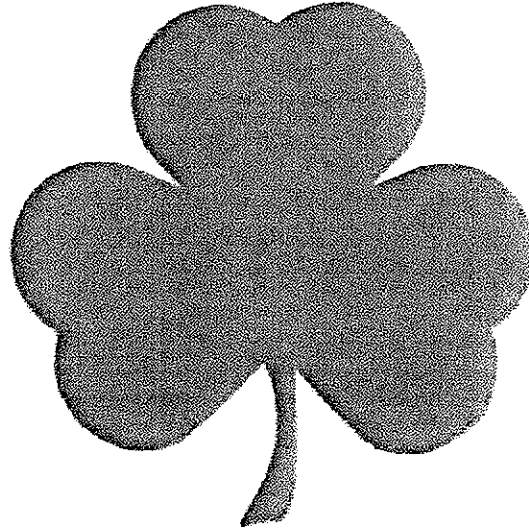


Onsted



# ZONING ORDINANCE

Village of Onsted  
Lenawee County  
Michigan

as adopted

July 7, 2014

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*Theresa J. Ochsle*  
Village of Onsted, Clerk



# Contents

ARTICLE I ENACTING CLAUSE, TITLE, PURPOSES.....	1
SECTION 1.1 - ENACTING CLAUSE .....	1
SECTION 1.2 - TITLE .....	1
SECTION 1.3 - PURPOSES .....	1
ARTICLE II GENERAL PROVISIONS.....	3
SECTION 2.1 - SCOPE.....	3
SECTION 2.2 - DEFINITIONS .....	4
2.2.1 - Accessory Structure, Building, or Use: .....	4
2.2.2 - Alley: .....	4
2.2.3 - Alter:.....	4
2.2.4 - Apartments: .....	4
2.2.5 - Automobile Service Station:.....	4
2.2.6 - Boarding House or Rooming House:.....	4
2.2.6 a.- Bed and Breakfast Facility:.....	4
2.2.7 - Building:.....	4
2.2.8 - Building Height: .....	5
2.2.9 - Building Setback Line: .....	5
2.2.10 - Central Sanitary Sewerage System:.....	5
2.2.11 - Central Water System:.....	5
2.2.12 – Child Care Facilities .....	5
2.2.13 - Cul-De-Sac:.....	5
2.2.14 - District:.....	5
2.2.15 - Drive-Through Retail and Service Establishment: .....	6
2.2.16 - Dwelling Unit:.....	6
2.2.17 - Dwelling-Single Family: .....	6
2.2.18 - Dwelling-Multiple Family:.....	6
2.2.19 - Easement: .....	7
2.2.20 - Essential Services: .....	7
2.2.21 - Home Occupations: .....	7
2.2.22 - Hotel or Motel: .....	7
2.2.23 - Junk Yard: .....	7
2.2.24 - Kennel: .....	7
2.2.25 - Lot:.....	7
2.2.26 –Lot Area: .....	7
2.2.27 - Lot Corner: .....	8
2.2.28 - Lot Depth:.....	8
2.2.29 - Lot Coverage: .....	8
2.2.30 - Lot Line (Front):.....	8
2.2.31 - Lot Line (Rear):.....	8
2.2.32 - Lot Line (Side): .....	8
2.2.33 - Lot of Record:.....	8
2.2.34 - Lot Through (Double Frontage): .....	8
2.2.35 - Lot Width: .....	8
2.2.36 - Mobile /Manufactured Housing:.....	8
2.2.37 – Mobile/Manufactured Housing Parks: .....	9
2.2.38 Mobile/Manufactured Housing Subdivision or Condominium:.....	9
2.2.39 - Nonconformities:.....	9
2.2.40 - Off-Street Parking: .....	9
2.2.41 - Parking Space, Area, Lot:.....	9
2.2.42 - Project:.....	9
2.2.43 - Quarry:.....	9
2.2.44 - Riding Academy:.....	10

2.2.45 - Roadside Stand:.....	10
2.2.46 - Row House:.....	10
2.2.47 - Sign:.....	10
2.2.48 - Sign Area:.....	10
2.2.49 - Sign, On-Site:.....	10
2.2.50 - Site Plan Review:.....	11
2.2.51 - State Licensed Residential Facility:.....	11
2.2.52 - Story:.....	11
2.2.53 - Street:.....	11
2.2.54 - Structure:.....	11
2.2.55 - Transition (Buffer) Strip:.....	11
2.2.56 - Travel Trailer:.....	11
2.2.57 - Vehicle Display:.....	11
2.2.58 - Vehicle Parking:.....	11
2.2.59 - Vehicle Salvage:.....	11
2.2.60 - Vehicle Storage:.....	11
2.2.61 - Yard, Front:.....	12
2.2.62 - Yard, Rear:.....	12
2.2.63 - Yard, Side:.....	12
2.2.64 - Commercial Storage Facilities:.....	12
2.2.65 - Illustrations:.....	12
SECTION 2.3 - UNDEFINED TERMS.....	12
SECTION 2.4 - APPLICATIONS OF REGULATIONS.....	12
ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS.....	14
SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS.....	14
SECTION 3.2-OFFICIAL ZONING MAP.....	14
3.2.1 - Identification of Official Zoning Map:.....	14
SECTION 3.3 - INTERPRETATION OF DISTRICT BOUNDARIES.....	14
3.3.1 - Interpretation of Unspecified Land Uses:.....	14
SECTION 3.4 - ZONING DISTRICT CHANGES.....	15
3.4.1 - Authority to Grant Zoning District Change:.....	15
3.4.2 - Data, Exhibits, and Information Required in Application:.....	15
3.4.3 - Public Hearing:.....	15
3.4.4 - Approval, Grant of Zoning District Change:.....	15
ARTICLE IV ZONING DISTRICT REGULATIONS.....	16
SECTION 4.1 - OPEN DISTRICTS.....	16
4.1.1 - Agricultural District (AG-1):.....	16
SECTION 4.2 - RESIDENTIAL DISTRICTS.....	18
4.2.1 - Suburban Residential District (RS-1):.....	18
4.2.2 - Urban Residential District (RU-1):.....	19
4.2.3 - Multiple-Family Residential District (RM-1):.....	20
4.2.4 - Mobile/Manufactured Housing Residential District (MH-1):.....	21
SECTION 4.3 - COMMERCIAL DISTRICT.....	22
4.3.1 - Central Business District (C-1):.....	22
4.3.2 - General Commercial District (C-2):.....	23
4.3.3 - Shopping Center District (C-3):.....	24
SECTION 4.4 - INDUSTRIAL DISTRICT.....	28
4.4.1 - Light Industrial District (I-1):.....	28
SECTION 4.5 - DISTRICT AREA, YARD, HEIGHT AND BULK REGULATIONS.....	30
4.5.1 - Compliance with Regulations:.....	33
4.5.2 -Yard Measurements:.....	33
4.5.3 - Lot Width:.....	33
4.5.4 - Height Exceptions:.....	33
4.5.5 - Accessory Structures:.....	34
4.5.6 - Distance Between Multi-Family Residential Grouped Buildings:.....	34
ARTICLE V SUPPLEMENTAL REGULATIONS.....	35

SECTION 5.1 - PURPOSE.....	35
SECTION 5.2 - SIGN REGULATIONS.....	34
5.2.1 - General Sign Regulations.....	35
5.2.2 - Permitted On-Site Signs in Agricultural Districts.....	35
5.2.3 - Permitted On-Site Signs in Residential Districts.....	35
5.2.4 - Permitted On-Site Signs in the Central Business Districts.....	35
5.2.5 - Permitted On-Site Signs in General Commercial and Light Industrial Districts.....	35
5.2.6 - Off-Site Signs.....	36
5.2.7 - Signs for Automobile Service Stations.....	36
5.2.8 - Permitted Signs in Shopping Center Districts.....	36
5.2.9 - Elimination of Nonconforming Signs.....	36
SECTION 5.3 - OFF-STREET PARKING REQUIREMENTS.....	38
5.3.1 - Plans:.....	38
5.3.2 - Location of Off-Street Parking Area:.....	38
5.3.3 - Parking in Residential Districts:.....	38
5.3.4 - Off-Street Parking Area Design:.....	38
5.3.5 - Collective parking:.....	39
5.3.6 - Determining Requirements:.....	39
5.3.7 - Schedule of Off-Street Parking Spaces.....	39
5.3.8 - Exception:.....	41
SECTION 5.4 - OFF STREET LOADING AND UNLOADING REQUIREMENTS.....	40
5.4.1 - Plans:.....	42
5.4.2 - Off-Street Loading Area Design:.....	42
5.4.3 - Off-Street Loading Area Space Requirements:.....	42
SECTION 5.5 - CONDITIONAL USES:.....	42
5.5.1 - Authority to Grant Permits:.....	42
5.5.2 - Application and Fee:.....	43
5.5.3 - Data, Exhibits, and Information Required in Application:.....	43
5.5.4 - Public Hearings:.....	43
5.5.5 - Required Standards and Findings for Making Determination:.....	43
5.5.6 - Determination and Imposition of Conditions:.....	43
5.5.7 - Approval, Grant or Permit:.....	44
5.5.8 - Voiding of Conditional Use Permit:.....	44
5.5.9 - Additional Development Requirements for Certain Uses:.....	44
SECTION 5.6-SITE PLAN REVIEW AND APPROVAL.....	53
5.6.1 - Buildings, Structures, and Uses Requiring Site Plan:.....	53
5.6.2 - Application and Fee for Site Plan Review.....	52
5.6.3 - Planning Commission Review of Site Plan:.....	54
5.6.4 - Required Data for Detailed Site Plan:.....	54
5.6.5 - Standards for Site Plan Review:.....	55
5.6.6 - Planning Commission Approval of Site plan:.....	55
5.6.7 - Expiration of Site Plan Certificate:.....	55
5.6.8 - Amendment, Revision of Site Plan:.....	55
SECTION 5.7 - NONCONFORMITIES.....	56
5.7.1 - Nonconforming Uses of Land:.....	56
5.7.2 - Nonconforming Structures:.....	56
5.7.3 - Nonconforming Uses of Structures:.....	57
5.7.4 - Change of Tenancy or Ownership:.....	58
5.7.5 - Nonconforming Lots of Record:.....	58
5.7.6 - Repairs and Maintenance.....	58
5.7.7 - Determination of Abandonment.....	59
5.7.8 - Conditional Uses are not Non-Conforming Uses.....	59
5.7.9 - Change of Tenancy or Ownership.....	59
SECTION 5.8 - PERFORMANCE STANDARDS.....	60
5.8.1 - Requirements:.....	60
5.8.2 - Plans:.....	60

5.8.3 - Enforcement: .....	60
SECTION 5.9 - STORAGE OF MATERIALS .....	61
SECTION 5.10 - MOBILE/MANUFACTURED HOMES .....	60
SECTION 5.11-VISIBILITY AT INTERSECTIONS.....	63
SECTION 5.12-ACCESS TO PUBLIC STREETS.....	63
SECTION 5.13-FLOODPLAINS .....	63
SECTION 5.14-PRESERVATION OF LAKESHORES, RIVER, AND STREAM BANKS.....	64
SECTION 5.15 - HOME OCCUPATIONS.....	63
SECTION 5.16-FENCES AND WALLS .....	64
SECTION 5.17-TEMPORARY USES .....	65
SECTION 5.18-ESSENTIAL SERVICES .....	65
SECTION 5.19-CURB CUTS AND DRIVEWAYS.....	65
SECTION 5.20-GRASS AND NOXIOUS WEEDS .....	65
SECTION 5.21 - SITE CONDOMINIUMS .....	66
5.21.1 - Purpose: .....	66
5.21.2 - Definitions: .....	66
5.21.3 - Condominium Plan - Required Contents and Approval: .....	67
5.21.4 - Condominium Subdivision Approval Regulations: .....	68
SECTION 5.22 - OUTDOOR BIOFUEL BURNERS.....	70
5.22.1 - Purpose.....	70
5.22.2 - Regulations.....	71
5.22.3 - Nuisance Conditions.....	71
SECTION 5.23 - WIND ENERGY CONVERSION SYSTEMS.....	71
5.23.1 - Purpose.....	71
5.23.2 - Definitions.....	71
5.23.3 - Onsite Wind Energy Conversion System Regulations.....	72
5.23.4 - Utility Grid Wind Energy Conversion System Regulations.....	72
5.23.5 - Inoperable Wind Energy Conversion Systems.....	72
ARTICLE VI ADMINISTRATION OF THE ORDINANCE.....	74
SECTION 6.1 - PURPOSE.....	74
SECTION 6.2 - ADMINISTRATION.....	74
SECTION 6.3 - DUTIES OF ORDINANCE ENFORCEMENT OFFICER.....	74
SECTION 6.4 - ZONING COMPLIANCE PERMITS .....	75
6.4.1 - Issuance of Zoning Compliance Permits: .....	75
6.4.2 - Voiding of Zoning Compliance Permit: .....	75
SECTION 6.5- FINAL INSPECTION, CERTIFICATE OF OCCUPANCY, .....	76
6.5.1 - Issuance of Certificate of Occupancy: .....	76
6.5.2 - Voiding of Certificate of Occupancy:.....	76
SECTION 6.6-FEES, CHARGES, AND EXPENSES .....	76
SECTION 6.7-VIOLATIONS AND PENALTIES .....	76
SECTION 6.8-NOTICE.....	76
6.8.1 - Responsibility.....	76
6.8.2 - Content.....	76
6.8.3 - Personal and Mailed Notice.....	76
6.8.4 - Timing of Notice.....	77
SECTION 6.9-REGISTRATION TO RECEIVE NOTICE BY MAIL.....	77
6.9.1 - General.....	77
6.9.2 - Requirements.....	77
ARTICLE VII BOARD OF APPEALS.....	79
SECTION 7.1 - BOARD OF APPEALS ESTABLISHED .....	79
SECTION 7.2 - DUTIES OF THE BOARD OF APPEALS .....	79
SECTION 7.3 - VARIANCE.....	79
SECTION 7.4 - INTERPRETATION OF ZONING ORDINANCE.....	80
SECTION 7.5 - APPEALS TO THE BOARD OF APPEALS.....	80
7.5.1 - Appeals, How Taken: .....	80
7.5.2 - Who May Appeal: .....	80

7.5.3 - Fee for Appeal: .....	80
7.5.4 - Effect of Appeal; Restraining Order: .....	81
7.5.5 - Notice of Hearing: .....	81
7.5.6 - Representation at Hearing: .....	81
7.5.7 - Decisions of the Board of Appeals and Appeals to the Circuit Court: .....	81
ARTICLE VIII AMENDMENT PROCEDURES .....	82
SECTION 8.1 - INITIATING AMENDMENTS AND FEE .....	82
SECTION 8.2-AMENDMENT PROCEDURES .....	82
8.2.1 - Time Element between Zoning Request: .....	82
SECTION 8.3-CONFORMANCE TO COURT DECREE .....	82
ARTICLE IX LEGAL STATUS .....	83
SECTION 9.1-CONFLICT WITH OTHER LAWS .....	83
SECTION 9.2 - VALIDITY AND SEVERABILITY CLAUSE .....	83
SECTION 9.3 - PERIOD OF EFFECTIVENESS .....	83
SECTION 9.4 - REPEAL OF ORDINANCE .....	83
SECTION 9.5 - SAVINGS CLAUSE .....	83
SECTION 9.6 - EFFECTIVE DATE .....	83

Appendix A

**ARTICLE I**  
**ENACTING CLAUSE, TITLE, PURPOSES**

**SECTION 1.1 - ENACTING CLAUSE**

An Ordinance adopted under authority of, and in accordance with the provisions of the City and Village Zoning Act (PA. 207 of 1921) to establish comprehensive zoning regulations for the Village of Onsted, Lenawee County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith. The continued administration of this ordinance, amendments to this ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to the Michigan Zoning Enabling Act, (PA 110 of 2006, MCL 125.3101 et seq.), hereinafter referred to as the "Zoning Act".

**SECTION 1.2 - TITLE**

This Ordinance shall be known and may be cited as "The Zoning Ordinance of the Village of Onsted". The Zoning map referred to herein is entitled "Zoning Map of the Village of Onsted."

**SECTION 1.3 - PURPOSES**

This Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health;
- D. Lessening and avoiding congestion on public highways and streets;
- E. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability;
- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditures of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration radioactivity, and other nuisances and hazards in the interest of the people;
- J. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses;



- K. Prohibiting uses that are incompatible with the character of development permitted within specified zoning districts;
- L. Creating a Zoning Board of Appeals and defining the powers thereof;
- M. Designating and defining the powers and duties of the official(s) charged with administration and enforcement of this Ordinance;
- N. Providing for the establishment of fees for various zoning permits;
- O. Establishing penalties for the violation of the provisions of this Ordinance.

**ARTICLE II  
GENERAL PROVISIONS**

**SECTION 2.1 - SCOPE**

- A. Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing use, building, or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.
- B. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days of such effective date and be subject thereafter to the provisions of Section 5.7 of this Ordinance.
- C. The adoption of this Ordinance shall not limit the construction of any building or structure for which a zoning permit had been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.7 of this Ordinance.
- D. To assure the orderly completion of a land development project, at the recommendation of the Onsted Village Planning Commission, and approved by the Village Council, the Village Council may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond be furnished by the developer to insure compliance with the provisions of this ordinance. Such guarantee shall be deposited with the Village Clerk at the time of the issuance of the building permit. In fixing the amount of such performance guarantee, the Village Council shall limit it to reasonable improvements required to meet the standards of this ordinance and to protect the natural resources or the health, safety and welfare of the residents of the Village and future users or inhabitants of the proposed project or project area including, but not limited to roadways, lighting, utilities, sidewalks, screening, and drainage. The term "improvements" does not include the entire project which is the subject of zoning approval nor to improvements for which a performance guarantee has been deposited pursuant to the Land Division Act ( PA 288 of 1967, MCL 560.101 et seq.), as amended. The Village Council and the project developer shall establish an agreeable procedure for the rebate of any cash deposits required under this section, in reasonable proportion to the ratio of the work completed on the required improvements as work progresses.
- E. Whenever any provision of this Zoning Ordinance imposes more stringent requirements, regulation and/or restrictions than other statutes, laws, regulations or Village Ordinances, governing the same subject matter, the provisions of this Ordinance shall be deemed to govern unless specifically preempted under law.

## SECTION 2.2 - DEFINITIONS

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

### 2.2.1 - Accessory Structure, Building, or Use:

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

### 2.2.2 - Alley:

A public or private way not more than thirty-three (33) feet wide which affords only a secondary means of access to property.

### 2.2.3 - Alter:

Any structural change in the supporting or load-bearing member of a building, such as bearing walls, columns, beams, girders, or floor joists.

### 2.2.4 - Apartments:

A dwelling unit in a two-family or multiple-family building arranged, designed, or occupied as a residence by a single family, individual, or group of individuals.

### 2.2.5 - Automobile Service Station:

Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease, and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for minor repairs; or auxiliary servicing such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof (see Sec. 5.5.9G).

### 2.2.6 - Boarding House or Rooming House:

A dwelling where meals and/or lodging are provided for compensation to three or more guests by pre-arrangement for definite periods of time.

### 2.2.6 a.- Bed and Breakfast Facility:

An existing dwelling unit in which the principal use is that of a single-family dwelling that contains, as a subordinate use, rooms in which transient guests are lodged and boarded in return for payment (see Sec. 5.5.9H).

### 2.2.7 - Building:

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

#### 2.2.8 - Building Height:

The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.

#### 2.2.9 - Building Setback Line:

The minimum distance which any building must be located from a property line, a street right-of-way, an easement line of an approved street, or a high water line that constitutes a perimeter boundary line of a property. Setbacks shall be measured from the front lot line(s) (see Sec. 2.2.31). The setbacks prescribed herein shall not be construed to supersede more stringent requirements or regulations imposed by the Michigan Department of Natural Resources or any other State or Federal Agency.

#### 2.2.10 - Central Sanitary Sewerage System:

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

#### 2.2.11 - Central Water System:

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

#### 2.2.12 – Child Care Facilities

- A. A family child care home means a private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, as further defined in Section 1(i)(iii) of PA 116 of 1973, MCL 722.111, excluding an individual providing babysitting services for another individual.
- B. A group child care home means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day as further defined in Section 1(i)(iv) of PA 116 of 1973, MCL 722.111
- C. A child care center or day care center means a facility, other than a private residence, receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day, as further defined in Section 1(g) of PA 116 of 1973, MCL 722.111

#### 2.2.13 - Cul-De-Sac:

A street closed at one end and having a minimum right-of-way of one hundred and twenty (120) feet in diameter at the turn around.

#### 2.2.14 - District:

A portion of the Village of Onsted within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

2.2.15 - Drive-Through Retail and Service Establishment:

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

2.2.16 - Dwelling Unit:

One or more rooms with independent cooking facilities designed as a unit for residence by only one family.

2.2.17 - Dwelling-Single Family:

A detached residence designed or occupied by one family only with toilet, housekeeping and cooking facilities, and complying with the following standards:

- A. The dwelling shall contain a minimum of one thousand (1000) square feet of living area.
- B. The dwelling shall have a minimum width of twenty (20) feet along any exterior side elevation of the principal living area, exclusive of porches not a part of the main living area.
- C. The dwelling shall comply in all respects with the Onsted Village Building Plumbing, Electrical, Energy and Fire Codes and Regulations and other applicable ordinances as well as all applicable county, state and federal codes.
- D. The dwelling shall be firmly attached to a solid foundation constructed on the site in accordance with the Onsted Village Building Code and, in the case of manufactured housing, in accordance with the specifications of the manufacturer. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted and no storage shall be allowed in any crawl space which is not a standard basement.
- E. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or a licensed mobile home subdivision except to the extent required by State Law or otherwise specifically required in the ordinances of the Village of Onsted.
- F. A mobile home shall be deemed in compliance with the requirements of this section if the mobile home complies with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, as amended. However, a mobile home utilized as a dwelling shall comply with all provisions of this section that are not in direct conflict with the described HUD standards.

2.2.18 - Dwelling-Multiple Family:

A building other than a mobile home designed for or occupied by two or more families living independently of each other with separate housekeeping, toilet and cooking facilities for each, and conforming in all other respects to the standards set forth in Section 2.2.16.

2.2.19 - Easement:

Any private or dedicated public, way other than a street or alley, providing a secondary means of access to a property, and having a width of not less than sixty-six (66') feet.

2.2.20 - Essential Services:

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions or councils, of underground or overhead gas, electric, steam or water transmission or distributing systems; collection, communication, supply or disposal systems; dams, wires, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants; and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings, except those expressly referred to herein, utility transmission corridors of two hundred (200) feet average width or more, or maintenance depots.

2.2.21 - Home Occupations:

An occupation that is carried on in the home being primarily incidental to the principal residential use (also see Section 5.15).

2.2.22 - Hotel or Motel:

A building or group of buildings containing guest rooms in which lodging is provided, with or without meals, for compensation and which is open to transient or permanent guests, or both.

2.2.23 - Junk Yard:

A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative autos, or motor vehicles, and machines, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days (see Sec. 5.5.9B).

2.2.24 - Kennel:

Any building or building and/or land used, designed, or arranged for the boarding, breeding, or care of three (3) or more dogs, cats, pets, fowl, or other domestic animals, or any combination thereof, for a fee.

2.2.25 - Lot:

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having continuous frontage on the same side of a public street. See Appendix A 1.

2.2.26 - Lot Area:

The area within the lot lines, but excluding that portion in a road or street right-of-way.

2.2.27 - Lot Corner:

A parcel of land at the junction of and fronting or abutting on two or more intersecting streets. See Appendix A 2.

2.2.28 - Lot Depth:

The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

2.2.29 - Lot Coverage:

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

2.2.30 - Lot Line (Front):

That side of the lot abutting upon a public or private street right-of-way or abutting upon a lake. In the case of a corner lot, either street right-of-way line may be considered the front lot line. See Appendix A 1 and 6.

2.2.31 - Lot Line (Rear):

Ordinarily that lot line which is opposite and most distant from the front lot line as hereinbefore defined. In the case of an irregular-shaped lot, a line 10 feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing. See Appendix A 1 and 6.

2.2.32 - Lot Line (Side):

Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a side street lot line. A side lot line separating a lot from another lot or lots shall be known as an interior side lot line. See Appendix A 1 and 6.

2.2.33 - Lot of Record:

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Lenawee County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

2.2.34 - Lot Through (Double Frontage):

An lot having frontage on two parallel or approximately parallel streets. Either street may be considered the front line of the lot but not both.

2.2.35 - Lot Width:

The mean horizontal distance between the side lines as measured at right angles to such side lot line. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines. See Appendix A 1.

2.2.36 - Mobile /Manufactured Housing:

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

2.2.37 – Mobile/Manufactured Housing Parks:

A tract of land prepared and approved according to the procedures in this Ordinance to accommodate mobile homes on rented or leased lots or as a site condominium (see Sec. 5.5.9E).

2.2.38 - Mobile/Manufactured Housing Subdivision or Condominium:

A legally platted residential subdivision or condominium development accommodating mobile/manufactured housing (see Sec. 5.5.9F).

2.2.39 - Nonconformities:

A. Nonconforming Lot:

A lot or parcel of land that does not conform to the land area or dimensional requirements of the zoning district in which it is located, but which complied with applicable regulations at the time the lot was created.

B. Nonconforming Structure:

A structure that does not conform to the limitations on building size and location for the zoning district in which it is located, but which complied with applicable regulations at the time the structure was constructed.

C. Nonconforming Use:

A use of land that does not conform to the use provisions of the zoning district in which the use is located, but which complied with applicable regulations at the time the use was established.

2.2.40 - Off-Street Parking:

A facility providing vehicular parking spaces with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

2.2.41 - Parking Space, Area, Lot:

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

2.2.42 - Project:

Land development or any planned undertaking which involves construction of structures for any use.

2.2.43 - Quarry:



Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, coal, rock, sand, gravel, clay, stone, slate, marble, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a structure or public highway (see Sec. 5.5.9A).

2.2.44 - Riding Academy:

Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

2.2.45 - Roadside Stand:

A structure temporarily operated for the purpose of selling produce raised or produced primarily on the premises where situated, the use of which shall not make the premises where located a commercial district, nor shall such use be deemed a commercial activity.

2.2.46 – Row House:

An attached house in a row or group, each house containing not more than two (2) dwelling units and each house separated from adjoining houses in the same row or group by common fire walls or fire separations.

2.2.47 - Sign:

Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; except, the following, which shall not be included within this definition:

- A. Signs less than two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotation.
- B. Flags and insignias of any government, except when displayed in connection with commercial promotion.
- C. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- E. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter;

2.2.48 - Sign Area:

The area of a sign consisting of the entire projected area (visible from any point) of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

2.2.49 - Sign, On-Site:

A sign advertising a product for sale or a service to be rendered on the immediate premises where the sign is located.

2.2.50 - Site Plan Review:

A review by the Planning Commission and the Village Council of certain projects, buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage (See Section 5.6).

2.2.51 - State Licensed Residential Facility:

A structure constructed for residential purpose that is licensed by the State which provides resident services for six or less persons under twenty-four hour supervision or care for persons in need of that supervision, (see Section 102(t) of PA 110 of 2006, MCL 125.3102) .

2.2.52 - Story:

That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it. See Appendix A 4.

2.2.53 - Street:

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

2.2.54 - Structure:

Anything constructed, erected or placed with a fixed location on the surface of the ground.

2.2.55 - Transition (Buffer) Strip:

An unused screened open area which reduces the visual or noise impact of one use upon another.

2.2.56 - Travel Trailer:

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, whether self-propelled or towed by a passenger vehicle.

2.2.57 - Vehicle Display:

The display of new or used vehicles offered for sale, rent, or lease and suitable for immediate use and licensing.

2.2.58 - Vehicle Parking:

The parking of licensed operable motor vehicles.

2.2.59 - Vehicle Salvage:

The dismantling of vehicles for salvage or reuse of parts.

2.2.60 - Vehicle Storage:

The storage of vehicles held for repair, sale, salvage, or legal determination of charges or ownership.

2.2.61 - Yard, Front:

An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot. See Appendix A 1

2.2.62 - Yard, Rear:

An open unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building. See Appendix A 1.

2.2.63 - Yard, Side:

An open, unoccupied space on the same lot with the principal building, between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard, and if no front yard is required, the front boundary of the side yard shall be the rear line of the lot. See Appendix A 1.

2.2.64 - Commercial Storage Facilities:

Any building or structure available to the public, operated for gain and that is used primarily for the storage of goods, wares, merchandise and/or other personal property of any kind or nature whatsoever. This does not include wholesale merchandise or storage warehouses that are primarily used for the storage needs of a particular business or that are incidental to a primary business use conducted on the property.

2.2.65 - Illustrations:

The attached drawings, illustrating Basement and Story Definition; Basic Structural Terms; Building Height Requirements; Lot Terms; Yard Requirements; and Corner, Interior and Double Frontage Lots are hereby adopted as a part of and incorporated by reference into the Zoning Ordinance for the Village of Onsted, Lenawee County, Michigan. See Appendix A 1-6.

2.2.66 - Outdoor Biofuel Burner

A device, structure or apparatus, in which the burning of solid fuel, including but not limited to wood, corn, biomass pellets and other solid biofuels, supplies direct or indirect heat to a building and is considered an accessory structure.

## SECTION 2.3 - UNDEFINED TERMS

Any term not defined herein shall have the meaning of common or standard use.

## SECTION 2.4 - APPLICATIONS OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promotion and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restric-

tive standards or requirements are found necessary by the Village Council to attain the purposes of this Ordinance.

**ARTICLE III  
ESTABLISHMENT OF ZONING DISTRICTS**

**SECTION 3.1 - ESTABLISHMENT OF ZONING DISTRICTS**

The Village of Onsted is hereby divided into the following zoning districts:

AG-1	Agricultural District
RS-1	Suburban Residential District
RU-1	Urban Residential District
RM-1	Multi-Family Residential District
MH-1	Mobile Home Residential District
C-1	Central Business District
C-2	General Commercial District
C-3	Shopping Center District
I-1	Light Industrial District

**SECTION 3.2-OFFICIAL ZONING MAP**

The zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined on a map entitled, "Official Zoning Map," Village of Onsted, Lenawee County, Michigan, which map, with all explanatory matter thereon, is hereby adopted as a part of this Ordinance.

**3.2.1 - Identification of Official Zoning Map:**

The Official Zoning Map shall be identified by the signature of the Village President, attested by the Clerk. The Official Zoning Map shall be located in the office of the Clerk and available for examination.

**SECTION 3.3 - INTERPRETATION OF DISTRICT BOUNDARIES**

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines, the center lines of streets or alleys, the center lines of creeks, streams, or rivers, the center lines of streets or alleys projected, center lines of railroads rights-of-way lines, section lines, one-quarter section lines, one-eighth section lines, or a corporate limit line, all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map.

When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

**3.3.1 - Interpretation of Unspecified Land Uses:**

It is recognized that it is neither possible nor practical to list all of the potential land uses which may be compatible with those uses indicated and intended for the individual zoning districts. Therefore, any other use which is determined by the Village Council to be of the same general character, compatibility and similarity as the indicated uses by right, shall be permitted provided the use is not mentioned or permitted within another zoning district of this ordinance.

## SECTION 3.4 – ZONING DISTRICT CHANGES

The formulation and enactment of this ordinance is based upon the division of the Village of Onsted into districts in each of which are permitted specified uses that are mutually compatible.

### 3.4.1 - Authority to Grant Zoning District Change:

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

### 3.4.2 - Data, Exhibits, and Information Required in Application:

An application for a zoning district change shall contain the applicants name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of said property showing the existing location of all structures thereon, the types thereof, and their uses; and a statement of supporting data, exhibits, and information.

### 3.4.3 - Public Hearing:

The Planning Commission shall hold a public hearing upon any application for a zoning district change, notice of which shall be accordance with the provisions of Section 6.8.

### 3.4.4 - Approval, Grant of Zoning District Change:

Upon holding a public hearing and finding that the requirements of Subsections 3.4.2 and 3.4.3 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall recommend approval or disapproval to the Onsted Village Council. The Onsted Village Council shall review all the evidence and recommendations supplied to them by the Planning Commission. At a public meeting, the Village Council shall approve or disapprove the zoning request.

## ARTICLE IV ZONING DISTRICT REGULATIONS

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

### SECTION 4.1 - OPEN DISTRICTS

Open Districts are established to protect land best suited for open use from the encroachment for incompatible land uses, and to retain land suited for open space and recreation use for the future.

#### 4.1.1 - Agricultural District (AG-1):

This district is composed of areas of the village suited to agriculture and open space land uses. The regulations governing this district are designed to retain the open character of the land and to that end the uses are limited primarily to agricultural activities, country residence, public buildings, community centers and open recreation uses.

##### A. Permitted Uses:

1. Agriculture and the usual agricultural buildings and structures including processing of agricultural products but not including commercial slaughtering.
2. Camps (nonprofit) and/or clubs (Boy Scout, church, veteran, sportsmen and other similar groups) may be operated, provided, such camps or clubs are not open to the public and excludes any activities carried on primarily for gain.
3. Cemetery, adjacent to or an extension of an existing cemetery.
4. Churches, providing it shall be located at least fifty (50) feet from all adjacent property lines.
5. Government or community owned meeting halls or places.
6. Small animal grooming and related services, kennels for the raising, breeding and boarding of dogs or other small animals, and including office of a veterinarian, provided, that all buildings, including runways, be at least one hundred (100) feet from all adjacent property lines.
7. Dwellings, one-family detached.
8. Farming, general and specialized, including nurseries, greenhouses, truck gardening, poultry raising, bee-keeping and similar bona fide agricultural enterprises or uses of land and structures on parcels of not less than 5 acres , providing sale of products shall be limited to those grown on the premises, not including commercial slaughter operations.
9. Feedlots and confinement systems for the raising of domestic animals for commercial purposes, provided that any structures, pens and buildings in which animals are kept shall be located not less than five hundred (500) feet from any residential district.
10. Public parks, provided that any principal building shall be located at least one hundred (100) feet from all adjacent property lines.

11. Roadside produce stands, provided any structure used for such purposes shall be located not less than thirty (30) feet distance from the highway right-of-way boundary line and have adequate off-highway parking.
12. Any accessory use or structure clearly incidental and customary to the operation of the above uses.
13. Signs, in accordance with the regulations specified in Sections 5.1 and 5.2..
14. Essential services and structures of a non-industrial character, but not including maintenance depots and warehouses only in accordance with the regulations specified in 5.18.
15. State licensed residential facilities, as defined in Section 2.2.51 and regulated by Section 206(1) of PA 110 of 2006, as amended (MCL 125.3206).
16. Family child care home, as defined in Section 2.2.11 a.

B. Conditional Uses:

Each use hereunder shall be permitted upon recommendation by the Planning Commission and authorization by the Village Council, and subject to such reasonable restrictions as may be clearly and specifically set forth in writing by the Village Council. In every such use the Village Council shall follow procedures set forth in Section 5.5.

1. Group child care homes, as defined in Article II, Section 2.2.11 a, provided that the standards in Section 5.5.9(I) are satisfied.
2. Child care or day care centers, (see Article II, Section 2.2.11 a(C)), and nursing homes, homes for the aged, and similar facilities which do not meet the definition of a state licensed residential facilities (see Section 2.2.51), provided that the standards in Section 5.5.9(J), are satisfied.
3. Quarries.
4. Parks, camps, golf courses, hunting clubs, wildlife areas and similar recreational uses.
5. Cemetery and/or an extension of an existing cemetery.
6. Aircraft landing field or airports, providing that the parcel or tract of land is sufficiently large so as not create a noise or safety hazard to adjacent or nearby property owners or their property.
7. Home Occupations, as defined by Section 2.2.22 and subject to the provisions of Section 5.15.
8. Veterinary office or animal clinic.
9. Golf Courses.
10. Country clubs; public swimming pools; recreation centers; and parks playgrounds, and playfields.
11. Public and private nurseries; primary and secondary schools.



12. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
13. Reserved.
14. Bed and Breakfast Facility.
15. Planned-unit residential development in accordance with the regulations specified in Section 5.5.9.d.

C. Area, Yard, Height, and Bulk Requirements:

See Section 4.5.

## SECTION 4.2 - RESIDENTIAL DISTRICTS

The Suburban Residential District, Urban Residential District, Multi-Family Residential District and Mobile Home Residential District are designated principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life. The residential districts are designed to regulate the location of residential uses and dwellings according to a well-considered plan which reflects the different types of residential uses and dwellings, the different densities of population and the intensity of land use desired; potential nuisances and hazards which may cause unhealthy conditions; and the relationship of residential uses and dwellings to other areas devoted to agricultural, commercial, or industrial use and to streets. The purpose of each residential district is further stated below.

### 4.2.1 - Suburban Residential District (RS-1):

This district is designed to provide residential areas principally for moderate suburban densities where necessary urban services and facilities, including central sewerage and water supply systems, can be feasibly provided.

A. Permitted Uses:

1. Single-family detached dwellings.
2. Signs, only in accordance with the regulations specified in Sections 5.1 and 5.2..
3. Essential services, only in accordance with the regulations specified in Section 5.17.
4. Accessory uses or structures.
5. State licensed residential facilities, as defined in Section 2.2.51 and regulated by Section 206(1) of PA 110 of 2006, as amended (MCL 125.3206).
6. Family child care home, as defined in, Section 2.2.11a.

B. Conditional Uses:

1. Country clubs, recreation centers, public swimming pools, parks, playgrounds, and playfields.
2. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.

3. Golf courses.
4. Home Occupations, subject to the provisions of Section 5.15.
5. Bed and Breakfast Facility
6. Churches and other buildings for religious worship
7. Government or community buildings
8. Planned-unit residential development in accordance with the regulations specified in Article V. Section 5.5.9.d.
9. Group child care homes, as defined in Section 2.2.11a, provided that the standards in Section 5.5.9(I) are satisfied.

C. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

4.2.2 - Urban Residential District (RU-1):

This district is designed to provide areas principally for high-density single-family residential dwellings where necessary urban services and facilities can be feasibly provided, including central sanitary sewerage and central water systems.

A. Permitted Uses:

1. Single-family detached dwellings.
2. Signs in accordance with regulations specified in Section 5.1 and 5.2.3.
3. Essential services in accordance with regulations specified in Section 5.18
4. Accessory uses or structures.
5. State licensed residential facilities, as defined in Section 2.2.51 and regulated by Section 206(1) of PA 110 of 2006, as amended (MCL 125.3206).
6. Family child care home, as defined in Section 2.2.11a..

B. Conditional Uses:

1. Two-family dwellings.
2. Planned-unit residential developments.
3. Recreation centers, public swimming pools, parks, playgrounds and playfields
4. Churches and other buildings for religious worship.
5. Public and private nursery, primary and secondary non-profit schools.
6. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
7. Government or community owned buildings.
8. Home occupations, only in accordance with the regulations specific in Section 5.15.
9. Bed and Breakfast Facility.

10. Group child care homes, as defined in Section 2.2.11a, provided that the standards in Section 5.5.9(I) are satisfied.

C. Area, Yard, Height and Bulk Regulations:

See Section 4.5

4.2.3 - Multiple-Family Residential District (RM-1):

This district is designed to permit a high density of population and a high intensity of land use in those areas which are served by a central water supply system and a central sanitary sewerage system, and which abut or are adjacent to such other uses or amenities that support, complement, or serve such a density and intensity.

A. Permitted Uses:

1. Multiple-family dwellings in accordance with the regulations specified in Article V, Section 5.6.1.
2. Two-family dwellings.
3. Signs, only in accordance with the regulations specified in Section 5.1 and 5.2..
4. Essential services, only in accordance with the regulations specified in Section 5.18.
5. Accessory uses or structures.
6. Rooming houses and boarding houses.
7. State licensed residential facilities, as defined in Section 2.2.51 and regulated by Section 206(1) of PA 110 of 2006, as amended (MCL 125.3206).
8. Family child care home, as defined in Section 2.2.11a..

B. Conditional Uses:

1. Planned-unit residential development in accordance with the regulations specified in Section 5.5.9.d.
2. Public swimming pools, recreation centers, parks, playgrounds, and playfields.
3. Public and private nurseries, primary and secondary nonprofit schools, and colleges and universities.
4. Medical and dental clinics.
5. Hospitals, convalescent or nursing homes, sanitariums, and orphanages.
6. Offices.
7. Funeral establishments.
8. Single-family dwellings.
9. Bed and Breakfast Facility.
10. Child care or day care centers, (see Section 2.2.11a(C)), and nursing homes, homes for the aged, and similar facilities which do not meet the definition of a state licensed residential facilities (see Section 2.2.51), provided that the stand-

ards in Section 5.5.9(J), are satisfied.

11. Churches and other buildings for religious worship.
12. Government-or community-owned buildings.
13. Home occupations, only in accordance with the regulations specified in Section 5.15.
14. Group child care homes, as defined in, Section 2.2.11a, provided that the standards in Section 5.5.9(I) are satisfied.

C. Area, Yard, Height, and Bulk Requirements:

See Section 4.5.

4.2.4 - Mobile/Manufactured Housing Residential District (MH-1):

This district is composed of those areas of the Village whose principal use is and ought to be mobile/manufactured housing. The regulations of this district are designed to create an alternative housing type in the Village in those areas served by central water and sanitary sewer systems.

A. Permitted Uses:

The following uses of parcels, lot buildings, and structures are permitted in this district:

1. Mobile/Manufactured Housing Parks in accordance with the regulations specified in Section 5.5.9.e.
2. Mobile/Manufactured Housing Condominiums shall comply with the Condominium Act of 1978, being Act 59, Public Act of Michigan, 1978, as amended.
3. Mobile/Manufactured Housing Subdivisions in accordance with the regulations specified in Section 5.5.9.f.
4. Signs, only in accordance with the regulations specified in Section 5.1 and 5.25.
5. An accessory use, structure, or building.
6. Essential Services Structures.
7. State licensed residential facilities, as defined in Section 2.2.51 and regulated by Section 206(1) of PA 110 of 2006, as amended (MCL 125.3206)..

B. Conditional Uses:

The following uses of parcels, lots, buildings, and structures are permitted outside of mobile/manufactured housing parks, subject to obtaining a conditional use permit as provided in Article V:

1. Single-family dwellings.
2. Churches and other buildings for religious worship.
3. Public and private nursery, primary and secondary non-profit schools; and colleges and universities.

4. Government or community owned buildings.
5. Home Occupation in accordance with Section 5.15.
6. Family child care home, as defined in Section 2.2.11a.
7. Group child care homes, as defined in Section 2.2.11a, provided that the standards in Section 5.5.9(I) are satisfied.
8. Child care or day care centers, (see Section 2.2.11a(C)), and nursing homes, homes for the aged, and similar facilities which do not meet the definition of a state licensed residential facilities (see Section 2.2.51), provided that the standards in Section 5.5.9(J), are satisfied.

C. Area, Yard, Height, and Bulk Requirements:

See Section 4.5.

### SECTION 4.3 - COMMERCIAL DISTRICT

The Central Business District, General Commercial District and C-3 Business District are designed to limit compatible commercial enterprises at appropriate locations to encourage efficient travel movement, parking, and utility service; advance public safety; and protect surrounding property. The Commercial District is designed to regulate the location of these business uses according to a well-considered plan which determined the types of such uses and the intensity of land, street and highway use; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial uses to each other and to other areas devoted to agricultural, residential, or industrial use and to streets and highways. The purpose of this Commercial District is further stated below.

#### 4.3.1 - Central Business District (C-1):

This district is intended to encompass the retail, service, and administrative establishments that form the central business district, and which provide retail convenience and comparison goods and personal and professional services for the entire trade area. Heavy volumes of traffic in this district necessitate an efficient system of arterial streets and highways and adequate parking facilities. The nature and high density and intensity of commercial and related uses in this district eliminate the necessity for lot and yard requirements.

A. Permitted Uses:

1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
2. Business services including banks, loan offices, real estate offices, and insurance offices.
3. Offices of an executive, administrative, or professional nature.
4. Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
5. Business schools; including dance schools, music schools, and art schools.

6. Indoor retail sales establishments.
  7. Eating and drinking establishments, but not including drive-in types.
  8. Clubs and lodges.
  9. Funeral homes.
  10. Printing establishments.
  11. Signs, only in accordance with the regulations as specified in Section 5.1 and 5.2.
  12. Accessory uses or structures.
  13. Essential services and structures of a non-industrial character.
- B. Conditional Uses:
1. Churches and other buildings for religious worship.
  2. Government- or community-owned buildings, but not including schools.
  3. Reserved.
  4. Apartments located on the upper floors of commercial buildings.
- C. Area, Yard, Height, and Bulk Regulations:
- See Section 4.5.

#### 4.3.2 - General Commercial District (C-2):

This district is intended to provide sufficient space in appropriate locations for a wide variety of commercial service and administrative establishments, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists.

- A. Permitted Uses:
1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes, radios, and televisions.
  2. Business services including banks, loan offices, real estate offices, and insurance offices.
  3. Offices of an executive, administrative, or professional nature.
  4. Retail sale of foods, drugs, hardware, notions, books, and similar convenience goods.
  5. Business schools; including dance schools, music schools, and art schools.
  6. Indoor retail sales establishments.
  7. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.

8. Eating and drinking establishments.
  9. Clubs and lodges.
  10. Funeral homes.
  11. Printing establishments.
  12. Signs, only in accordance with the regulations as specified in Section 5.1 and 5.2.
  13. Accessory uses or structures.
  14. Essential services and structures of a non-industrial character.
- B. Conditional Uses:
1. Automobile service stations.
  2. Hotels or motels.
  3. Small animal clinics.
  4. Churches and other buildings for religious worship.
  6. Government- or community-owned buildings, but not including schools.
  7. Sales, rental, and service of motor vehicles, trailers, and boats.
  8. Automobile repair garages.
  9. Drive-through retail and service establishments.
  10. Outdoor Commercial Amusements (e.g., children's amusement park, miniature golf courses, and other similar recreation) provided further that such use not be located at the intersection of two (2) major thoroughfares. Such recreation space shall be fenced on all sides with a four-foot high chain link type fence.
  11. Self-storage facilities.
  12. Apartments located on the upper floors of commercial buildings.
- C. Area, Yard, Height, and Bulk Regulations:
- See Section 4.5.

#### 4.3.3 - Shopping Center District (C-3):

The District is designed to provide for commercial developments that have been designed and developed to operate as a unit. They are generally characterized by a cluster of establishments served by common parking and have an internal system of roads and walks to separate pedestrian and vehicular traffic.

##### A. Permitted Uses:

1. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service Laundromats; and sale and repair shops for watches, shoes, radios, televisions and computers.
2. Business services including banks, loan offices, real estate offices and insurance offices.

3. Offices of an executive, administrative or professional nature.
4. Retail sale of foods, drugs, hardware, notions, books and similar convenience goods.
5. Business schools, including dance schools, music schools and art schools.
6. Indoor retail sales establishments.
7. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice skating rinks.
8. Eating and drinking establishments.
9. Clubs and lodges.
10. Funeral homes.
11. Printing establishments.
12. Signs, only in accordance with the regulations as specified in Section 4.3.3. F. 10. and Section 5.1 and 5.2.
13. Accessory uses or structures.
14. Essential services and structures of a non-industrial character.

B. Conditional Uses:

1. Automobile service station, subject to the additional condition: The use shall be developed as part of the planned shopping center and designed to integrate the automobile service center with the plan and architecture of the total shopping center.
2. Hotels or motels.
3. Small animal clinics.
4. Drive-in business services.
5. Churches and other buildings for religious worship.
6. Government or community owned buildings, but not including schools.
7. Sales, rental, and service of motor vehicles, trailers and boats.
8. Automobile repair garages.
9. Drive-in retail and service establishments.
10. Open-air business use when planned in relationship with the C-3 District as follows:
  - a. Retail sales of plant material not grown on the site and sales of lawn furniture, playground equipment and garden supplies.
  - b. Recreational space providing outdoor commercial amusements (e.g., intersection of two (2) major thoroughfares. Such recreation space shall be fenced on all sides with a four-foot high chain link type fence.

C Required Conditions for All Uses in this District:



1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
  2. All business services or processing, except for off-street parking, loading and those open-air uses subject to conditional use above, shall be conducted within completely enclosed buildings.
- D. Area, Yard, Height, Tract Area and Coverage:
- See Section 4.5
- E. Preliminary Development Plan.

In accepting such plan for review the Village Planning Commission must be satisfied that the proponents of the planned building shopping center district are financially able to carry out the proposed project; that they intend to start construction within a specified time of the approval of the project and necessary change in zoning and intend to complete it within a reasonable time as determined by the Planning Commission. It shall be the duty of the Planning Commission to investigate and ascertain whether the location, size and other characteristics of the site, and the proposed plan, comply with the following conditions:

1. The need for the proposed shopping center district at the proposed location has been demonstrated by the applicant by means of market studies and such other evidence as the Planning Commission may require.
  2. The proposed shopping center district is adequate in size to provide shopping facilities for the population which reasonably may be expected to be served by such facilities.
  3. The proposed shopping center district is at a location where traffic congestion can be reduced to a minimum by presently projected improvement of access thoroughfares, and the plan shows the location of entrances, exits and internal arrangements for driving lanes and parking.
  4. The plan provides for a shopping center district consisting of one or more groups of buildings of integrated and harmonious design with adequate and properly arranged traffic and parking facilities and landscaping, which will be an attractive and efficient shopping center, convenient and safe to use and which will fit harmoniously into and will have no adverse effects upon the adjoining or surrounding development.
  5. The uses permitted in the proposed shopping center district. See above. And no residential or industrial uses will be permitted.
  6. Buildings within the development may share a common wall if the proposed construction meets with the requirements of building, construction and fire codes and/or regulations in force at the time and the developer submits a satisfactory plan or arrangement for future maintenance and repair of such common walls.
- F. Regulations.

The following regulations shall apply to a planned shopping center district:

1. Tract Area. The net land area to be included and designated as a planned shopping center district shall be not less than five (5) acres in size.
2. Building Height. No building shall exceed two and one-half (2½) stories or thirty-five (35') feet in height.
3. No building shall be less than fifty (50') feet distance from any boundary of the tract on which the shopping center district is located. The shopping center including the parking area, shall be permanently screened from all adjoining properties located in any non-commercial or non-industrial district and except for necessary entrances and exits by a solid wall or compact evergreen hedge at least six (6') feet in height such wall or hedge shall be maintained in good condition. At the time of initial construction, this requirement may be met with the planting of a one (1') foot high hedge planting which is expected to reach the six (6') foot height requirement within a reasonable time as determined by the Planning Commission.(a) A twenty (20') feet wide landscaped strip is required if fronting a public street.
4. Customer Parking Space. Notwithstanding any other requirements of this chapter, there shall be provided off-street parking space equal to three (3) times the ground floor area of the buildings. Customer parking areas, driving lanes, pedestrian walks and loading space shall be properly graded for drainage, surfaced with cement or asphalt pavement and maintained in good condition, free of dust, trash and debris. The outer boundary of customer parking areas shall be provided with wheel or bumper guardrails so located that no part of parked vehicles will extend beyond the parking area.
5. Customer parking areas shall be drained in a manner so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property, toward buildings, or across public roadways.
6. Entrances and Exits. Each entrance to and exit from the shopping center shall not be less than fifty (50') feet from any adjoining property located in any non-commercial or non-industrial district. Plans for deceleration and acceleration traffic lanes in relation to entrances and exits may be required by the Planning Commission and/or Village Council to insure a minimum of traffic congestion.
7. Illumination. Illumination facilities for the shopping center, including parking areas and open spaces, shall be so arranged as to reflect the light away from adjoining premises in any residential district.
8. Signs.
  - a. Wall Signs. If illuminated, such signs shall be internally illuminated and shall not be flashing or animated. Such signs shall not extend above the top of the building facade or eaveline.

- b. Freestanding Signs. Two (2) such signs are permitted provided each does not exceed a height of twenty-five (25) feet nor a surface area of one hundred (100) square feet.
- c. Direction Signs. Directional signs are permitted provided that they shall not exceed a surface area of six (6) square feet per sign, and shall not be more than three (3) feet in height. Such signs shall be placed no closer to the street right of way line than three (3) feet.

G. Final Development Plan and Hearing.

Upon determination by the Planning Commission that the planned shopping center district, as shown by the preliminary plan, appears to conform to the requirements of this section and all other applicable requirements of this chapter, a public hearing shall be held. Following the public hearing, the proponents shall then prepare and submit a final development plan which plan shall incorporate any changes required or suggested by the Planning Commission. If the final development is found to comply with requirements set forth in applicable requirements of this chapter, the Planning Commission shall submit said plan with its report and recommendations together with the required application, by the proponents, to the Village Council.

H. Approval-Adjustments.

Provided the Village Council approves the final development plan in the course of carrying out the plan, adjustments or rearrangements of buildings, parking areas and entrances may be requested, provided such requests conform to the standards established by the final development plan and this chapter, such adjustments or rearrangements may be authorized by the Planning Commission.

## SECTION 4.4 - INDUSTRIAL DISTRICT

It is recognized by this Ordinance that the value to the public of designating certain areas for certain types of industrial uses is represented in the employment opportunities afforded to citizens and the resultant economic benefits conferred upon the Village. In order that this value may be maintained and this use encouraged, this Ordinance has established a zoning district designed to regulate the location of industrial uses according to a well-considered plan which reflects the types of such uses and the intensity of land, street, and highway use in each such district; potential nuisances and hazards which may cause unsafe and unhealthy conditions; and the relationship of industrial uses to each other and to areas devoted to agricultural, residential, or commercial use and to streets, highways, and other means of transportation. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of these districts have been excluded. The purpose of each industrial district is further stated below.

### 4.4.1 - Light Industrial District (I-1):

This district is composed of those areas of the Village whose principal use is and ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Village to permit the development of these industrial uses, to protect

adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion of public streets and highways. To these ends, certain uses that would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded.

No land shall be used or occupied and no structure shall be designed, erected, moved, altered, used or occupied except for the following Permitted Uses and accessory uses thereto or the following Conditional Uses:

A. Permitted Uses:

1. Commercial laundries and dry cleaning establishments; and frozen food lockers and ice and cold storage plants.
2. Building material storage and sales.
3. Packaging of previously prepared materials, but not including the baling of discarded paper, rags, cloth, metal, iron, or other similar materials.
4. Automobile repair garage; construction and farm equipment sales and repair; and contractor's equipment yards.
5. Warehousing, material distribution centers and wholesale sales establishments, provided all products and materials are enclosed within a building.
6. Skilled trade services including plumbing, electric and heating not engaged in any retail activities on the site.
7. Light industrial assembly which by the nature of the materials, equipment, and processes utilized are to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials: drugs; jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising display; tents and awning; brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and luggage but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell or yarn.
8. Bus, truck, taxi, and rail terminals.
9. Essential service structures.
10. Recycling centers.
11. Signs, only in accordance with the regulations specified in Section 5.1 and 5.2.

B. Conditional Uses:

1. Restaurants.
2. Research and testing facilities.
3. Trucking and cartage facilities including repairing and washing equipment and yards.

4. Government or community buildings, but not including schools.
6. Self-storage facilities.

C. Area, Yard, Height, and Bulk Regulations:

See Section 4.5.

SECTION 4.5 – DISTRICT AREA, YARD, HEIGHT AND BULK REGULATIONS

Zoning District	Zoning Symbol	Lot Requirements			Minimum Yard Requirements			Maximum Building Height Requirements	
		Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	Side	Rear	Principal	Accessory
Agricultural	AG-1	½ Acre	150'	30%	25'	20' 25'*	25'	2½ story or 35'	25'***
		1 Acre							
Suburban Residential	RS-1	15,000 sq.	100'	30%	25'	10' 25' total 25'*	20'	2½ story or 35'	25'
		1 Acre	120'						
Urban Residential	RU-1	7,500 sq.	66'	30%	25'	8' 20' total 25'*	25'	2½ story or 35'	25'
		10,000 sq.							
		1 Acre							
Multi-Family Residential	RM-1	15,000 sq.	100'	30%	25'	10' 25' total 25'*	25'	2½ story or 35'	25'
		15,000 sq.	100'						
		1 Acre	120'						
Mobile Home Residential	MH-1	Park- 10 Acres			10'	10' 30' total	10'	25'	15'
		Lot Site- 5,000 sq.							
Central Business	C-1	--	--	--	--	20'*** 35'***	20'***	35'	--
General Commercial	C-2	10,000 sq.	75'	--	30'	20' 30'*	10'	35'	---
Shopping Center	C-3	5 Acres	--	--	50'	50'	50'	35'	---
Light Industrial	I-1	20,000 sq.	80'	--	30'	20' 30'*	10'	35'	---

\* Corner Lot

\*\* In Central Business District, no yard or transition strip requirements, only side and rear yard when abutting Residential Districts

\*\*\* Increased height may be allowed with greater setbacks pursuant to Section 4.5.4

See Appendix A 1 - 6

SECTION 4.5 – DISTRICT AREA, YARD, HEIGHT AND BULK REGULATIONS

Zoning District	Minimum Transition Strip Requirements	
Agricultural */***	-----	Single Family Detached Dwelling Units
		All Other Uses
Suburban Residential *	-----	Single Family Detached Dwelling w/ Public Sewer & Water
		All Other Uses
Urban Residential *	-----	Single Family Detached Dwelling Units
		Two Family Dwelling Units
		All Other Use
Multi-Family Residential *	-----	Two Family Dwelling w/ Public Sewer & Water
		15,000 Sq. First 3 Dwelling Units Plus 2,000Sq. Each Addtl. Dwelling Unit
		All Other Uses
Mobile Home Residential	See §5.5.9e.--Mobile Home Park-- 9	If Available, Must Connect To Public Sewer & Water
Central Business **	-----	
General Commercial *	Fence, wall, or hedge 4 to 8 height if abutting a residential district. 20 wide landscaped strip if fronting a public street.	If Available, Must Connect To Public Sewer & Water
Shopping Center	50 wide w/ 6 wall or hedge if abutting a Residential District. 20 wide landscaped strip if fronting a public street.	If Available, Must Connect To Public Sewer & Water
Light Industrial *	25 wide and 4 fence but, if abutting a Residential or Commercial District, 8 fence. 20 wide landscaped strip if fronting a public street.	

\* Corner Lot

\*\* In Central Business District, no yard or transition strip requirements, only side and rear yard when abutting Residential Districts

\*\*\* Increased height may be allowed with greater setbacks pursuant to Section 4.5.4

See Appendix A 1 - 6

#### 4.5.1 - Compliance with Regulations:

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

#### 4.5.2 -Yard Measurements:

- A. Lots that abut on more than one street shall provide the required front yards along every street.
- B. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall.
- C. Front Yard Setback shall be the minimum perpendicular distance between the front property line, as defined by Subsection 2.2.31, and the front of the building.

#### 4.5.3 - Lot Width:

The mean horizontal distance between the side lot lines, as defined by Subsection 2.2.33, as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines.

#### 4.5.4 - Height Exceptions:

Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to both of the following provisions.

##### A. Height Limitations:

The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable federal law, state statute or local ordinances; parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, and water tanks.

##### B. Increased Height:

Building height in excess of the height above average ground level allowed in any district may be permitted provided all minimum front, side, and rear yard depths



are increased one (1) foot for each additional one (1) foot of height and provided that adequate fire protection and compatibility with existing structures heights can be demonstrated.

#### 4.5.5 - Accessory Structures:

- A. No detached accessory building or structure shall be located closer than ten (10) feet to any other building or structure.
- B. All detached accessory structures in any residential district shall be subject to the same dimensional requirements affecting the principal structure, except that, such accessory structure may not be located in the required front yard setback, must be placed no less than five (5) feet from any rear lot line or side lot line; and shall not exceed twenty-five (25) feet in height at the peak.
- C. All accessory structures in non-residential districts shall be subject to the same standards and requirements as specified in Tables of Section 4.5.

#### 4.5.6 - Distance Between Multi-Family Residential Grouped Buildings:

In addition to the required setbacks provided elsewhere in this Section, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between the buildings included in a multiple-family residential development.:

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

**ARTICLE V**  
**SUPPLEMENTAL REGULATIONS**

**SECTION 5.1 - PURPOSE**

It is the purpose of this article to provide regulations and requirements for signs to be low profile and aesthetically appealing, and may or may not apply in all Zoning Districts, subject to the specific provisions. No sign shall be erected prior to review by the Ordinance Enforcement Officer and the issuance of a Sign Permit.

**SECTION 5.2 - SIGN REGULATIONS**

**5.2.1 - General Sign Regulations:**

- A. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination, it may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
- B. All signs shall be designed and constructed in a safe, sturdy, and durable manner with proper bracing anchorage, and foundation, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
- C. In the Agricultural District and all Residential Districts signs may be illuminated only by non-flashing light. Any light used to illuminate such signs shall be so arranged as to reflect light away from adjoining premises and streets.
- D. In the General Commercial and the Light Industrial Districts, all signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- E. No sign shall be placed closer to the street right-of-way line than one-half the minimum authorized front yard depth.
- F. In all Commercial and Industrial Districts, a sign designed as portable or mobile which is in compliance with Section 5.2 may be used on each street frontage. A valid permit shall be required for each sign in each location. Permits shall be issued for a maximum of thirty (30) days. No more than three (3) permits shall be issued in any twelve (12) month period.
- G. Digital message signs are allowed in C-1, C-2, C-3 & I-1 zoning districts only and shall comply with the following criteria:
  - 1. No sign regardless of how illuminated shall display a message that scrolls continuously.
  - 2. No sign regardless of how illuminated shall display a different image more often than every five (5) seconds.
  - 3. No sign displaying illuminated time and temperature shall change display more frequently than every three (3) seconds.
  - 4. The maximum brightness of any illuminated sign shall not exceed 11,000

NIT's during daylight hours and 1,250 NIT's after sunset and must be equipped with an automatic dimming device.

#### 5.2.2- Permitted On-Site Signs in Agricultural District:

The following on-site signs are permitted on any one lot in the Agricultural District:

- A. One on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
- B. One on-site sign announcing a home occupation not to exceed six (6) square feet in area.
- C. One on-site sign identifying a park, school building, or other authorized use not to exceed eighteen (18) square feet in area.
- D. One on-site sign advertising the type of farm products grown on the farmstead not to exceed twelve (12) square feet in area.

#### 5.2.3- Permitted On-Site Signs in Residential Districts:

The following on-site signs are permitted on any one lot in residential districts. The maximum height of these signs shall not exceed eight (8) feet.

- A. One on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- B. One on-site sign announcing a home occupation, boarding home, bed and breakfast establishment or professional service, not to exceed six (6) square feet in area and it shall be attached flat against the front wall of the building.
- C. One on-site sign advertising a recorded subdivision or development not to exceed thirty-two (32) square feet in area. Such sign shall be removed within one year after the sale of ninety (90) percent of all lots or units within said subdivision or development.
- D. One on-site sign not having commercial connotations identifying a single family development, multiple-family building development or mobile home park, not to exceed eighteen (18) square feet in area.
- E. One on-site sign identifying a school, church, public building, or other authorized use, not to exceed eighteen (18) square feet in area.

#### 5.2.4- Permitted On-Site Signs in the Central Business Districts:

The following on-site signs are permitted on any single lot in the Central Business District: One on-site identification sign may be affixed flat against the wall of a building. The total sign area shall not exceed one-quarter (¼) square foot for each foot in length or height of the wall, whichever is greater. No such sign shall extend above the wall to which it is affixed.

#### 5.2.5- Permitted On-Site Signs in General Commercial and Light Industrial Districts:

- A. One on-site sign may be affixed flat against the wall of the building, or may project from the wall to which it is affixed not more than forty-eight (48) inches. The total sign area shall not exceed one-half (½) square foot for each foot in length or height of the wall, whichever is greater.

- B. One on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one-half the distance of the required building setback.
- C. One on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, nor be closer to the front, side, or rear property line, than one-half the distance of the required building setback.

#### 5.2.6 - Off-Site Signs:

Off-site signs, signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in all Industrial Districts, and the Agricultural District under the following conditions:

- A. Off-site signs are required to conform to yard and height requirements as other principal structures or buildings in the district in which they are situated.
- B. Where two (2) or more off-site signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- C. The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.
- D. No off-site sign shall be erected on the roof of any building, nor shall one sign be located above another sign.
- E. Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

#### 5.2.7 - Signs for Automobile Service Stations:

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, located no closer to the property line than the rear edge of the sidewalk or the edge of the public right of way, and installed so that a clear view of street traffic by motorists or pedestrians shall not be obstructed in any way, to a maximum height of sixteen (16) feet other than necessary supports, and not exceeding eighty (80) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

#### 5.2.8 - Permitted Signs in Shopping Center Districts:

See Section 4.3.3.F.10

#### 5.2.9 - Elimination of Nonconforming Signs:

The provisions of Section 5.7.2 shall apply to all nonconforming signs.

## SECTION 5.3 - OFF-STREET PARKING REQUIREMENTS

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

### 5.3.1 - Plans:

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

### 5.3.2 - Location of Off-Street Parking Area:

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that the distance shall not exceed one hundred fifty (150) feet for any dwelling unit. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the building or use that such facility is required to serve.

### 5.3.3 - Parking in Residential Districts:

Parking of motor vehicles in residential districts shall be limited to passenger, essential service or emergency vehicles. Temporary parking of not more than one commercial vehicle per dwelling unit for the purpose of delivery of goods or services shall be permitted. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential district.

### 5.3.4 - Off-Street Parking Area Design:

- A. Each off-street parking space for automobiles shall be not less than ten (10) feet in width and twenty (20) feet in depth for all angular, perpendicular, or parallel type parking, exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. There shall be provided a minimum access drive of twelve (12) feet in width for one-way traffic and twenty (20) feet for two-way traffic, and where a turning radius is necessary, it will be of such an area as to reasonably allow an unobstructed flow of vehicles.
- C. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking spaces. The minimum width of such aisles shall be:
  1. For ninety (90) degree of perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
  2. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.

3. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width, for one way traffic and eighteen (18) feet in width for two-way traffic.
  4. For parallel parking, the aisle shall not be less than ten (10) feet in width.
- D. To assure pedestrian safety there shall be four (4) foot wide pedestrian walkways between parking spaces and adjacent uses.
  - E. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
  - F. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
  - G. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential or institutional premises, or public roadways.
  - H. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side that adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
  - I. All off-street parking areas that make it necessary for vehicles to back out directly into public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.

#### 5.3.5 - Collective parking:

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

#### 5.3.6 - Determining Requirements:

For the purposes of determining off-street parking requirements the following units of measurement shall apply:

##### A. Floor Area:

In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage, installations of mechanical equipment, penthouse housing ventilators and heating systems, and similar uses.

##### B. Places of Assembly:

In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

C. Fractions:

When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.

5.3.7 - Schedule of Off-Street Parking Spaces:

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

Use	Parking Space Requirements
Automobiles or Machinery Sales and Service Garages	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees
Bank, Business, and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area
Barber Shops and Beauty Parlors	One (1) space for each chair plus one (1) space for each employee
Bowling Alleys	Seven (7) spaces for each alley
Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than schools	One (1) space for each four (4) seats
Drive-through Establishments	One (1) space for each fifteen (15) square feet of building space
Dwelling Unit	Two (2) spaces for each family or dwelling unit
Funeral Homes and Mortuaries	Four (4) spaces for each parlor and one (1) space for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Golf Courses	Six (6) spaces for each one (1) golf hole and one (1) space for each employee

*(continued)*

Use	Parking Space Requirements
Hospitals	One (1) space for each bed excluding bassinets plus

	one (1) space for each two (2) employees
Hotels, Motels, Lodging Houses, Boarding Homes	One (1) space for each living unit plus one (1) space for each two (2) employees
Automobile Service Stations	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each employee
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each two (2) employees on maximum shift.
Medical and Dental Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee
Mobile Home Sales	Four (4) spaces plus one (1) for each employee
Restaurants, Beer Parlors, Taverns, and Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees
Self-service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Elementary and Junior High Schools, Private or Public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
Super Market, Self-Service Food and Discount Stores	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.
Wholesale Establishments and Warehouses	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

### 5.3.8 - Exception:

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

## SECTION 5.4 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every building, structure, or use hereafter erected, except single and two-family dwelling unit structures, which customarily receive or distribute material or mer-



chandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

5.4.1 - Plans:

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

5.4.2 - Off-Street Loading Area Design:

- A. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length measured from lot line with not less than fifteen (15) feet in height clearance.
- B. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) Feet in height.
- C. All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

5.4.3 - Off-Street Loading Area Space Requirements:

- A. In the case of mixed uses on one lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- B. All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space.
- C. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

SECTION 5.5 - CONDITIONAL USES:

This Ordinance is based upon the division of the Village into districts in each of which are specified permitted uses that are mutually compatible. In each district there are certain other uses that because of their actual or potential impact on health, safety and welfare of the community may be allowed under certain conditions but which must be carefully regulated with respect to their location for the protection of the Village.

5.5.1 - Authority to Grant Permits:

The Planning Commission as hereinafter provided, shall have the authority to recommend conditional use permits to the Village Council, subject to such conditions of design, operation, location and safety as the Planning Commission and the Village Council may determine. In addition, the Planning Commission may recommend such other uses as may be subject to and in accordance with all the restrictions and safeguards, of Section 5.5 *et seq.*

#### 5.5.2 - Application and Fee:

Application for a Conditional Use Permit under the provisions of this Ordinance shall be made to the Planning Commission by filing an official conditional use permit application form, along with the required data, exhibits, and information and depositing the required non-refundable fee with Village Clerk.

#### 5.5.3 - Data, Exhibits, and Information Required in Application:

An application for a conditional use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner of the property or is acting on the owner's behalf, the address of the property involved; an accurate survey drawing of said property showing the existing and proposed location of all structures thereon, the types thereof, and their uses; and a statement along with any other exhibits, information, or evidence supporting the required findings set forth below.

#### 5.5.4 - Public Hearings:

The Planning Commission shall hold a public hearing upon any application for a conditional use permit, notice of which shall be accordance with the provisions of Section 6.8

#### 5.5.5 - Required Standards and Findings for Making Determination:

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence to determine if such a use on the proposed site, lot, or parcel meets the following requirements:

- A. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities and services.

#### 5.5.6 - Determination and Imposition of Conditions:

Based on the foregoing standards the Planning Commission shall make a written statement of finding and conclusions relative to the conditional use requested which specifies the basis for its decision. If the facts presented in the case do not reasonably establish that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Village Council that said Village Council should grant a conditional use permit. In recommending that a conditional use permit should be granted by the Village Council, the Planning Commission shall

recommend such conditions of use as it deems necessary and reasonable, and the reasons therefore to protect the best interest of the Village of Onsted and the surrounding property owners and occupants to achieve the objectives of this Ordinance.

#### 5.5.7 - Approval, Grant or Permit:

Upon holding a public hearing and the finding that the requirements of subsection 5.5.2 through 5.5.6 of this Ordinance have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days recommend approval or disapproval to the Village Council. The Village Council shall within forty-five (45) days grant or refuse such permit, and if granted, shall forward copies of this permit to the applicant, Clerk, Zoning Inspector, and Planning Commission. When the Village Council gives final approval, a conditional use permit shall be issued to the applicant. The Zoning Inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Village Council and has inspected the site and determined that the specified conditions have been met.

#### 5.5.8 - Voiding of Conditional Use Permit:

Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced two hundred ten (210) days and/or completed within five hundred and seventy-five (575) days of the date of issuance. The period for initiating and completing the requirements of the conditional use permit shall be determined at the time the conditional use permit is granted. No use provided for under the conditional use granted shall be initiated until all the terms and conditions of the conditional use are met and a zoning compliance permit is issued.

Failure to comply with or a violation of any condition of the conditional use permit shall be considered a violation of this Ordinance and grounds for termination and cancellation the conditional use permit by the Planning Commission

A performance bond may be required by the Village Council as specified in Section 2.1.

#### 5.5.9 - Additional Development Requirements for Certain Uses:

A conditional use permit shall not be issued for the uses specified in this subsection unless it complies with the site development requirements as herein specified. The Planning Commission may impose additional conditions and safeguards when deemed necessary by that body.

##### A. Quarries:

The removal of soil, sand, gravel, stone, and other earth materials shall be subject to the following conditions:

1. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
2. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.
3. On said lot no digging or excavating shall take place closer than one hundred (100) feet to any lot line, or greater distance as may be required by prevailing conditions.

4. On said lot all roads driveways, parking lots, and loading and unloading areas within one hundred (100) feet to any lot line shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads nuisance caused by wind-borne dust.
5. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such removal, processing, or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, watercourse, or body outside the lines of the lot on which such use shall be located.
7. Such removal processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns as specified in this paragraph shall take place after the date of the cessation of operation.
8. All fixed equipment and machinery shall be located at least (100) feet from any lot line and five hundred (500) feet from any residential zoning district but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
9. There shall be erected a fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
10. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
11. The Operator shall file with the Planning Commission and the Ordinance Enforcement Officer a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses,, and/or other improvements contemplated. Said plans shall be subject to review and mod-

ification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.

12. The operator shall file with the Village a performance bond, payable to the Village and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Village Council. The bond shall be released upon written certification of the Ordinance Enforcement Officer that the restoration is complete and in compliance with the restoration plan.
13. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

B. Junk Yards:

In addition to and as an integral part of development, the following provisions shall apply:

1. It is recognized by this Ordinance that the location of such materials in an open area included in this Ordinance's definition of "junk yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, approved fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which a junk yard shall be operated, shall be erected and maintained in good repair on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, unpierced fence or wall located on said lot.
2. All traffic ingress or egress shall be on major streets, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
3. All roads driveways, parking lots, and a loading and unloading areas within any yard of a junk yard shall be paved, watered, or chemically treated so as to limit adjoining lots and public roads and nuisance caused by wind-borne dust.

C. Planned Unit Development:

The purpose of this section is to permit flexibility for residential, commercial, and industrial development where large tracts of land are planned with integrated and harmonious design. Where the overall design of such units demonstrates a more efficient use of land and structures, the strict regulations of this ordinance may be

modified by the Planning Commission. Any planned unit development to be eligible under this provision must comply with the following requirements:

1. The tract of land to be developed shall have a minimum area of not less than ten (10) acres.
2. The owner of the property shall submit to the Planning Commission a plan for the use of the total tract of land as a planned unit development in accordance with the provisions of Section 5.6.
  - a. In addition to the site plan data specified in Section 5.6, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use would require conditions differing from those ordinarily applicable under this ordinance.
  - b. The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Village.
3. The average density of structures of the tract may be greater than the density requirements in the district in which the planned-unit development is located, if the Planning Commission and Village Council determine that the proposed density will be harmonious with surrounding uses and will not pose a detriment to the public health, safety and welfare.
4. The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.
5. The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization.
6. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
7. The common open-space, common properties, individual properties, and all other elements of the planned unit development shall be so planned that they will achieve a unified environmental scheme, with open spaces and all other elements, in appropriate locations, suitably related to each other, the site, and surrounding land.
8. The applicant may be required to dedicate land for street and park purposes by appropriate covenants to restricting areas perpetually for the duration of the planned unit development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this ordinance only to the extent specified in the authorization.

D. Mobile/Manufactured Home Parks:

In addition to and as an integral part of development, the following provisions shall apply:

1. All mobile home parks shall comply with the general rules of the Michigan Mobile Home Commission as established in compliance with Act No. 419 of the Public Act of 1976, as amended, for the State of Michigan.
2. Every mobile home park shall be served by a central water supply system and a central sanitary sewerage system.
3. The land area of a mobile home park shall not be less than ten (10) acres.
4. Mobile home sites shall be at least five thousand (5000) square feet in area.
5. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachments to appropriate external systems.
6. Each mobile home or accessory structure site shall have side yards with each such yard having a width of not less than ten (10) feet and the aggregate width of both said yards not less than thirty (30) feet.
7. Each mobile home site shall have front and rear yards with each such yard not less than eight (8) feet in depth and the aggregate depth of both said yards not less than twenty (20) feet.
8. For the purposes of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary which every point shall not be less than the minimum width herein provided. Open patios shall be disregarded in determining yard widths. The front yard is that yard which runs from the hitch end of the mobile home to the nearest lot line. The rear yard is at the opposite end of the mobile home and side yards are at right angles to the ends.
9. From all stands, the following minimum distances shall be maintained:
  - a. 10 feet to the buffer strip
  - b. 30 feet to the boundary of such park which is not a public street
  - c. 50 feet to the right-of-way of any public street or highway
  - d. 30 feet to any collector street of such park (parking bay or central parking drive not a collector street)
  - e. 15 feet to any parking area designed for general parking in such park (general parking defines parking bays for other than park residents)
  - f. 50 feet to any service building in such park.
10. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy any minimum yard area or minimum distance prescribed herein.

11. Each mobile home site shall be provided with a minimum stand consisting of a solid concrete four (4) inch apron not less than forty-five (45) feet long nor less than eight (8) feet wide. This apron shall be so constructed, graded, and placed to be durable and adequate for the support of maximum anticipated load during all seasons.
12. Each mobile home shall be supported on uniform jacks or blocks supplied by the mobile home park management, or identical to those supplied by management.
13. An all-weather, hard-surfaced, outdoor patio area of not less than one hundred twenty (120) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.
14. Each mobile home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park, such storage space shall not be less than one hundred twenty (120) cubic feet for each mobile home. Such storage may be located on the mobile home site or in a common structure with individual lockers.
15. Storage of goods and articles underneath any mobile home or out-of-doors at any mobile home site shall be prohibited.
16. On-site outdoor laundry space of adequate area and suitable location, shall be provided if park is not furnished with indoor dryers or if use of indoor dryers is not customarily acceptable to prospective occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella type of hanging apparatus shall be allowed, with park management providing a concrete-imbedded socket at each site.
17. All mobile homes within such parks shall be suitably connected to sewer and water services provided at each mobile home site, and shall meet the requirements and be approved by the Lenawee County Health Department.
  - a. All sanitary sewage facilities, including plumbing connections to each mobile home site, shall be constructed so that all facilities and lines are protected from freezing, from bumping or from creating any type of nuisance or health hazard. Running water from a State-tested and approved supply, designed adequately from a minimum flow of two hundred (200) gallons per day per mobile home site shall be piped to each trailer. Sewer connections shall not exceed ten (10) feet in length above ground.
  - b. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owner adjacent to the park.
18. Disposal of garbage and trash: Any method used shall be approved and inspected by the Village of Onsted.



19. All electric, telephone, and other lines from supply poles, or other sources to each mobile home site shall be underground. The electrical system shall be of such voltage and of such capacity to adequately serve all users in the park at peak periods. When separate meters are installed, they shall be located in a uniform manner.
20. All fuel lines leading to mobile home sites shall be underground and so designed as to conform with any State code that is found to be applicable. When separate meters are installed, each shall be located in a uniform manner.
21. A buffer of trees and shrubs not less than twenty (20) feet in depth shall be located and maintained along all boundaries of such park excepting at established entrances and exits serving such park. When necessary for health, safety, and welfare, a fence shall be required. No fences shall be higher than six (6) feet in height, to separate park from an adjacent property.
22. A recreation space of at least three hundred (300) square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than one hundred (100) feet in its smallest dimension and its boundary no further than five hundred (500) feet from any mobile home site served. Streets, and parking areas and laundry rooms are not to be included as recreation space in computing the necessary area.
23. All driveways, motor vehicle parking spaces and walkways with such parks shall be constructed with a bituminous or concrete material and adequately drained and lighted for safety and ease of movement.
24. Minimum widths of roadways within park shall be as follows:

Motor Vehicle Parking	Traffic Use	Minimum Pavement Width
Parking prohibited	2-way road	22 feet
Parallel parking, 1 side only	1-way road	20 feet
Parallel parking, 1 side only	2-way road	31 feet
Parallel parking, 2 sides	1-way road	29 feet
Parallel parking, 2 sides	2-way road	40 feet

25. Walkways shall be installed and shall not be less than four (4) feet in width.
26. When exterior television antenna installation is necessary, a master antenna shall be installed and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas.
27. One (1) automobile parking space shall be provided within one hundred fifty (150) feet of each mobile home site. In such park, there shall be provided additional automobile parking space in number not less than one half (½) the number of mobile home stands.

28. No travel trailer designed for temporary or seasonal living shall be occupied in a mobile home park.
29. Skirting shall be required to cover wheels, chassis and undercarriage.
30. Operable smoke detectors shall be required in all mobile homes located in a mobile home park.

E. Mobile/Manufactured Home Subdivisions, subject to the following standards:

1. All mobile home subdivisions shall comply with the Subdivision Control Act of 1976, being Act 288, Public Acts of Michigan, 1976, as amended.
2. All mobile homes located in the mobile home subdivision shall be constructed to the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended.
3. No exposed wheels, towing mechanism, or undercarriage shall be permitted.
4. Area, height, bulk, and placement regulations for lots in mobile home subdivisions shall be identical to those required in the RS Suburban Residential District specified in Section 4.5.

F. Automobile Service Stations:

1. Premises used for such purposes shall not be less than one hundred (100) feet from any place of public assembly including any hospital, sanitarium, or institution. Such measurement shall be along the usual line of street travel. No gasoline filling and/or service station shall be permitted if the location constitutes a hazard to public safety and welfare.
2. Buildings used for such purposes shall not be nearer than fifty (50) feet from any Residential District.
3. Any automobile repair work, shall be done within the principal building on the premises.
4. All overnight storage of inoperable vehicles shall be within a fenced enclosure, per the requirements of Sec. 5.16, or a building.
5. When such use abuts the side and/or rear line of a lot in any residential district a compact evergreen hedge, solid wall, or opaque fence, per the requirements of Sec. 5.16 and not less than five (5) feet in height, shall be maintained.

G. Bed and Breakfast Facility:

Prior to issuance of a Conditional Use Permit for a Bed and Breakfast Facility, an applicant shall demonstrate that all the following requirements have been met.

1. It is required that the bed and breakfast establishments shall be the residence of the owner of the establishment. Each bed and breakfast establishment will be allowed up to eight (8) rental rooms.

2. It is required in all bed and breakfast establishments that all sleeping rooms as well as all hallways leading to and connecting the sleeping room shall contain smoke detectors. Also, each bed and breakfast establishment shall be equipped with emergency lighting. In addition, all bed and breakfast establishments shall have two (2) entrances (exits) to and from the outside located on separate walls. The design and placement of smoke detectors and emergency lighting shall be approved by the Fire Chief of the Cambridge Township Fire Department.
3. There shall be a minimum of one (1) bathroom per four (4) sleeping rooms excluding the bathroom used by the owner.
4. No person shall remain as a tenant/guest of any bed and breakfast establishment for a period of time in excess of thirty (30) days.
5. Signs shall be subject to the requirements of Section 5.1 and 5.2
6. No lighting shall be permitted which flashes, rotates or directs light onto any adjacent property or public right of way.
7. Off-street parking shall be required as follows:
  - a. One (1) parking space per rental room.
  - b. Two (2) parking spaces for the owner.
  - c. All parking spaces shall be provided on site (unless a variance is granted) and shall in all cases be approved by the Village Council prior to occupancy as a bed and breakfast.
8. Prior to the Village Building Inspector for the issuing an Occupancy Permit for a bed and breakfast, the Ordinance Enforcement Officer for the Village shall inspect the bed and breakfast establishment to ensure that all zoning requirements and conditions for approval have been met.
9. All applications for bed and breakfast establishments shall be made to the Village Clerk and shall include a site plan showing proposed parking, lighting, signs (including location and size) as well as a floor plan of proposed bed and breakfast establishment showing the location and size of the rental rooms, bathrooms, common rooms, owner's living quarters and outside door(s) (entrance/exit) locations.
10. There shall be no separate cooking facilities provided for the bed and breakfast occupants. Breakfast may be provided by the owner as long as State and Local Health Department regulations are followed.
11. Every sleeping unit shall have at least one operable window approved for emergency egress or rescue, except where the sleeping unit is provided with a door to a corridor having access to two remote exits in opposite directions.

H. Group child care homes

Prior to issuance of a conditional use permit for a group child care home, an applicant shall demonstrate that all the following requirements have been met.

1. Is located not closer than 1,500 feet to any of the following:
  - a. Another licensed group child care home.
  - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
  - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
  - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
2. Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
5. Meets regulations, if any, governing signs used by a group child care home to identify itself.
6. Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.
- I. Child care or day care centers and nursing homes, homes for the aged and similar facilities which do not meet the definition of a state licensed residential facility.

Prior to issuance of a Conditional Use Permit for a group child care home, an applicant shall demonstrate that all the following requirements have been met.

## SECTION 5.6-SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures or changes in use that can be expected to have an impact on natural resources, traffic patterns, and on adjacent land usage.

### 5.6.1 - Buildings, Structures, and Uses Requiring Site Plan:

The Ordinance Enforcement Officer shall not issue a zoning compliance permit for the construction of the buildings and structures identified in this section unless a detailed site plan has been reviewed and approved by the Planning Commission and such approval is in effect.

- A. A multiple-family building containing six (6) or more dwelling units.
- B. More than one multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
- C. A mobile/manufactured home park.
- D. Planned unit development.
- E. A commercial land use.
- F. An industrial land use.
- G. An office in any Residential District.
- H. Any automobile service station.
- I. Where a change in the nature or character of a use occurs.
- J. Any other uses provided for in this ordinance that requires site plan review.

5.6.2 - Application and Fee for Site Plan Review:

Any person may file a request for a site plan review by the Planning Commission by filing with the Village Clerk the completed application upon the appropriate forms and payment of the established fee. The applicant shall file at least four (4) copies of a site plan with the application. Such application shall be dated and initialed by the Village Clerk or the Clerk's deputy.

5.6.3 - Planning Commission Review of Site Plan:

Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within thirty (30) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any requests for additional information necessary to the approval of the proposed site plan and conformity with the standards specified in this Ordinance.

5.6.4 - Required Data for Detailed Site Plan:

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- A. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.
- B. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
- C. The site plan shall show the scale; north arrow; boundary dimensions; topography (not more than two foot contour intervals); and natural features such as, wood lots, streams, rivers, lakes, drains, and similar features.

- D. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
- E. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- F. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking, the location and dimensions of any signs and the location, type and illumination pattern of any on site lighting.
- G. The site plan shall show the proposed location, use, and size of open spaces, and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- H. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.

#### 5.6.5 - Standards for Site Plan Review:

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan meets all of the requirements of Section 5.6.4. and the requirements of the zoning district in which said buildings, structures and/or uses as-proposed by site plan are located.

#### 5.6.6 - Planning Commission Approval of Site plan:

Once approved, the applicant shall file four (4) copies of the site plan with the Planning Commission. The Clerk shall within ten (10) days transmit to the Ordinance Enforcement Officer one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such action. The Ordinance Enforcement Officer shall not issue a zoning compliance permit until he has received a certified approved site plan.

#### 5.6.7 - Expiration of Site Plan Certificate:

Site plan approval shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Ordinance Enforcement Officer has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

#### 5.6.8 - Amendment, Revision of Site Plan:

A site plan may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in this Section. Any fees paid in connection with such amendment or revision may be waived or refunded at the discretion of the Planning Commission.

## SECTION 5.7 - NONCONFORMITIES

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

### 5.7.1 - Nonconforming Uses of Land:

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

- A. No such nonconforming use of land shall be enlarged, expanded, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance; and no accessory use or structure shall be established therewith.
- B. No such nonconforming use of land shall be moved in whole or in part to any other portion of such land not occupied on the effective date of adoption or amendment of this Ordinance,
- C. If such nonconforming use of land ceases for any reason for a period of more than one hundred and eighty (180) consecutive days it shall be considered abandoned (see Sec. 5.7.7) and the subsequent use of such land shall conform to the district in which such land is located. An extension of the grace period may be granted by the Planning Commission if it has been demonstrated that extenuating conditions have occurred which are beyond the control of the parties involved. The request for the extension must be made prior to the expiration of the previous grace period.

### 5.7.2 - Nonconforming Structures:

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

- A. No such structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance without the granting of a variance from the Zoning

Board of Appeals (see Sec. 28-238). Such structures may be enlarged or altered in a way that does not increase its nonconformity.

- B. Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics cannot be later reestablished or increased.
- C. Should any non-conforming structure be moved any distance for any reason, it must thereafter conform to the regulations of the district in which it is located.

### 5.7.3 - Nonconforming Uses of Structures:

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

- A. Structural Expansion: No nonconforming use of a structure shall be enlarged, expanded, extended, or altered except as follows:
  - 1. Changing the use of the structure to a use permitted in the district in which it is located. Such use must thereafter conform to the district regulations and the nonconforming use may not thereafter be resumed
  - 2. Granting of a conditional use permit by the Planning Commission (see Sec. 28-146 thru -151) with the goal of bringing the site into greater conformity with this Chapter.
- B. Termination of the nonconformity: When a nonconforming use of a structure is discontinued for more than one hundred eighty (180) consecutive days it shall be considered abandoned (see Sec. 5.7.7) and the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located. An extension of the grace period may be granted by the Planning Commission if it has been demonstrated that practical difficulties exist which are beyond the control of the parties involved. The request for the extension must be made prior to the expiration of the previous grace period. Structures occupied by seasonal uses are exempted from this provision.
- C. Change of use: If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restrictive classification provided that the Planning Commission finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use as part of the conditional use permit process (see Sec. 5.5). In permitting such change, the Planning Commission will require conformance with the off-street parking and loading standards of this Ordinance (see Sec. 5.3 thru 5.4) and may require other appropriate conditions and safeguards in accordance with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it cannot thereafter be changed to a less restrictive classification.



- D. Should any structure containing a nonconforming use be moved any distance for any reason it shall thereafter conform to the regulations of the district in which it is located.
- E. Should any structure devoted in whole or in part to any nonconforming use be destroyed by any means to the extent of more than fifty (50) per cent of its total replacement cost at the time of destruction, it shall not be reconstructed or used except in conformity with the regulations of the district in which it is located.
- F. Repair or replacement of nonconforming one-family uses: Given the historical development pattern in the Village, single-family residential uses may exist in structures zoned for nonresidential use. It is the intent of this Section to allow such uses to continue and be considered conforming uses, provided the standards and procedures outlined herein apply. A nonconforming single-family dwelling and its accessory structures within commercial districts may be continued, replaced, or repaired if damaged by fire, vandalism, flood or other force of nature, if approved by the Ordinance Enforcement Officer. Such approval requires a finding that the resulting building footprint and height will be the same size or smaller than that of the building before such change. Replacement of a nonconforming single-family building must commence within one (1) year of the date of damage and work must be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion, or use of the building for a conforming nonresidential use for any period of time, will result in the loss of legal nonconforming status unless good cause for the delay or temporary change in use is accepted by the Planning Commission and a conditional use permit (CUP) is granted (see Sec. 5.5).

#### 5.7.4 - Change of Tenancy or Ownership:

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

#### 5.7.5 - Nonconforming Lots of Record:

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record existing at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots with continuous frontage in single ownership are of record and all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width

and area requirements established by this Ordinance nor shall there be any division of the parcel or lot with width or area below the requirements stated in this Ordinance.

#### 5.7.6 - Repairs and Maintenance.

The following regulations apply to all non-conforming structures and structures devoted to nonconforming uses (see the definition in Sec. 2.2.39) as regulated by this Section.

##### A. Damage and repairs less than seventy percent (70%) of the value:

On any building or structure that is determined to be devoted to a nonconforming use or is itself a nonconforming structure, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding seventy percent (70%) of the total replacement of the building with the approval of the Ordinance Enforcement Officer, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance is not increased. This does not allow for the separation or expansion of utility systems for nonconforming residential uses.

##### B. Damage and repairs greater than seventy percent (70%) of the value:

In the event that any nonconforming structure or structure devoted to a nonconforming use require repairs or maintenance for any reason, and in any manner that exceeds seventy percent (70%) of the total replacement of the structure, such reconstruction or restoration will be permitted only in conformity with the provisions of this Ordinance. However, when deemed unfeasible and/or impractical, a property owner may seek a conditional use permit from the Planning Commission (see Sec. 5.5), assuming it can also be demonstrated that the original structure was consistent with the established character of the area.

##### C. Nonconforming Transition Strips:

Any minimum transition strip requirements must be brought into conformance with Sec. 4.5, to the satisfaction of the Ordinance Enforcement Officer, whenever:

1. The estimated expense of construction exceeds seventy percent (70%) of the taxable value of the building.
2. There is a change in use or occupancy of the building
3. The building has been vacant for more than 6 months.

The continuation of substandard transition strips must be approved by the Planning Commission through the conditional use permit process (see Sec. 5.5).

##### D. Ongoing maintenance:

Nothing in this Section prevents the strengthening or restoring to a safe condition of any structure or part thereof deemed to be unsafe by an official charged with protecting the public safety, upon order of such official.

##### E. Unsafe Structure:

A nonconforming structure, or portion of a structure, or a structure containing a nonconforming use that is physically unsafe or unlawful due to lack of repairs and

maintenance, as determined by the Ordinance Enforcement Officer, may be restored to a safe condition. Where enlargement or structural alteration is necessary to allow compliance with health and safety laws, the cost of such work will not exceed twenty-five percent (25%) of the total replacement of the structure.

#### 5.7.7 - Determination of Abandonment:

Nonconforming buildings and structures, nonconforming uses of buildings and structures, and nonconforming uses of land will be considered abandoned if one or more of the following conditions exists, and will be deemed to constitute intent on the part of the property owner to abandon the nonconforming use:

- (1) Utilities, such as water, gas or electricity to the property, have been disconnected;
- (2) The property, buildings, or grounds, have fallen into disrepair;
- (3) Signs or other indications of the existence of the nonconforming use have been removed;
- (4) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use; or
- (5) Other actions, which in the opinion of the Zoning Administrator constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

#### 5.7.8 - Conditional Uses are not Nonconforming Uses:

Any use for which a conditional use permit is granted as provided in this Ordinance will not be deemed a nonconforming use, but will, without further action, be deemed a conforming use in such district.

#### 5.7.9 - Change of Tenancy or Ownership:

There may be a change of tenancy, ownership, or management of any existing nonconforming structures or use of structures and land in combination.

### SECTION 5.8 - PERFORMANCE STANDARDS

#### 5.8.1 - Requirements:

No use in any district shall for any reason jeopardize the health, safety or general welfare of an adjacent parcel of land or the Village of Onsted. Accordingly, any heat, glare, fumes, odor, dust, erosion, sound and vibrations generated by a use shall not extend beyond the property line of the lot or parcel of land the use in concentrations more intense than the surrounding area.

#### 5.8.2 - Plans:

The application for a zoning compliance permit shall be accompanied by a site plan and equipment layout with a description of the machinery, process, and projects; and specifications for the mechanisms and techniques to be used to ensure that heat, glare, fumes, odor, dust, erosion, sound and vibrations do not intrude onto neighboring properties

#### 5.8.3 - Enforcement:

The Ordinance Enforcement Officer may refer the application for site plan review to one or more expert consultants qualified to advise as to whether the proposed mecha-

nisms and techniques will adequately mitigate the generation of heat, glare, fumes, odor, erosion, sound, and vibrations. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Village.

#### SECTION 5.9 - STORAGE OF MATERIALS

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

- A. In agricultural, and residential districts the owner or tenant shall locate and store such materials within a completely enclosed building.
- B. In industrial and commercial districts the owner or tenant shall locate and store such materials within a completely enclosed building or within an area surrounded by an opaque fence or wall at least eight (8) feet in height and not less in height than the materials located or stored therein. The fencing shall not be located closer to the lot lines than the minimum yard requirements for buildings permitted in said districts and meet the requirements of Sec. 5.16. No storage shall be permitted within a front yard.
- C. Nothing in this Ordinance shall permit the storage or parking of any vehicle or the location of non-permanent structures within the front yard of any lot within a residential or agricultural district, except the parking of a passenger vehicle on an improved driveway located on private property..
- D. No display of vehicles or other merchandise in a commercial or industrial district shall be located closer to the front lot line(s) than ten (10) feet.

#### SECTION 5.10-MOBILE/MANUFACTURED HOMES

- A. No person shall use, occupy, or permit the use or occupancy of a mobile/manufactured home as a dwelling in any district not designated as a mobile/manufactured housing park or mobile/manufactured housing subdivision, unless:
  1. A permit for the placement of such mobile/manufactured home has been obtained from the Village Clerk. All applications for said permit shall be accompanied by a non-refundable fee which shall equal the fees charged for building permits and electrical inspections for comparable site built structures, which fee shall be used to defray the cost of inspection as provided in this Ordinance;
  2. The mobile/manufactured home, its placement and lot upon which it is located shall meet the requirements of the district where situated;
  3. Mobile/manufactured homes used as dwellings shall be connected to potable water and sanitary sewage disposal facilities approved by the Lenawee County Health Department and shall be connected to public water and sanitary sewage disposal facilities where they are available;
  4. The mobile/manufactured home shall be installed pursuant to the manufacturer's set-up instructions and shall have a foundation of pile construction or otherwise, that meets the requirements of the applicable Building Codes for mobile home installation and provides adequate for support of the maximum an-

ticipated load. The mobile/manufactured home shall be secured to the premises by an anchoring system or device compatible with those required by Michigan's Manufactured Housing Commission. If installed without a foundation wall of the same perimeter dimensions of the mobile/manufactured home, the mobile/manufactured home shall be enclosed or skirted around the bottom with a material that shall match the exterior construction of the mobile/manufactured home. All construction related to the mobile/manufactured home shall commence only after a permit has been obtained in accordance with the applicable building code.

5. Construction, all plumbing, electrical apparatus, and insulation within and connected to said manufactured home shall be of a type and quality conforming to the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), as amended.
- B. The foregoing requirements in Section A notwithstanding, the placement and use of a mobile/manufactured home in any residential district within the Village shall be aesthetically compatible with single-family dwellings in the district, and as a minimum said mobile home shall:
1. Be so placed and situated that the wheels shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to the foundation; and
  2. Shall be placed upon the property in such a way that its appearance shall be compatible with single-family dwellings constructed on-site within said district.
- C. The Ordinance Enforcement Officer shall have authority to grant a permit for the temporary occupancy of mobile/manufactured homes subject to the following conditions:
1. During the period of construction of a new permanent dwelling, but not to exceed a period of twelve (12) consecutive months, the owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one mobile/manufactured home situated at such construction site provided such owner intends to occupy as a residence such dwelling upon completion of its construction provided that:
    - a. The mobile/manufactured home shall not be located between the established setback line and the public right-of-way line of such premises.
    - b. The mobile/manufactured home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
    - c. The sanitary facilities of the mobile/manufactured home for the disposal of sewage and waste shall be properly connected to the central sewerage system available at such premises and in case such system is not there available, then properly connected to the existing septic tank sewage disposal

system which is approved by the Lenawee County Health Department for the permanent dwelling to be constructed thereat.

2. A mobile/manufactured home may be used as a temporary field office provided it is certified as such by the Ordinance Enforcement Officer.
- D. No person shall occupy any mobile/manufactured home as a temporary dwelling within the Village until a temporary certificate of occupancy is issued by the Building Inspector and/or Ordinance Enforcement Officer. The permit shall indicate satisfactory compliance with all requirements of this Ordinance and all applicable building codes. Whenever the requirements of this Ordinance, the applicable building codes and/or United States Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards (24 CFR 3280) shall be applicable and shall be in conflict, the more stringent of the aforementioned codes or regulations shall apply.
- E. No travel trailer, tent or motor home shall be used as a permanent dwelling. A travel trailer, tent or motor home may be temporarily placed and occupied in a duly licensed travel trailer park.

#### SECTION 5.11-VISIBILITY AT INTERSECTIONS

On any corner lot in any zoning district, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the ground within the triangular area formed by the intersecting front lot lines (i.e., street rights-of-way lines) and a straight line joining the two (2) lot lines at points which are thirty (30) feet distant from the point of intersection as measured along the front lot lines.

#### SECTION 5.12-ACCESS TO PUBLIC STREETS

- A. In all districts, except as noted below, every use, building and/or structure established hereafter shall be on a lot or parcel which adjoins a public street.
- B. In any agricultural district every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.
- C. A private road or private easement of access which serves more than one dwelling unit, or more than one commercial or industrial activity, they shall be developed to the minimum design, construction, inspection, approval, and other applicable standards and requirements of the Village of Onsted for a dedicated street..

#### SECTION 5.13-FLOODPLAINS

Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall only be used for agricultural and recreational uses. No structures shall be located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to a 100-year floodplain, as referenced by the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

SECTION 5.14-PRESERVATION OF LAKESHORES, RIVER, AND STREAM BANKS

No person shall alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, or stream except in conformance with the following:

- A. As provided in part 301 of the Natural Resources and Environmental Protection Act, Inland Lakes and Streams -Public Act 451 of 1994, as amended.
- B. If any edge, bank, or shore of any lake, river, or stream is proposed to be altered in any way by any person, that person shall submit to the Planning Commission a site plan as required in Section 5.6 of this Ordinance. This does not relieve the applicant from complying with requirements of any other regulatory agencies.
- C. No structure shall be placed within fifty (50) feet of a lake, river, or stream.

SECTION 5.15-HOME OCCUPATIONS

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

- A. The home occupation shall be operated in its entirety within the dwelling and only by the person or persons maintaining a dwelling therein;
- B. The home occupation shall not display or create outside the building any external evidence of the operation except that one name plate, having an area of not more than three (3) square feet, shall be permitted.
- C. The home occupation shall not utilize more than fifty percent (50%) of the total floor area in the dwelling unit.
- D. The home occupation shall not employ more than one (1) person who does not reside in the dwelling.
- E. There shall be no exterior storage of materials or equipment.

SECTION 5.16-FENCES AND WALLS

Fences and walls are subject to the following:

- A. Fences and walls shall conform to the following requirements:
  - 1. Fences located along any rear or side lot line or located within any required side or rear yard shall not exceed a height of six (6) feet above the grade of the surrounding land.
  - 2. All fences and walls shall be of a weather resistant and rot resistant material.
- B. No fence or wall shall be located in the required front yard except those which meet all the following requirements.
  - 1. No fence or wall in the required front yard shall exceed three (3) feet in height above the grade of the surrounding ground. Posts and supportive structures for such fence shall not exceed four (4) feet in height above grade nor be more than six (6) inches in width or circumference.
- C. No fence or wall shall be erected, established or maintained on any corner lot except in compliance with the requirements of Section 5.11 regarding visibility at intersections.

#### D. Fencing materials

1. All such fences shall be of wood, metal, PVC materials, masonry, or chain-link construction. The fence area shall be not more than sixty-five percent (65%) solid, with the open spaces uniformly spread over the entire area of the fence, unless otherwise specified in this Ordinance.
2. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fences, or electrical current or charge in said fences are prohibited, except in the agriculture and industrial districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary by the Village in the interest of public safety.

#### SECTION 5.17-TEMPORARY USES

Circuses, carnivals or other transient enterprises may be permitted in any district upon issuance of a permit by the Village Council. Such permit shall be based upon the finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, or general welfare, and may contain requirements to maintain these conditions. Such permit shall be valid for a period of not more than five (5) days. Permit may be renewed at the Zoning Inspector's option, at the same fee, but shall not be renewed for more than six consecutive periods in any one year. Minimum distance from any operation relevant to the conditional use other than parking to any residence shall be one hundred (100) feet.

#### SECTION 5.18-ESSENTIAL SERVICES

- A. Nothing in this Ordinance shall prohibit the provision of essential service, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- B. Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.
- C. Any structure erected above ground in any residential district shall be screened or fenced and shall be subject to provisions of Section 5.6, Site Plan Review and Approval.

#### SECTION 5.19-CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the Village Superintendent and such other Village and state authorities as required by law; provided however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards. Where curb does not exist, ingress and egress shall be delineated and no other area shall be used.

#### SECTION 5.20-GRASS AND NOXIOUS WEEDS

All properties shall be kept and maintained in accordance with the provisions of Ordinance Number 41 of the General Law Ordinances of the Village of Onsted, as amended.



## SECTION 5.21 - SITE CONDOMINIUMS

### 5.21.1 - Purpose:

Pursuant to authority conferred by the Condominium Act, Public Act 59 of 1978, as amended, all condominium plats must be approved by the Village of Onsted Planning Commission. A site plan shall be required for all site condominium projects. Each condominium unit shall be located within a zoning district that permits the proposed use.

### 5.21.2 - Definitions:

The following definitions shall apply in the construction and application of this section:

#### A. Area Line:

1. Front Yard Area Line - A line located at the outer edge of a condominium lot associated with a particular building envelope. The front yard area line is the area line that runs most nearly parallel with the street or private road that provides access to the condominium lot.
2. Rear Yard Area Line - A line located at the outer edge of a condominium lot associated with a particular building envelope. The rear yard area line is the area line lying opposite of the front yard area line.
3. Side Yard Area Line - A line located at the outer edge of a condominium lot associated with a particular building envelope. The side yard area lines are those area lines that are neither front or rear yard area lines.

- B. Building Envelope - The principal structure intended for a building site, together with any attached accessory structures, e.g., in a residential development, the building envelope would refer to the house and any attached garage.
- C. Condominium Lot - The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
- D. Condominium Plan - The site, survey and utility plans, floor plans; and sections as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area, vertical boundaries and volume of each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location, and approximate size of the common elements.
- E. Condominium Unit - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- F. Contractible Condominium - A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

- G. Convertible Condominium - A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- H. Expandable Condominium - A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- I. Limited Common Element - A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- J. Lot - The same as "Condominium Lot".
- K. Master Deed - The condominium documents recording the condominium project as approved by the Building Inspector to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- L. Setback:
  - 1. Front Yard Setback - The distance between the front yard area line and the condominium dwelling.
  - 2. Rear Yard Setback - The distance between the rear yard area line and the condominium dwelling.
  - 3. Side Yard Setback - The distance between the side yard area line and the condominium dwelling.

5.21.3 - Condominium Plan - Required Contents and Approval:

- A. All condominium plans shall include the information required by Section 66 of the Condominium Act and the following:
  - 1. A survey plan of the condominium subdivision.
  - 2. A flood plain plan, when appropriate.
  - 3. A site plan showing the location size, shape, area and width of all condominium units.
  - 4. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Village of Onsted for installation, repair and maintenance of all utilities.
  - 5. A street construction paving and maintenance plan for all private roads within the proposed condominium subdivision which shall comply with the Village of Onsted Specifications and Regulations.
  - 6. A storm drainage and storm water management plan, including all lines, swales, basins, and other facilities.

B. Easements for Utilities

The condominium plan shall include all necessary easements granted to the Village of Onsted for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other

installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

C. Private Streets

If a condominium development is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and other applicable standards and requirements of the Village of Onsted for a dedicated street.

D. Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

E. Relocation of Boundaries

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Building Inspector and the Zoning Officer, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

F. Subdivision of Condominium Units

All individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and the building setback requirements shall be approved by the Building Inspector, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

G. Condominium Subdivision Layout, Design and Approval

All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; design layout and improvements standards of Article III Plat Procedures and Specifications (Site Plan Review and Approval) of the Village of Onsted Subdivision Control Ordinance. A deposit in the form of cash, certified check, irrevocable bank letter of credit, or performance bond as required by the Village of Onsted to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium plan by the Planning Commission.

5.21.4 - Condominium Subdivision Approval Regulations:

The following regulations shall apply to all condominium projects within the Village of Onsted.

- A. Initial Information. - Concurrently with notice required to be given the Village of Onsted pursuant to Section 71 of Public Act 59 of 1978, as amended, a person, firm

or corporation intending to develop a condominium project shall provide the following information with respect to the project:

1. The name, address and telephone number of:
    - a. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example; fee owner, optionee, or land contract vendee).
    - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
    - c. The developer or proprietor of the condominium project.
  2. The legal description of the land on which the condominium project will be developed together with the appropriate tax identification numbers.
  3. The acreage content of the land on which the condominium project will be developed.
  4. The purpose of the project (for example; residential, commercial, industrial, etc.).
  5. Approximate number of condominium units to be developed in the subject parcel.
- B. Information to be Kept Current - The information shall be furnished to the Building Inspector and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to the Village of Onsted.
- C. Site Plans New Projects, Master Deed and Engineering and Inspections. - Prior to recording of the master deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site review and approval pursuant to Article III Plat Procedures & Specifications of the Village of Onsted. A site plan complying with all ordinance requirements shall be submitted for review at a regularly scheduled monthly meeting of the Planning Commission. The site plan will then be set as an agenda item at the next regular monthly meeting of the Planning Commission for site plan approval. In addition, the Village shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
- D. Site Plans Expandable or Convertible Projects. - Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo Village of Onsted site plan review and approval pursuant to Article III Plat Procedures & Specifications.
- E. Master Deed, Restrictive Covenants and "As Built" Survey to be furnished. - The condominium project developer or proprietor shall furnish the Building Inspector with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Building Inspector for compliance with Village Or-

dinances. Fees for this review shall be established by resolution of the Onsted Village Council.

- F. Monuments Required, Site Condominium Projects. - All condominium projects that consist in whole or in part of condominium units that are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection:
1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project, if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
  2. All monuments used shall be made of solid iron or steel bars at least one half ( $\frac{1}{2}$ ) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
  3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets within the boundaries of the condominium project and at the intersection of alleys within the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements.
  4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
  5. If a point requiring a monument is on a bedrock outcropping, a steel rod at least one half ( $\frac{1}{2}$ ) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
  6. All required monuments shall be placed flush with the final ground elevation where practicable.
  7. All unit corners shall be marked by a monument in the field consisting of iron or steel bars or iron pipes at least eighteen (18) inches long and one half ( $\frac{1}{2}$ ) inch in diameter or other approved markers.
  8. The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Village Clerk cash or a certified check, or irrevocable bank letter of credit turning to the Village of Onsted, whichever the proprietor selects, in any amount not less than fifty (\$50.00) dollars per monument and not less than two hundred (\$200.00) dollars in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

- G. Monuments Required, All Condominium Projects. - All condominium projects shall be marked at their boundaries with monuments meeting the requirements of 5.21.4 (F), above.
- H. State, County and Village Approval. - The developer or proprietor of the condominium project shall establish that appropriate state, county and village approvals have been received with regard to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.
- I. Temporary Occupancy. - The Zoning Enforcement Officer may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Village of Onsted.
- J. Single Family Detached Condominiums. - Single family detached condominiums in the RS1 district shall be subject to all requirements and standards of the RS1 zoning district including minimum floor area requirements and minimum lot size. There shall be maintained a minimum distance of seventy (70) feet from the center of one (1) residential dwelling to the center of another residential dwelling. This seventy (70) foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum twenty-five (25) foot front yard, twenty-five (25) foot rear yard, and ten (10) foot side yard can be met. This distance shall be measured from the outside limits of the building envelope to the outside limits of its constituent limited common area. If a condominium lot shares a lot line with a property not contained within the condominium development, RM-1 setback requirements shall be maintained.
- K. Agricultural, Suburban Estates, Multiple Family, Commercial and Industrial Condominiums. - Agricultural, suburban estates, multiple family, commercial, and industrial condominium projects shall be located only in those zoning districts allowing those uses as permitted or conditional uses, and shall be subject to all of the requirements and standards of the Zoning District in which they are located. Such standards shall include but not be limited to minimum floor area requirements, minimum lot size, density, and the setback requirements of the Ordinance for the District in which the project is located.
- L. Site Plan. - After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the Village a copy of the site plan.

## SECTION 5.22 - OUTDOOR BIOFUEL BURNERS

### 5.22.1- Purpose

It is the purpose of this ordinance to provide regulations and requirements for Biofuel Burners. It is recognized and found that wood smoke and smoke generated by other solid fuel (biofuel) heating devices is hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of smoke. It is also recognized that biofuel burners are designed and intended to be primary heat source, and therefore emit smoke on a continual basis. Furthermore, significant fire

safety risks can be involved with units that are not properly installed or are installed in close proximity to other buildings. The purpose of this ordinance is to protect the public health, safety, comfort and general welfare of the citizens of the Village of Onsted.

#### 5.22.2 - Regulations

An Outdoor Biofuel Burner may be installed and used in the Village of Onsted only in accordance with the following regulations:

- A. Outdoor Biofuel Burners are allowed in Agricultural zoned districts only.
- B. Minimum distance of 300' from any dwelling on adjacent property.
- C. Must meet or exceed EPA phase II requirements and must be maintained to comply with EPA phase II requirements.
- D. Allowed in rear yards only. (No closer to a public street than rear wall of the primary structure).

#### 5.22.3 - Nuisance Conditions

No person shall cause or allow emissions from Outdoor Biofuel Burners to the outdoor atmosphere of such quantity, characteristic or duration that are injurious to human, plant or animal life or property, or that unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to any particulate, fume, gas, mist, odor, smoke, vapor, toxic, or deleterious emission, either alone or in combination with others.

### SECTION 5.23 - WIND ENERGY CONVERSION SYSTEMS

#### 5.23.1 - Purpose

It is the purpose of this ordinance to provide regulations and requirements for Wind Energy Conversion Systems. Electricity generation from clean, renewable energy sources will reduce air pollution, increase fuel diversity of our electric system and conserve natural resources. The purpose of this ordinance is to protect the public health, safety, comfort and general welfare of the citizens of the Village of Onsted.

#### 5.23.2 - Definitions

The following definitions shall apply in the application of this section:

- A. On-Site Wind Energy Conversion System: A device, structure or apparatus no greater than 65.6 ft. total height, in which wind energy is used to generate electricity for residential use and where excess electricity may be sold to the utility through a "Netmetering" program, and which shall be an accessory structure.
- B. Utility Grid Wind Energy Conversion System: A device, structure apparatus greater than 65.6 ft. total height in which wind energy is used to generate electricity for wholesale or retail customers using the electric utility transmission and distribution system to transport and deliver wind generated electricity.
- C. Sound Pressure Level: Sound pressure mapped to a scale and is reported in decibels

(db).

- D. Moving Assembly Height: Measurement from the base of the structure at ground level to any part of the Wind Energy Conversion System that has movement during normal operation.

#### 5.23.3- On-Site Wind Energy Conversion System Regulations

On-Site Wind Energy Conversion Systems may be installed and used in any zoning district of the Village of Onsted in accordance with the following regulations:

- A. Must comply with uniform construction codes.
- B. Requires zoning compliance, all necessary building and electrical permits.
- C. The maximum total height can be no greater than 65.6 ft. (includes tower and blades to the highest point of travel). Minimum moving assembly height of 12 feet measured from the base of the structure.
- D. Minimum setback of 1.5 times the total height from all property lines. (This includes tower and blades to the highest point of travel.) No part of the Wind Energy Conversion System structure may extend no closer than 10 feet from any property line.
- E. No ladder or climbing bolts lower than 10 feet measured from the base of the structure.
- F. Any guy wires used to support the structure must be clearly marked to a height of at least 6 feet above the anchors and may extend no closer than 10 feet from any property line.
- G. Allowed in rear yard only. (No closer to a public street than the rear wall of the primary structure).
- H. Sound pressure level shall not exceed 55 decibels (db) at the property line closest to the Wind Energy System.
- I. Commercial markings, messages or banners other than the manufactures identification and safety placards are prohibited.

#### 5.23.4 -Utility Grid Wind Energy Conversion System Regulations

Utility Grid Wind Energy Conversion Systems are not allowed in any zoning district within the Village of Onsted.

#### 5.23.5 - Inoperable Wind Energy Conversion Systems

All Wind Energy Conversion Systems that are considered "inoperable" must be repaired or removed within 90 days. Any inoperable WECS may be declared to be a nuisance under section 6.7 of the Village of Onsted zoning ordinance. Examples of inoperable include but are not limited to; broken/missing blades, damaged tower and may be deemed inoperable by the Zoning Inspector.



**ARTICLE VI  
ADMINISTRATION OF THE ORDINANCE**

**SECTION 6.1 - PURPOSE**

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

**SECTION 6.2 - ADMINISTRATION**

Except when otherwise stated herein the provisions of this Ordinance shall be administered by the Ordinance Enforcement Officer or by such deputies of his department as the Village Council may designate to enforce the provisions of this Ordinance.

**A. Misfeasance, Malfeasance, Nonfeasance and Conflict of Interest:**

1. Any member of the Village of Onsted Planning Commission or the Zoning Board of Appeals can be removed from office by the Village Council for misfeasance, malfeasance or nonfeasance upon written charges and after public hearing in accordance with MCL 125.3301(9) AND 125.3601(9) respectively.
2. A member shall disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

**SECTION 6.3 - DUTIES OF ORDINANCE ENFORCEMENT OFFICER**

- A. The Ordinance Enforcement Officer shall be deputized and shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Ordinance Enforcement Officer to approve plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance. The Ordinance Enforcement Officer shall not vary or change any terms of this Ordinance.
- B. If the Ordinance Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation and provide a copy of the ordinance, indicating the nature of the violation being violated, and ordering the action necessary to correct it within seven (7) days.
- C. Following notification, the Ordinance Enforcement Officer shall have the authority to implement the enforcement this ordinance by any of the following means:
  1. He may serve notice requiring the removal of any use in violation of this ordinance upon the owner, agent or tenant of the building or land, or upon the architect, builder, contractor or other person who commits or assists in any such violation.
  2. He may issue appearance tickets for violations of this ordinance. He may call upon the sheriff or his deputies to assist in the enforcement of this ordinance.
  3. He may call upon the Village Attorney to institute any necessary legal proceedings to enforce the provisions of this ordinance, and the attorney is hereby authorized to institute appropriate actions to that end.

4. He may call upon the sheriff or his deputies to assist in the enforcement of this ordinance. In addition to the authority vested in the Ordinance Enforcement Officer, the Village Attorney or any adjacent or neighboring property owner who would be specially damaged by violations of this ordinance may institute legal action to enjoin, to restrain or abate, in order to cause the correction or removal of any violation of this ordinance.
- D. The Ordinance Enforcement Officer shall submit to the Planning Commission and the Village Council, quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of nonconforming uses, buildings, and structures. The Ordinance Enforcement Officer shall maintain a record of all zoning compliance permits and certificates of occupancy.

## SECTION 6.4 - ZONING COMPLIANCE PERMITS

### 6.4.1 - Issuance of Zoning Compliance Permits:

- A. No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Ordinance Enforcement Officer for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Ordinance Enforcement Officer.
- B. The Ordinance Enforcement Officer shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:
  1. The actual dimensions and shape of the lot to be built upon and,
  2. The exact size and location of existing structures on the lot, if any; and,
  3. The location and dimensions of the proposed structure or alteration.
- C. One (1) copy of the plans shall be returned to the applicant by the Ordinance Enforcement Officer after such copy has been approved or disapproved, and attested to same by the Ordinance Enforcement Officer's signature on such copy. The Ordinance Enforcement Officer shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Ordinance Enforcement Officer shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Ordinance Enforcement Officer shall issue such permit promptly following such action.

### 6.4.2 - Voiding of Zoning Compliance Permit:

Any Zoning Compliance permit granted under this Ordinance shall become null and void and fees forfeited if any facts are knowingly falsified or misrepresented by the petitioner, and unless construction is completed and use initiated within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

## SECTION 6.5- FINAL INSPECTION, CERTIFICATE OF OCCUPANCY,

### 6.5.1 - Issuance of Certificate of Occupancy:

- A. No building or structure, or part thereof, shall be occupied by or used for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Building Inspector immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.
- B. A certificate of occupancy shall be issued by the Building Inspector within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

### 6.5.2 - Voiding of Certificate of Occupancy:

Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued was found by the Building Inspector to be in violation of this Ordinance. The Building Inspector, upon finding such violation, shall immediately notify the Village Council of said violation and void the certificate of occupancy.

## SECTION 6.6-FEES, CHARGES, AND EXPENSES

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

## SECTION 6.7-VIOLATIONS AND PENALTIES

Violations of this ordinance are hereby declared to be a nuisance per se and misdemeanor. The court shall order such nuisance abated and the owner and/or agent in charge shall be adjudged guilty of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed thirty (30) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not except the offender from compliance with the requirements of this Ordinance.

## SECTION 6.8 – NOTICE

All applicants for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, P.A. 110 of 2006 and the other provisions of this Section with regard to public notification.

#### 6.8.1 - Responsibility:

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Village Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Village of Onsted and mailed or delivered as provided in this section.

#### 6.8.2 - Content:

All mail, personal and newspaper notices for public hearings shall:

- A. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, conditional land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
- B. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax identification number, identifying the nearest cross street, or including a map showing the location of the property. No street address must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.
- C. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
- D. Written comments: Include a statement describing when and where written comments will be received concerning the request

#### 6.8.3 - Personal and Mailed Notice

- A. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  1. The owners of the property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
  2. Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Village of Onsted. If the name of occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or or-

ganizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice.

B. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States Mail, first class, properly addressed, postage paid. The Village Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

6.8.4 - Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, P.A. 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

A. For a public hearing on an application for a rezoning, text amendment, conditional land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

B. For any other public hearing required by this Ordinance: not less than five (5) days before the date the application will be considered for approval.

#### SECTION 6.9 - REGISTRATION TO RECEIVE NOTICE BY MAIL

6.9.1 - General: Any neighborhood organization, public utility company, railroad or any other person may register with the Village Clerk to receive written notice of all applications for development approval or written notice of all applications for development approval within the zoning district in which they are located. The Village Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Village Council.

6.9.2 -Requirements: The requesting party must provide the Village Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

**ARTICLE VII  
BOARD OF APPEALS**

**SECTION 7.1 - BOARD OF APPEALS ESTABLISHED**

There is hereby established a Board of Appeals consisting of 7 members who shall be selected from among the electors residing in the Village of Onsted to the end that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done.

**SECTION 7.2 - DUTIES OF THE BOARD OF APPEALS**

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

**SECTION 7.3 - VARIANCE**

The Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. No variance shall be granted to permit any use for which a conditional use permit is required.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating the following:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  3. That the special conditions and circumstances do not result from the actions of the applicant.
  4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
  5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

- B. The Board of Appeals shall determine that the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- D. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighboring parcels or otherwise detrimental to the public welfare.
- E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
  - 1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
  - 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- G. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

#### SECTION 7.4 - INTERPRETATION OF ZONING ORDINANCE

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Ordinance Enforcement Officer or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

#### SECTION 7.5 - APPEALS TO THE BOARD OF APPEALS

##### 7.5.1 - Appeals, How Taken:

Appeal from the ruling of the Zoning Inspector or the Village Council concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within sixty (60) days by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.

##### 7.5.2 - Who May Appeal:

Appeals to the Board of Appeals may be petitioned by any person aggrieved or by any officer, department, council, agency, or bureau of the Village.

##### 7.5.3 - Fee for Appeal:

A fee prescribed by the Village Council shall be paid to the Village of Onsted at the time of filing the petition for appeal. No part of the fee shall be returnable to the petitioner.

7.5.4 - Effect of Appeal; Restraining Order:

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due cause shown.

7.5.5 - Notice of Hearing:

The Zoning Board of Appeals shall hold a public hearing upon any application for an appeal from a decision of zoning administrator or variance from the strict requirements of the zoning ordinance, notice of which shall be accordance with the provisions of Article VI, Section 6.8.

7.5.6 - Representation at Hearing:

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

7.5.7 - Decisions of the Board of Appeals and Appeals to the Circuit Court:

The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made on the premises and to that end shall have all the powers of the Ordinance Enforcement Officer or the Village Council from whom the appeal is taken. The Board of Appeal's decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person aggrieved by such resolution shall have the right to appeal to the Circuit Court on questions of law and fact.



**ARTICLE VIII  
AMENDMENT PROCEDURES**

**SECTION 8.1 - INITIATING AMENDMENTS AND FEE**

The Village Council may, from time to time, on recommendation from the Planning Commission or on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendments. Said amendment may be initiated by resolution of the Village Council, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Village Council or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fee established by resolution of the Village Council, no part of which shall be returnable to the petitioner.

**SECTION 8.2-AMENDMENT PROCEDURES**

The procedure for making amendment to this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended for cities and villages.

**8.2.1 - Time Element between Zoning Request:**

No petition to amend the Zoning Ordinance or effect a district change shall be reconsidered by the Planning Commission after the same has been rejected by the Village Council for a period of 365 days from such denial, except those petitions containing new evidence or proof of changed conditions concerning said petition.

**SECTION 8.3-CONFORMANCE TO COURT DECREE**

Any amendment for the purpose of conforming a provision thereof to a decree of a court of competent jurisdiction shall be adopted by the Onsted Village Council and the amendments published without referring the same to any other council or agency.

**ARTICLE IX  
LEGAL STATUS**

**SECTION 9.1-CONFLICT WITH OTHER LAWS**

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

**SECTION 9.2 - VALIDITY AND SEVERABILITY CLAUSE**

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

**SECTION 9.3 - PERIOD OF EFFECTIVENESS**

This Ordinance shall remain in full force and effect henceforth unless and until repealed.

**SECTION 9.4 - REPEAL OF ORDINANCE**

The "Zoning Ordinance of the Village of Onsted, Lenawee County, Michigan" adopted on May 5, 2003 and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

**SECTION 9.5 - SAVINGS CLAUSE**

All pending litigation commenced under a prior ordinance or cause of action arising under a prior ordinance hereby expressly is saved and shall be determined by a court of law with reference to the prior ordinance or ordinances. Situations within this clause shall be an exception to repeal of a prior ordinance or ordinances.

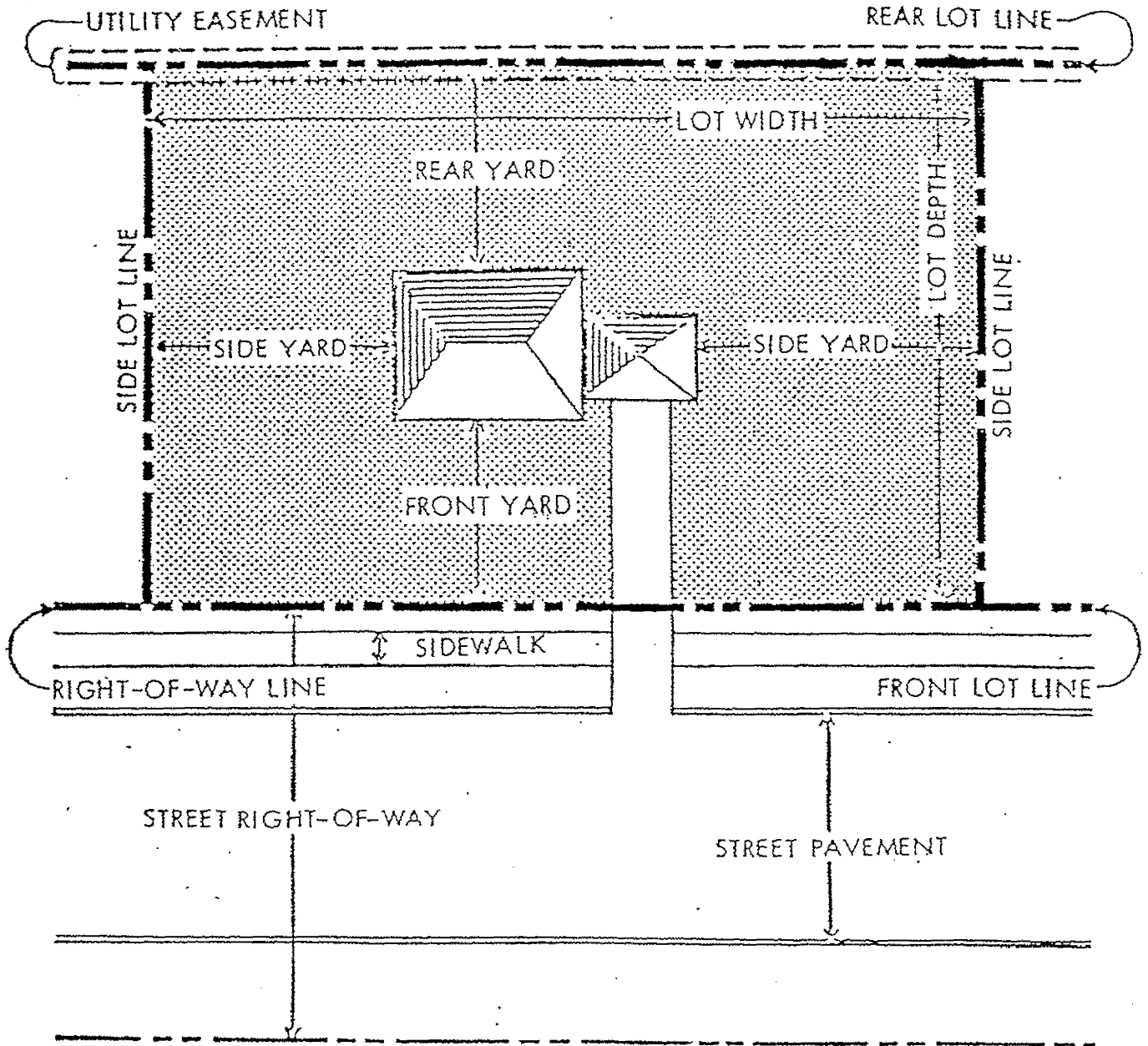
**SECTION 9.6 - EFFECTIVE DATE**

This Ordinance was adopted by the Village Council of the Village of Onsted, Lenawee County, Michigan, at a meeting held on July 7<sup>th</sup>, 2014, and published in The Brooklyn Exponent a newspaper having general circulation in said Village of Onsted.

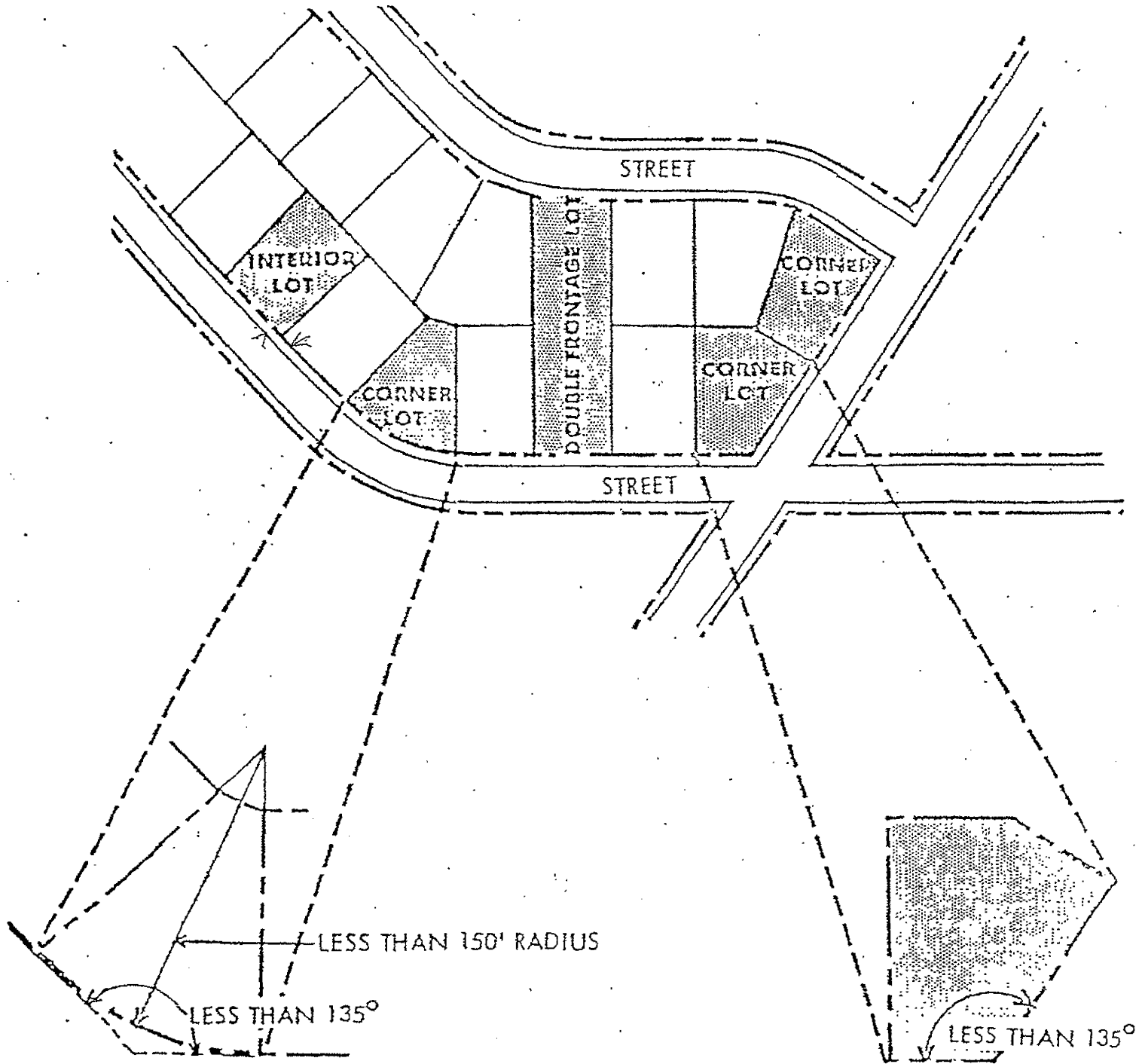
# APPENDIX

## A

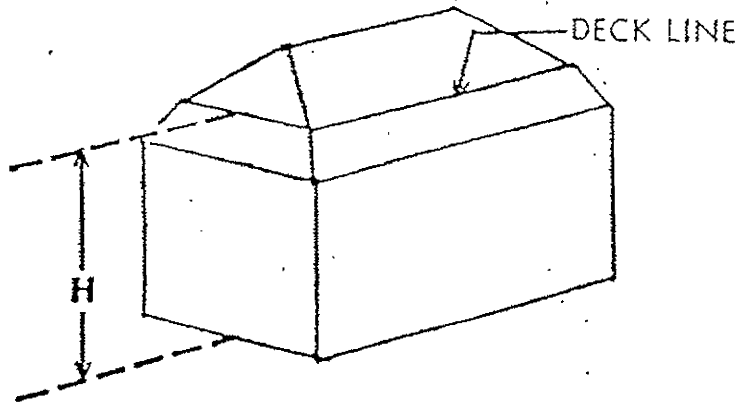
# LOT TERMS



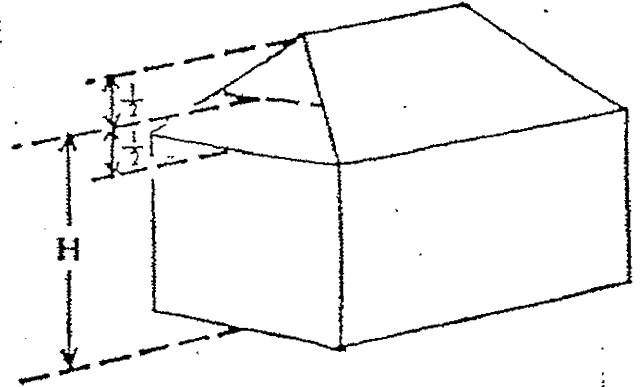
# CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS



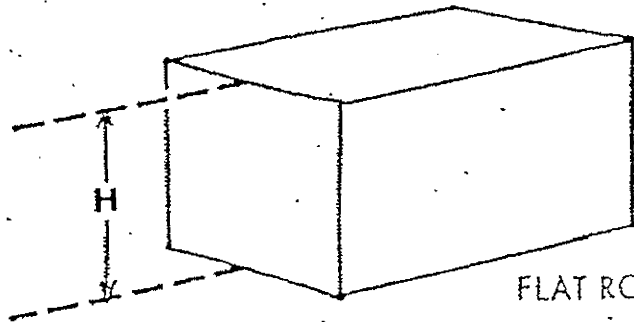
# BUILDING HEIGHT REQUIREMENTS



MANSARD ROOF

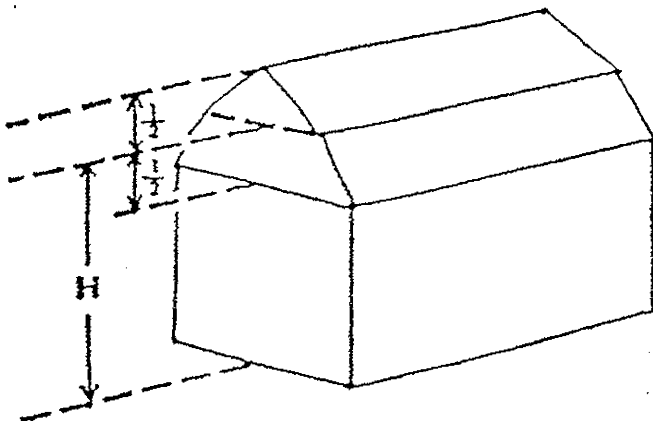


HIP ROOF

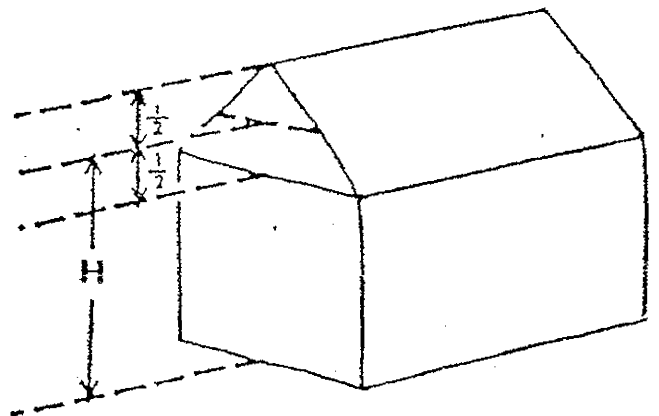


FLAT ROOF

GAMBREL ROOF

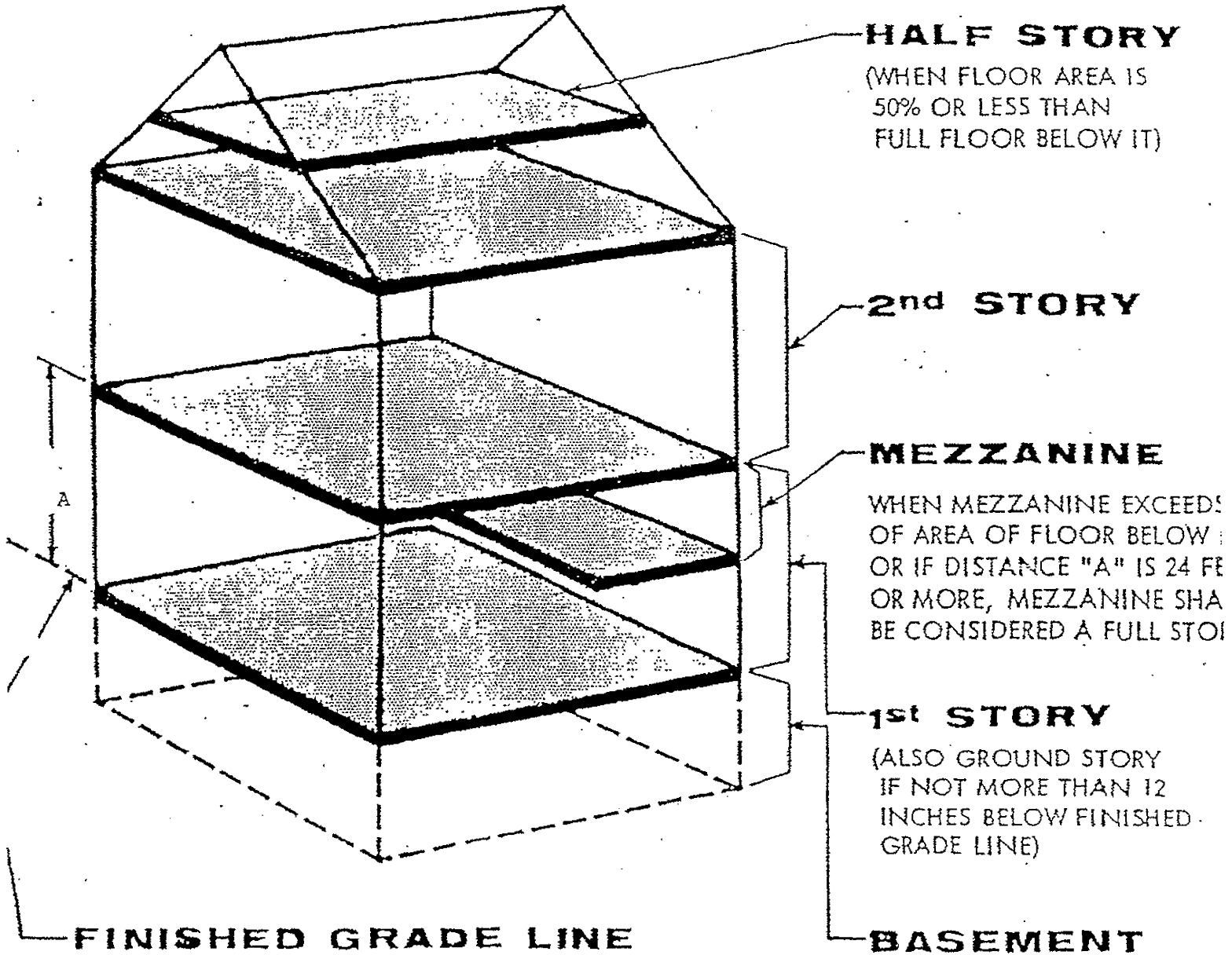


GABLE ROOF

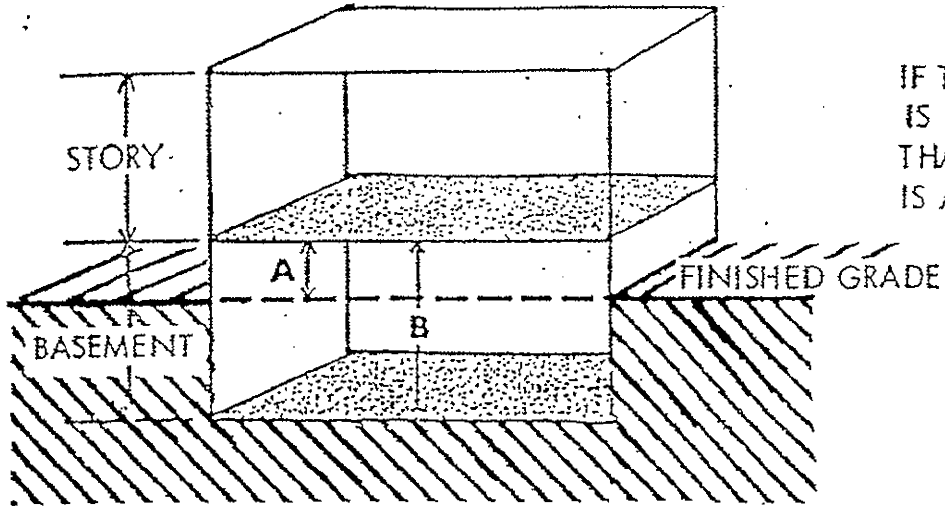


$H =$  HEIGHT OF BUILDING

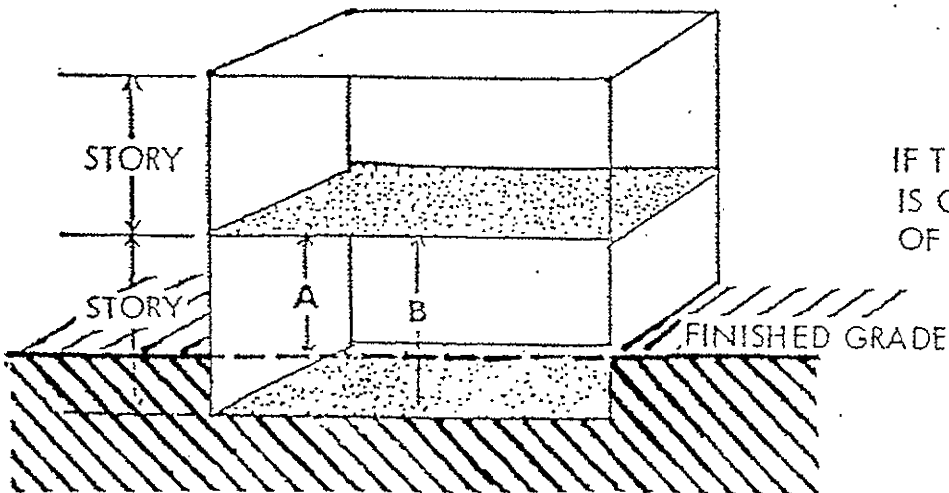
# BASIC STRUCTURAL TERMS



# BASEMENT & STORY DEFINITION



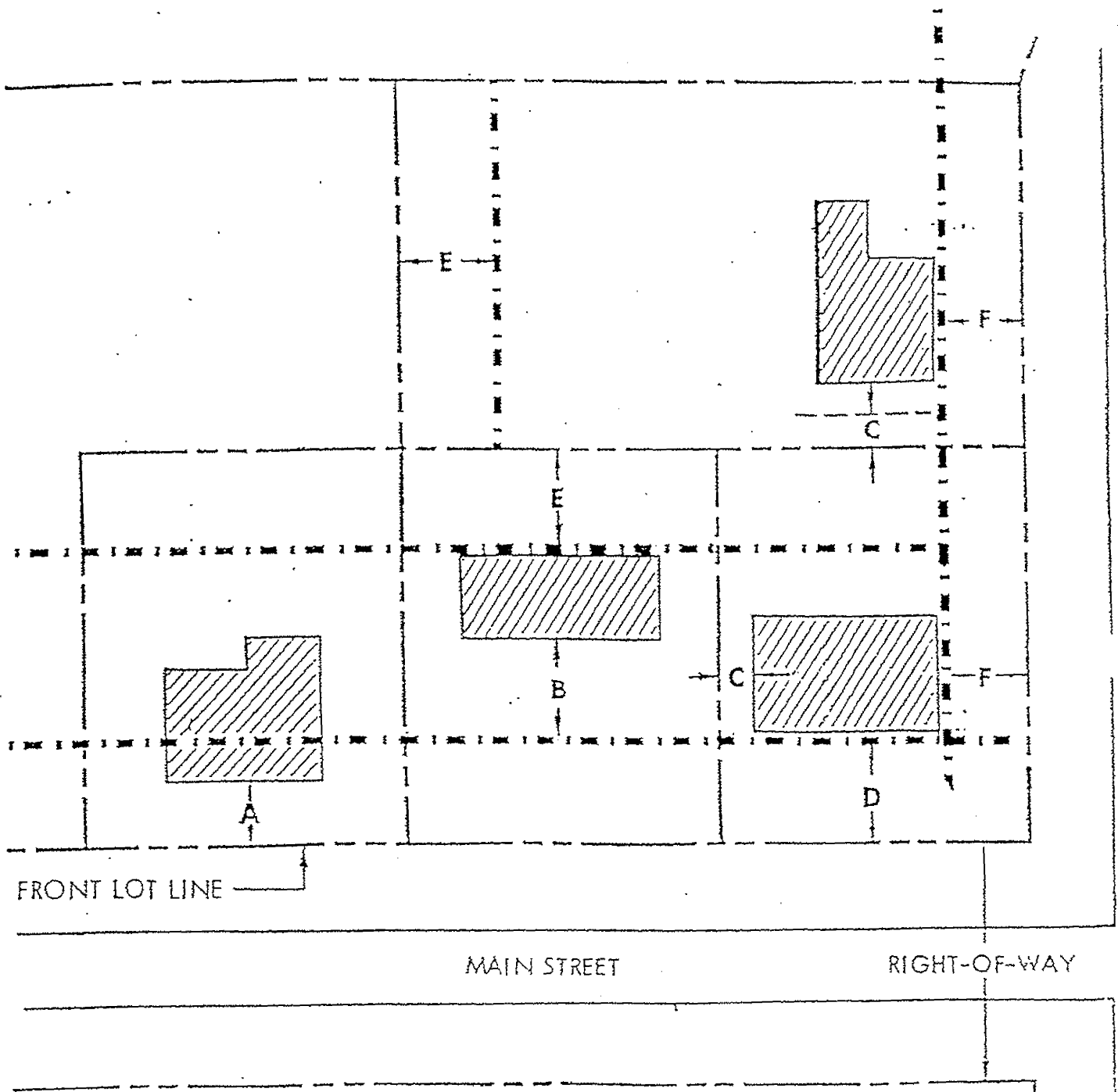
IF THE AVERAGE OF "A" IS EQUAL TO OR LESS THAN  $1/2$  OF "B", THIS IS A BASEMENT.



IF THE AVERAGE OF "A" IS GREATER THAN  $1/2$  OF "B", THIS IS A STORY.



# YARD REQUIREMENTS



## LEGEND

A — DEFICIENT FRONT YARD

B — FRONT YARD IN EXCESS OF  
MINIMUM FRONT YARD REQUIRED

C — MINIMUM SIDE YARD REQUIRED

D — MINIMUM FRONT YARD REQUIRED  
ALSO BUILDING SETBACK LINE

E — MINIMUM REAR YARD REQUIRED

F — MINIMUM YARD REQUIRED ON  
SIDE STREET WHEREON HOMES

