foot intervals and proposed drainage pattern.
 - M. Location and screening of trash receptacles.
 - N. Location of all proposed landscaping, berms, fences or walls.
 - O. Building floor plan showing existing and proposed uses, including overall dimensions.
 - P. Front, rear and side elevations of proposed structure, including overall dimensions.
 - Q. Completed State and County Environment Permits checklist provided by the Village.

Section 9.3 Site Plan Approval

- A. The Planning Commission is authorized to review all site plans, including site plans submitted as a part of a special land use permit application, except those special use permits which are approved administratively. The Planning Commission is authorized to approve, deny or approve the site plan with conditions.
- B. Any person aggrieved by the decision of the Planning Commission in granting or denying a site plan may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within thirty (30) days of the posting of the meeting and must state the basis for the appeal.
- C. All approved site plans shall comply with the appropriate zoning district regulations, parking requirements, general provisions and other requirements of this Ordinance as they apply to the proposed site plan. In addition, each site plan shall comply with the following requirements:
 - 1. The Planning Commission may require sidewalks when it determines they are needed to promote pedestrian safety.
 - 2. Adequate transition areas or buffers will be provided between land uses to minimum off-site conflicts due to noise, light, smoke, odor or other nuisances.
 - 3. Storm water runoff shall be minimized through the use of storm water retention facilities with provisions for filtration when possible. The use of parking lots as detention basins will be prohibited, except that underground storage structures are permitted. The site shall be designed to ensure that there will be no increase in runoff onto adjacent sites or that existing drainage patterns are not harmed.
 - 4. Existing high quality and mature trees on the site will be preserved when possible.

Section 9.4 Changes to Approved Site Plans

All work conducted related to a project with an approved site plan shall be in conformance to that site plan. Any changes and/or amendment to an approved site plan shall require the site plan to be resubmitted to the Planning Commission.

Section 9.5 Time Limits

- A. **Deadline to Commence Construction:** An application for a zoning permit for a project approved by site plan approval must be filed with the Village within twelve (12) months from the date of approval of the site plan. If a zoning permit is not issued within twelve (12) months, site plan approval shall expire.

- B. **Deadline for Completion:** A project approved by site plan approval must be completed within two (2) years from the date that the zoning permit was issued by the Village. If an occupancy permit is not granted within two (2) years, site plan approval shall expire.
- C. **Extensions:** The Planning Commission may grant one (1) extension for an additional twelve (12) months if the applicant can demonstrate that suitable continual process has been made on the project.

Section 9.6 Required Information - Residential

The following site plan approval requirements are not intended to be a deterrent to a property owner, but are necessary to determine that the proposed dwelling unit meets the minimum standards set forth by this ordinance. It is the Village's goal to work with the property owner to identify and resolve any potential areas of conflict prior to the start of any construction work.

The site plan may be prepared by the property owner, using a copy of the properties' mortgage survey or ariel photograph printed from several internet web sites. Photographs of the site and neighboring sites is strongly encouraged to be submitted with the site plan.

Before site plan approval is granted, three (3) copies of a site plan, a completed application for site plan approval, including completed and signed checklist, with necessary fees shall be submitted to the Village, for review and approval. The site plan may be submitted not less than fifteen (15) days prior to the meeting. The site plan shall contain the following information:

- A. **General Project Information, including:**
 - 1. Gross square footage of proposed dwelling unit
 - 2. Gross acreage of site
 - 3. Buildable area (total square footage of site, less square footage contained within required front, rear and side setbacks, times allowable percentage of building coverage)
 - 4. North arrow
 - 5. Legal description, including tax identification number
 - 6. Lot dimensions
 - 7. Name and address of Owner(s)
 - 8. Name and address of any professional that helped prepare the site plan
- B. Property lines, setbacks, easements, location of proposed and existing buildings, all with dimensions.
- C. Proposed location of driveway.
- D. Existing natural features, including streams, marshes, ponds, one hundred (100) year floodplain boundaries, limits of wetlands as determined by a recognized

consultant.

- E. Proposed location of septic field, including overall dimensions, if applicable.
- F. Proposed location of water well, including dimensioned isolation zone.
- G. Dwelling unit floor plan(s), including overall dimensions.
- H. Front, rear and side elevations of proposed structure, including overall dimensions.
- I. Completed State and County Environment Permits checklist provided by the Village.
- J. If the property lays within the Waterfront Protection Overlay Zone the following additional information shall be provided:
 - 1. Setback boundary line of the Waterfront Protection zone.
 - 2. Setback boundary line of the vegetative buffer zone.
 - 3. Wetland delineation line.
 - 4. Description of existing vegetation within the vegetative buffer zone. Note: Photographs of the area with location and direction of photos marked on site plan is acceptable and strongly encouraged.
 - 5. Detailed description of vegetation proposed to be removed. Note: Trees and vegetation to be removed shall be indicated on any photographs submitted with the site plan.
 - 6. Proposed location and materials for all paths, walkways, stairs, decks, etc., to be located within the setback areas.
 - 7. Grading plan that delineates areas of cut and fill, identifies changes in topography and drainage.
 - 8. Proposed list of plant materials to be planted within the vegetative buffer zone.

End of Article 9

ARTICLE 10

SPECIAL USE PERMIT REVIEW REQUIREMENTS

Section 10.1 When a Special Use Permit is Required

For all uses listed under zoning district regulations as requiring a special use permit, or any expansion of such a use, requires review and approval by the Planning Commission.

Section 10.2 Required Information

The applicant shall submit a special use permit application to the Village at least thirty (30) days prior to the Planning Commission meeting date at which it is requested to be reviewed for approval. The site plan may be submitted not less than fifteen (15) days prior to the meeting. An application for special use permit shall contain the following:

- A. Completed special use permit application form provided by the Village.
- B. Five (5) copies of a complete site plan meeting the requirements of Article 9 of this Ordinance.
- C. All necessary fees.

Section 10.3 Hearing

Upon receipt of an application for a special use permit, a public hearing shall be scheduled for a Planning Commission meeting at which the special use permit will be reviewed. One (1) notice of the public hearing shall be published in a local newspaper of general circulation within the Village, and shall be sent by mail to the owner(s) of the property for which approval is being considered, to property owners within three hundred (300) feet of the boundary lines of the property for which approval is being considered, and to the occupants of all structures within three hundred (300) feet of the property in question. All notices shall be given not less than five (5) days and not more than fifteen (15) days prior to the hearing at which the application will be considered.

- A. The notice shall:
 - 1. Describe the nature of the special use request.
 - 2. Indicate the property which is the subject of the special use request.
 - 3. State when and where the public hearing on the special use request will be held.
 - 4. Indicate when and where written comments will be received concerning the special use requested.
- B. Planning Commission Decision: Following a public hearing, the Planning Commission may postpone a decision pending review of required additional

information, deny, approve or approve with conditions the special use permit. The decision of the Planning Commission shall be incorporated in a statement containing the conclusions on which the decision is based and any conditions imposed. Any conditions imposed shall meet all of the following requirements:

1. Would protect the natural environment, the health, safety and welfare, the social and economic well being of those who will use the land use or activity under consideration, residents and landowners adjacent to the proposed land use or activity, and the community as a whole.
 2. Would be necessary to meet the intent, purpose and standards of this zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
 3. There is rough proportionality between the cost to the developer to provide the improvements in relationship to the impact to be mitigated.
 4. There is a reasonable connection between the condition imposed and the impact it is mitigating.
- C. Appeal of Special Use Permit Decision: Any person aggrieved by the decision of the Planning Commission in granting or denying a special use permit may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within thirty (30) days of the posting of the minutes of the meeting and state the basis for the appeal.

Section 10.4 Changes to Approved Special Use Permit

All work conducted related to a project with an approved special use permit and related site plan shall be in conformance to that permit and site plan. Any change to the type or scale of the use require amendment to the special use permit by the Planning Commission.

Section 10.5 Expiration of Special Use Permit

- A. Approval of a special use permit shall expire twelve (12) months after issuance, if a building permit has not been issued and construction begun pursuant to the special use permit, or if the use permitted by the special use permit has not been established and maintained.
- B. If the use permitted by the special use permit is inactive for twelve (12) consecutive months, the special use permit shall expire.

Section 10.6 Standards of Determination

Applications for uses permitted after special use approval shall be granted or denied based on the following standards specified in this sub-section, as well as applicable standards established elsewhere in this Ordinance.

- A. The proposed use shall of such that the location, size and character will be in

harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of 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 zoning district involved.
- C. The proposed use shall be designed as to the location, size, intensity, site layout and hours of operation so as to eliminate any nuisance emanating, therefrom which might be noxious to the occupants of any other 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 buildings or structures and locations, nature and height of walls, fences and landscaping will not interface or discourage the appropriate development and use of adjacent land and buildings or unreasonably affects their value.
- E. The use shall not place demands on public services and facilities in excess of current capacity.
- F. The proposed use shall be so designed, located, planned and operated that the public health, safety and welfare will be protected.
- G. The proposed use shall not cause substantial injury to the value of the other property in the neighborhood in which it is located and will not be detrimental to existing and/or permitted land uses in the zoning district.
- H. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

End of Article 10

ARTICLE 11

ADMINISTRATION AND ENFORCEMENT

Section 11.1 Responsibilities

Below is a listing of the responsibilities of various positions and bodies with the Village in administering this Ordinance.

- A. Zoning Administrator: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who may delegate his/her responsibilities to other employees, inspectors or officials of the Village. The Zoning Administrator also shall:
 - 1. Issue zoning permits.
 - 2. Make inspections to determine compliance with the permits.
 - 3. Respond to questions from citizens.
 - 4. Receive, investigate and process all complaints and notify affected parties of the results of the investigation.

- B. Planning Commission: The Planning Commission responsibilities under the Zoning Ordinance are:
 - 1. Review and approve or deny site plans.
 - 2. Hold public hearings and review and approve or deny special use permits.
 - 3. Hold public hearings and make recommendations on proposed zoning amendments.
 - 4. Initiate amendments by the Zoning Ordinance.

- C. Village Council: The Village Council responsibilities under the Zoning Ordinance are:
 - 1. Designate the Zoning Administrator.
 - 2. Approve appointments to the Planning Commission and Zoning Board of Appeals.
 - 3. Establish fee schedules for permits and reviews.
 - 4. Initiate amendments to Zoning Ordinance.
 - 5. Approves or denies zoning amendments.

- D. Zoning Board of Appeals: The Zoning Board of Appeals responsibilities under the Zoning Ordinance are:
 - 1. Issue variances.
 - 2. Consider appeals of decisions.
 - 3. Interpret the ordinance.

- E. Village Staff: The Village staff's responsibilities under the Zoning Ordinance are:
1. Receive applications for zoning permits, variance requests, re-zoning requests, special use permit requests, site plan review applications and other applications and requests.
 2. Provide staff support to the Planning Commission and the Zoning Board of Appeals.

Section 11.2 Zoning Permits

- A. Permits Required: It shall be unlawful for any person, firm or corporation to change the use of a parcel of land or building, commence excavation for, or construction of any building or structure, including fences and accessory structures two hundred (200) square feet or less in area that otherwise does not require a building permit, or additions to any existing building or structure, make structural changes, or make repairs to any existing non-conforming building or structure, or move an existing building, without first obtaining a zoning permit from the Zoning Administrator. No building permit shall be issued until an application has been submitted in accordance with the provisions of this Ordinance showing that the construction and/or use proposed is in compliance with the provisions of this Ordinance and other applicable codes and ordinances of the Village.
- B. Application - Single Family Residential (R-1): An application for a zoning permit shall include a plot plan showing:
1. The actual shape, location and dimension of the lot.
 2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and any buildings or other structures already on the lot.
 3. The signature of the deed holder/owner of the premise concerned.
 4. Such information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed, including, but not limited to, a survey of all or portion of the lot(s).
- C. Application for all Other Zoning Districts: In accordance with Article 9 - Site Plan Review Requirements.
- D. Time Limits:
1. Deadline to Commence Construction: A building permit for a project approved by issuance of a zoning permit shall be filed with the Village Building Inspector within one (1) year from the date of issuance of the zoning permit. If a building permit is not filed within one (1) year, the zoning permit shall expire.
 2. Deadline for Completion: A project approved by issuance of a zoning permit shall be completed within one (1) year from the date that the building permit

was filed with the Building Inspector. If an Occupancy Permit is not granted within one (1) year, the zoning permit shall expire.

3. Extensions: The Zoning Administrator may grant one (1) extension for an additional one (1) year if the applicant can demonstrate that suitable, continual progress has been made on the project.

Section 11.3 Certifications of Occupancy

It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereinafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a certificate of occupancy stating that the provisions of this Ordinance have been complied with. The Building Inspector shall not issue a certificate of occupancy on any land, building or structure which also requires a zoning permit or site plan approval until the Zoning Administrator verifies that the terms of the zoning permit or site plan approval have been complied with.

Section 11.4 Fees

The amount of any fees charged for zoning compliance permits or inspections shall be established by motion of the Village Council. The Village shall have the authority to require applicants to reimburse the Village for any cost associated with review of an application, including consultant fees.

Section 11.5 Sanctions for Violations

Any person, firm, or corporation, or anyone acting in behalf of said person, firm or corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals, or the Village Council, adopted pursuant hereto, shall upon conviction thereof be subject to a fine of not more than Five Hundred (\$500.00) dollars and court cost, or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both such fine and imprisonment. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of the Ordinance.

End of Article 11

ARTICLE 12

ZONING BOARD OF APPEALS

Section 12.1 Zoning Board of Appeals

- A. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in this section of this Ordinance, inclusive of Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall consist of the elected members of the Village Council and shall act independent of the Village Council.
- B. The president of the Village Council shall not serve as chairman of the Zoning Board of Appeals.
- C. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Zoning Board of Appeals are present. Zoning Board of Appeals meetings shall be held separately from Village Council meetings.
- D. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute a misconduct in office.

Section 12.2 Meetings

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, and at such times as the Zoning Board of Appeals may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Village Clerk and shall be a public record. The Zoning Board of Appeals shall adopt rules of procedure for the operation of the Board and conducting of hearings.

Section 12.3 Responsibilities

The Zoning Board of Appeals shall have the authority to:

- A. Grant variances from the requirements of this Ordinance.
- B. Interpret the zoning ordinance and zoning map.
- C. Hear appeals of administrative decisions including approval or denial of site plan or special use permits.

- D. Permit a legal non-conforming use of land or structures to be changed to another non-conforming use under the procedures contained within this Ordinance.

Section 12.4 Variances

The Zoning Board of Appeals shall have the power to authorize reductions in ordinance requirements including setbacks, lot size and width, building height and parking requirements. The Zoning Board of Appeals may not authorize a use variance. In consideration of all variances, the Zoning Board of Appeals shall review each case individually as to its compliance with each of the following standards:

- A. The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome.
- B. The variance is the minimum necessary to provide adequate relief to the applicant and is not so large that it is unfair to similarly situated property owners and manages to comply with the requirements or make do with a smaller variance.
- C. The problem is due to circumstances unique to the property and not to general conditions in the area.
- D. The problem that results in the need for the variance was not a self-created hardship. In this instance “self-created” includes actions by the current owner or past owners of the property.
- E. Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.

Section 12.5 Interpretations

- A. The Zoning Board of Appeals shall have the power to interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of this Ordinance. In case of any question as to location of any boundary line between zoning districts, the Zoning Board of Appeals shall interpret the Zoning map, after recommendation from the Village Planning Commission. In interpreting the location of zoning district boundaries, the Zoning Board of Appeals shall use the rules of interpretation identified in Section 3.2 of this Ordinance. The Zoning Board of Appeals shall also have the authority of interpreting whether or not a specific use is permitted within a specific zoning district. In carrying out this interpretation, the Zoning Board of Appeals may not interpret a specific use as being included in a boarder class of uses if that specific use is listed separately in other zoning districts.
- B. The authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Village Council, as provided by law.

Section 12.6 Appeals and Special Approvals

- A. An appeal may be take to the Zoning Board of Appeals by any person, legal entity, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator or a decision of the Planning Commission regarding a site plan or special use permit. Such appeals shall be taken within thirty (30) days of the posting of the minutes of the meeting at which the action to be appealed was taken, or in the case of a zoning administrator’s decision, within thirty (30) days of receipt of the written decision. Such appeals shall be made by filing with the Zoning Administrator and with the Zoning Board of Appeals, a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the Zoning Administrator and on due cause shown.

Section 12.7 Procedures

- A. Applications: Applications for variance, appeal, interpretation or changes in non-conforming uses shall be submitted to the Zoning Administrator at least thirty (30) days prior to the Zoning Board of Appeals meeting at which it will be heard. The application shall consist of a completed application form and other information determined necessary by the Zoning Board of Appeals.
- B. Notice: Notice of the hearing of an appeal, variance, or other matter before the Zoning Board of Appeals shall comply with Section 10.3 of this Ordinance except for the provisions of that section dealing with notice to residents and property owners within three hundred (300) feet. Those requirements shall only be applied to notices on Zoning Board of Appeals matters when the matter involves a specific parcel.
- C. Zoning Board of Appeals Decisions:
1. Following the hearing on an issue brought before them the Zoning Board of Appeals may only reverse as administration decision or grant an applicants request by a majority vote of the members of the Zoning Board of Appeals, that is by at least three (3) votes.
 2. In making a decision on an appeal of an administrative decision, the Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as necessary to meet the intent of this Ordinance and shall have all the powers of the officer or board from

- whose decision the appeal was taken.
3. In making a decision on a request, the Zoning Board of Appeals shall state the basis for their decision.
- D. Record of Review: A record of the decision shall be filed with the Village Zoning Administrator, including:
1. A copy of the submitted application.
 2. A copy of any meeting minutes related to the application.
 3. A copy of any other relevant records related to the application.
- E. Appeal of Special Use Permit Decisions: Any person aggrieved by the decision of the Zoning Board of Appeals in granting or denying a request may appeal the decision to Circuit Court.

Section 12.8 Time Limits

- A. Deadline to commence Construction/Use: A building permit for a project with a Zoning Board of Appeals approved variance shall be filed with the Village Building Inspector within twelve (12) months from the date of the Zoning Board of Appeals approval of a variance. If a building permit is not filed within twelve (12) months, Zoning Board of Appeals approval of the variance shall expire. In cases where construction is not required, the approved use of land or buildings must have commenced within twelve (12) months.
- B. Deadline for Completion: A project with a Zoning Board of Appeals variance approved shall be completed within the same frame for the building permit issued.

Section 12.9 Conditions

- A. The Zoning Board of Appeals may place conditions on an affirmative decision when such conditions:
1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 2. Would protect the natural environment and conserve natural resources and energy.
 3. Would ensure compatibility with adjacent uses of land.
 4. Would promote the use of land in a socially and economically desirable manner.
- B. In determining appropriate conditions, the Zoning Board of Appeals shall ensure that:
1. There is rough proportionality between the cost to the developer to provide

- an improvement in relationship to the impact to be mitigated.
2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

End of Article 12

ARTICLE 13
CONDOMINIUMS

Section 13.1 Intent

The intent of this article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to properly divided and developed by other methods.

Section 13.2 Review Requirements

In order to ensure compliance with this Ordinance, all condominium developments shall follow the site plan review process, including developments consisting solely of single family or duplex residences, that may otherwise not be required to prepare a site plan. In addition to the information required in Article 9 - Site Plan Review Standards, all applicants for condominium site plan review shall submit the following information.

- A. Copy of the proposed condominium master deed and all amendments.
- B. A copy of the proposed condominium subdivision plan.
- C. A copy of the proposed condominium association by-laws and organizational articles.

Section 13.3 Zoning Ordinance Standards

- A. Lot Size: In conventional condominium development, the condominium unit is enclosed air space, such as condominium apartments. In a conventional condominium, the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominium developments, the condominium unit is a piece of land that is sold as a building site, just as lots in a subdivision are sold. Each condominium unit in a site condominium and its associated limited common elements are considered equivalent to a "lot", and must meet the minimum lot size requirements for the zoning district in which the parcel is located.
- B. Setback: In conventional condominium developments, the buildings must be set back from the sites boundaries as required in the zoning district where the parcel is located. For site condominium developments the setbacks shall be from the outer edge of the "lot" consisting of a condominium unit and their associated limited common elements, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located.

Section 13.4 Condominium Design Requirements

Conventional and site condominium developments shall comply with all applicable design standards in this Ordinance. Infrastructure, including streets, utilities and sidewalks shall comply with the standards adopted by the Village.

Section 13.5 Survey Requirements

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, (PA 59 of 1978). Site condominiums shall comply with the following requirements which are intended to ensure that monumentation is equivalent to the monumentation requirements of a subdivision plat:

- A. Monuments shall be located in the ground and made according to the following requirements, but is not intended or required that monuments be placed within the traveled portions of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B. All monuments used shall be made of solid iron or steel at least half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersections of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
- D. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the site plan and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F. All required monuments shall be placed flush with the ground where practicable.
- G. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this Ordinance shall be monumented in the field by iron or steel bars or iron pipes at least half (1/2) inch diameter and eighteen (18) inches long, or other markers approved by the Village.

Section 13.6 Recorded Master Deed

Prior to issuance of a building permit, the applicant shall provide the Village with a copy of the recorded master deed, including all amendments and attachments along with two (2) copies not to exceed 11" x 17" and two (2) copies at least 24"x36" of the condominium plan. The Zoning Administrator shall review these documents to ensure that they comply with the approval granted by the Planning Commission.

End of Article 13

ARTICLE 14

SUBDIVISION DEVELOPMENT REQUIREMENTS

Section 14.1 Intent

Any proposed development of property which is subject to the requirements of the Land Division Act of the State of Michigan (formerly the Michigan Subdivision Control Act), Public Act 288 of 1967 and as amended, shall comply with the provisions of this Article to promote the public safety, health and general welfare by facilitating the orderly layout and development of land subdivided into plats.

Section 14.2 Optional Pre-Preliminary Plat Conference

A potential applicant for plat review is strongly encouraged to submit a generalized conceptual sketch of a potential plat for a non-binding review and comment by the Village and Planning Commission. This optional process is recommended to facilitate early contact between the owner/developer and the Village to discuss the general conceptual layout of the proposed development, compliance with the requirements of this Article and zoning.

Section 14.3 Tentative Subdivision Plat

A. Filing:

1. The proprietor shall submit at least four (4) copies of the preliminary plat of the proposed subdivision to the Village Clerk at least thirty (30) days before a meeting of the Planning Commission.
2. The preliminary plat shall be prepared in accordance with the Subdivision Control Act and in accordance with the requirements of this Ordinance.

B. The Preliminary Plat Plan shall included the following information:

1. Proposed name of subdivision.
2. Legal description of property/development.
3. Names and addresses of the proprietor(s) and the design professional(s) who prepared the subdivision layout.
4. Date, north arrow and scale of plat. NOTE: 1'-100" is the minimum acceptable scale.
5. An overall map showing the relationship of the subdivision to its surroundings such as section lines and streets.

6. Boundary lines of proposed subdivision and over all property dimensions.
7. Property lines of adjacent tracts of land are to be shown in relation to the tract being proposed for subdivision, including those located across abutting roads and/or streets.
8. Location, widths and names of existing or prior platted streets and private streets, public areas and public easements within or adjacent to the land being proposed for subdivision, including those located across abutting roads.
9. The direction of flow of streams and surface drainage.
10. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
11. Topography survey drawn at contours with an interval of two (2) feet in elevation.
12. Soil types and characteristics.
13. The general location and size of any flood plain and/or wetlands within or adjacent to the proposed plat.
14. Trees (in excess of 8 inches in diameter) on the site shall be inventoried and sketched as to type and location.
15. Layout of proposed streets indicating street names, right-of-way widths, and connections with adjoining platted streets and also the widths and locations of alleys, easements and public walkways. Indicate whether such streets are intended to be dedicated public streets or maintained as private streets.
16. Layout, numbers and dimensions of lots, including building setback lines.
17. Parcels of land intended to be dedicated to set aside for public use or for the use of property owners in the subdivision.
18. Location of the required underground utilities and utility installations.
19. In the following cases;
 - a. where the proprietor owns or has legal interest in acquisition of adjoining land, or
 - b. wishes to subdivide a given area, but wishes to begin with only a portion of the total area,the preliminary plat shall include the proposed general layout of the entire

area. The part which is proposed to be subdivided first shall be clearly superimposed upon the over-all plan in order to illustrate clearly the method of development which the proprietor intends to follow.

20. The seal of the surveyor who prepared the proposed preliminary plat.

C. Review by the Planning Commission:

1. The Planning Commission shall act on the preliminary plat within sixty (60) days after the date that all necessary information is provided to the Planning Commission, unless the proprietor agrees to an extension.
2. The Village Clerk shall send a notice to adjacent property owner as to the time and place of the meeting of the Planning Commission to consider the preliminary plat. The notice shall be sent not less than five (5) business days before the meeting date.
3. The Planning Commission may direct that copies of the preliminary plat be transmitted to the Village Engineer for technical review and recommendation.
4. The Planning Commission shall review the preliminary plat as to the following:
 - a. Zoning ordinance compliance.
 - b. Availability and adequacy of utilities.
 - c. Impact on schools and public facilities.
 - d. Land use plan compliance.
 - e. Adequacy of streets.
 - f. Effect on surrounding land use.
 - g. Objectives and policies of the Village.
 - h. Compliance with the subdivision design standards of this Ordinance.
5. The Planning Commission shall recommend approval, conditional approval, or disapproval of the preliminary plat.

D. Review by the Village Council:

1. Following the receipt of the Planning Commission recommendations, the Village Council shall consider the preliminary plat and shall take action within ninety (90) days of the date that all necessary information was provided to the Planning Commission, unless the proprietor has requested an extension. The decision of the Village Council shall be based on the same standards as the Planning Commission review process.
2. Should the Village Council grant approval to the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the

submission of the preliminary plat to the county and state agencies required in the Subdivision Control Act.

3. The initial approval of the preliminary plat by the Village Council shall be effective for a period of one (1) year. Should the preliminary plat, as reviewed and approved by the required county and state agencies, not be re-submitted to the Village Council within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation to Village Council.
4. Upon re-submission of the preliminary plat as review and approved by the required county and state agencies, the Village Council shall consider and review the plat within twenty (20) days. If final preliminary plat approval is granted by the Village Council, such approval shall be effective for a period of two (2) years. Such approval shall be deemed to confer upon the proprietor the right to proceed with the presentation of the final plat.

Section 14.4 Final Subdivision Plat

- A. The final plat shall conform substantially to the preliminary plat as required and contain detailed working drawings showing grades, drainage structures, proposed utilities and construction plans for streets, pedestrian sidewalks/walkways and bicycle paths/lanes, within and adjoining the plat.
- B. After the preliminary plat has been tentatively approved or approved subject to conditions by all applicable county and state agencies, the proprietor shall:
 1. File eight (8) reproducible copies of the final plat with the Village Clerk, including a list of all authorities required by statute to review the preliminary plat certifying that the list shows all such authorities, and the written approvals of the preliminary plat by such authorities.
 2. Shall deposit such sums of money as the Village Council may require herein or by other ordinances.
- C. The final plat at the discretion of the Village Council, may be reviewed by the Village Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.
- D. The Village Council shall review all recommendations and take action on the final plat within twenty (20) days of its date of filing.
- E. Upon approval of the final plat by the Village Council, the subsequent approvals shall follow the procedure set forth in the Subdivision Control Act. Copies of the final plat shall be distributed as follows:

1. One (1) to the Village Clerk,
 2. One (1) to the Planning Commission,
 3. One (1) to the Building Inspector,
 4. Five (5) copies shall be forwarded to the County Plat Board.
- F. In lieu of the proprietor having installed improvements the Village Council may require of the proprietor as a condition of final plat approval, a deposit in the form of cash, certified check, or irrevocable bank letter of credit running to the Village for the full cost, as estimated by the Village Engineer, of the installation of any required monuments, corner markers, sidewalks, public streets, public sewers, water lines, and drainage facilities to insure the completion of said improvements and facilities within a specified length of time.

Section 14.5 Subdivision Design Standards

A. General Provisions:

1. Lands subject to flooding or otherwise determined to be uninhabitable shall not be platted for development. Such lands may be set aside for other purposes within a subdivision such as parks and/or open space.
2. Existing natural features which add value to residential development or that enhance the attractiveness of the community shall be preserved insofar as possible in the layout of the subdivision.
3. No land within the subdivision shall be isolated from a public street, nor shall any adjoining land of the proprietor or others be isolated from a public street, thereby creating land locked parcels.

B. Streets:

1. Street right-of-way in the proposed subdivision shall conform to the applicable county right-of-way plan.
2. The street layout shall provide for continuation of streets in adjoining subdivisions and/or parcels. Where the adjoining areas are not subdivided, the arrangement of street right-of-ways in the new subdivisions shall be extended to the boundary line of the tract to make provision for future projection of streets into adjacent areas.
3. The street layout shall discourage the use of minor streets by through traffic.
4. Streets shall be arranged in proper relation to topography so as to result in desirable and usable lots, and safe streets with reasonable grades.
5. Streets Intersections: Streets shall be laid out so as to intersect as nearly as

possible to ninety (90) degrees.

6. Streets: All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Lapeer County Road Commission or the Genesee County Road Commission, as applicable.
7. Street lighting may be required by the Village Council when the Council determines that the street lighting is necessary for public health, safety and welfare.

C. Lots:

1. The lot sizes, widths, depth, and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
2. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.
3. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than 4 to 1 shall be desirable.
4. Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
5. Side lot lines shall be at right angles or radial to the street lines whenever possible.
6. Residential lots abutting major streets shall be platted with reverse frontage, or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit adequate distances between buildings and such streets.
7. Lots shall have a front-to-front relationship across all streets where possible.
8. Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes.

D. Utilities:

1. Underground Wiring: All local distribution lines for telephone, electric, television and other similar services distributed by wire or cable shall be placed underground throughout the area subdivided for residential use, except for main supply and perimeter feed distribution lines which serve areas outside the subdivided area, and except for surface facilities related to underground service. Such wires, conduits or cables shall be placed

within private easements provided to such service companies by the proprietor or within dedicated public ways.

2. Sewage Disposal: Sanitary sewers shall be installed in such a manner as to adequately serve all lots within the subdivision. Private sewage disposal systems shall be approved by the applicable County Health Department.
3. Water Supply: Public or private wells shall be approved by the applicable County Health Department.
4. Storm Drainage System: An adequate storm drainage system including necessary detention basins, storm sewers, catch basins, manholes, culverts, bridges, and other appurtenance shall be required in all subdivisions. Adequate provisions shall be made for proper drainage of storm water run-off from each residential lot.
5. Review: For Village approval of sanitary sewer systems and storm sewers systems the applicant shall furnish to the Village a detailed estimate of the cost and two (2) sets of the construction plans, including the general plan, for the system on which he desires approval. The Village shall collect the review fee and refer the plans to the Village Engineers who shall check the estimate and review the plans for conformity to the standards of the Village. The applicant, after making and changes requested, shall then submit revised plans to the Village for final approval.
6. One (1) reproducible copy of Aa-Built plans of the sanitary sewer system, storm sewer system, and road system and certification from a Registered Professional Engineer that all surfaces, grades, roads and structures are in conformance with the approved plan shall be provided prior to acceptance of the subdivision improvements by the Village.

E. Easements:

1. Utility line easements shall be provided as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than ten (10) feet wide.
2. Recommendations on the proposed layout of utility company easements should be sought from all utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.
3. Where a subdivision is traversed by a water course or drainage way, there shall be provided a drainage right-of-way. Such easements shall meet the approval of the applicable County Drain Commission and/or Village Engineer.

4. All necessary easements for sewer lines shall be provided to the Village.
- F. Natural Features: The natural features and character of lands shall be preserved whenever possible. Due regard shall be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved.
- G. Sidewalks: A minimum four (4) foot wide concrete sidewalk located one (1) foot from the property line on the side or sides of the roadway abutting the subdivision may be required. In those instances where no good purpose would be served by the provision of sidewalks, the Village Council may waive this requirement(s).
- H. Street Trees: Trees shall be provided along all subdivision streets. They shall be not less than one (1) tree for each one hundred (100) feet of street frontage. The type of tree shall be specified and approved by the Planning Commission.

Section 14.6 Subdivision Open Plan

The following requirements apply in addition to all other requirements of this Article where a preliminary plat is filed for approval under the subdivision open space plan section of the zoning ordinance.

- A. Consideration by the Planning Commission and Village Council of the proposed optional use of subdivision open space plan shall reflect the following basic principles:
 1. The subdivision open space plan section of the zoning ordinance provides an optional method of subdividing property and approval of any subdivision open space plan is subject to the discretion of the Village Council.
 2. Attention shall be given to the effect of a subdivision open space plan upon the immediate area and to the benefits to be derived by the residents of the proposed subdivision and the Village.
 3. The following objectives shall govern the approval or disapproval of the proposed subdivision open space plan:
 - a. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, bodies of water, scenic views and similar natural assets.
 - b. Encourage developers to use a more creative approach in the development of residential areas.
 - c. Encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.
 - d. Encourage the provision of open space within reasonable distance of

all lot development so benefits may accrue to the subdivision and to further encourage the development of recreational facilities and areas.

- B. The application for approval of the subdivision open space plan shall contain the following in addition to the information required by other sections of this Article:
1. A complete description of the land proposed to be dedicated to common use (open land) shall be provided, including the following as a minimum:
 - a. Legal description of open land.
 - b. Topographical survey of open land.
 - c. Type of soil of open land.
 - d. Description of natural features of open land.
 - e. Other relevant factors.
 2. The proposed plan of development of the open land shall be contained in the application and shall include the following as a minimum:
 - a. How legal title is to be laid.
 - b. How such property shall be regulated.
 - c. Provisions for the payment of taxes.
 - d. Persons or corporations to be responsible for maintenance.
 - e. How maintenance is to be guaranteed.
 - f. How maintenance and development are to be financed.
 - g. Proposed uses of open land.
 - h. What improvements are to be constructed by the developer and estimated costs prepared by a licensed design professional.
 - i. Other relevant facts related to the proposed uses of the open land.
- C. Before any action is taken upon any subdivision open space plan filing, copies of the preliminary plat, application and supporting data shall be submitted by the Village Clerk to the Village attorney for review and recommendation. The Village attorney shall review the proposed subdivision open space plan and render his opinion with respect to the following:
1. The proposed manner of holding title to the open land.
 2. The proposed manner of payment of taxes.
 3. The proposed methods of regulating the use of the open land.
 4. The proposed method of maintenance of property and financing thereof.
 5. Any other factor related to the legal or practical problems of ownership, use and maintenance of the open land.

- D. If the Village Council gives preliminary approval of the proposed subdivision open space plan, it shall instruct the Village attorney to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval thereof by the Village Council, shall be entered into between the Village and the proprietor prior to the approval of any final plat based upon the approved preliminary plat.

- E. At the time of application for final approval, the proprietor shall deposit a cash or corporate surety bond in the amount of th estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvements within a time to be set by the Village Council.

End of Article 14

ARTICLE 15

AMENDMENTS

Section 15.1 Initiating Amendments

- A. A proposal for an amendment to the text of this Ordinance may be initiated by any person by the filing of a petition meeting the requirements outlined below requesting consideration of the amendment, the application for a text amendment, and either the necessary fees for such text amendment or copy of the proposed text change with the Zoning Administrator.
 - 1. The petition required above shall be signed by a minimum ten (10) percent of the total registered electors residing in the Village. All signatures shall be collected no more than sixty (60) days prior to the submission of the application for amendment. The petition shall include the proposed text amendment.
- B. Any proposal for an amendment to the Zoning Map (i.e., to rezone a parcel(s) may be initiated by the owner of that parcel(s) or a person with written permission of the owner. The process is initiated with the filing of the following with the Zoning Administrator:
 - 1. An application for rezoning.
 - 2. A map at a scale of not less than 1"=50' showing the subject parcel in relation to adjoining parcels of land.
 - 3. The necessary fees for such zoning change.
 - 4. A copy of the deed to the property.
- C. Any proposal for an amendment to the Zoning Ordinance text or map may be initiated by the Village Council, Planning Commission or Zoning Board of Appeals, upon filing with the Village Zoning Administrator a resolution duly adopted identifying the proposed amendment.

Section 15.2 Procedures

- A. The Village Clerk shall give notice of the time and place of the Planning Commission public hearing of which the amendment will be heard, by publication of a notice in a newspaper of general circulation in the Village. Notice shall be in accordance with Section 10.3 of this Ordinance.
- B. Following the public hearing, the Planning Commission shall consider the request. At the meeting the Planning Commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the Planning Commission shall consider the following:

1. In the case of a proposal to amend the zoning ordinance text the Planning Commission must find:
 - a. The change is necessary to clarify a provision of the ordinance, or
 - b. The change is necessary to correct a mistake in the ordinance, or
 - c. The change is necessary to implement a goal or policy of the Village Land Use Plan, or
 - d. The change is necessary to improve administration of the ordinance or to better serve the community.
 - e. In addition to one (1) or more of the above findings, the Planning Commission must determine that the requested amendment is in compliance with the Village Land Use Plan or that a mistake in the plan, or changes in conditions or village policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

 2. In the case of a proposed zoning map amendment (rezoning) the Planning Commission must find one of the following:
 - a. The requested amendment is in compliance with the Village Land Use Plan or that a mistake in the plan, or changes in conditions or Village policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
 - b. The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Land Use Plan.

 - C. The Planning Commission shall provide a record of the public hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the Village Council for their consideration.

 - D. At the next regularly scheduled Village Council meeting following receipt of the Planning Commissions report, the Village Council shall hold a first reading of the proposed amendment and shall offer the public an opportunity to comment on the proposal. The Village Council shall then schedule the proposed amendment for a second reading.

 - E. At the second reading of the proposed zoning ordinance amendment the Village Council may take the following actions on the zoning amendment.
-

1. Approve the request by a majority vote of the Village Council membership.
 2. Deny the request.
 3. Hold a public hearing on the matter before decision.
 4. Consider changes to the proposed amendment.
- F. If the Village Council desires to make any changes to the amendment as submitted by the Village Planning Commission, it shall refer the matter back to the Planning Commission for a second report within a time period specified by the Village Council. The Planning Commission reviews the proposed changes and may choose to agree with the change, keep the original recommendation or propose a different change.
- G. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days of adoption.
- H. If within seven (7) days after publication of an amendment to the ordinance, the Village Council is presented with a notice of intent to file a petition opposing the amendment from a registered elector residing in the Village, a petition may be filed with the Village Clerk within thirty (30) days following publication of the ordinance. If a petition signed by not less than ten (10) percent of the registered electors residing in the Village, is filed with the Village Clerk, a referendum on the ordinance amendment shall be held.

End of Article 15

ARTICLE 16

VALIDITY, REPEAL OF PRIOR ORDINANCE, VESTED RIGHT, ENACTMENT AND EFFECTIVE DATE

Section 16.1 Validity

This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 16.2 Repeal of Prior Ordinance

The Zoning Ordinance adopted by the Village of Otter Lake on ?, 1985, and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right occurring, accrued or acquired or liability, penalty, forfeiture or punishment incurred to the time enforced, prosecuted or inflicted.

Section 16.3 Vested Right

Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendments, change or modifications as may be necessary to the preservation or protection of public health, safety and welfare.

Section 16.4 Enactment and Effective Date

This Ordinance is hereby declared to have been adopted by the Village Council of the Village of Otter Lake, Lapeer and Genesee Counties, Michigan at a meeting thereof, duly called and held on the third day of May, 2010, and is ordered to be given publication in the manner described by law. This Ordinance shall become effective twenty (20) days after final enactment and publication.

End of Article 16