

Village of New Haven, MI  
Monday, July 11, 2022

## Chapter 515. Zoning


[HISTORY: Adopted by the Village Council of the Village of New Haven 1-12-1999 by Ord. No. 260. Amendments noted where applicable.]

### GENERAL REFERENCES

Planning Commission — See Ch. 77.  
 Keeping of animals — See Ch. 126, Arts. II and IV.  
 Building construction — See Ch. 160.  
 Unsafe structures and fences — See Ch. 168.  
 Car lots — See Ch. 181.  
 Cemeteries — See Ch. 185.  
 Electrical standards — See Ch. 230.  
 Engineering standards — See Ch. 235.  
 Fair housing — See Ch. 243.  
 Fire prevention — See Ch. 258.  
 Floodplain management — See Ch. 264.  
 Garage sales — See Ch. 277.  
 Oil-burning heating equipment — See Ch. 292.  
 Historic preservation — See Ch. 300.  
 Housing and property maintenance — See Ch. 304.  
 Mechanical standards — See Ch. 345.  
 Off-street parking areas — See Ch. 378.  
 Parks and recreation areas — See Ch. 385.  
 Plumbing standards — See Ch. 394.  
 Streets and sidewalks — See Ch. 450.  
 Subdivision regulations — See Ch. 455.  
 Water and sewers — See Ch. 495.

### ATTACHMENTS

**Attachment 1 - Table 1, Schedule of District Regulations** 

**Attachment 2 - Required Minimum Screening and Landscaping** 

## Article I. Title and Enacting Clause

### § 515-1. Short title.

This chapter, of which the Official Zoning Map and Schedule of District Regulations are a part, shall be known and cited as the "Village of New Haven Zoning Ordinance."

## Article II. Definitions; Word Usage

### § 515-2. Word usage.

For the purpose of this chapter, certain words and tenses used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. The singular number includes the plural, and the plural includes the singular.
- C. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- D. The term "shall" is mandatory, the word "may" is permissive.
- E. The words "used" or "occupied" include the words "intended," "designed" or "arranged."
- F. The word "lot" includes the words "plot" or "parcel."
- G. Terms not defined herein shall have the meanings customarily assigned to them.

## § 515-3. Definitions.

For the purpose of this chapter, the following words and terms shall be defined as follows:

### **ABUTTING**

Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

### **ACCESSORY APARTMENT**

An accessory dwelling unit within or structurally added to an existing single-family detached dwelling or commercial building. Such a dwelling unit is an accessory use to the main dwelling.

### **ACCESSORY BUILDING OR STRUCTURE**

A building or structure on the same parcel of land as the principal building or buildings, structure or use of land, the use of which is incidental, customary and subordinate to that of the principal building or use.

### **ACCESSORY USE**

A use of land or structure, or portion thereof, clearly customary, incidental and subordinate to the principal use on the same lot to which it is related. When "accessory" is used in the text, it shall have the same meaning as accessory use.

### **ADULT FOSTER CARE SMALL GROUP HOME**

A facility with the approved capacity to receive more than seven but fewer than 12 adults, who are provided supervision, personal care and protection in addition to room and board for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

### **ADULT FOSTER CARE LARGE GROUP HOME**

A facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care and protection in addition to room and board for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

### **AGRICULTURE**

The soil-dependent cultivation of crops or the raising of farm animals for primarily commercial purposes, in accordance with generally accepted farming practices.

### **AGRICULTURAL LAND**

Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

### **AIRPORT APPROACH PLAN AND AIRPORT LAYOUT PLAN**

A plan, or an amendments to a plan, filed with the Planning Commission under section 151 of the Aeronautics Code of the State of Michigan, 1945 P.A. 327, MCLA § 259.151.

### **AIRPORT MANAGER**

That term as defined in section 10 of the Aeronautics Code of the State of Michigan, 1945 P.A. 327, MCLA § 259.10.

### **AIRPORT ZONING REGULATIONS**

Airport zoning regulations under the Airport Zoning Act, 1950 (Ex. Sess.) P.A. 23, MCLA §§ 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance.

### **ARCHITECTURAL FEATURES**

A prominent or significant part or element of a structure. Architectural features include, but are not limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

### **AUTOMOBILE SERVICE STATION**

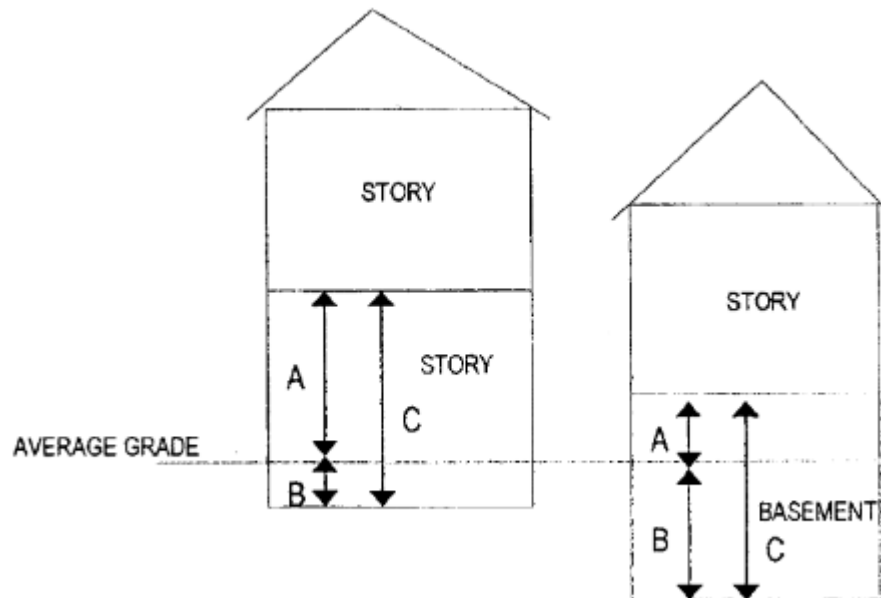
See "vehicle convenience station, vehicle repair garage, and vehicle service center."

### **BASEMENT**

That portion of a building which is partly, or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the average grade to the ceiling is over five feet, such basement shall be counted as a story. An approved earth-sheltered building shall not be considered a basement.

If "A" is greater than "B", "C" is a story.

If "B" is greater than "A", "C" is a story.



### **BED-AND-BREAKFAST INN**

An owner-occupied, single-family dwelling in which the owner/operator provides overnight accommodations to guests in return for payment and without kitchen facilities for serving or preparing meals for the overnight guests which are separate from those for the residence.

### **BLOCK**

The property abutting one side of a street and lying between the two nearest intersecting streets, or between one intersecting street and a railroad right-of-way, unsubdivided acreage or stream, or

between any of the foregoing and any other barrier to the continuity of development. In areas without identifiable blocks, a block shall constitute an area not more than 1/8 mile on either side of the building or building site.

**BOARDINGHOUSE**

A building, other than a hotel or bed-and-breakfast inn, where, for compensation and/or prearrangement for periods exceeding seven days, lodging and meals are provided for three or more persons, which may include one dwelling unit for occupancy by management. The terms "boardinghouse" and "rooming house" are used synonymously in this chapter.

**BOARD OF APPEALS**

The Zoning Board of Appeals of the Village of New Haven.

**BUILDING**

Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals or property of any kind.

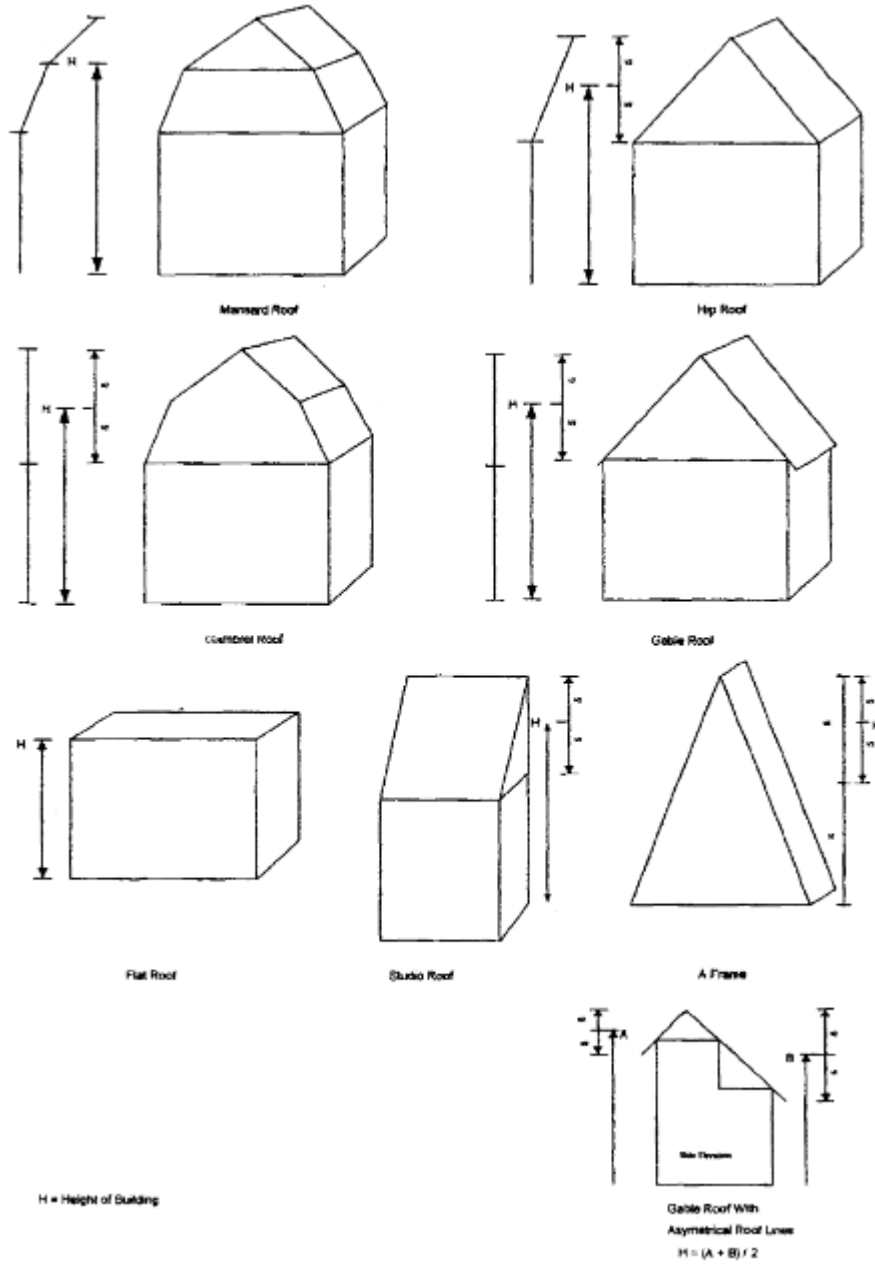
**BUILDING, ACCESSORY**

See "accessory structure."

**BUILDING HEIGHT**

The vertical distance from the average grade to the highest point of the roof surface on a flat roof, to the decline of mansard roofs, and to the mean height between the eaves and the ridge for gable, shed, hip and gambrel roofs. Where a building is located on a hill or other grade change, building height shall be measured from the average grade along each of the building walls (see graphic).

**BUILDING HEIGHT**



**BUILDING, PRINCIPAL**

A building or group of buildings in which is conducted the principal use of the lot or parcel on which said building is situated.

**CANOPY**

A structure other than an awning which may or may not be affixed to a building and carried by a frame which is supported by the ground.

**CELLAR**

See "basement."

**CHANGE OF USE**

Any use that differs substantially from the previous use of a building, land or combination thereof.

**CHURCH**

A building or group of buildings that by design and construction are primarily intended for conducting organized religious services and associated accessory uses. A place of worship.

**CLINIC**

An establishment where human patients who are not lodged overnight are admitted for examination and treatment by physicians, dentists or similar professionals on an outpatient basis. This definition includes outpatient ambulatory care centers but does not include hospitals or other health care facilities where patients are lodged overnight.

**CO-LOCATION**

The location by two or more wireless communications providers of wireless communications facilities on a common structure, tower or building.

**COMMERCIAL VEHICLE**

Any motor vehicle which is licensed by the State of Michigan as a commercial vehicle.

**CONDOMINIUM DEFINITIONS**

As used in this chapter, the following words, terms and phrases are defined and, where applicable, equate words and terms utilized in the Condominium Act with words and terms used in this Zoning Ordinance:

**A. CONDOMINIUM ACT**

State of Michigan Public Act 59 of 1978, as amended.

**B. CONDOMINIUM BUILDING SITE**

That area containing the condominium unit envelope and its associated limited common elements, which together shall equate to a lot as defined and regulated in the Zoning Ordinance.

**C. CONDOMINIUM PROJECT**

A plan or project consisting of not less than two condominium unit envelopes if established and approved in conformance with the Condominium Act (Public Act 59 of 1978).

**D. CONDOMINIUM PLAN**

The site, survey and utility plans, floodplain plans and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The "condominium plan," for the purpose of this chapter, shall include the master deed and bylaws of the proposed condominium.

**E. CONDOMINIUM UNIT ENVELOPE**

That portion of a condominium building site which contains the principal building(s) and which is designed and intended for separate ownership and use, as described in the master deed.

**F. EQUIVALENT WORD, TERM**

Those words, terms and phrases in the Zoning Ordinance which correspond to that word, term or phrase set forth in this definitions section.

**G. GENERAL COMMON ELEMENTS**

The portion of the condominium project other than the condominium unit envelope and limited common elements.

**H. LIMITED COMMON ELEMENTS**

A portion of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

**I. MASTER DEED**

The condominium document recording the condominium project with the state, as approved by the Planning Commission, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium plan for the project.

**J. MOBILE HOME CONDOMINIUM PROJECT**

A condominium project in which mobile homes are intended to be located upon separate condominium unit envelopes.

**K. SETBACK EQUIVALENT**

The distance between the boundary of the condominium unit envelope and the outer boundary of the limited common element for that unit or, where no limited common element is provided, the distance between the nearest point on the condominium dwelling or structure and the outer boundary of the condominium unit envelope.

**L. SITE CONDOMINIUM**

The development of land under the Condominium Act in which condominium building sites are created to accommodate detached condominium unit envelopes.

**M. YARD AREA**

That area of a condominium building site which contains the front, sides and rear yards.

**CONSERVATION EASEMENT**

That term as defined on section 2140 of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, MCLA § 324.2140.

**CONVALESCENT OR REST HOME**

A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care on a long-term twenty-four-hour basis.

**CONVENIENCE STORE**

Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same.

**DEVELOPMENT RIGHTS**

The rights to develop land to the maximum intensity of development authorized by law.

**DEVELOPMENT RIGHTS ORDINANCE**

An ordinance, which may comprise part of a zoning ordinance, adopted under section 308 of the Michigan Zoning Enabling Act.<sup>[1]</sup>

**DENSITY**

The number of dwelling units developed on an acre of land.

**DOMESTIC ANIMAL**

Animals which are ordinary household pets and kept for pleasure.

**DRIVEWAY**

A passageway of definite width, primarily for use by motor vehicles, over private property, leading from a street or other public way to a garage or parking area. A horseshoe-shape drive or a T-shape drive located within a front yard is included within this definition.

**DWELLING, MULTIPLE-FAMILY**

A building or portion thereof containing three or more dwelling units used exclusively for human habitation.

**DWELLING, ONE-FAMILY (SINGLE-FAMILY)**

A detached building containing one dwelling unit used exclusively for human habitation.

**DWELLING, PREMANUFACTURED (OR MODULAR HOME)**

A detached one-family dwelling unit used exclusively for human habitation, constructed according to special rules promulgated by the State Construction Code Commission and in compliance with BOCA 1996, as adopted by the Village, exclusively designed for placement on a permanent foundation, and assembled at other than the final location by a repetitive process generally recognized as systems or component building and under circumstances intended to ensure uniformity of quality and material content. The term does not include a mobile home.

**DWELLING, TOWNHOUSE**

A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-resistant walls.

**DWELLING, TWO-FAMILY**

A detached building on a single lot containing two attached dwelling units.

**DWELLING UNIT**

A building or portion thereof on a permanent foundation with provisions for sleeping, cooking, and sanitation, and with permanent connections to utilities, providing independent living space for one family.

**EFFICIENCY APARTMENT**

A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking and sleeping purposes and having no separate, designated bedroom.

**ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance by public utilities or Village departments of underground, surface or overhead gas, electrical, steam, fuel or water distribution systems, collection, wire communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings or wireless communications facilities, which are necessary for the furnishing of adequate services to the Village by such utilities or Village departments for general health, safety or welfare.

**FAMILY**

An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any group of individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration.

**FAMILY DAY-CARE HOME**

Those terms as defined in section 1 of 1973 P.A. 116, MCLA § 722.111, and only apply to the bona fide private residence of the operator of the family or group day-care home.

**FARM BUILDING**

Any building or structure existing or proposed to be constructed on a farm incidental to and customarily used for farm purposes, except a dwelling unit.

**FARM PONDS**

For the purposes of this chapter, farm ponds are not considered a structure but are considered a use incidental to farming or agricultural purposes.

**FARM, HOBBY**

See "hobby farm."

**FENCE**

A constructed barrier erected to enhance, screen or separate areas.

**FLOOR AREA, GROSS (TOTAL)**

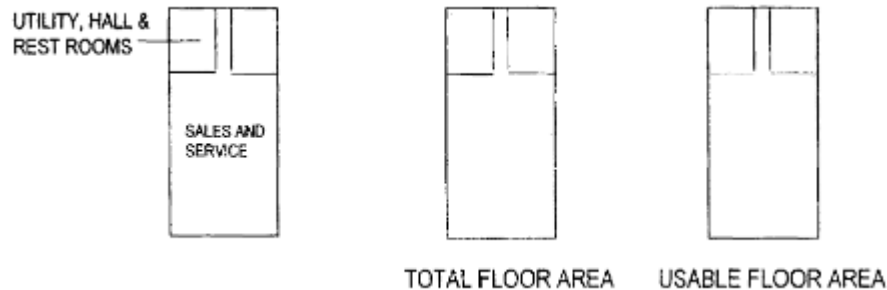
The total horizontal area of all floors of a building, measured from the exterior faces of the exterior walls and including all habitable basement areas, as determined by the Building Code.<sup>[2]</sup> For



nonresidential buildings, the floor area shall include accessory buildings and all basement space used for activities related to the principal use.

#### **FLOOR AREA, USABLE: NONRESIDENTIAL**

That area used for or intended to be used for the sale of merchandise or service, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities shall be excluded from this computation of usable floor area.



#### **FLOOR AREA, USABLE: RESIDENTIAL**

For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed porches.

#### **FLOOR AREA RATIO (FAR)**

Gross floor area of all buildings or structures on a lot divided by the total lot area.

#### **FRONTAGE**

That portion of any property abutting a public or private road right-of-way.

#### **GARAGE, PRIVATE**

An accessory structure which is designed and intended for storing one or more vehicles for private rather than public, commercial or industrial purposes. Garages attached to dwellings shall be deemed a part of the dwelling for purposes of determining yard requirements but not floor area.

#### **GAS STATION**

See "vehicle service station."

#### **GRADE**

The average elevation of the finished surface of the ground adjacent to the exterior wall of a building or structure.

#### **GREENBELT**

A strip of land of specified width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen, buffer strip or landscaped open space.

#### **GREENWAY**

A contiguous or linear open space, including habitats, wildlife corridors and trails, that links parks, nature reserves, cultural features or historic sites with each other for recreation and conservation purposes.

#### **GROUP DAY-CARE FACILITY**

A nonresidential building or structure where care, protection and supervision are provided on a regular schedule, at least twice a week, to either children or adults.

**GROUP DAY-CARE HOME**

Those terms as defined in section 1 of 1973 P.A. 116, MCLA § 722.111, and only apply to the bona fide private residence of the operator of the family or group day-care home.

**HOBBY FARM**

A farm which is limited in scale, operated on a part-time basis primarily for pleasure.

**HOME OCCUPATION**

Home occupations shall be limited to an occupation, activity or hobby that is traditionally or customarily carried on within the walls of a dwelling unit, provided that such occupation is incidental to the residential use to the extent that not more than 20% of the gross floor area of the principal building or 50% of the accessory building shall be occupied by such occupation.

**HOME, NURSING**

See "convalescent or rest home."

**HOSPITAL**

A health care institution which provides medical and surgical care to humans on an inpatient basis and which may include such related activities as laboratories, outpatient clinics, training facilities, offices, and central service operations.

**HOTEL/MOTEL**

A facility offering transient lodging accommodations to the general public and which may include additional services such as restaurant, meeting rooms, entertainment and indoor recreational activities.

**HOUSING, ASSISTED LIVING**

See "convalescent or rest home."

**HOUSING, CONGREGATE ELDERLY**

Living units consisting of dwelling units containing kitchen, sanitary, sleeping and living spaces in addition to common service areas, including, but not limited to, central dining room(s), recreational room(s) and central lounges. Congregate elderly housing does not include group adult foster care homes.

**HOUSING, INDEPENDENT ELDERLY**

Living units that may include attached or detached cottage-type dwellings, townhouses or apartments consistent with all provisions of this chapter otherwise applicable to such dwellings.

**IMPROVEMENTS**

Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project that is the subject of zoning approval.

**INTENSITY OF DEVELOPMENT**

The height, bulk, area, density, setback, use and other similar characteristics of a development.

**JUNKYARD (SALVAGE/RECYCLING YARD.)**

An open area used for the purchase, sales, exchange, disassembly, storage, processing, bailing or packaging of any scrap, waste, reclaimable materials or debris, whether or not stored for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of or used, including but not limited to scrap metals, unusable machinery or motor vehicles, tires, bottles and paper, excluding uses established entirely within enclosed buildings. Specifically included are storage areas for motor vehicles not movable under their own power.

**KENNEL, COMMERCIAL**

An establishment where three or more domestic animals are kept for sale, boarding, breeding or training purposes for remuneration, or where seven or more domestic animals over the age of one year are kept for any reason.

#### **KENNEL, PRIVATE**

An area where more than three but less than seven domestic animals over the age of one year are kept for recreation or personal use.

#### **LANDFILL, SANITARY**

A tract of land developed, designed and operated for the disposal of solid waste in conformance with Act 641 of the Michigan Public Acts of 1978, as amended, and any rules or regulations established based on this act.

#### **LARGE ANIMALS**

Farm animals and other similar animals which are customarily raised on a farm. A large animal unit, as regulated in this chapter, shall be the equivalent of the following numbers of such animals:

Horses	1
Cattle	1
Ponies	2
Pigs	2
Sheep	2
Goats	2
Ostriches/Emu	2

#### **LEGISLATIVE BODY**

The Village Council of the Village of New Haven.

#### **LOCAL UNIT OF GOVERNMENT**

The Village of New Haven.

#### **LOT**

A single tract or parcel of land established by plat, subdivision, land division or as otherwise permitted by law. To satisfy the requirements of this chapter, a lot may include one or more lots of record.

#### **LOT AREA**

The total horizontal area within the lot lines of a lot, excluding any public or private street right-of-way or easement area.

#### **LOT, CORNER**

Any lot located at the intersection of two streets. A lot on a curved street shall be considered a corner lot if the intersection of the two front lot lines forms an interior angle of less than 135°.

#### **LOT COVERAGE**

That part or percent of the lot occupied by principal and accessory buildings.

#### **LOT DEPTH**

The horizontal distance between the front and rear lot lines measured along the median between the side lot lines.

#### **LOT, DOUBLE FRONTAGE**

An interior lot having frontage on two more or less parallel streets, as distinguished from a corner lot; a through lot.

#### **LOT, FLAG**

A lot which does not meet minimum frontage requirements, where access to an adjacent public or private road is provided by a narrow, private driveway easement or driveway, and where the remainder of the lot, exclusive of the private driveway area, conforms with minimum lot width, area and design requirements.

### LOT, INTERIOR

Any lot other than a corner lot or through lot.

### LOT LINES (PROPERTY LINES)

The lines bounding a lot as defined herein:

#### A. FRONT LOT LINE

In the case of an interior lot, the line separating the lot from a public or private road right-of-way. In the case of a corner lot or through lot, the line separating the lot from either road right-of-way.

#### B. REAR LOT LINES

That line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be a line parallel to the front lot line which is 10 feet long, lying farthest from the front lot line and wholly within the lot. For corner lots with two front lot lines, that line opposite the front lot line upon which the front of the principal structure faces.

#### C. SIDE LOT LINE

Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. A lot line separating a lot from a public or private road right-of-way is a front lot line.

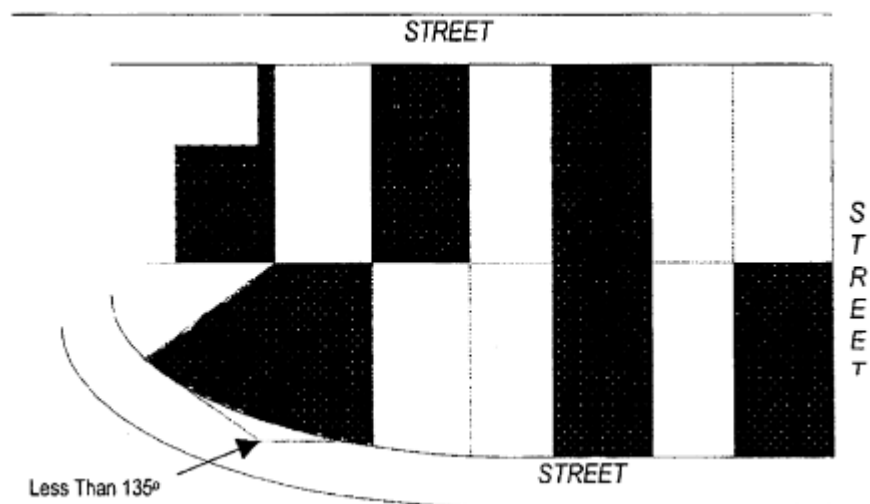
### LOT OF RECORD

A parcel of land, the dimensions of which are shown on a recorded plat on file with the County Register of Deeds, or any parcel which has been separated therefrom in accordance with the provisions of the Land Division Act and which exists as described.

### LOT, THROUGH

A double frontage lot.

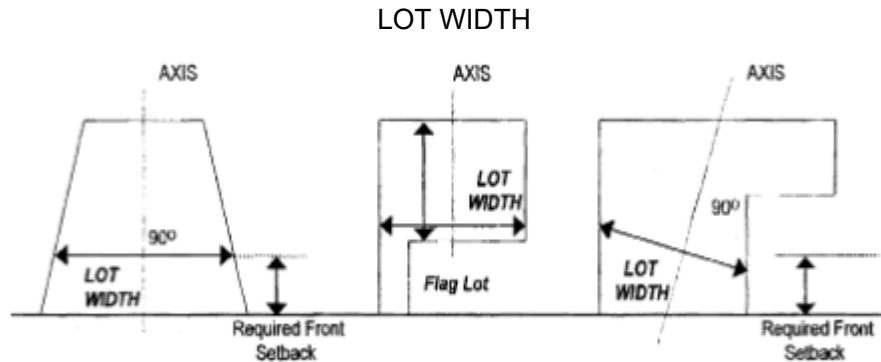
TYPES OF LOTS



### LOT WIDTH

If the side property lines are parallel, the shortest distance between the side lines; or if the side property lines are not parallel, the width of the lot shall be the length of a straight line connecting the side lot lines at a right angle to the axis of the lot, as measured at the setback line. The axis of a lot shall be a line joining the midpoints of the front and rear property lines. In the case of a flag

lot, lot width shall be measured as both the distance of a straight line connecting the side lot lines at a right angle to the axis in the "flag" portion of the lot only and the distance of a straight line, perpendicular to the road, between the rear property line and the property line parallel and closest to the road.



### **MASTER PLAN**

The adopted Village of New Haven Master Plan.

### **MOBILE HOME**

A detached, portable, single-family dwelling unit, prefabricated on its own chassis according to federal standards, to be transported after fabrication to a location where it will be connected to existing utilities and utilized for long-term occupancy as a complete dwelling. This definition does not include a travel trailer.

### **MOBILE HOME PARK**

A parcel of land developed in conformity with Michigan Public Act 419 of 1976, as amended. A manufactured housing community.

### **MOBILE HOME PARK LICENSE**

A license issued by the Mobile Home Commission allowing a person to operate and maintain a mobile home park under the provisions of Michigan Public Act 419 of 1976, as amended.

### **MOTEL**

See "hotel."

### **NONCONFORMING BUILDING (STRUCTURE)**

A building or structure (or portion thereof) lawfully existing at the time of adoption of this chapter or a subsequent amendment thereto that does not conform to the provisions of this chapter.

### **NONCONFORMING LOT**

A lot which exists as a legal lot of record and which existed as a legal lot of record at the effective date of adoption or amendment of this chapter which does not conform to the lot requirements of this chapter.

### **NONCONFORMING SIGN**

A sign lawfully existing at the effective date of the adoption of this chapter or a subsequent amendment thereto which does not adhere to the provisions contained in this chapter.

### **NONCONFORMING USE**

A use of a building or structure or of a parcel or tract of land lawfully existing at the time of adoption of this chapter or a subsequent amendment thereto that does not conform to the regulations of this chapter for the zoning district in which it is situated.

### **NONCONFORMING USE AND BUILDING**

A use and a building lawfully existing at the time of adoption of this chapter or a subsequent amendment thereto which does not conform to the regulations of this chapter for the zoning district in which it is situated.

### **NURSERY, PLANT MATERIALS**

A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises, including products used for gardening or landscaping. This definition does not include the sale of fruits, vegetables or Christmas trees.

### **NURSERY SCHOOL**

See "group day-care facilities."

### **OTHER ELIGIBLE LAND**

Land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.

### **OWNER**

The person or persons, firm, entity or corporation having legal or equitable title to a building, structure, operation, lot or parcel of land, or their lessors or agents.

### **PARCEL**

See "lot."

### **PLANNING COMMISSION**

The Planning Commission of the Village of New Haven.

### **PLANNED UNIT DEVELOPMENT (PUD)**

A planned unit development (PUD) permits flexibility in regard to use, height, bulk and placement regulations, as specified in Article **XVI**, Planned Unit Development District Overlay. PUD may permit mixed use of land.

### **PLAT**

Means a map or chart of a subdivision of land. See the Village of New Haven Subdivision Regulations.<sup>[3]</sup>

### **POPULATION**

The population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil State Revenue Sharing Act of 1971, 1971 P.A. 140, MCLA § 141.907, whichever is the more recent.

### **PORCH**

A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and which projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

### **PRINCIPAL STRUCTURE**

The structure(s) in which are carried out the principal use(s) on a site.

### **PRINCIPAL USE**

The primary use to which the premises are devoted.

### **PROJECTIONS**

See definition of "architectural features."

### **PUBLIC UTILITY**

A person, firm or corporation, governmental department, board or commission duly authorized to furnish, and furnishing, under federal, state or Village regulations to the public gas, steam,

electrical service, sewage disposal, communication, telegraph, transportation or water.

## **RECREATIONAL VEHICLE**

- A. A vehicular type of portable structure without permanent foundation, which can be towed, hauled or driven, and primarily designed for temporary living accommodations for recreational and travel use; or
- B. A vehicle which may or may not be licensed for road use, which is primarily intended and used for off-road or water-related pleasure activities.

## **RESTAURANT, SIT-DOWN**

An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, cafeterias, tea rooms, and outdoor cafes.

## **RESTAURANT, FAST FOOD**

An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service or prepared, fried or grilled quickly. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers. These facilities may or may not have a drive-through pickup window.

## **RESTAURANT: DRIVE-IN**

A business establishment serving food and/or beverages that is designed so that the principal retail service activity is provided on an internal driveway or parking area for motor vehicles to serve patrons who will consume the food and/or beverages in the motor vehicles while on the premises or elsewhere.

## **RIGHT-OF-WAY LINE**

The line separating a public or private street (including adjacent publicly owned land) and a lot or parcel.

## **SALVAGE/RECYCLING YARD**

See definition of "junkyard."

## **SETBACK**

The distance required from a lot line or right-of-way line to a structure or use to obtain front, side or rear yard open space provisions of this chapter.

## **SETBACK LINE**

A line marking the setback from a street right-of-way or lot lines, which establishes the minimum required front, side or rear open space of a lot (see "yard").

## **SIGNS**

- A. The term "sign" shall mean the use of any words, numerals, figures, pictures, banners, pennants, sculpture, devices, designs, insignia, inflatable devices, imprints or trademarks by which anything is made known, advertised or attracts attention to an object, product, place, activity, person, message, institution, organization, cause, business, service or use when viewed from outside a building or from neighboring properties and roadways, or which promotes the interests of any person, firm or corporation when the same is placed in view of the general public, whether displayed on a permanent or portable structure attached or not attached to a building, including painted directly on an exterior building wall or awning. For purposes of this chapter, a sign shall not include:
  - (1) Official flags or insignia of any government and/or officially recognized weather flags.
  - (2) Legal notices, identification information or devices erected or authorized by governmental bodies.

- (3) Signs of one square foot or less which contain only the names of residents and/or street address numbers.
  - (4) Tubes/boxes for the delivery of mail and newspapers including the name or logo of the company involved.
- B. Definitions applying to specific types of signs shall include, without limitation, all of the following:

(1) **ACCESSORY SIGN**

A sign which pertains to and is incidental to the principal building and/or use on the premises.

(2) **ADVERTISING SIGN (NONACCESSORY SIGN)**

A sign relating to an activity, use or service not performed on the premises or to a product not fabricated, produced, handled or sold on the same premises upon which the sign is displayed. A sign which does not pertain to the principal use of the premises.

(3) **AWNING SIGN**

A canopy sign.

(4) **BILLBOARD**

An advertising sign upon which a display is pasted, painted or otherwise affixed in a manner which is readily changed. A nonaccessory sign.

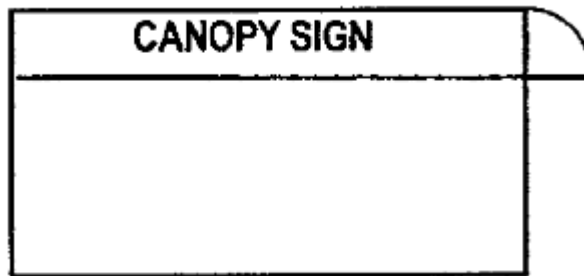
(5) **BULLETIN BOARD SIGN**

An accessory sign of the following nature:

- (a) Listing church, school or municipal names and/or events.
- (b) A directory of tenants and/or activities within a building, use area or planned grouping of buildings, or other multitenant development with separate panels for each individual tenant.

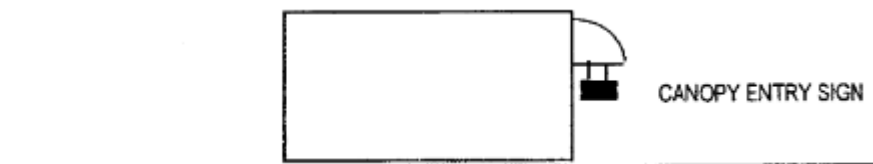
(6) **CANOPY SIGN**

A sign attached to, painted or printed on a canopy, awning, marquee or other similar type of structure. All awnings which have backlighting shall constitute signs for purposes of this section.



(7) **CANOPY ENTRY SIGN**

A sign attached to the underside of a canopy, awning, marquee or other similar type of structure.



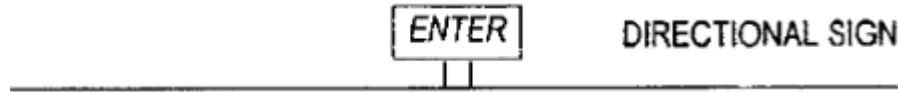


**(8) CHANGEABLE COPY SIGN**

A sign on which message copy or graphics can be changed through the use of attachable letters, numerals or graphics; or by electronic switching of lamps or other illuminating devices.

**(9) DIRECTIONAL SIGN**

A sign which directs or attempts to direct vehicular or pedestrian movements.

**(10) ENTRANCEWAY SIGN**

A ground sign identifying a primary vehicular entrance to a nonresidential or residential use such as a subdivision.

**(11) FESTOON SIGN**

Pennants, flags, banners, streamers, inflatable devices and strings of lights.

**(12) FLASHING, ANIMATED OR MOVING SIGN**

A sign which intermittently reflects and/or produces light and/or movements from artificial or natural sources.

**(13) FREESTANDING SIGN**

A sign which is not mounted on or structurally attached to a building and which has its own foundation and support structures permanently attached to the ground.

**(14) GROUND SIGN**

A freestanding sign the bottom edge of which is located close to grade and thereby precludes visibility beneath the sign. Ground signs include monument type signs. Not a post-pylon sign.

**(15) NONACCESSORY SIGN**

A sign which does not pertain to the principal use of the premises.

**(16) POLITICAL SIGN**

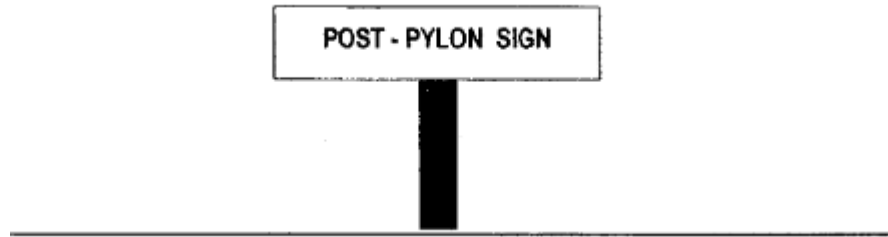
A sign relating to an election to be voted upon by the general public, or expressing a personal statement or opinion.

**(17) PORTABLE SIGN**

A freestanding sign not permanently anchored or secured to either a building, structure or the ground, such as, but not limited to, so-called A-frame, T-shaped or inverted T-shaped stands. Any sign attached to a trailer or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising; a temporary sign.

**(18) POST-PYLON SIGN**

A sign supported by post(s) or other column(s) thereby providing a predominately clear viewing space beneath the sign; not a ground sign.

**(19) PROJECTING SIGN**

A sign attached to a building wall and projecting outward from the face of said building more than 12 inches (not a wall sign).

**(20) REAL ESTATE SIGN**

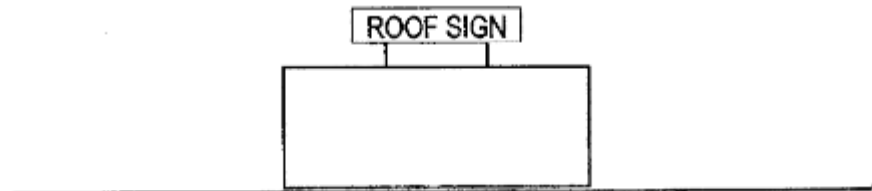
A freestanding temporary sign placed upon a property advertising that particular property or buildings for sale, rent or lease.

**(21) REPLACEMENT SIGN**

A new or refurbished sign panel or facing within an existing sign or sign structure that does not increase sign area or otherwise modify the size or location of the sign.

**(22) ROOF SIGN**

A sign attached or located on the roof of a building.

**(23) TEMPORARY SIGNS**

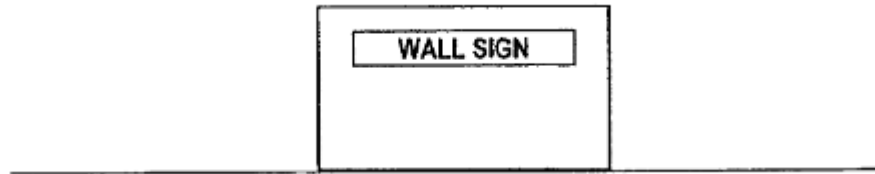
Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, wood, metal or other material which is not permanently affixed to a structure or foundation in accordance with applicable building code requirements and which is intended and designed to be of use for a limited period of time.

**(24) TEMPORARY AND PERMANENT BANNERS**

Any plastic, film, paper, cloth or similar material and its associated message area that is designed to be tied or otherwise fastened to a building or other structure so as to constitute a sign; a festoon sign.

**(25) WALL SIGN**

Any sign attached to or erected against a wall or parapet wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of such wall and projecting outward from the wall not more than 12 inches; not a projecting sign.



#### (26) **WINDOW SIGN**

Any paper, poster board, plastic film, cloth, paint or similar material, either temporary or permanent, and its associated message area, that is placed on or behind a window and which is visible from outside a business building.

#### **SITE PLAN**

The documents and drawings required by the Zoning Ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

#### **STATE-LICENSED RESIDENTIAL FACILITY**

A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 P.A. 218, MCLA § 400.701, or 1973 P.A. 116, MCLA §§ 722.111 to 722.128, and provides residential services for six or fewer persons under twenty-four-hour supervision or care.

#### **STORAGE YARD, OUTDOOR**

An area for the outdoor storage of materials, equipment, products and similar goods. Excluded from this definition is limited outdoor storage accessory to an otherwise permitted use but not occupying an area greater than the gross floor area of all structures on site. Also excluded is the outdoor storage of plant materials.

#### **STORY**

That part of a building, except a mezzanine or basement, as defined herein, included between the surface of one floor and the surface of the next floor above it, or any portion of a building between the topmost floor and the roof having a usable floor area equal to at least 50% of the usable floor area of the floor immediately below it. See the graphic example under the definition of "basement."

#### **STRUCTURE**

Any constructed or erected material, the use of which requires location on the ground or attachment to something having location on the ground, including but not limited to buildings, towers, sheds and signs, but excepting walks, drives, pavements, fences and similar access or circulation facilities.

#### **SUBDIVISION**

The division of land in accordance with the Land Division Act, as amended, and the Village of New Haven Subdivision Regulations.<sup>[4]</sup>

#### **SUBDIVISION ORDINANCE**

The Village of New Haven Subdivision Regulations.

#### **TEMPORARY USE OR BUILDING**

A use or building permitted to exist during periods of construction of a main building or use without permanent foundation and for a specified period of time.

#### **UNDEVELOPED STATE**

A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway or linear park. Land in an undeveloped state may be, but is not limited to be, dedicated to the use of the public.

**USE**

The principal and/or accessory purpose(s) for which a parcel or building is designed, arranged or intended to be utilized, or for which the parcel or building is or may be occupied.

**USABLE FLOOR AREA**

See "floor area, usable."

**UTILITY STRUCTURE**

Facilities related to and necessary for the operation of oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph lines, oil and gas wells and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations and switching stations.

**VEHICLE CONVENIENCE STATION**

An establishment for the sale and dispensing of gasoline, oil and auto accessories, and for minor repairs such as tune-ups and flat tire repair, but not including body repair, engine rebuilding, rustproofing and similar activities. This use may include a convenience mini-mart as an accessory use or as a principal use in conjunction with fuel sales only.

**VEHICLE REPAIR GARAGE**

A building or premises where the following services may be carried out in a completely enclosed building: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting and undercoating of automobiles.

**VEHICLE SERVICE CENTER**

A building or premises used primarily for the sale and installation of major automobile accessories, such as tires, batteries, radio, air conditioners and mufflers, plus such services as brake adjustment, wheel alignment and balancing, but excluding any major mechanical repairs, collision work, undercoating or painting. Sale of gasoline shall be incidental to the above-enumerated activities.

**VEHICLE WASH FACILITY**

An area of land and/or structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

**VILLAGE**

Village of New Haven.

**WIRELESS COMMUNICATIONS FACILITIES**

All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities, monopoles and lattice towers. Not included within this definition are citizen band radio facilities; short-wave facilities; ham, amateur radio facilities; satellite dishes and governmental facilities which are subject to state or federal laws which preempt municipal regulatory authority.

**YARD**

The open spaces on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter and as defined herein:

**A. FRONT YARD**

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front setback line. In the case of a flag lot, the front yard shall include the post portion of the lot and an open space extending the full width of the flag portion of the lot, the depth of which is the minimum horizontal distance between the flag lot line closest to and parallel (or near parallel) to the adjacent road and the front setback line.

**B. REAR YARD**

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear setback line. In the case of a flag lot, any yard which is not a front yard.

**C. SIDE YARD, INTERIOR**

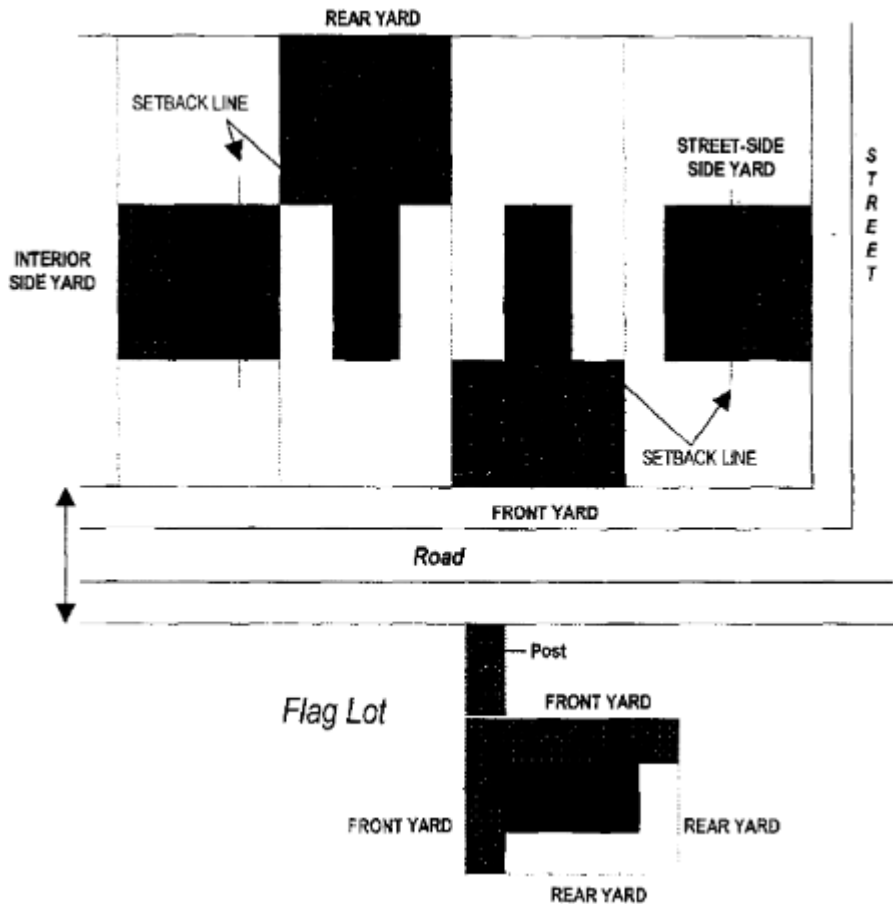
An open space extending from the front yard to the rear yard, the width of which is the horizontal distance from nearest point of the side lot line to the side setback line.

**D. SIDE YARD, STREET-SIDE**

See "exterior yard."  
 [Added 6-12-2001 by Ord. No. 272]

**E. EXTERIOR SIDE YARD**

A side yard which abuts a public or private street right-of-way; may also be referred to as a street-side side yard.  
 [Amended 6-12-2001 by Ord. No. 272]



- [1] *Editor's Note: See now MCLA § 125.3507.*
- [2] *Editor's Note: See Ch. 160, Building Construction.*
- [3] *Editor's Note: See Ch. 455, Subdivision Reservations.*
- [4] *Editor's Note: See Act No 288 of the Public Acts of 1967, MCLA § 560.101 et seq., and Ch. 455, Subdivision Regulations of this Code, respectively.*

## Article III. Map; Districts; Boundaries

### § 515-4. Establishment of zoning districts.

For the purposes of this chapter, the Village is hereby divided into the following districts:

FP	Floodplain Overlay District
SF	Single-Family Residential District
SF-1	Single-Family Residential District
SF-2	Single-Family Residential District
MF	Multiple-Family Residential District
MH	Manufactured Housing Residential District
RO	Residential Office District
GBD	General Business Downtown District
GB	General Business District
IO	Industrial Office District
LI	Light Industrial District
HI	Heavy Industrial District
PUD	Planned Unit Development Overlay District

## § 515-5. Official Zoning Map.

- A. The districts established in § **515-4** shall be graphically portrayed on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.<sup>[1]</sup>

[1] *Editor's Note: The Zoning Map is on file in the Village office.*

- B. The Official Zoning Map shall be identified by the following: "This is to certify that this is the Official Zoning Map referred to in § **515-5** of the Village of New Haven Zoning Ordinance adopted on January 12, 1999," along with the certification and signature of the Village Clerk.
- C. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly with the effective dates of the changes. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change shall be considered a violation of this chapter.
- D. The Official Zoning Map, and all files and records regarding amendments thereto, shall be located in the Office of the Village Clerk. The Official Zoning Map shall be the final authority regarding the current zoning status of all land, water, buildings and other structures or improvements in the Village, regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published.

## § 515-6. Replacement of Official Zoning Map.

- A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to changes, the Village Council may by resolution adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may also correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.
- B. The new Official Zoning Map shall be certified and signed by the Village Clerk as follows: "This is to certify that this is the Official Zoning Map referred to in § **515-5** of the Village of New Haven Zoning Ordinance. This Official Zoning Map supersedes and replaces the previously adopted Official Zoning Map of the Village of New Haven." Unless the prior Official Zoning Map has been

lost or totally destroyed, the entire map or any significant portions thereof shall be preserved, together with all available records pertaining to its adoption or amendment.

## § 515-7. Application of district regulations.

The district regulations of this chapter shall be minimum regulations and shall apply uniformly to all structures, buildings, uses and land, in accordance with the following:

- A. No building, structure, lot or parcel shall be used, occupied or altered and no building, structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations specified in this chapter for the district in which it is located.
- B. No building or other structure shall be erected or altered:
  - (1) To exceed the maximum height or bulk;
  - (2) To accommodate or house a greater number of families;
  - (3) To occupy a greater percentage of lot area;
  - (4) To have a yard, open space, or lot area which is less than herein required; or
  - (5) Which is in any other manner contrary to the provisions of this chapter.
- C. No part of a yard, other open space, off-street parking or loading area required to comply with the provisions of this chapter shall be included as part of the same requirements for another building unless expressly permitted.
- D. No yard area existing at the effective date of this chapter shall be altered in any way except in conformance with the minimum requirements set forth herein. Yard areas created after the effective date of this chapter shall meet the minimum requirements of this chapter.
- E. No lot or parcel existing at the effective date of this chapter shall be altered in any way except in conformance with the requirements set forth herein. Lots or parcels created after the effective date of this chapter shall meet the minimum requirements of this chapter.

## § 515-8. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Village boundaries shall be construed as following such boundaries.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event a shoreline changes, the boundaries shall be construed as also changing with the actual shoreline. Boundaries indicated as approximately following the center line of streams, rivers, drains, canals and other bodies of water shall be construed as following such center lines.

- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections **A** through **E** above shall be so construed. Distances not specified on the Official Zoning Map shall be determined by the scale of the Map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other instances not addressed by Subsections **A** through **F**, the Zoning Board of Appeals shall interpret district boundaries.

## § 515-9. Zoning of vacated areas.

Whenever any street, alley or other public right-of-way is vacated, the land which is vacated, or any portion thereof, shall be automatically classified in the same zoning district as the property to which it is attached. Should any portion of the land which is vacated border different districts, the center of such vacated land area shall be the dividing line between the districts.

## Article IV. FP Floodplain Overlay District

### § 515-10. Intent.

- A. These regulations have been established to permit certain uses within the established one-hundred-year floodplain areas as designated by the Federal Emergency Management Agency, Flood Insurance Rate Map, Panel No. 20446, effective September 17, 1980, as may be amended.
- B. If an applicant disagrees with the location of a floodplain boundary as established by the Flood Insurance Rate Map, the applicant may arrange for studies acceptable to the Federal Emergency Management Agency (FEMA), conducted at his own expense, which show the elevation of the one-hundred-year flood in the area in question, and if accepted by FEMA, this elevation shall be accepted as the floodplain boundary.
- C. Where there is a question regarding the exact location of a boundary, the Board of Appeals shall determine the location after receiving a recommendation from the Planning Commission. Such determinations may include assistance from the U.S. Army Corps of Engineers, the U.S. Geological Survey, the Michigan Water Resources Commission, or other agencies.
- D. The Floodplain District regulations, which apply as an overlay to any zoning district within the Village that is within the limits of a one-hundred-year floodplain area, are intended to allow use of lands within flood hazard areas in a manner that reduces hazards to persons and damage to property and permits the improvement or development of these lands that is designed to safeguard, preserve and protect the floodplains and their ability to carry and discharge a flood.

### § 515-11. Principal permitted uses.

The following uses shall be permitted within the boundary of the one-hundred-year floodplain.

- A. Agricultural uses, such as general farming, grazing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming, wild crop harvesting and similar uses.
- B. Limited private and public recreational areas, such as tennis courts, archery ranges, picnic grounds, public parks, swimming areas, wildlife and nature preserves, hiking trails, educational farms, but excluding motorized off-road vehicles of all types.
- C. Required open space or lot area for uses above the flood hazard area but within the same lot.
- D. Parking and loading areas for uses above the flood hazard area but within the same lot.



- E. Accessory buildings and structures, such as streets, bridges, outdoor play equipment, sheds, bathhouses and hoists, utility structures, bleachers, signs, fences, gazebos, and similar buildings and structures.
- F. Uses which, in the opinion of the Planning Commission, are similar to the above permitted uses.

## § 515-12. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**.

- A. Principal residential buildings and nonresidential buildings when the applicant demonstrates there is no other feasible alternative location on a development parcel, provided the following conditions are met:
  - (1) No building shall significantly raise flood levels at any point nor alter the flow pattern of the watercourse.
  - (2) All such buildings and additions or expansions to existing buildings shall be constructed so the lowest floor is at least one foot above the one-hundred-year floodplain elevation.
- B. Campgrounds (§ **515-127**).
- C. Equestrian stables and riding academies (§ **515-138**).
- D. Extraction, soil removal and mining operations (§ **515-139**).
- E. Commercial outdoor recreation (§ **515-133**).
- F. Utility structures (§ **515-159**); wireless communications facilities (§ **515-130**).
- G. Uses which the Planning Commission determines are similar to and compatible with the intent of this district and the special land uses in Article **XX**.

## § 515-13. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § **515-78**.

## § 515-14. Development regulations.

- A. All buildings, structures and additions to buildings and structures shall be designed and anchored to prevent flotation, collapse or lateral movement of the structure; construction materials and utility equipment shall be utilized that are resistant to flood damage; and construction methods and practices shall be utilized that will minimize flood damage.
- B. No wall or solid screen fence shall be constructed or enlarged, with the exception of walls that are parts of buildings and retaining walls designed to prevent the erosion or sliding of steep slopes.
- C. No sewage disposal systems shall be constructed within the floodplain district overlay.
- D. No dumping or filling of materials which would significantly raise flood levels at any point, or which would significantly alter the flow pattern of the watercourse, shall be permitted, except as required for the flood control and except as approved by the Michigan Department of Natural Resources.
- E. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of § **515-100** of this chapter and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.

- F. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.
- G. See Article **XVIII**, General Provisions, regarding general requirements which may relate to uses permitted in the district.
- H. Refer to Article **XVII**, Schedule of District Regulations, for the underlying zoning district regulations limiting the height and bulk of buildings, the minimum size of lot, the maximum density permitted providing minimum yard setback requirements and development options.<sup>[1]</sup>  
*[1] Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*

## Article V. SF Single-Family Residential District

### § 515-15. Intent.

The SF Single-Family Residential District is intended to provide areas for single-family residential development on larger lots than provided elsewhere in the Village. This district is intended to be generally consistent with areas which are designated on the Village's adopted Master Plan as "low-density single-family residential."

### § 515-16. Principal permitted uses.

In the Single-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Single-family dwellings.
- B. State-licensed family day-care homes.
- C. State-licensed residential facility [except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended].
- D. Public parks.
- E. Local utility structures in accordance with § **515-159**.
- F. Uses which, in the opinion of the Planning Commission after finding of fact, are similar to the above principal permitted uses.

### § 515-17. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Bed-and-breakfast facilities (§ **515-125**).
- B. Campgrounds (§ **515-127**).
- C. Cemeteries (§ **515-128**).
- D. Commercial outdoor recreation (§ **515-133**).
- E. Equestrian stables and riding academies (§ **515-138**).
- F. Public educational institutions (§ **515-137**).

- G. Limited (hobby) farms (§ **515-146**).
- H. Nursery/child-care centers and group day-care facilities (§ **515-149**).
- I. One accessory apartment in a single-family home (§ **515-123**).
- J. Places of worship (§ **515-153**).
- K. Private kennels (§ **515-145**).
- L. Raising/keeping of animals (§ **515-155**).
- M. State-licensed group day-care homes (§ **515-142**).
- N. Utility transmission systems and structures (§ **515-159**).
- O. Uses which the Planning Commission determines are similar to and compatible with the intent of this section and the special land uses in Article **XX**.

## § 515-18. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § **515-78**. In addition, the following accessory structures and uses may also be permitted subject to the provisions of this section:

- A. Garage and yard sales in accordance with § **515-110**.
- B. Home occupations in accordance with § **515-105**.
- C. Private residential ponds in accordance with § **515-103**.

## § 515-19. Development regulations.

- A. Site plans as required in § **515-100** of this chapter shall be submitted to the Planning Commission for its review and approval prior to issuance of a building permit for all special land uses, site condominium subdivisions, and for other uses or structures which require site plan review (see § **515-100**).
- B. Single-family homes shall meet the applicable requirements of Article **XVII** and § **515-86**.
- C. See § **515-91** regulating the screening of off-street parking and other activity areas for nonresidential uses permitted in the SF Districts. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.
- D. See Article **XVIII**, General Provisions, regarding general requirements which may relate to uses permitted in the district.
- E. Except where otherwise regulated in this article, refer to Article **XVII**, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, providing minimum yard setback requirements and development options.<sup>[1]</sup>  
*[1] Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*
- F. No required front yard space in any SF District shall be used for the storage or parking of vehicles or any other materials or equipment.
- G. Prohibited use of open areas: No machinery, equipment, vehicles or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

# Article VI. SF-1 Single-Family Residential District

## § 515-20. Intent.

The SF-1 Single-Family Residential District is intended to provide areas for primarily single-family dwellings and related uses which are of a higher overall density in comparison to the SF District. This district is intended to be consistent in nature with areas which are designated on the Village's adopted Master Plan as "moderate-density single-family residential."

## § 515-21. Principal permitted uses.

In the Single-Family Residential SF-1 District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Single-family homes.
- B. State-licensed family day-care homes.
- C. State-licensed residential facility [except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended].
- D. Public parks.
- E. Local utility systems and structures in accordance with § **515-159**.
- F. Uses which, in the opinion of the Planning Commission after finding of fact, are similar to the above principal permitted uses.

## § 515-22. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Cemeteries (§ **515-128**).
- B. Public educational institutions (§ **515-137**).
- C. Nursery/child-care centers and group day-care facilities (§ **515-149**).
- D. Places of worship (§ **515-153**).
- E. State-licensed group day-care homes (§ **515-142**).
- F. Utility transmission structures (§ **515-159**).
- G. Uses which the Planning Commission determines are similar to and compatible with the intent of this section and the special land uses in Article **XX**.

## § 515-23. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § **515-78**. In addition, the following accessory structures and uses may also be permitted subject to the provisions of this section:

- A. Garage and yard sales in accordance with § **515-110**.

- B. Home occupations in accordance with § **515-105**.
- C. Private residential ponds in accordance with § **515-103**.
- D. Swimming pools in accordance with § **515-79**.

## § 515-24. Development regulations.

- A. Site plans as required in § **515-100** of this chapter shall be submitted to the Planning Commission for its review and approval prior to issuance of a building permit for all special land uses, site condominium subdivisions, and for other uses or structures which require site plan review (see § **515-100**).
- B. Single-family homes dwellings shall meet the applicable requirements of Article **XVII** and § **515-86**.
- C. See § **515-91** regulating the screening of off-street parking and other activity areas for nonresidential uses permitted in the SF-1 District. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.
- D. See Article **XVIII**, General Provisions, regarding general requirements which may relate to uses permitted in the district.
- E. Except where otherwise regulated in this article, refer to Article **XVII**, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, providing minimum yard setback requirements and development options.<sup>[1]</sup>  
*[1] Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*
- F. No required front yard space in any SF-1 District shall be used for the storage or parking of vehicles or any other materials or equipment.
- G. Prohibited use of open areas: No machinery, equipment, vehicles or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

## Article VII. SF-2 Single-Family Residential District

### § 515-25. Intent.

[Amended 6-12-2001 by Ord. No. 272]

The SF-2 Single-Family Residential District is intended to provide areas for single-family dwellings and related uses which are of a higher overall density in comparison to the SF District. This district is intended to be consistent in nature with areas which are designated on the Village's adopted Master Plan as "moderate-density single-family residential."

### § 515-26. Principal permitted uses.

In the Single-Family Residential SF-2 District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Single-family homes.
- B. State-licensed family day-care homes.
- C. State-licensed residential facility [except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended].

- D. Public parks.
- E. Local utility structures in accordance with § **515-159**.
- F. Uses which, in the opinion of the Planning Commission after finding of fact, are similar to the above principal permitted uses.

## § 515-27. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Bed-and-breakfast facilities (§ **515-125**).
- B. Campgrounds (§ **515-127**).
- C. Cemeteries (§ **515-128**).
- D. Public educational institutions (§ **515-137**).
- E. Independent senior housing (§ **515-168**).
- F. Nursery/child-care centers and group day-care facilities (§ **515-149**).
- G. Places of worship (§ **515-153**).
- H. State-licensed group day-care homes (§ **515-142**).
- I. Utility transmission systems and structures (§ **515-159**).
- J. Uses which the Planning Commission determines are similar to and compatible with the intent of this section and the special land uses in Article **XX**.

## § 515-28. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § **515-78**. In addition, the following accessory structures and uses may also be permitted subject to the provisions of this section:

- A. Garage and yard sales in accordance with § **515-110**.
- B. Home occupations in accordance with § **515-105**.
- C. Private residential ponds in accordance with § **515-103**.
- D. Swimming pools in accordance with § **515-79**.

## § 515-29. Development regulations.

- A. Site plans as required in § **515-100** of this chapter shall be submitted to the Planning Commission for its review and approval prior to issuance of a building permit for all special land uses, site condominium subdivisions, and for other uses or structures which require site plan review (see § **515-100**).
- B. Single-family homes shall meet the applicable requirements of Article **XVII** and § **515-86**.  
[Amended 6-12-2001 by Ord. No. 272]

- C. See § **515-91** regulating the screening of off-street parking and other activity areas for nonresidential uses permitted in the SF-2 Districts. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.
- D. See Article **XVIII**, General Provisions, regarding general requirements which may relate to uses permitted in the district.
- E. Except where otherwise regulated in this article, refer to Article **XVII**, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, providing minimum yard setback requirements and development options.<sup>[1]</sup>  
*[1] Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*
- F. No required front yard space in any SF-2 District shall be used for the storage or parking of vehicles or any other materials or equipment.
- G. Prohibited use of open areas: No machinery, equipment, vehicles or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

## Article VIII. MF Multiple-Family Residential District

### § 515-30. Intent.

The Multiple-Family Residential District is intended to provide areas for multiple-family residential dwellings. Uses provided in the MF District are often considered to be good transition areas between single-family residential and higher-intensity nonresidential land uses.

### § 515-31. Principal permitted uses.

In the Multiple-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Two-family dwellings in accordance with Article **XVII** and § **515-86**.
- B. Multiple-family dwellings in accordance with Article **XVII** and § **515-86**.
- C. Congregate elderly housing.
- D. Independent elderly housing.
- E. Public buildings and uses without storage yards, excluding post offices, public museums, and public libraries.
- F. Public parks.
- G. State-licensed family day-care homes.
- H. State-licensed residential facility [except as for those excluded in Section 206.(2) of Act 110 of the Public Acts of Michigan 2006, as amended].
- I. Uses which, in the opinion of the Planning Commission after finding of fact, are similar to the above principal permitted uses.

### § 515-32. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Bed-and-breakfast facilities (§ **515-125**).
- B. Convalescent or rest homes, and assisted living (§ **515-135**).
- C. Public educational institutions (§ **515-137**).
- D. Nursery and child-care centers (§ **515-149**).
- E. Places of worship (§ **515-153**).
- F. Public buildings and uses with outdoor storage yards (§ **515-154**).
- G. Utility structures. (§ **515-159**)
- H. Single-family dwellings in accordance with (§ **515-86**), and provided:
  - (1) The location of the proposed single-family dwelling shall be in an area conducive to single-family development and appropriately buffered from more intensive uses permitted in the district.
  - (2) All single-family structures shall be set back at least 30 feet from any property line shared with a multiple-family or nonresidential use.
  - (3) Lot dimensions and development shall conform with the SF-2 District standards.
- I. State-licensed group day-care homes (§ **515-142**).
- J. Adult foster care small group home and adult foster care large group home (§ **515-167**).
- K. Uses which the Planning Commission determines are similar to and compatible with the intent of this section and the special land uses in Article **XX**.

## § 515-33. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § **515-78**. In addition, the following accessory structures and uses may also be permitted, subject to the provisions of this section:

- A. Garage and yard sales in accordance with § **515-110**.
- B. Home occupations in accordance with § **515-105**.

## § 515-34. Development regulations.

- A. Site plans as required in § **515-100** of this chapter shall be submitted to the Planning Commission for its review and approval prior to issuance of a building permit for all special land uses, site condominiums, subdivisions, and for other uses or structures which require site plan review (see § **515-100**).
- B. See § **515-91** regulating the screening of off-street parking areas for nonresidential uses permitted in the MF District. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.
- C. See Article **XVIII**, General Provisions, regarding general requirements which may relate to uses permitted in the district.



- D. Except where otherwise regulated in this article, refer to Article **XVII**, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, providing minimum yard setback requirements and development options.<sup>[1]</sup>

[1] *Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*

- E. No required front yard space in any MF District shall be used for the storage or parking of vehicles or any other materials or equipment.
- F. Prohibited use of open areas: No machinery, equipment, vehicles or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

## Article IX. MH Manufactured Housing Residential District

### § 515-35. Intent.

The Manufactured Housing Residential District is intended to provide areas where manufactured housing communities (mobile home parks) and subdivisions may be developed.

### § 515-36. Principal permitted uses.

In the Manufactured Housing Residential District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Manufactured housing parks subject to the requirements established by Act 419 of the Public Acts of 1976,<sup>[1]</sup> as amended, and the provisions of this chapter and other applicable ordinances of the Village of New Haven, and as approved by the Manufactured Housing Division.

[1] *Editor's Note: See now Act 96, Public Acts of 1987, State of Michigan, as amended.*

- B. Manufactured housing subdivisions subject to the requirements established by Act 288 of the Public Acts of 1967,<sup>[2]</sup> as amended, the provisions of this chapter and other applicable ordinances of the Village of New Haven.

[2] *Editor's Note: See MCLA § 560.101 et seq.*

- C. Single-family manufactured housing and site-built housing units.

### § 515-37. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Manufactured housing condominiums as regulated by Act 59 of the Public Acts of 1978.
- B. Public parks.
- C. Utility structures (§ **515-159**).

### § 515-38. Accessory structures and uses.

Accessory structures and uses of land such as private recreation areas and management buildings designed primarily for the convenience and use of the dwellers of the park or subdivision, in accordance with § **515-78**.

## § 515-39. District regulations.

### A. Specific standards for manufactured housing parks and subdivisions.

- (1) Greenbelt. When a manufactured housing park or subdivision adjoins any residential zoning district, a buffer strip shall be provided as follows:
  - (a) The buffer strip shall be graded with a continuous berm at least three feet above the grade elevation at the common property line, and the width of the buffer strip shall be at least 12 feet.
  - (b) All portions of the buffer strip shall be planted with grass, ground cover, shrubbery or other suitable plant material.
  - (c) A minimum of one deciduous tree plus one additional deciduous tree shall be planted for each 30 lineal feet of required buffer strip length. Required trees shall be planted at approximately thirty-foot intervals.
- (2) Open space. All open space shall be in accordance with the Manufactured Housing Code Rule 946. Where common open space is created within a development, provisions for maintenance must be established in a manner acceptable to the Village Council. Where such space is not maintained in accordance with the agreement provided therefor, the Village shall order such work done and assess the cost for it to the benefiting property owners.
- (3) Sidewalks. Concrete sidewalks not less than three feet wide and four inches thick shall be provided from all mobile home sites to all service facilities. All sidewalks shall be constructed in accordance with Village specifications and drain to the road.
- (4) Garbage and trash disposal. To be in accordance with Michigan Department of Public Health Standards, Rules R-325.3351 through R-325.3354.
- (5) Streetlighting and identification signs. All streets within the development shall be adequately lighted and signs identifying each street shall be erected. All outside service areas shall be clearly illuminated at night and in accordance with Rule 929 of the Manufactured Housing Code.
- (6) Fire hydrants. Approved, functioning fire hydrants shall be so placed within the park so that no manufactured housing unit is further than 400 feet measure along a roadway or parking area.
- (7) Concrete pads. Each lot shall be provided with a foundation as required by the Manufactured Housing Code, Rules R-124.1604.
- (8) Skirting. All units shall be skirted in accordance with the Manufactured Housing Code.
- (9) Off-street parking. To be constructed in accordance with the Manufactured Housing Code. All off-street parking shall be arranged so as to minimize any impact on adjacent residential properties.
- (10) Road standards. Each manufactured housing park shall have access to a major thoroughfare, and the entrance shall be approved for design by the Village Engineer and Police Chief. Each manufactured housing site shall abut an access road or a service drive. All roads and service drives shall be constructed with either portland cement concrete with concrete curb and gutter, or bituminous asphalt with concrete curb and gutter, two-way roads. Internal roads shall be constructed in accordance with Rule R-124.1922. Road and service drive widths shall be as provided by the Manufactured Housing Division Rules. Dead-end roads shall terminate in a turnaround. Intersections shall be designed and maintained free of visual obstruction.
- (11) Single-family residence. No more than one single-family residence for an owner, operator or resident manager will be permitted for each manufactured housing park.

- (12) Density. Maximum density shall be seven manufactured housing units per acre.
- (13) Finish grades for all development shall bear a reasonable relationship to adjoining properties, street curbs, and road crowns and shall be subject to review and final approval by the Manufactured Housing Division and Public Health Department.
- (14) No more than one manufactured housing unit shall be placed on any lot or approved site.
- (15) One sales office may be permitted in each park.

B. General standards for the MH District.

- (1) Site plans as required in § **515-100** of this chapter shall be submitted to the Planning Commission for its review and approval prior to issuance of a building permit for all special land uses and for other uses or structures which require site plan review (see § **515-100**).
- (2) See Article **XVIII**, General Provisions, regarding general requirements which may relate to uses permitted in the district.
- (3) Except where otherwise regulated in this article, refer to Article **XVII**, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, providing minimum yard setback requirements and development options.<sup>[1]</sup>  
*[1] Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*
- (4) No required front yard space in any MH District shall be used for the storage or parking of vehicles or any other materials or equipment.
- (5) Prohibited use of open areas: No machinery, equipment, vehicles, or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

## Article X. RO Residential Office District

### § 515-40. Intent.

The RO Residential Office District is intended to provide for the location of low-intensity personal and service establishments, offices and residential dwellings in a unique atmosphere that serves the needs of persons residing in nearby Village residential areas.

### § 515-41. Principal permitted uses.

In the Residential Office District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. General office buildings for such uses as executive, administrative, governmental, clerical, stenographic, sales offices, and similar uses.
- B. Professional office buildings for such uses as engineer, architect, attorney, accountant, interior designer, and similar uses.
- C. Service office buildings for such uses as real estate sales office, insurance service center, public utility companies without service/storage yards, banks, savings and loan, credit union branch offices, and similar uses, excluding any such use which contains a drive-through window.
- D. Personal service establishments which perform services on the premises, such as, but not limited to, shoe repair, tailor, beauty parlor, barbershop, photographer, photo drop off with or without on-site processing, instant or quick printing shop, and similar uses.

- E. Public buildings without outdoor storage yards, including community centers, libraries, museums and post offices.
- F. Off-street parking lots.
- G. Single-family and two-family dwellings subject to the district standards and Article **XVII**, Schedule of Regulations, for the SF-1 and SF-2 Districts. Multiple-family dwellings subject to the district standards and Article **XVII**, Schedule of Regulations, for the MF District.  
[Amended 6-12-2001 by Ord. No. 272]

## § 515-42. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Accessory apartments (§ **515-123**).
- B. Adult foster care small group home and adult foster care large group home (§ **515-167**).
- C. Bed-and-breakfast facilities (§ **515-125**).
- D. Cemeteries (§ **515-128**).
- E. Convalescent or rest homes (§ **515-135**).
- F. Educational facilities (§ **515-137**).
- G. Funeral homes (§ **515-141**).
- H. Group day-care facilities (§ **515-142**).
- I. Medical and dental offices, including walk-in clinics and ambulatory care centers, but excluding twenty-four-hour clinics and hospitals.
- J. Nursery and child-care centers (§ **515-149**).
- K. Places of worship (§ **515-153**).
- L. Private clubs and lodge halls.
- M. Utility structures (§ **515-159**).
- N. Uses which the Planning Commission determines are similar to and compatible with the intent of this section and the special land uses in Article **XX**.

## § 515-43. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § **515-78**.

## § 515-44. Development regulations.

- A. All uses shall be office and service establishments dealing directly with customers.
- B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise permitted through special land use approval. All accessory buildings shall be similar in architectural design and materials to the principal building.

- C. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined trash receptacle area in conformance with § **515-91K(1)**.
- D. Exterior site lighting shall be in accordance with § **515-90G**. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.
- E. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of § **515-100** of this chapter and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
- F. See Article **XVIII**, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the article as they relate to uses permitted in the district.
- G. Except where otherwise regulated in this article, refer to Article **XVII**, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the minimum yard setback requirements and development options.<sup>[1]</sup>  
*[1] Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*
- H. No required front yard space in any RO Residential Office District shall be used for the storage or parking of vehicles or any other materials or equipment.
- I. Prohibited use of open areas: No machinery, equipment, vehicles or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

## Article XI. GBD General Business Downtown District

### § 515-45. Intent.

- A. The GBD General Business Downtown District is intended to encourage development of a traditional downtown, with mixed land uses, minimal front setback requirements, wider pedestrianways, on-street parking, and architectural and facade design consistent with downtown development. The area identified on the Zoning Map as the GBD District is a unique resource for the Village of New Haven.
- B. In order to maintain the viability and preserve the character of this district, specific development regulations are provided to accomplish the objectives of the adopted Village Master Plan and Zoning Ordinance. The regulations in the GBD District are intended to permit flexibility in regulation of land development, encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the providing of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the surrounding area.

### § 515-46. Principal permitted uses.

In the GBD District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Generally recognized retail businesses which supply goods on the premises, including, but not limited to, grocery or appliance, pop and alcoholic beverage stores, delicatessens, drug, dry goods, meat, hardware, gift, clothing, jewelry, music, paint, sporting goods and variety stores.
- B. Banks, savings and loan, and credit unions, excluding drive-through window facilities.
- C. Cocktail lounges, bars and restaurants, excluding drive-in or drive-through window facilities.

- D. General, service, sales, and professional offices.
- E. Laboratories.
- F. Medical and dental offices, including walk-in clinics and ambulatory care centers but excluding twenty-four-hour clinics and hospitals.
- G. Personal service shops, such as tailor, beauty parlor, barbershop, photographer, photo dropoff with or without on-site processing, instant or quick printing shop, shoe repair, laundromats and dry cleaning establishments (excluding dry cleaning plants), and similar uses.
- H. Private clubs, lodge halls and similar uses.
- I. Public buildings without outdoor storage yards, including community centers, libraries, museums and post offices.
- J. Public parks.
- K. Off-street parking lots.
- L. Single-family residential, two-family residential, and multiple-family residential development.
- M. Theaters (excluding drive-ins).
- N. Antique, thrift and resale shops.
- O. Veterinarian offices, excluding kennels.
- P. Accessory uses and structures incidental to the principal use.

## § 515-47. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Accessory apartments (§ **515-123**).
- B. Bed-and-breakfast establishments (§ **515-125**).
- C. Commercial indoor recreation (§ **515-132**).
- D. Convalescent or rest home (§ **515-135**).
- E. Educational facilities (§ **515-137**).
- F. Funeral homes (§ **515-141**).
- G. Hotels and motels (§ **515-144**).
- H. Nursery schools and child-care centers (§ **515-149**).
- I. Outdoor cafe, when incidental to a permitted bar, restaurant, coffee shop, delicatessen, ice cream parlor, or similar use (§ **515-150**).
- J. Places of worship (§ **515-153**).
- K. Utility structures (§ **515-159**).
- L. Uses which, in the opinion of the Planning Commission based on findings of fact, are similar to the above permitted uses.

## § 515-48. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § 515-78. In addition, the following accessory structures and uses may also be permitted only when conducted within a completely enclosed building, subject to the following:

- A. Garages shall be used exclusively for the storage of passenger motor vehicles and/or commercial vehicles of less than one-ton capacity, which are to be used in connection with a business permitted and located in the GBD District.
- B. Sidewalk sales shall be permitted only as provided hereunder:
  - (1) No person, firm, corporation or merchant shall vend, sell, dispose of or display any goods, wares, merchandise or produce on any public street or sidewalk or anywhere else outside a building without full compliance with this section for the period of said sidewalk sale.
  - (2) Sidewalk sales shall be permitted for no more than three days. No more than two such sidewalk sales shall be permitted on a site to any person, firm, corporation or merchant in a single calendar year.
  - (3) Sale of the merchandise under this subsection shall be limited to merchandise usually sold on the premises. No new merchandise shall be brought in to vend, sell, dispose of or display at the sidewalk sale.
  - (4) All merchandise offered for sale hereunder must be displayed on private property. Merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extend into the public right-of-way. Such sales shall not be operated in any manner which would cause a nuisance or create a fire hazard or obstruct ingress and egress to premises.

## § 515-49. Development regulations.

- A. Pedestrian orientation. Proposed uses shall create a significant pedestrian orientation in keeping with the intent of the district. Whenever a building has frontage upon a public road, it shall have at least one pedestrian access point fronting the public right-of-way, unless the Planning Commission finds that there are unique circumstances associated with the use, building or parcel that would make the access requirement unreasonable. The site plan shall show sidewalks along all public road frontage, placed one foot inside the road right-of-way or in other appropriate locations, as determined by the Planning Commission. The width and appearance of the sidewalk shall be determined by the Planning Commission, after reviewing adjacent parcels and appropriate provisions of the Village Master Plan. In addition, no off-street parking shall be permitted between the property line and the front of any principal building.
- B. Building materials and design:
  - (1) To encourage pedestrian circulation in the district, whenever a building fronts upon Main Street, it shall have at least one display window for every 100 feet of building frontage unless the Planning Commission finds that unique circumstances exist.
  - (2) Exterior walls of any principal or accessory building shall be composed of the same or complementary architectural building facade materials. Exterior building facades shall be primarily brick or stone, which may be augmented by complementary materials. When facade materials other than brick or stone are proposed for a building within the GBD District, the Planning Commission may permit such alternative facade materials, provided it finds that all of the following are satisfied:
    - (a) The selected facade materials and material combinations will be consistent with and enhance the building design concept.
    - (b) The selected facade materials and material combinations will be complementary to existing or proposed buildings within the site and surrounding area.

- (c) The use of selected facade materials and material combinations will not detract from future development in the district of buildings of stone or brick, augmented by complementary materials.
  - (d) The request is accompanied by facade material samples, detailed elevation drawings, and a brief statement of how the proposal is consistent with the standards in this section.
- (3) It is not intended that contrasts in design and facade materials are to be discouraged; rather, care should be taken so that any such contrasts will not be so out of character with existing and planned development so as to create an adverse effect on the stability and value of the surrounding area.
- C. Loading areas shall be placed at the rear of buildings so as to minimize visibility from public roadways and interference with vehicular and pedestrian traffic. In the case of certain uses, such as offices and other businesses that have a very infrequent incidence of deliveries, and when so approved by the Planning Commission, the off-street loading space may be utilized for off-street parking, but it shall not diminish the number of off-street parking spaces otherwise required.
  - D. All uses shall be retail or service establishments (except residential uses) dealing directly with customers. All retail goods produced on the premises shall be sold on the premises.
  - E. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise permitted through special land use approval. All accessory buildings shall be similar in architectural design and materials to the principal building. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined trash receptacle area in conformance with § **515-91K(1)**.
  - F. Exterior site lighting shall be in accordance with § **515-90G**. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.
  - G. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of § **515-100** of this chapter and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
  - H. See Article **XVIII**, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the article as they relate to uses permitted in the district.
  - I. Except where otherwise regulated in this article, refer to Article **XVII**, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the minimum yard setback requirements and development options.<sup>[1]</sup>  
 [1] *Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*
  - J. No required front yard space in the GBD District shall be used for the storage or parking of vehicles or any other materials or equipment.
  - K. Prohibited use of open areas: No machinery, equipment, vehicles or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

## Article XII. GB General Business District

### § 515-50. Intent.

The GB General Business District is intended to promote the development of vehicle and pedestrian accessible areas with a variety of retail, office, civic and service uses. The GB District is also intended to provide locations for the development of highway-oriented-type businesses and shopping centers.



## § 515-51. Principal permitted uses.

In the General Business District, no building or land shall be used and no building shall be erected except for one or more of the following uses:

- A. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to groceries, meats, dairy products, baked goods, beverages, drugs, dry goods, clothing, books, hardware and similar uses.
- B. Banks, savings and loan, and credit unions.
- C. Cocktail lounges, bars and restaurants, excluding drive-in or drive-through window facilities.
- D. General, service, sales and professional offices.
- E. Laboratories.
- F. Medical and dental offices, including walk-in clinics and ambulatory care centers but excluding hospitals.
- G. Outdoor assemblies.
- H. Personal service shops, such as tailor, beauty parlor, barbershop, photographer, photo dropoff with or without on-site processing, instant or quick printing shop, shoe repair, laundromats and dry cleaning establishments, provided the actual dry cleaning takes place off site, and similar uses.
- I. Private clubs, lodge halls and similar uses.
- J. Public buildings without outdoor storage yards, including community centers, libraries, museums, and post offices.
- K. Public parks.
- L. Theaters (excluding drive-ins).
- M. Veterinarian offices, excluding kennels.
- N. Antique, thrift and resale shops.
- O. Accessory uses and structures incidental to the principal use.

## § 515-52. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Adult entertainment uses (§ **515-89**).
- B. Bed-and-breakfast facilities (§ **515-125**).
- C. Cemeteries (§ **515-128**).
- D. Commercial greenhouse/nursery (§ **515-131**).
- E. Commercial outdoor recreation (§ **515-133**) or indoor recreation (§ **515-132**).
- F. Convalescent or rest home (§ **515-135**).
- G. Drive-through facilities (§ **515-136**).

- H. Educational facilities (§ **515-137**).
- I. Funeral homes (§ **515-141**).
- J. Hospitals (§ **515-143**).
- K. Hotels and motels (§ **515-144**).
- L. Kennels (§ **515-145**).
- M. New and used vehicle sales (see § **515-150** for outdoor sales lots).
- N. Nursery schools and child-care centers (§ **515-149**).
- O. Places of worship (§ **515-153**).
- P. Vehicle convenience stations without repair and with limited repair service (§ **515-160**).
- Q. Vehicle repair garages (§ **515-161**).
- R. Vehicle service centers (§ **515-162**).
- S. Vehicle wash facilities (§ **515-163**).
- T. Utility structures (§ **515-159**).
- U. Accessory uses and structures incidental to the principal use.
- V. Uses which, in the opinion of the Planning Commission based on findings of fact, are similar to the above permitted uses.

## § 515-53. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § **515-78**. In addition, the following accessory structures and uses may also be permitted only when conducted within a completely enclosed building, subject to the following:

- A. Garages shall be used exclusively for the storage of passenger motor vehicles and/or commercial vehicles of less than one-ton capacity, which are to be used in connection with a business permitted and located in the GB General Business District.
- B. Sidewalk sales shall be permitted only as provided hereunder:
  - (1) No person, firm, corporation or merchant shall vend, sell, dispose of or display any goods, wares, merchandise or produce on any public street or sidewalk or anywhere else outside a building without full compliance with this section for the period of said sidewalk sale.
  - (2) Sidewalk sales shall be permitted for no more than three days. No more than two such sidewalk sales shall be permitted on a site to any person, firm, corporation or merchant in a single calendar year.
  - (3) Sale of the merchandise under this subsection shall be limited to merchandise usually sold on the premises. No new merchandise shall be brought in to vend, sell, dispose of or display at the sidewalk sale.
  - (4) All merchandise offered for sale hereunder must be displayed on private property. Merchandise shall be securely and adequately placed so that it will not endanger passersby or fall or extend into the public right-of-way. Such sales shall not be operated in any manner which would cause a nuisance or create a fire hazard or obstruct ingress and egress to premises.

## § 515-54. Development regulations.

- A. All uses shall be retail or service establishments dealing directly with customers. All retail goods produced on the premises shall be sold on the premises.
- B. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise permitted through special land use approval. All accessory buildings shall be similar in architectural design and materials to the principal building.
- C. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined trash receptacle area in conformance with § 515-91K(1).
- D. Exterior site lighting shall be in accordance with § 515-90G. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.
- E. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of § 515-100 of this chapter and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
- F. See Article XVIII, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the article as they relate to uses permitted in the district.
- G. Except where otherwise regulated in this article, refer to Article XVII, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the minimum yard setback requirements and development options.<sup>[1]</sup>  
 [1] *Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*
- H. No required front yard space in any GB General Business District shall be used for the storage or parking of vehicles or any other materials or equipment.
- I. Prohibited use of open areas: No machinery, equipment, vehicles, or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

## Article XIII. IO Industrial Office District

### § 515-55. Intent.

The Industrial Office District is intended to accommodate office, engineering and product development, light industrial and similar uses. Unlike many light and heavy industrial land uses, those permitted within the IO District shall have minimum impacts outside of the principal buildings and are intended to be carried out in an unobtrusive and compatible manner with surrounding residential or commercial areas.

### § 515-56. Principal permitted uses.

In the IO District, no building or land shall be used and no building shall be erected except for one or more of the following uses when carried out entirely within an enclosed building:

- A. Computer programming, data processing, and other computer-related services.
- B. Educational facilities, trade and vocational schools.
- C. Financial institutions such as banks, credit unions, and savings and loan institutions.

- D. Indoor recreation (see standards in § **515-132**) and outdoor recreation (see standards in § **515-133**).
- E. General, service, sales and professional offices.
- F. Manufacture or assembly of electrical appliances, electronic instruments or precision devices, radios, phonographs (including the manufacture of parts), musical instruments, toys, novelties, sporting goods, and photographic equipment, only when fully enclosed within a principal building, subject to the following:
  - (1) The minimum lot size shall be one acre.
  - (2) The minimum lot width shall be 175 feet.
  - (3) The minimum setback from any lot line shall be 50 feet.
- G. Medical offices, clinics (excluding hospitals), and research facilities (including accessory laboratories).
- H. Meeting halls for union, trade or similar organizations.
- I. Offices of an engineering, drafting, architectural, electrical, plumbing, or industrial design firm.
- J. Public buildings without outdoor storage.
- K. Public parks.
- L. Research, experimental, film or testing laboratories.
- M. Restaurants (sit down, not fast food).
- N. Veterinarian offices, excluding kennels.
- O. Warehousing, provided it does not comprise more than 50% of any principal structure on a single lot or, in the case of a multiple building development or an industrial plat or condominium, warehousing shall not comprise more than 50% of the total gross floor area of the development.
- P. Manufacture, compounding, processing, assembling, treatment or packaging of articles or merchandise from previously prepared materials entirely within a completely enclosed building (excluding large stamping operations, saw and planing mills) subject to the following:
  - (1) The minimum lot size shall be one acre.
  - (2) The minimum lot width shall be 175 feet.
  - (3) The minimum setback from any lot line shall be 50 feet.
- Q. Accessory uses and structures incidental to the principal use.

## § 515-57. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Cemeteries (§ **515-128**).
- B. Hospitals (§ **515-143**).
- C. Hotels and motels (§ **515-144**).
- D. Nursery schools and child-care centers (§ **515-149**).

- E. Places of worship (§ **515-153**).
- F. Skilled trade services, including, but not limited to, plumbing, electric, and heating.
- G. Utility structures (§ **515-159**) and wireless communication facilities (§ **515-130**).
- H. Sit-down restaurants (not fast food).
- I. Uses which the Planning Commission determines are similar to and compatible with the intent of this section and the special land uses in Article **XX**.

## § 515-58. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § **515-78**, including accessory outdoor storage which conforms with the provisions of § **515-152** (special approval not required).

## § 515-59. Development regulations.

All uses within the IO District shall comply with the following required conditions:

- A. Except as otherwise provided in this article, all uses shall be conducted wholly within a completely enclosed building.
- B. Outdoor storage is permitted which is clearly accessory to the permitted principal use, limited in scale, incidental to the primary indoor use(s) on the site, and completely screened in accordance with § **515-91**.
- C. No truck well, loading dock or door shall be permitted on or in the wall of the building which faces an abutting residential district and only pedestrian exits or emergency doors shall be allowed on such wall. All loading/unloading docks and truck wells shall be placed on or in the wall of the building that is opposite the boundary of the residential district or on the wall that lies approximately at a 90° angle to the residential district boundary. If such door, truck well and/or dock faces the front street, then such dock, truck well or door shall be recessed by not less than 60 feet from the front wall of the building in order to provide that a truck tractor and trailer shall not, when in place for loading or unloading at the dock or well, project past the front wall of the building. Also, the site plan and driveways shall be designed in such a manner to discourage truck access to that portion of the lot or site that is adjacent to a residential district.
- D. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined trash receptacle area in conformance with § **515-91K(1)**.
- E. Exterior site lighting shall be in accordance with § **515-90G**. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.
- F. For all uses permitted in the IO District there shall be a finding by the Planning Commission that:
  - (1) The scale, size, building design, facade materials, landscaping and activity of the use is such that current and future adjacent residential uses will be protected from any adverse impacts.
  - (2) The intended truck delivery service can be effectively handled without long-term truck parking on site.
  - (3) The lighting, noise, vibration, odor and other possible impacts are in compliance with standards and intent of this article and performance standards of § **515-90**.
  - (4) The storage and/or use of any volatile, flammable or other materials shall be fully identified in the application and shall comply with any Village ordinances regarding toxic or hazardous

materials.

- G. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of § **515-100** of this chapter and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
- H. See Article **XVIII**, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the article as they relate to uses permitted in the district.
- I. Except where otherwise regulated in this article, refer to Article **XVII**, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the minimum yard setback requirements and development options.<sup>[1]</sup>  
*[1] Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*
- J. No required front yard space in any IO District shall be used for the storage or parking of vehicles or any other materials or equipment.
- K. Prohibited use of open areas: No machinery, equipment, vehicles or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

## Article XIV. LI Light Industrial District

### § 515-60. Intent.

The Light Industrial District is intended to accommodate light industrial, warehousing, and similar uses where the external impacts are restricted to the site. Development is intended to be limited to uses that can be carried out in an unobtrusive and compatible manner with surrounding residential or commercial areas. Industrial development is encouraged as an essential ingredient of economic development in the community subject to reasonable provisions set forth to avoid or limit air, noise, visual pollution and traffic congestion.

### § 515-61. Principal permitted uses.

In the Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following uses when carried out entirely within an enclosed building:

- A. Assembly of electrical appliances, electronic instruments or precision devices, radios, phonographs (including the manufacture of parts), musical instruments, toys, novelties, sporting goods, and photographic equipment.
- B. Cold storage, warehousing and distribution uses, and similar businesses involved in the receipt, storage, sales, and delivery of remanufactured products.
- C. Commercial indoor recreation (see standards in § **515-132**) and outdoor recreation (see standards in § **515-133**).
- D. Commercial greenhouses/nurseries (see standards in § **515-131**).
- E. Drive-in theaters.
- F. General and special trade contractors.
- G. General, sales, service and professional offices.
- H. Kennels.

- I. Manufacturing, compounding, processing, packaging, treatment, or fabrication of such products as bakery goods, candy, ceramics, cosmetics, clothing, electrical and electronic equipment, jewelry, instruments, optical goods, pharmaceutical, toiletries, hardware, cutlery and pottery, and similar material.
- J. Medical offices, clinics (excluding hospitals), and research facilities including accessory laboratories.
- K. Meeting halls for union, trade or similar organizations.
- L. Offices of an engineering, drafting, architectural, electrical, plumbing or industrial design firm.
- M. Public buildings with outdoor storage yard (see standards in § **515-154**).
- N. Public parks.
- O. Research, experimental, film or testing laboratories.
- P. Restaurants.
- Q. Self (mini) storage facilities (see standards in § **515-164**).
- R. Transit and passenger transportation facilities and trucking terminals (see standards in § **515-148**).
- S. Veterinary hospitals, clinics.
- T. Uses similar to the above, when located and arranged according to a plan demonstrating compatibility with other permitted uses in the district.

## § 515-62. Special land uses.

The following special land uses may be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Agricultural implement sales and service facilities (§ **515-124**).
- B. Central dry cleaning plants (§ **515-129**).
- C. Drive-through facilities (§ **515-136**).
- D. Hospitals (§ **515-143**).
- E. Outdoor storage yards for contractors' equipment, vehicles and materials but excluding salvage, junk, recycling, reclamation or scrap yards (§ **515-152**).
- F. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, including a lumberyard, home center, or building materials outlet, wholesaler of food, machinery and other materials (§ **515-152**).
- G. Tool, die, gauge, metal plating and machine shops (§ **515-158**).
- H. Utility structures (§ **515-159**) and wireless communication facilities (§ **515-130**).
- I. Vehicle convenience stations (§ **515-160**), vehicle wash facilities (§ **515-163**), vehicle repair garages (§ **515-161**), and vehicle service centers (§ **515-162**).
- J. Uses which the Planning Commission determines are similar to and compatible with the intent of this section and the special land uses in Article **XX**.

## § 515-63. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § **515-78**, including accessory outdoor storage which conforms with the provisions of § **515-152** (special approval not required).

## § 515-64. Development regulations.

All uses within the LI District shall comply with the following required conditions:

- A. Except as otherwise provided in this article, all uses shall be conducted wholly within a completely enclosed building.
- B. Outdoor storage is permitted which is clearly accessory to the permitted principal use, limited in scale, incidental to the primary indoor use(s) on the site, and completely screened in accordance with § **515-91**.
- C. No truck well, loading dock or door shall be permitted on or in the wall of the building which faces an abutting residential district, and only pedestrian exits or emergency doors shall be allowed on such wall. All loading/unloading docks and truck wells shall be placed on or in the wall of the building that is opposite the boundary of the residential district or on the wall that lies approximately at a 90° angle to the residential district boundary. If such door, truck well and/or dock faces the front street, then such dock, truck well or door shall be recessed by not less than 60 feet from the front wall of the building in order to provide that a truck tractor and trailer shall not, when in place for loading or unloading at the dock or well, project past the front wall of the building. Also, the site plan and driveways shall be designed in such a manner to discourage truck access to that portion of the lot or site that is adjacent to a residential district.
- D. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined dumpster/trash receptacle area in conformance with § **515-91K(1)**.
- E. Exterior site lighting shall be in accordance with § **515-90G**. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.
- F. For all uses permitted in the LI District there shall be a finding by the Planning Commission that:
  - (1) The scale, size, building design, facade materials, landscaping and activity of the use is such that current and future adjacent residential uses will be protected from any adverse impacts.
  - (2) The intended truck delivery service can be effectively handled without long-term truck parking on site.
  - (3) The lighting, noise, vibration, odor and other possible impacts are in compliance with standards and intent of this article and performance standards of § **515-90**.
  - (4) The storage and/or use of any volatile, flammable or other materials shall be fully identified in the application and shall comply with any Village ordinances regarding toxic or hazardous materials.
- G. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of § **515-100** of this chapter and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
- H. See Article **XVIII**, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the article as they relate to uses permitted in the district.
- I. Except where otherwise regulated in this article, refer to Article **XVII**, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the minimum yard setback requirements and development options.<sup>[1]</sup>

[1] *Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*



- J. No required front yard space in any LI Light Industrial District shall be used for the storage or parking of vehicles or any other materials or equipment.
- K. Prohibited use of open areas: No machinery, equipment, vehicles, or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

## Article XV. HI Heavy Industrial District

### § 515-65. Intent.

The Heavy Industrial District is intended to accommodate industrial, warehousing and similar uses where the operations of such uses can be carried on without conflicting with the safe use and enjoyment of land within the other districts of the Village. Industrial development is encouraged as an essential ingredient of economic development in the community subject to reasonable provisions set forth to avoid or limit air, noise, visual pollution and traffic congestion.

### § 515-66. Principal permitted uses.

In the Heavy Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following uses when carried out entirely within an enclosed building:

- A. Assembly of electrical appliances, electronic instruments or precision devices, radios, phonographs (including the manufacture of parts), musical instruments, toys, novelties, sporting goods, and photographic equipment.
- B. Central dry cleaning plants (see standards in § **515-129**).
- C. Cold storage, warehousing and distribution uses, and similar businesses involved in the receipt, storage, sales and delivery of remanufactured products.
- D. Commercial greenhouses/nurseries (see standards in § **515-131**).
- E. Commercial indoor recreation (see standards in § **515-132**) and outdoor recreation (see standards in § **515-133**).
- F. Drive-in theaters.
- G. General and special trade contractors.
- H. Industrial sales offices and professional offices.
- I. Kennels (see standards in § **515-145**).
- J. Manufacturing, compounding, processing, packaging, treatment or fabrication of such products as bakery goods, candy, ceramics, cosmetics, clothing, electrical and electronic equipment, jewelry, instruments, optical goods, pharmaceutical, toiletries, hardware, cutlery and pottery.
- K. Medical offices, clinics (excluding hospitals), and research facilities (including accessory laboratories).
- L. Meeting halls for union, trade or similar organizations.
- M. Offices of an engineering, drafting, architectural, electrical, plumbing or industrial design firm.
- N. Outdoor storage yards for contractors' equipment, vehicles and materials but excluding salvage, junk, recycling, reclamation, or scrap yards (see standards in § **515-152**).
- O. Public buildings with outdoor storage (see standards in § **515-154**).

- P. Public parks.
- Q. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, including a lumberyard, home center, or building materials outlet, wholesaler of food, machinery and other materials (see standards in § **515-152**).
- R. Research, experimental, film or testing laboratories.
- S. Restaurants.
- T. Self (mini) storage facilities (see standards in § **515-164**).
- U. Vehicle repair garages, vehicle service centers, and vehicle wash facilities (see standards in §§ **515-161**, **515-162** and **515-163**, respectively).
- V. Veterinary clinics and hospitals.
- W. Uses similar to the above, when located and arranged according to a plan demonstrating compatibility with other permitted uses in the district.

## § 515-67. Special land uses.

The following special land uses shall be permitted only after review and approval by the Planning Commission, subject to the requirements and standards of Article **XX** and the submission of a site plan conforming with the requirements of § **515-100**:

- A. Agricultural implement sales and service facilities (§ **515-124**).
- B. Bulk storage of petroleum products (§ **515-126**).
- C. Concrete or asphalt plants (§ **515-134**).
- D. Drive-through facilities (§ **515-136**).
- E. Extraction, soil removal and mining operations (§ **515-139**).
- F. Foundries (§ **515-140**).
- G. Hospitals (§ **515-143**).
- H. Lumber and planing mills (§ **515-147**).
- I. Motor freight and trucking terminals (§ **515-148**).
- J. Salvage/recycling yards (§ **515-156**).
- K. Shooting ranges and gun clubs (§ **515-157**).
- L. Tool, die, gauge, metal polishing, metal plating, and machine shops (see standards in § **515-158**).
- M. Utility structures (§ **515-159**) and wireless communication facilities (§ **515-130**).
- N. Yard waste composting (§ **515-166**).
- O. Waste hauling, transfer or processing facilities (§ **515-165**).
- P. Uses which the Planning Commission determines are similar to and compatible with the intent of this section and the special land uses in Article **XX**.

## § 515-68. Accessory structures and uses.

Accessory buildings, structures and uses shall be permitted in accordance with § **515-78**, including accessory outdoor storage which conforms with the provisions of § **515-152** (special approval not required).

## § 515-69. Development regulations.

All uses within the HI District shall comply with the following required conditions:

- A. Except as otherwise provided in this article, all uses shall be conducted wholly within a completely enclosed building.
- B. Outdoor activities, storage and parking areas shall be screened in accordance with § **515-91**.
- C. No truck well, loading dock or door shall be permitted on or in the wall of the building which faces an abutting residential district, and only pedestrian exits or emergency doors shall be allowed on such wall. All loading/unloading docks and truck wells shall be placed on or in the wall of the building that is opposite the boundary of the residential district or on the wall that lies approximately at a 90° angle to the residential district boundary. If such door, truck well and/or dock faces the front street, then such dock, truck well or door shall be recessed by not less than 60 feet from the front wall of the building in order to provide that a truck tractor and trailer shall not, when in place for loading or unloading at the dock or well, project past the front wall of the building. Also, the site plan and driveways shall be designed in such a manner to discourage truck access to that portion of the lot or site that is adjacent to a residential district.
- D. Waste materials of any sort shall be screened from public view by a masonry wall and shall be consolidated in a defined trash receptacle area in conformance with § **515-91K(1)**.
- E. Exterior site lighting shall be in accordance with § **515-90G**. In addition, where a building wall faces an abutting residential district there shall be no floodlighting of such facade. This shall not preclude the lighting of doorways on such facades.
- F. For all uses permitted in the HI District there shall be a finding by the Planning Commission that:
  - (1) The scale, size, building design, facade materials, landscaping and activity of the use is such that current and future adjacent residential uses will be protected from any adverse impacts.
  - (2) The intended truck delivery service can be effectively handled without long-term truck parking on site.
  - (3) The lighting, noise, vibration, odor and other possible impacts are in compliance with standards and intent of this article and performance standards of § **515-90**.
  - (4) The storage and/or use of any volatile, flammable or other materials shall be fully identified in the application and shall comply with any Village ordinances regarding toxic or hazardous materials.
- G. All uses in this district require site plan review and approval. Site plans shall be prepared in accordance with the requirements of § **515-100** of this chapter and shall be reviewed and approved by the Planning Commission prior to issuance of a building permit.
- H. See Article **XVIII**, General Provisions, relating to off-street parking, off-street parking layout, landscaping and screening requirements and other sections of the article as they relate to uses permitted in the district.
- I. Except where otherwise regulated in this article, refer to Article **XVII**, Schedule of District Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the minimum yard setback requirements and development options.<sup>[1]</sup>

[1] *Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*

- J. No required front yard space in any HI Heavy Industrial District shall be used for the storage of vehicles or any other materials or equipment. No more than 33% of the required front yard may contain off-street parking areas.
- K. Prohibited use of open areas: No machinery, equipment, vehicles or other materials shall be stored or parked unless in full accordance with the Village of New Haven Nuisance Ordinance.

## Article XVI. Planned Unit Development Overlay District

[Amended 6-12-2001 by Ord. No. 272; 8-13-2019 by Ord. No. 366]

### § 515-70. Intent.

- A. The intent of the Planned Unit Development (PUD) Overlay District is to encourage innovation and to allow the most efficient use of land through regulatory flexibility. The PUD overlay district replaces the rigid use and bulk specifications with the more flexible regulations contained in this article.
- B. The planned unit development (PUD) permitted under this article shall be considered as an option to the development permitted in all zoning districts and shall be mutually agreeable to the developer and the Village. Development under this section shall be in accordance with a comprehensive site plan establishing functional use areas, density patterns, and vehicular and pedestrian circulation systems. The development is to be in keeping with the physical character of the Village and the area surrounding the proposed development, preserving as much natural vegetation and terrain as possible.
- C. A PUD may be approved in any location in the Village, subject to the provisions of this article.

### § 515-71. General requirements for planned unit development.

- A. PUDs may be permitted after review and recommendation of a site development plan by the Planning Commission and approval of the Village Council per § 515-72, PUD application and review.
- B. PUDs are subject to the following basic land conditions:
  - (1) PUD may be permitted in all zoning districts.
  - (2) A PUD site must be under the control of one owner or group of owners with a unified development plan.
  - (3) The proposed development must be in basic accord with the intent of the PUDs.
  - (4) The Village may also qualify sites where an innovative, unified, planned approach to developing the site would result in a significantly higher quality of development, the mitigation of potentially negative impacts of development, or more efficient development than conventional zoning would allow.
  - (5) The minimum PUD site size shall be five acres.
  - (6) The development shall be designed as an entity, intended to be developed within five years of its approval if less than 50 acres and 10 years if more than 50 acres.
- C. Uses permitted.
  - (1) All uses permitted as principal uses or special approval land uses and accessory uses permitted in all zoning districts. Multiple uses contained in a PUD must be complementary in nature. If a PUD includes residential uses, the housing types may be clustered to preserve

common open space, in a design not feasible under the underlying zoning district regulations. The PUD must provide a complementary variety of housing types and/or a complementary mixed-use plan of residential and/or nonresidential uses that is harmonious with adjacent development.

D. Residential density.

- (1) The maximum permitted densities within a PUD shall be governed by the zoning district in which it is located. The overall dwelling density for single or multiple-family residential districts cannot exceed the maximum dwelling unit density computed for the entire gross site area based on the allowable density of the underlying zoning district.
- (2) The Village Council, after receiving a recommendation from the Planning Commission, may approve an increase in the overall residential density up to 20%, based upon the density permitted in the underlying zoning district. To determine the percentage of density bonus granted, the Planning Commission and Village Council shall consider whether the PUD proposal will meet one or more of the following:
  - (a) Preserve significant natural features (such as wetlands, floodplains, woodlands, or steep slopes) that otherwise would not be preserved with the underlying zoning;
  - (b) Provide high-quality architectural design through the use of natural and durable building materials (such as brick and stone), recessed, side entry or rear entry garages, or substantial variation in building elevations;
  - (c) Provide landscaping and buffering from adjacent sites and from nonresidential land uses within the proposed PUD that significantly exceed the requirements of the chapter;
  - (d) Preserve historic structures and site features; and
  - (e) Other public benefits demonstrated by the applicant.
- (3) A majority of the proposed residential units within all residential districts must be developed as either single-family, two-family, or multiple-family as determined by the underlying zoning.
- (4) All PUD proposals with residential land uses shall maintain 20% of the gross area of the site as permanent open space, guaranteed by an irrevocable covenant that is found acceptable to the Village Council and Village Attorney. Not more than 50% of the existing wetland, floodplain, open water bodies, and "wet" stormwater detention/retention areas on the site shall be counted as part of the open space required for a PUD with residential land uses.

E. Mixed use and commercial PUDs.

- (1) A PUD may include residential and nonresidential uses as determined by the Village Council after review and recommendation of the Planning Commission. The use of creative development concepts including mixed uses should be used to create commercial nodes and gateways and facilitate renovation of existing retail centers as opposed to creating strip commercial centers along major thoroughfares.
- (2) Setback and other dimensional requirements of the underlying zoning district(s) shall be used as guidelines for reviewing a proposed mixed-use or commercial PUD, which requirements may be modified by the Village Council to achieve the intent of the PUD after review and recommendation of the Planning Commission.
- (3) Permitted commercial uses shall be limited to those determined by the Village Council, after review and recommendation of the Planning Commission, to be suitable for the site and compatible with the surrounding area. Any uses listed as special approval land uses shall be required to comply with specific conditions relating to such uses, although no additional review process is needed, other than the PUD approval process.
- (4) Attached residential units may be permitted as a transitional use between commercial uses and lower density residential in a mixed-use PUD where the underlying zoning is commercial.

- (5) Elderly housing may be permitted in a mixed-use or commercial PUD. The permitted dwelling unit density of the elderly housing component shall be evaluated based upon the type of elderly housing proposed (i.e., independent, assisted, etc.), the conditions of the site, anticipated traffic impacts, and character of surrounding uses and the neighborhood.
- F. Where the underlying district is residential, no industrial uses shall be permitted. Furthermore, nonresidential uses shall not comprise more than 20% of the land area when the underlying zoning is residential, provided the Planning Commission finds that the appropriate buffering between residential and nonresidential land uses is provided.
- G. Where the underlying zoning is LI or HI, no residential land uses shall be permitted.
- H. Design and layout conditions. The Planning Commission and Village Council shall use any applicable standards for approval contained in Village ordinances related to land use and any adopted development guidelines.
- (1) Where a planned or proposed major, secondary, or collector thoroughfare is included partially or wholly within the project area of a PUD, such portion of the roadway shall be provided as a public right-of-way with the width standards as stated in the master road plan for the right-of-way. The alignment of the roadway shall be in general conformance to the proposed alignment as shown on the master plan.
- (2) In order to provide an orderly transition of density, where the project being proposed for use as a PUD immediately abuts a residential district, (not including districts separated by a major thoroughfare), the Village may require that the area immediately abutting the district shall be developed with a like development or landscaped open space.
- (3) Site design standards should include frontage beautification, buffering devices, landscaping, walkway linkages, controlled vehicular access, and attractive signage.
- I. Dimensional standards.
- (1) All yards, height, bulk, minimum floor area, lot coverage, lot area, and lot width requirements for single-family development shall be in conformance with the requirements of the applicable zoning districts, including special development options, unless otherwise modified by the approved development plan. Minimum separation between detached units shall be nine feet.
- (2) Single-family residential uses shall comply with the height and minimum floor area regulations specified in the Schedule of Regulations.<sup>[1]</sup> Lot area, width and setbacks may be reduced if approved by the Village Council, after recommendation by the Planning Commission.
- [1] *Editor's Note: The Schedule of Regulations is included as an attachment to this chapter.*
- (3) Multiple-family residential uses shall comply with all dimensional requirements specified in Article **XVII**, Schedule of Regulations, and development regulations provided in the MF Zoning District.
- (4) Office, commercial, research and development, and industrial land uses shall comply with all dimensional requirements specified in Article **XVII**, Schedule of Regulations, and development regulations for the least intensive zoning district that permits a proposed land use.
- (5) All other uses permitted within the applicable districts shall be subject to the requirements of the respective districts unless otherwise modified by the approved development plan.

## § 515-72. PUD application and review.

- A. The applicant shall submit an application and site plan for the proposed PUD in accordance with the requirements of § **515-100** of this chapter.

- B. The Planning Commission shall review the application and site plan and set a date for a public hearing.
- C. The Planning Commission shall conduct a public hearing and submit a recommendation to the Village Council. In reviewing the application and site plan, the Planning Commission shall consider the following:
  - (1) The PUD will result in a recognizable and substantial benefit to the ultimate users of the development and to the community, as demonstrated by the applicant, where such benefit would be an unlikely result if strict application of the article requirements were applied.
  - (2) In relation to uses permitted by the underlying zoning, will the proposed PUD result in an unreasonable increase in traffic, the use of public services and facilities, or have an adverse impact on surrounding property? The Planning Commission should consider the following: the PUD location, density, adequacy of schools, parks and other public facilities, traffic volumes and circulation, compatibility with existing development, adequate provision for light and air, and accessibility for fire and police protection.
  - (3) Is the proposal compatible with goals and objectives of the Village Master Plan or specific elements thereof that have been officially adopted by the Planning Commission?
  - (4) Are the exceptions or variations from district regulations within the limitations of this chapter?
- D. Within 60 days after the Council receives a recommendation from the Planning Commission, the Council shall review the proposed PUD and either approve, deny or approve with conditions the PUD. The Council may require the applicant to resubmit a revised plan with conditions for approval to the Planning Commission prior to final PUD approval. The Village Council shall require all standards and conditions of approval to be incorporated in a development agreement. The agreement shall be prepared by the Village Attorney, approved by Village Council and signed by both the Village and the applicant. Once executed the document shall be recorded with the Macomb County Register of Deeds Office.
- E. The development agreement must include:
  - (1) A survey of the acreage comprising the proposed development.
  - (2) The manner of ownership of the developed land.
  - (3) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
  - (4) Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Village may require conveyances or other documents to be placed in escrow to accomplish this.
  - (5) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development, and that maintenance of such improvements is assured by a means satisfactory to the Village Council.
  - (6) The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Village Council.
  - (7) Provisions to ensure adequate protection of natural features.
  - (8) The preliminary site plan shall be incorporated by reference and attached as an exhibit.
- F. Effect of approval.
  - (1) The approval of the PUD shall allow the Building Inspector and/or Zoning Administrator to issue zoning compliance permits in conformity with the application as approved.

- (2) Upon the abandonment of a planned unit development authorized under this section or upon the expiration of a time period as set by the Village Council (commencement date must be specified on the application) in the authorization hereunder of a planned unit development which has not by then been commenced, such authorization shall expire.

## § 515-73. PUD amendments.

- A. Minor modifications may be approved by the administration subject to the findings that:
  - (1) Such changes will not adversely or substantially affect the initial basis for granting approval;
  - (2) Such changes will not adversely or substantially affect the overall PUD considering the intent and purpose of such development as set forth in § 515-70, Intent;
  - (3) For residential buildings, the size of the structures may be decreased, or increased by up to 5% provided the overall density of units does not increase;
  - (4) Square footage of nonresidential buildings may be decreased or increased by up to 5% or 10,000 square feet, whichever is less.
- B. Major modifications shall be subject to the PUD plan review process noted in § 515-72, PUD application and review, including a new public hearing.

## Article XVII. Schedule of District Regulations

### § 515-74. Schedule of height, bulk, density, area, setback and lot coverage by district.

The Schedule of District Regulations is included at the end of this chapter.

## Article XVIII. General Provisions

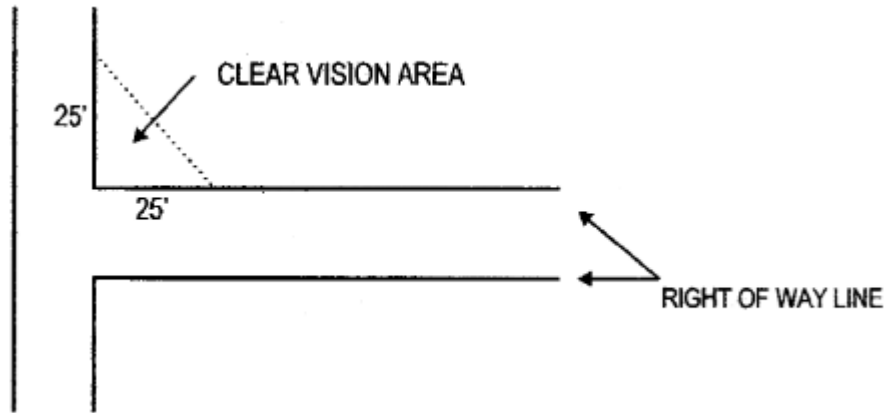
### § 515-75. Applicability.

The general provisions of this Article **XVIII** shall apply to all uses in all zoning districts within the Village.

### § 515-76. Visibility at intersections and corner clearance.

On corner lots, at the intersection of public or private roads and/or railroads, nothing shall be erected, placed or allowed to grow in such a manner that impedes or obstructs vision between a height of 30 inches and eight feet in an area bounded by the existing or proposed street or railroad right-of-way lines (whichever is greater) of such corner lots and a line joining points along said right-of-way lines 25 feet from the point of intersection. In the case of private driveways intersecting with public or private streets, the clear vision triangle shall be measured along the edge of the driveway if a right-of-way or easement does not exist. Otherwise it shall be measured along existing or proposed street right-of-way lines, whichever is greater.





## § 515-77. Sight distance at driveways and roads.

Nothing shall be erected, placed or allowed to grow at the intersection of driveways or roads with any road in such a manner that materially impedes or obstructs sight distance. Sight distance specifications for new driveways shall be in conformance with Macomb County Road Commission standards.

## § 515-78. Accessory buildings and structures.

Accessory buildings and structures shall be subject to the following regulations except as otherwise specified in this chapter:

- A. Nonresidential districts (RO, GBD, GB, IO, LI, HI): All accessory structures in the nonresidential zoning districts shall conform with Article **XVII**, Schedule of District Regulations,<sup>[1]</sup> and shall require site plan review and approval in accordance with § **515-100**, Site plan review. Accessory structures less than 500 square feet may be reviewed administratively by the Village Planner and Village Engineer.

[1] *Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*

- B. Residential districts (SF, SF-1, SF-2, MF, MH):

- (1) Accessory buildings which are structurally attached to a principal building shall conform with all regulations of this chapter applicable to the principal building.
- (2) Detached accessory buildings which are accessory to single-family residences shall comply with the following:
  - (a) One detached accessory building is permitted on an individual lot or parcel. In addition, one attached or detached garage shall be permitted on an individual lot or parcel. For purposes of determining maximum allowable size of accessory buildings in Subsection **B(2)(e)** below, 600 square feet of the garage shall not be included in the calculations.
  - (b) Detached accessory buildings shall not exceed one story or 17 feet in height.
  - (c) Detached accessory buildings shall be located only in a side or rear yard and shall be located a minimum 10 feet from any other building or structure and five feet from any lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.  
[Amended 6-12-2001 by Ord. No. 272]
  - (d) When a detached accessory building is located on a corner lot, the minimum front yard setback required on the lot under Article **XVII**, Schedule of Regulations, shall be maintained for both the front yard and the street-side side yard.

- (e) Detached accessory buildings shall not exceed 66% of the gross floor area of the principal building up to a maximum of 1,200 square feet and shall not occupy more than 30% of a rear yard.
- (3) Accessory buildings used solely in an agricultural or farm operation shall meet the criteria below:
  - (a) Where an accessory building is utilized solely for activities directly related to agriculture or farm operations on the same parcel, the following shall apply:

Size of Parcel (acres)	Number of Detached Accessory Agricultural Buildings Permitted	Total Area of Accessory Building Permitted (square feet)	Maximum Height of Agricultural Accessory Buildings (feet)
Less than 5	2	2,400	25
Greater than 5	2	3,600	25

- (b) No accessory agricultural building, regardless of use, shall be located within 50 feet of a property line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
  - (c) Where the accessory building is partially or wholly accessory to a single-family residence, the accessory building shall meet all criteria specified in Subsection **B(1)** and **(2)** above.
- C. Accessory buildings in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
  - D. Accessory buildings which are structurally attached to a principal building shall conform with all regulations of this chapter applicable to the principal building.
  - E. No accessory building shall be constructed prior to construction of the principal building on the same lot or parcel, except in accordance with one of the following:
    - (1) For principal permitted uses that do not require structures, an accessory building may be constructed following Village approval of the principal use and issuance of required building permits.
    - (2) For single-family residences, a permanent accessory building may be erected in order to secure tools or materials for the residence under construction after issuance of a building permit for the residence and after installation, inspection and approval of the foundation for the residence by the appropriate permitting authority. Said accessory structure shall be designed and constructed in accordance with all requirements of this section.
  - F. All accessory structures shall be suitably anchored to a foundation in accordance with the Building Code.
  - G. All accessory buildings must be located on the same lot as the principal structure to which it is accessory.

## § 515-79. Swimming pools.

[Amended 6-12-2001 by Ord. No. 272]

- A. A building permit is required prior to installation of a swimming pool in conformance with § **515-199**. All swimming pools must provide a four-foot-high fence enclosure with a locking gate either surrounding the property or pool area, sufficient to make the pool inaccessible to small children. All swimming pools must also comply with the Building Codes adopted by the Village.

B. All swimming pools shall be installed with the following minimum setbacks:

- (1) Pools shall be set back a minimum of six feet from all property lines.
- (2) Pools shall be set back a minimum of 10 feet from all structures.

## § 515-80. Erection of more than one principal structure on lot.

In the SF, SF-1 and SF-2 Districts, there shall not be more than one principal residential dwelling on a recorded lot or parcel. (Accessory apartments may be permitted in conformance with § 515-123 when otherwise permitted in this chapter.) In these districts, every principal residential dwelling shall be on a recorded lot or parcel in conformance with this chapter and the Village of New Haven Land Division Ordinance.<sup>[1]</sup> In all other districts the number, location and size of principal structures shall be in conformance with Article XVII, Schedule of District Regulations, and subject to site plan review and approval in conformance with § 515-100.

[1] *Editor's Note: See Ch. 455, Subdivision Regulations.*

## § 515-81. Private radio, television and satellite dish antennas.

In all districts, private radio and television receiving antennas which are accessory to a permitted principal use in the district are permitted subject to the following:

- A. No antenna shall exceed the height limit of the zoning district in which it is located.
- B. There shall be not more than one radio antenna, one standard television antenna, and one satellite dish antenna per residential home site or principal residential building.
- C. Satellite dish receiving antennas may be permitted subject to the following criteria:
  - (1) Installations must comply with all accessory use requirements for yard, bulk and setback requirements specified within the district.
  - (2) Installation shall employ materials and colors that blend with the surroundings.
  - (3) No text, pictures, logos or advertising shall be displayed on any surface of the satellite dish antenna.
  - (4) Ground-mounted satellite dish antennas shall not exceed an installed height of 17 feet. Roof-mounted satellite dish antennas shall not exceed the height permitted for principal buildings in the same district.
  - (5) All ground-mounted satellite dish antennas shall be screened from view between the ground level and six feet above grade from any adjoining residential zoned property. The screening shall consist of a decorative wall, fence, hedge, evergreen trees, or similar solid vegetation. All antennas, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.
  - (6) If one side of the fence provides a more finished or decorative appearance than the other, then the more finished or decorative side shall face outward from the lot.  
[Added 6-12-2001 by Ord. No. 272]
- D. No antennas or supporting structure shall be located within required front, rear or side setbacks.
- E. Radio receiving and/or transmitting antennas shall be permitted to a maximum height of 70 feet from grade level for persons holding a valid amateur radio station license issued by the Federal Communications Commission or any successor agency.
- F. Nothing in this section shall be construed as regulating or permitting commercial television, radio, cellular or other transmitting and/or receiving towers or antennas of any type as regulated under

**§ 515-130.****§ 515-82. Streets, alleys and railroad rights-of-way.**

All public or private roads, streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such roads, streets, alleys or railroad rights-of-way. Where the center line of a road, street or alley serves as a district boundary, the zoning of such road, street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

**§ 515-83. Road access and frontage required.**

- A. Every use, building or structure shall be located on a lot which has frontage for the minimum width of a lot required in that district (where the lot is located on a cul-de-sac bulb, a minimum frontage equal to 70% of the minimum lot width in the district is permitted) on one of the following:
- (1) A public road.
  - (2) An access easement of record to a public road, where the access easement:
    - (a) Is a minimum 66 feet wide;
    - (b) Is part of a lot or parcel which meets all lot area and width requirements of this chapter;
    - (c) Is duly recorded and approved by the Village as a part of the land division review process (as regulated by the Village's Land Division Ordinance); and
    - (d) Provides access to not more than two dwelling units or not more than one principal use or structure other than a dwelling unit.
- B. All structures and use areas shall be so located on lots as to allow safe and convenient access for fire and police protection, required off-street parking, and Village services.

**§ 515-84. Zoned lots.**

- A. Every building hereafter erected or structurally altered shall be located on a lot as herein defined.
- B. Lots or parcels created after the effective date of this chapter shall meet the minimum requirements of this chapter.

**§ 515-85. Dwellings in nonresidential districts.**

No dwelling units are permitted in the GBD, GB, IO, LI and HI Districts with the following exceptions:

- A. Sleeping quarters of a night watchman or caretaker may be permitted subject to the following:
- (1) Sleeping quarters shall be provided solely for the on-duty watchman or caretaker and his or her immediate family.
  - (2) Site plans and building plans shall indicate location and layout of all proposed caretakers' quarters.
- B. Accessory apartments may be permitted in the RO, GB and GBD Districts after special land use approval in accordance with the criteria in **§ 515-123**.

## § 515-86. Single-family dwelling unit standards (mobile and manufactured homes).

All single-family dwellings shall comply with the following:

- A. All such dwellings shall meet the current construction standards of the State of Michigan and Village of New Haven prior to being brought into or constructed in the Village and prior to issuance of a building permit. The minimum acceptable standard for factory-built homes shall be the Department of Housing and Urban Development's Mobile Home Construction and Safety Standards, as from time to time such standards may be amended.
- B. All such dwellings shall meet the minimum floor area requirements of this chapter for the district in which they are located. Any addition to a dwelling unit shall be designed and constructed with similar workmanship and materials complementary to the original and shall be permanently attached to the principal structure in compliance with applicable building codes.
- C. All such dwelling units shall be firmly attached to a permanent foundation constructed on the site in conformance with applicable building codes and shall have a wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the applicable single-family building code. Factory-built homes shall be installed pursuant to the manufacturer's setup instructions and applicable building codes and shall be installed on a permanent foundation in conformance with Michigan Mobile Home Commission rules and regulations as well as applicable building codes.
- D. All wheels, axles and towing apparatus must be removed from a factory-built or manufactured home prior to issuance of a certificate of occupancy.
- E. All dwellings shall be connected to a public sewer and water system. If none is available, all such dwellings shall be connected to septic and well systems approved by the County Health Department.
- F. All such dwellings shall be compatible in appearance with other site-built homes in the Village. To this end, a roof with a minimum pitch of 3 to 12 shall be required with overhangs or eaves of at least six inches. There shall be at least two exterior doors, on different sides of the dwelling, with access to both doors by means of exterior steps or porches, where a difference in elevation or grade requires same.
- G. All such dwellings shall have a minimum width on all sides of at least 24 feet. This provision does not apply to additions to existing dwellings which otherwise meet these single-family dwelling standards.
- H. All such dwellings shall contain a minimum storage area in a basement, attic, closets or in a separate accessory structure equal to 10% of the square footage of the dwelling.
- I. These standards shall not apply to a manufactured homes located in a licensed manufactured housing park, except to the extent required by state or federal law.

## § 515-87. Building grades.

All buildings shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Yards shall be graded to prevent the accumulation of surface water on the property and not increase the natural flow or runoff of surface water onto adjacent properties.

## § 515-88. Approval of plats.

All plats for new subdivisions shall conform with the Village of New Haven Subdivision Regulations,<sup>[1]</sup> all other applicable Village ordinances, and with all applicable laws of the State of Michigan.

[1] *Editor's Note: See Ch. 455, Subdivision Regulations.*

## § 515-89. Adult entertainment uses.

- A. Purpose: dispersal of adult entertainment uses. The Village of New Haven recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when such uses are concentrated under certain circumstances, or when one or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the community or surrounding neighborhood. These special regulations itemized in this section are to prevent a concentration of these uses within any one area or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this chapter, or any other Village ordinances.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

### ADULT ENTERTAINMENT USE

Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter, actions depicting, describing or presenting specified sexual activities or specified anatomical areas. Adult entertainment uses shall include but not be limited to the following:

- (1) **ADULT MOTION-PICTURE THEATER** — An enclosed building used for presenting material which is depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- (2) **ADULT MOTION-PICTURE ARCADE** — Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically or mechanically controlled still or motion-picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to specified sexual activities or specified anatomical areas.
- (3) **ADULT BATHHOUSE** — An establishment or business that provides the services of baths of all kinds, including forms of hydrotherapy, unless operated by a medical practitioner or professional therapist licensed by the State of Michigan.
- (4) **ADULT BOOKSTORE** — A use which has a display containing books, magazines, periodicals, slides, pictures, cassettes or other printed or recorded material which has as a significant portion of its content or exhibit matter actions depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a (substantial) segment or section devoted to the sale or display of such material.
- (5) **ADULT CABARET** — A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe specified sexual activities or specified anatomical areas.
- (6) **ADULT MOTEL** — A motel wherein, for any form of consideration or gratuity, a significant portion of the facility is provided as a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

- (7) **ADULT MASSAGE PARLOR** — Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.
- (8) **ADULT MODEL STUDIO** — Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institution.
- (9) **ADULT SEXUAL ENCOUNTER CENTER** — Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.
- (10) **ADULT VIDEO STORE** — An establishment having as a substantial or significant portion of its stock-in-trade for sale or rental, video, movies, tapes or any other material of such nature, which are distinguished by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this chapter, or an establishment with a segment or section devoted to sale, rental or display of such material.

#### **DISPLAY**

As used in the above definitions, the word "display" shall mean any single motion or still picture, presentation, dance or exhibition, live act or collection of visual materials, such as books, films, slides, periodicals, pictures, videocassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

#### **REGULATED USES**

Those uses and activities which require licenses, approval or permits by Village regulations.

#### **SIGNIFICANT PORTION**

As used in the above definitions, the phrase "significant portion" shall mean and include:

- (a) Any one or more portions of the display having continuous duration in excess of five minutes;
- (b) The aggregate of portions of the display having a duration equal to 10% or more of the display; and/or
- (c) The aggregate of portions of the collection of any materials or exhibits composing the display equal to 10% or more of the display.

#### **SPECIFIED ANATOMICAL AREAS**

- (a) Less than completely and opaquely covered human genitals, pubic region; buttocks; and female breast below a point immediately above the top of the areola; and
- (b) Human genitals in a discernibly turgid state, even if completely and opaquely covered.

#### **SPECIFIED SEXUAL ACTIVITIES**

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy; and

- (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

C. Dispersal regulations.

(1) Limitations on location.

- (a) No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use nor within 500 feet of any of the following uses:

[1] Any Class C establishment licensed by the Michigan Liquor Control Commission.

[2] Pool or billiard halls.

[3] Arcades.

[4] Banquet halls.

[5] Ice- or roller-skating rinks.

[6] Pawnshops.

[7] Indoor or drive-in movie theaters.

[8] Any public park.

[9] Any church.

[10] Any public or private school having a curriculum including preschools, kindergarten or any one or more of the grades one through 12.

[11] Any other regulated adult entertainment uses as defined herein.

- (b) Such distance shall be measured from all the property lines of the subject parcel to all the property lines of any of the above listed uses.

- (2) Prohibited zone. No adult entertainment use shall be located within 500 feet of any area residentially zoned. Such distance shall be measured by a straight line from all the property lines of the subject parcel to all the boundary lines of all areas zoned residential.
- (3) Acceptable zones. Adult entertainment uses shall be located in the GB General Business Zoning District only.
- (4) Freestanding building required. All adult entertainment uses shall be contained in a freestanding building. Commercial strip stores, common wall structures and multi-uses within the same structure do not constitute a freestanding building.
- (5) Display content. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not regulated as an Adult Entertainment Use. This provision shall apply to any display, decoration, sign, window or other opening.

## § 515-90. Performance standards for all land uses.

It shall be unlawful to carry on or permit to be carried on any activity or operation or use of any land, building or equipment that produces irritants to the sensory perceptions or other physical results greater than the measures herein established, which are hereby determined to be the maximum permissible hazards to humans or human activities. Such measures may be supplemented by other measures which are duly determined to be maximum permissible hazards to human activity.



- A. Noise. No operation or activity shall cause or create noise that exceeds the sound levels prescribed below, using an A-weighted decibel scale dB(A), when measured at the lot line of any adjoining use, based upon the following maximum allowable levels for each use district:

**Zoning of Adjoining Land Use**

**Maximum Allowable Noise Level Measured in dB(A)**

Use	Maximum Allowable Noise Level Measured in dB(A)	
	From 6:00 a.m. to 9:00 p.m.	From 9:00 p.m. to 6:00 a.m.
SF, SF-1, SF-2, MH (single-family residential)	60	55
MF (multiple-family residential)	65	60
RO, GBD, GB (commercial)	70	65
IO, LI, HI (industrial)	80	70

- B. Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 3/1,000 of one inch measured at any lot line of its source, or ground vibration which can be readily perceived by a person standing at any such lot line. No stamping machine, punchpress, press break, or similar machines shall be located closer than 300 feet to a residential district without written certification by the Administrative Official that a nuisance is not thereby caused to the residential district.
- C. Odor. The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited.
- D. Gases. The escape or emission of any gas which is injurious, destructive or explosive is prohibited. In addition, in accordance with Rule 901 of the Michigan Department of Environmental Quality, Air Quality Division, no escape or emission of any gas shall unreasonably interfere with the comfortable enjoyment of life and property.
- E. Glare and heat. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except as necessary for construction purposes during the period of construction.
- F. Open storage and waste disposal.
  - (1) Open storage of any industrial or commercial equipment, vehicles (except vehicles for sale and/or display), and all materials including wastes shall be screened from public view from a public street by an obscuring screen wall or fence as specified in § 515-91. In no case shall open storage be permitted within a required front yard in any zoning district.
  - (2) No materials or waste shall be placed upon a parcel in a manner that they may be blown, washed or transferred off the parcel by natural causes.
  - (3) All materials that may cause fumes or dust, that constitute a fire hazard, or may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
- G. Site lighting.
  - (1) No use shall be conducted in a manner that has illumination that produces glare or directs illumination across a property line of an intensity that creates a nuisance or detracts from the use or enjoyment of adjacent property. Site lighting shall be installed so that the surface of the source of light shall not be visible from any property line.
  - (2) In no case shall more than one footcandle power of light cross a lot line five feet above the grade in a district that allows residential uses.
  - (3) All wall-mounted lighting for the exterior of buildings shall have hooded or similar cutoff fixtures that do not allow illumination above the horizontal plane parallel to the ground elevation. Exterior lighting for gas station canopies shall have fixtures with flat lenses or

lenses that project no more than 3/4 inch from the shielded portion of the fixture. All parking lot lights mounted on poles shall have nonadjustable, shoebox or similar cutoff fixtures that do not allow illumination above the horizontal plane parallel to the ground elevation.

H. Smoke, dust and other particulate matter.

- (1) For purposes of this section, "smoke" is any visible emission into the open air from any source, except emissions of an uncontaminated water vapor. A "smoke unit" is a measure of the quantity of smoke being discharged and is the number obtained by multiplying the smoke density in the smoke chart by the time of emission in minutes. Thus, the emission of smoke at a density of smoke chart No. 1 for one minute equals one smoke unit. The Ringelmann Smoke Chart shall be the standard smoke chart and shall be on file with the Administrative Official.
- (2) The density of smoke emission shall not exceed smoke chart No. 2, and the quantity of smoke shall not exceed 10 smoke units per hour per stack.

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

J. Nuclear radiation. Nuclear radiation shall not be emitted to exceed quantities established as safe by the U.S. Nuclear Regulatory Commission.

K. Water supply and sewage disposal. Every building used or intended to be used for human habitation or human occupancy, including but not limited to dwellings, industrial, commercial, office and institutional uses, shall be furnished with water supply and sewage disposal as provided for in the Building Code. Accessory buildings, such as garages or storage buildings, intended and used for incidental or no human occupancy are excluded from this requirement, except that if water supply and/or sewage disposal is required and/or furnished to such building, it shall comply with the standards of the Building Code.

## § 515-91. Screening and landscaping.

Screening and landscaping in all zoning districts, where required, shall adhere to the following minimum standards.

A. General provisions. In all zoning districts the following minimum standards apply:

- (1) All required landscaping shall be continuously maintained in a healthy, growing condition.
- (2) All required landscaped areas shall be covered with grass, living or natural ground cover, wood chips, mulch or a combination of the above.
- (3) Plastic or other nonorganic plant materials are prohibited.
- (4) All required landscape areas in excess of 200 square feet shall be irrigated to assist in maintaining a healthy condition for all landscape plantings and lawn areas. All site plans shall note installation of required irrigation. The Planning Commission may modify this requirement due to unique circumstances or practical difficulties.
- (5) All required landscape plantings which are diseased or dead must be replaced in conformance with the approved landscape plan.
- (6) All required landscape areas and screen walls which abut vehicular drives, parking or other use areas shall be separated from the vehicular use area with a six-inch minimum curb of concrete or asphalt construction.
- (7) The Planning Commission may permit the reduction of required landscaping when, based on the review of a landscape plan and other relevant information, the proposed development

includes the preservation of existing trees and vegetation sufficient to provide the required screening.

B. Screening and landscaping standards.

- (1) The table below provides the standards for various types of screening and landscaping required in this chapter:

Type of Screening or Buffer	Height	Width	Planting Requirements
Extensive landform buffer	8-foot berm with a 2-foot crown and maximum 3:1 slope	50 feet	1 large deciduous or evergreen tree and 4 shrubs for every 30 linear feet
Landform buffer	3-foot berm with a 2-foot crown and maximum 3:1 slope	20 feet	1 large deciduous or evergreen tree and 4 shrubs for every 30 linear feet
Buffer strip	5-foot visual barrier	20 feet	1 large deciduous or evergreen tree and 4 shrubs for every 15 linear feet
Screen wall <sup>2</sup>	6-foot (8-foot for HI District)	8 inches of brick, or decorative concrete	5-foot greenbelt adjacent to screen wall for its entire length
Greenbelt <sup>1</sup>	n/a	20 feet	1 large deciduous or evergreen tree and 4 shrubs for every 30 linear feet

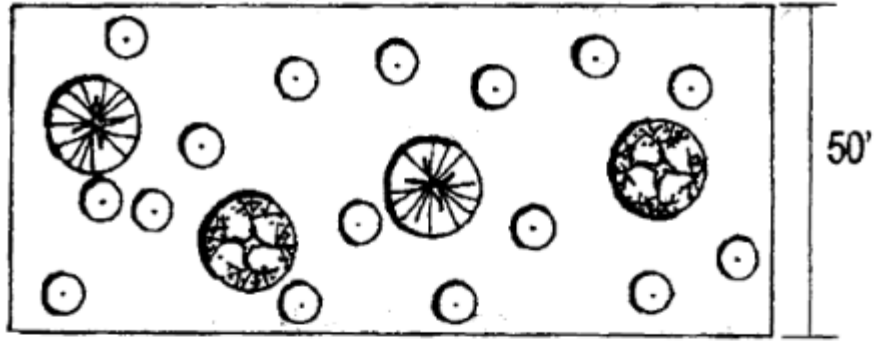
NOTES:

- <sup>1</sup> Greenbelts required adjacent to road rights-of-way may be substituted with a masonry screen wall, 30 inches in height, when approved by the Planning Commission. A five-foot greenbelt adjacent to the screen wall must be provided.
- <sup>2</sup> Screen walls shall comply with the §§ **515-76** and **515-77** that relate to visibility at intersections and driveways, and § **515-92**, Fences, walls and other protective barriers.

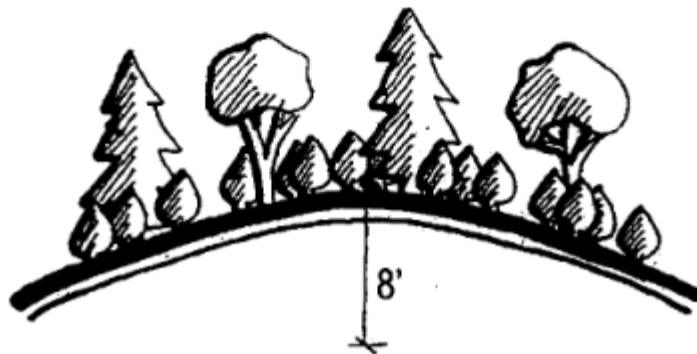
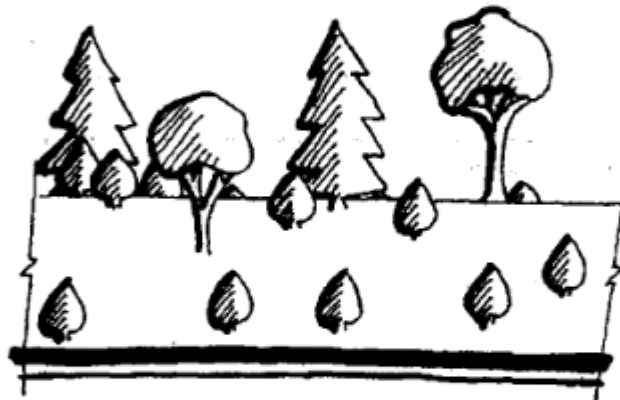
C. Required minimum screening and landscaping.

- (1) The Table of Required Minimum Screening and Landscaping specifies the minimum required screening and landscaping between a subject parcel and adjacent properties.<sup>[1]</sup>  
*[1] Editor's Note: The Table of Required Minimum Screening and Landscaping is included at the end of this chapter.*
- (2) The Planning Commission may permit a combination of a required landform buffer, buffer strip, screen wall, or greenbelt upon finding, based on its review of a landscape plan, that the combined landscaping and/or screening will achieve the same effect as otherwise required.
- (3) The Planning Commission may permit a reduction of screening between single-family residential and nonresidential or multiple-family districts or uses when separated by a road right-of-way.
- (4) The Planning Commission may modify the screening requirements where, in unusual circumstances, no good purpose would be served by compliance with the standards.

EXTENSIVE LANDFORM BUFFER



1 tree & 4 shrubs per 30 linear feet

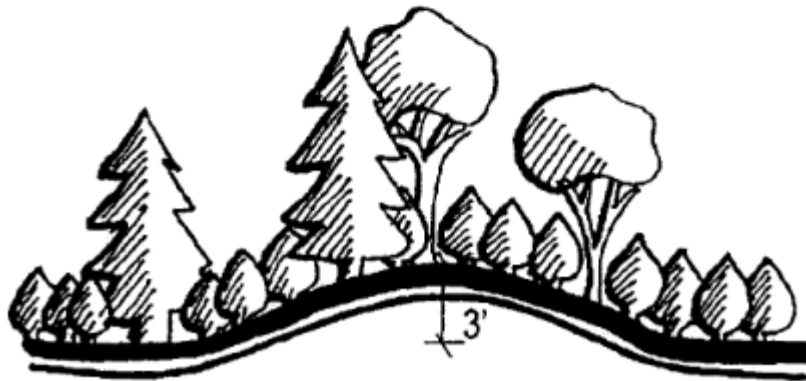
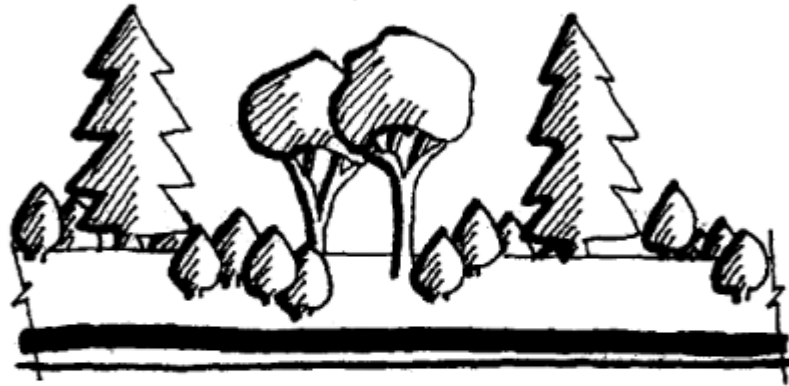


Cross Section View

LANDFORM BUFFER

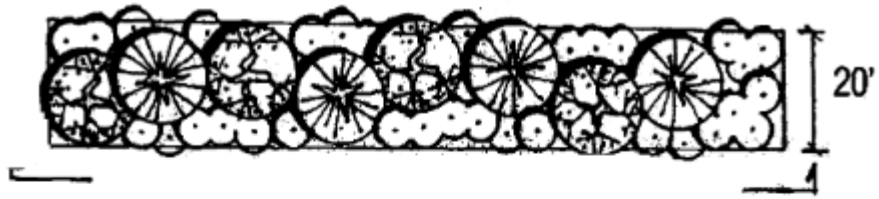


1 tree & 4 shrubs per 30 linear feet



Cross Section View

BUFFER STRIP



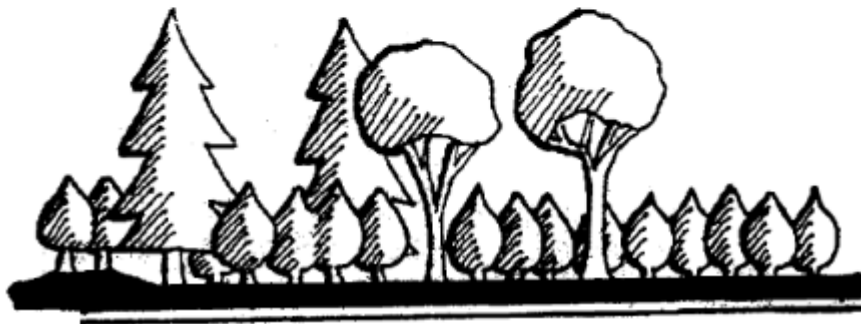
5 foot high visual barrier of  
1 tree & 4 shrubs per 15 linear feet



GREENBELT



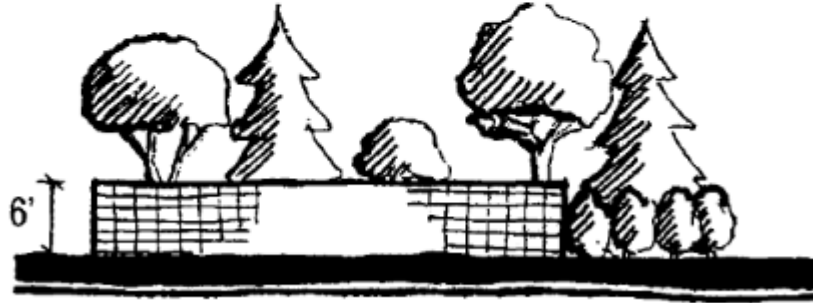
1 tree & 4 shrubs per 30 linear feet



SCREEN WALL



Greenbelt adjacent to wall  
1 tree & 4 shrubs per 30 linear feet



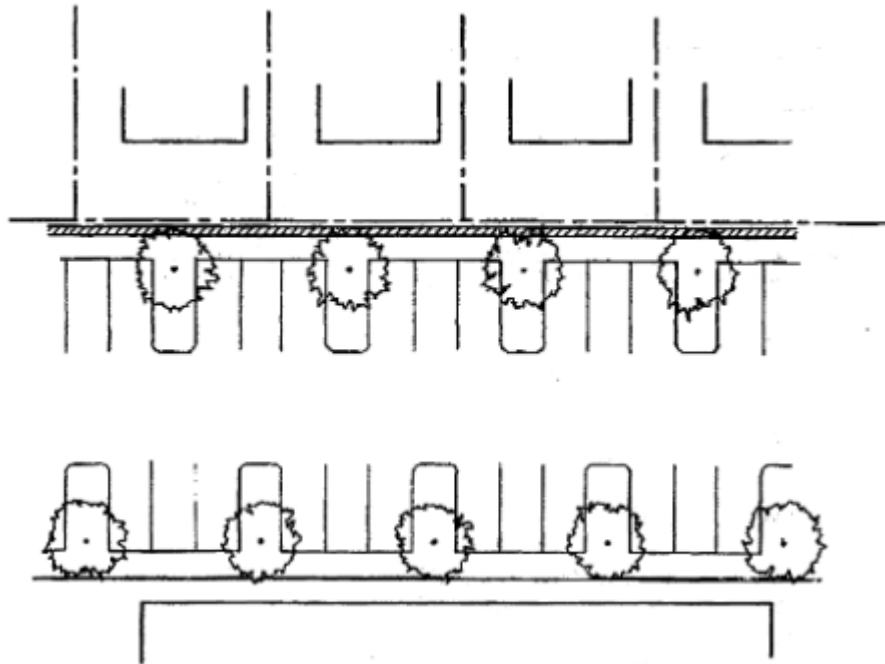
8 foot high wall in HI district

- D. Interior landscaping. For every new development that requires site plan review, except site condominiums as regulated in § 515-97, interior landscaping areas shall be provided equal to at least 5% of the total lot area. These landscaped areas may be grouped near building entrances, building foundations, pedestrian walkways, service areas or adjacent to fences, walls or rights-of-way. All interior landscaping shall provide one large deciduous, small ornamental deciduous or evergreen tree and two shrubs for every 400 square feet of required interior landscaping area.
- E. Parking lot landscaping. Within every parking area containing 10 or more spaces there shall be parking lot landscaping in accordance with this subsection. These landscaping areas shall be located so as to better define parking spaces and drives. All required parking lot landscaping shall conform with the following:
  - (1) Any off-street parking areas containing 10 or more parking spaces shall have parking lot landscaping according to the following schedule:

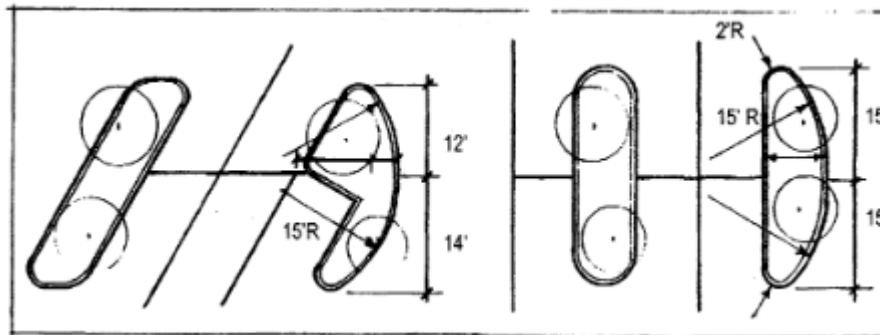
Use	Square Feet of Required Parking Lot Landscaping Per Parking Space
Commercial/office	20
Residential (multiple)	15
Industrial	10

- (2) All required parking lot landscaping shall be designed to conform with the following requirements, subject to Planning Commission approval:
  - (a) One deciduous tree shall be required for every 100 square feet of required parking lot landscaping area.
  - (b) Parking lot landscaping areas shall be curbed with six-inch concrete curbing.

PARKING LOT LANDSCAPING (example)



PARKING LOT ISLAND (detail)



F. Minimum plant size. All required plant materials shall have the following minimum sizes at the time of installation:

<b>Plant Material</b>	<b>Minimum Size at Installation</b>
Large deciduous canopy tree:	2 1/2-inch caliper
Small deciduous ornamental tree:	1 1/2-inch caliper
Evergreen tree:	4 feet
Shrubs:	24-inch height or spread

G. Suggested trees and shrubs for parking lot landscaping:

London planetree	Snowdrift crabapple	Sweetgum
Linden trees	Honey Locust	Marshall's green ash
Junipers	Dwarf pear	

H. Suggested trees and shrubs for greenbelt areas and interior landscape areas:

Amur maple	Sweetgum	European hornbean
Hawthorns	Border privet	Little leaf linden
White ash (seedless)	Junipers	Buckhorn



Honey locust	Serbian spruce	Gingko (male only)
Scotch pine	Euonymus	Eastern ninebark
Mugo pine	Smoke tree	Cottoneaster
Beauty bush	Hedge maple	Dwarf Callery pear
Snowdrift crabapple	Bayberry	London planetree

I. Plant material not permitted:

Box elder	Elm (American)	Poplar
Soft maples	Tree of Heaven	Willow
Cottonwood	Mulberry	Horse chestnut (nut bearing)
Gingko (female)	Black locust	Honey locust (with thorns)

J. Installation and maintenance of plant materials.

- (1) Required landscaping and screening shall be installed within six months from the date of completion of the building or improvement. A final certificate of occupancy shall be withheld until all required landscaping and screening has been installed and approved. A temporary certificate of occupancy may be issued in the interim.
- (2) All landscaped areas shall be provided with a readily available and acceptable water supply.
- (3) Tree stakes, guy wires and tree wrap are to be removed after one year.
- (4) Landscaped areas and plant materials shall be kept free from refuse and debris. Plant materials, including lawns, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant materials required by this chapter dies or becomes diseased, they shall be replaced within 30 days of written notice from the Village or within an extended time period as specified in said notice.

K. Trash receptacle, transformer, and mechanical equipment screening

- (1) Dumpsters and trash storage enclosures. All areas used for the storage of trash and other waste products shall be completely screened from view. The following standards shall apply to all such trash enclosures:
  - (a) Enclosure shall be constructed of similar masonry or wood exterior materials as the buildings to which they are accessory.
  - (b) Enclosures shall be at least six feet but not more than eight feet high and shall obscure all wastes and/or containers within. An obscuring wood gate shall be installed which forms a complete visual barrier the same height as that of the other three sides.
  - (c) No enclosures shall be permitted within a required front yard or street-side side yard setback.
  - (d) All dumpsters shall be located on a six-inch concrete pad.
- (2) Transformer and mechanical equipment screening.
  - (a) All ground-mounted transformers, climate control, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. As an alternative, the equipment may be screened by landscaping approved by the Planning Commission.
  - (b) All rooftop climate control equipment, transformer units, and similar equipment shall be screened. The materials used to screen the equipment shall be compatible in color and

type with exterior finish materials of the building. All rooftop equipment shall conform to the maximum height regulations of this chapter.

## § 515-92. Fences, walls and other protective barriers.

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

A. In all districts the following standards apply:

- (1) The erection, construction or substantial rebuilding of any fence, wall or privacy screen shall be constructed in conformance with this chapter.
- (2) A fence permit must be obtained from the Village prior to erection, construction or substantial rebuilding of any fence, wall or other protective barrier.
- (3) All fences, walls or other protective barriers shall be located on the property unless otherwise specified.
- (4) All fences shall meet the visibility criteria in §§ **515-76** and **515-77**.
- (5) No portion of any fence shall project beyond any property line.
- (6) It shall be the duty of each property owner to ensure that all fences, walls and privacy screens on the property are installed and maintained plumb, with adequate support and footings, and in a safe and sightly manner, and to remove or repair any fence, wall or privacy screen that is dangerous, damaged, dilapidated or otherwise in violation of this chapter.
- (7) Bumper-stops curbing or guard posts/rails shall be provided where any fence or wall abuts a required drive or parking area.

B. Residential standards. In addition to the standards in Subsection **A** above, the following provisions shall apply to fences and walls in all SF, SF-1, and SF-2 Districts:

- (1) Fences or walls erected in any front yard or street-side side yard shall not exceed four feet in height, unless otherwise required by this chapter for screening of adjacent land. Where screening fences or walls are required by this chapter to be located within a required front yard or a required street-side side yard, they shall not exceed 3 1/2 feet in height within the required front yard setback. Fences or walls within a side or rear yard shall not exceed six feet in height.
- (2) Only one fence or wall may be erected along a common lot line.
- (3) Fences or walls containing barbed wire, razor wire, spikes, nails, sharp points, or electric current or charge are prohibited. However, barbed wire in cradles may be placed on top of fences or walls enclosing public utility facilities.

C. Multiple-family residential, office and commercial standards. In addition to the standards in Subsection **A** above, the following provisions shall apply to fences and walls for all multiple-family residential, office and commercial districts and land uses:

- (1) No fence or wall shall be erected in any front yard or street-side side yard unless required by this chapter for screening of adjacent land. Where screening fences or walls are required by this chapter to be located within a front yard or a street-side side yard, they shall not exceed 3 1/2 feet in height within the required front yard setback. Fences or walls within side or rear yards shall not exceed six feet nor shall they be less than four feet in height above the grade of the surrounding land, unless otherwise required by this chapter.
- (2) Fences containing barbed wire, razor wire, spikes, nails, sharp points, or electric current or charge are prohibited; however, barbed wire in cradles may be placed on top of fences enclosing public utility facilities.

D. Industrial standards. In addition to the standards in Subsection **A** above, the following provisions shall apply to fences and walls in the IO, LI, and HI Districts:

- (1) No fence or wall shall be erected in any front yard or street-side side yard unless required by this chapter for screening of adjacent land. Where screening fences or walls are required by this chapter to be located within a front yard or a street-side side yard, they shall not exceed four feet in height within the required front yard setback. Fences or walls within side or rear yards shall not exceed eight feet nor shall they be less than four feet in height above the grade of the surrounding land.
- (2) Fences containing razor wire, spikes, nails, or electric current or charge are prohibited; however, barbed wire in cradles may be placed on top of fences enclosing outdoor equipment storage or use areas which have received site plan approval in accordance with § **515-100**.

### § 515-93. Moved buildings or structures.

Any building or structure which is moved shall be considered a new building or structure and shall conform to all provisions of this chapter and all applicable building codes.

### § 515-94. Portable structures.

Portable structures, such as a trailer or similar type of structure designed and used for hauling and/or storing inventory, merchandise or equipment, and not designed to be a permanent structure, shall not be located on any premises for more than 15 days in a calendar year, unless as permitted in § **515-94**. Where permitted, portable structures shall be located in full conformance with the setback, dimensional and design requirements of this chapter. The use of any portable structure for dwelling purposes for any period of time is prohibited.

### § 515-95. Temporary construction structures.

Construction trailers which are necessary to facilitate construction on any site in the Village where construction is proceeding under a valid building permit shall be permitted and are exempt from § **515-95**. However, no such structure shall be located at any construction site longer than one month after completion of construction. All temporary construction structures shall conform with all applicable provisions of this chapter. No temporary construction structure shall be used in any manner as a business sign for the use under construction.

### § 515-96. Sidewalks.

A. Where sidewalks are provided or required, they shall meet the following minimum standards:

<b>Minimum Width</b>			
<b>Sidewalk Type</b>	<b>(feet)</b>	<b>Material</b>	<b>Location</b>
Public (right-of-way)	5	Concrete	1 inch inside right-of-way
Internal	4	Concrete	On site

B. All sidewalks shall be of barrier-free design in compliance with the Americans With Disabilities Act (ADA). Ramps and railings shall be provided as necessary to ensure barrier-free accessibility.

### § 515-97. Site condominium regulations.

The review, design, development and maintenance of a site condominium project shall conform with the provisions of this section.

A. Review process. Review and approval as provided in this section shall be required to construct, expand or convert a site condominium project. The review process shall involve three phases:

(1) Preliminary plan review and approval.

(a) Application. A developer of a proposed site condominium project shall submit to the Village an application for preliminary plan approval on an application form provided by the Village. The application form shall include all information called for on the form and shall be accompanied by 12 copies of a preliminary plan, the application and review fee, and any supplemental information the applicant desires to be considered during the preliminary plan review process.

(b) Preliminary plan content. The preliminary plan shall show the name, location and position of the project. The plan and layout shall be of sufficient detail on a topographic plan to enable a determination of whether the project meets requirements for size and shape of lots, streets, roads, drainage, floodplains and wetlands. The preliminary plan shall be drawn to scale of not more than 100 feet to one inch. It shall contain a legal description of the parcel of land to be developed, proposed layout of the individual building sites, streets, roads, floodplains, wetlands and location of proposed drainage, water and septic service. In addition, the application and/or plan shall include other information deemed necessary by the Planning Commission, Village planning consultant, or Village engineering consultant for preliminary review, including all data submittal requirements in the Village Subdivision Ordinance.<sup>[1]</sup> The plan shall also contain the name and address of the developer and the name, address and seal of the surveyor or engineer who prepared it.

[1] *Editor's Note: See Ch. 455, Subdivision Regulations.*

(c) Preliminary plan review process.

[1] The application form and preliminary plan shall be forwarded to the Planning Commission, Village engineering consultant and Village planning consultant for their review.

[2] Following review and recommendation by the engineering and planning consultants, the preliminary plan shall be reviewed by the Planning Commission for conformance with all applicable laws and ordinances, including all ordinance design standards relative to density, condominium building sites, streets, roads, drainage, floodplains and wetlands.

[3] The Planning Commission shall ascertain whether, based upon the submitted application and preliminary plan, the preliminary plan will conform with all applicable ordinance requirements relative to condominium building site size, shape and layout, and street design. In addition, the Planning Commission shall review the plan for compliance with § 515-100, Site plan review.

[4] If the preliminary plan conforms with all applicable ordinance standards, including the design standards within the Village Subdivision Ordinance, and demonstrates conformance with requirements for site plan review, it shall be approved by the Planning Commission. If the preliminary plan fails to conform, the Planning Commission shall either deny the application or grant approval with conditions with a time limit for compliance with such conditions and resubmission, as deemed appropriate by the Planning Commission.

[5] Preliminary plan approval shall confer upon the developer an approval, for a period of one year, of the proposed size, shape and layout of building sites and street layout. Such preliminary plan approval may be extended if applied for by the

proprietor within one year of the initial approval and approved by the Planning Commission.

(2) Site plan review and approval.

- (a) After preliminary plan approval is granted by the Planning Commission, the developer shall submit an application for site plan review and approval in accordance with the submittal and review requirements in § **515-100**, Site plan review.
- (b) Application for site plan review shall include a copy of the proposed master deed, bylaws and any additional documentation to be recorded with the Register of Deeds for review and approval. The master deed shall be reviewed with respect to all matters subject to regulation by the Village, including, without limitation, ongoing preservation and maintenance of drainage, retention, wetland and other natural areas, and maintenance of general and limited common elements.
- (c) The Planning Commission shall review the site plan and all associated submittal information and shall approve the proposed condominium project if it conforms with all applicable ordinance standards and conditions of preliminary plan approval. If the proposed condominium project does not conform with said standards and conditions, the Planning Commission may approve with conditions or deny the proposed condominium project.
- (d) Site plan approval shall be effective for a period of one year. Such approval may be extended if applied for by the developer within the effective period and granted by the Planning Commission.

(3) Final engineering plan review and approval.

- (a) Following site plan approval by the Planning Commission, the developer shall submit an application for final engineering approval to the Village, on forms provided for that purpose. The application shall include plans and information in sufficient detail for the Village and appropriate consultants to determine compliance with all applicable laws, codes, ordinances, rules and regulations enforceable by the Village subject to applicable provisions of Subsection **B** below.
- (b) The Village's engineering consultants and planning consultants shall review the final engineering plans and shall approve the plans when they conform with all applicable ordinance standards, requirements and conditions of site plan approval.
- (c) A building permit for construction of individual condominium units shall be issuable at such time as the final engineering plan has been approved, all applicable permits and approvals have been secured from all other applicable government entities, and all improvements for the project have been constructed. The Village may determine that certain improvements need not be constructed prior to the issuance of building permit for a condominium unit, provided that all improvements shall be completed prior to issuance of a certificate of occupancy for any condominium unit and the developer posts a performance guarantee in conformance with § **515-100H** for the timely completion of such improvements.

B. Additional site condominium regulations.

- (1) Each condominium building site shall front on and have direct access to a public street constructed to Macomb County Road Commission or Village of New Haven standards.
- (2) There shall be compliance with all requirements of Article **XVII**, Schedule of Regulations,<sup>[2]</sup> and other provisions of this chapter and other applicable ordinances, with the understanding that reference to "lot" in such regulations shall mean and refer to "condominium building site" and reference to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "condominium unit envelope." In the review of preliminary

plans, site plans and engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which would be made for developments proposed under, for example, the Land Division Act. However, the review of plans submitted under this section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Land Division Act.<sup>[3]</sup>

[2] *Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*

[3] *Editor's Note: See MCLA § 560.101 et seq.*

- (3) Prior to any grading or land development activity and/or the issuance of building permits, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal and stormwater drainage.
- (4) Prior to issuance of any certificates of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction that all improvements have been completed in accordance with approved plans.
- (5) Within 60 days following final inspection and approval of all improvements, the developer shall submit to the Village an as-built survey, including dimensions between each improvement and the boundaries of the building sites, and distance of each improvement from any wetland, floodplain and/or floodway. The corners of each condominium building site shall be staked in the customary manner in connection with a survey performed for the project.
- (6) The fees for all reviews shall be established by resolution adopted by the Village Council.
- (7) Any proposed amendments of plans or the master deed which have received final approvals and which would have any direct effect upon any matter reviewed or approved under this section shall be reviewed and approved by the Planning Commission prior to recording.

## § 515-98. Recreational vehicles in residential districts.

Recreational vehicles, as defined in § 515-3, which are owned by a member of the family residing in a single-family home on the same lot or parcel, may be parked on a lot or parcel in any SF, SF-1 or SF-2 District subject to the following:

- A. A maximum of one recreational vehicle may be parked on a lot or parcel outside of a garage.
- B. Recreational vehicles may be located in a rear or side yard, provided a minimum five-foot setback is maintained from all side and rear property lines. Recreational vehicles may be located on a driveway in a front yard for a period not to exceed 24 hours during loading and unloading, provided the recreational vehicle does not impede visibility and a five-foot setback is maintained from all side lot lines (compliance with the visibility limitations in §§ 515-76 and 515-77 is required).
- C. Recreational vehicles may not be utilized for dwelling purposes at any time. This subsection does not include the temporary use of recreational vehicles for purely recreational dwelling purposes within approved campgrounds.
- D. Recreational vehicles must be currently registered and/or licensed for use.
- E. Recreational vehicles must be owned by a member of the family that resides in the home.

## § 515-99. Commercial vehicles in residential districts.

Commercial vehicles, as defined in § 515-3, which are owned or operated by a member of the family residing in a single-family home on the same lot or parcel, may be temporarily parked in a SF, SF-1 or

SF-2 District subject to the following:

- A. A maximum of one commercial vehicle may be parked on a lot or parcel whether inside or outside of a garage.
- B. The commercial vehicle must be located inside a garage or on a driveway.
- C. The commercial vehicle shall be no larger than a regularly manufactured pickup or panel van of one-and-one-half-ton capacity. No wreckers, garbage trucks, septic tank haulers/pumpers or semi-truck/trailers are permitted.
- D. The commercial vehicle must be currently registered and licensed for use.
- E. The commercial vehicle must be owned or operated by a member of the family that resides in the home.
- F. The provisions of this section shall not apply to vehicles that are utilized in the operation of a limited farm use on the same lot or parcel.

## § 515-100. Site plan review.

This section sets forth the requirements for the site plan review process in the Village of New Haven.

- A. Developments, uses or activities requiring submittal of a site plan. A site plan shall be submitted to the Village in accordance with the procedures in this section for any of the following activities and uses in all zoning districts, excluding single-family homes, two-family homes, and residential accessory structures:
  - (1) All new construction, structural alteration, or substantial change in use, as determined by the Zoning Administrator, for principal permitted uses in all zoning districts, excluding single-family homes, two-family homes, and residential accessory structures.
  - (2) All site condominium developments in any district.
  - (3) All special land uses in any district.
  - (4) Any use that requires a new, modified or expanded parking lot.
  - (5) All multiple-family residential developments and manufactured housing parks.
  - (6) The improvement, expansion, extension or abandonment of any public or private overhead or underground utility or utility lines or easement.
  - (7) All public buildings, structures and parks.
- B. Site plan review process. Site plans shall be reviewed in conformance with the following process:
  - (1) Applicant applies to Village Clerk for preapplication conference with Village President, Village Manager, Planning Commission Chair (or designee), planning consultant, engineering consultant, Zoning Administrator, and/or other appropriate officials, to discuss the proposed site plan, review procedures, design elements, and ordinance requirements. (Optional, but strongly recommended.)
  - (2) Applicant initiates site plan review process by submitting the following information to the Village Clerk:
    - (a) Fifteen copies of the completed site plan application form. Note: Incomplete applications, including insufficient plans, will not be processed until required information is submitted. [Amended 6-12-2001 by Ord. No. 272]
    - (b) Fifteen copies of the site plan. A site plan submitted to the Village for preliminary site plan review must contain all of the information set forth in Subsection **C** below.

[Amended 6-12-2001 by Ord. No. 272]

- (c) Fifteen copies of the Hazardous Substance Reporting Form and Environmental Permits Checklist (provided by Village).  
[Amended 6-12-2001 by Ord. No. 272]
  - (d) Payment of all applicable fees.
- (3) Village Clerk distributes complete application and site plan to Planning Commission, engineering consultant and planning consultant for their review. The Planning Commission may require review by other agencies to ensure compliance with applicable standards and requirements.
  - (4) When the completed application and site plan have been reviewed by the planning and engineering consultants, the application will be placed on the agenda of a meeting of the Planning Commission. The applicant will be notified of the date, time and place of the meeting at which the Planning Commission will consider the application.

NOTE: The applicant or a representative should attend all meetings at which his development is scheduled for discussion or action. Failure to appear at the meeting may cause the item to be tabled to the next meeting. The Planning Commission may take action on a scheduled agenda item regardless of the attendance of the applicant or a representative.

- (5) The Planning Commission conducts preliminary site plan review to determine compliance with applicable ordinance requirements. The Planning Commission will consider all review letters and reports from the planning and engineering consultants and, where necessary, other agencies, together with such information as the applicant may present concerning the application.
- (6) Upon determination by the Planning Commission that a preliminary site plan is in compliance with the Zoning Ordinance, as amended, and other applicable standards and requirements, the applicant may then proceed to the final site plan review process. Where a preliminary site plan is not in compliance and extensive revisions to the preliminary site plan are necessary to meet applicable standards and requirements, the required changes shall be stated in writing and the applicant shall revise the site plan and resubmit the site plan for preliminary site plan review. If changes are minor, they shall be made a part of the final site plan submission.
- (7) The applicant initiates final site plan review by submitting the following information to the Village Clerk:
  - (a) Twelve copies of the site plan revised to address all preliminary plan review comments.
  - (b) Submission of any additional required information to address preliminary site plan review comments.
  - (c) Additional data required for final site plan approval.
- (8) The Village planning consultant and engineering consultant shall approve, approve with conditions, or deny the final site plan after review and consideration of other reviewing agencies' comments, together with information the applicant presents concerning the application.
- (9) Upon approval of the final site plan, such approval shall be indicated on the plan including the stamp of the Planning Commission Chairperson.
- (10) If revisions to the final site plan are necessary to meet conditions of approval, ordinance requirements or standards, the final site plan shall be revised by the applicant and resubmitted to the Village Clerk for verification of compliance with necessary plan revisions. The Village Clerk may request assistance in verifying compliance with required plan revisions from the Planning Commission, Village consultants, or other applicable agencies.



- (11) All denials, along with the reasons for denial, shall be indicated in writing. If the applicant desires to prepare an alternative plan, the same procedure as outlined above, beginning with submittal of final site plans for Planning Commission review, shall be followed.
- (12) When all conditions of approval are met by the applicant, the Village Planning Commission Chair shall stamp the final site plans "APPROVED" and shall transmit copies in accordance with the following:

<b>Sent To</b>	<b>Number of Copies of Approved Plan</b>
Applicant	1
Village Clerk	2
Zoning Administrator	1

- (13) Applicant applies for building permits.

C. Submission requirements.

- (1) Site plan application form contents.
  - (a) Applicant's name, address and phone number.
  - (b) Name of proposed development.
  - (c) Common description of property and complete legal description.
  - (d) Land acreage and frontage on public roads or rights-of-way.
  - (e) Existing zoning of subject property and adjacent properties.
  - (f) Detailed description of the proposed use of the land.
  - (g) Name, address and phone number of:
    - [1] Firm(s) or individual(s) who prepared site plan(s).
    - [2] Legal owner(s) of property.
  - (h) Signature of applicant and legal owner(s) of property, if not the applicant.
- (2) Preliminary site plan submission/data requirements. The following information shall be detailed on the preliminary site plan:
  - (a) Name of development and title block.
  - (b) Location map showing site location, major roads, and railroads.
  - (c) The site plan shall be drawn to scale of not less than one inch equals 50 feet.
  - (d) Date, North arrow, and scale.
  - (e) Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
  - (f) Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
  - (g) Location of all existing structures within 100 feet of the subject property lines.
  - (h) All existing and proposed aisles, drives, pedestrian paths, roadways, parking areas and number of parking spaces and location of loading areas on the subject property.

- (i) All existing and proposed roadways, drives, parking areas and pedestrian paths within 200 feet of the subject property.
- (j) Location and height of all walls, fences and landscaping, including a plan for landscaping of the development and the method by which landscaping is to be maintained.
- (k) Location and widths of all abutting streets, existing and proposed rights-of-way, easements and pavement.
- (l) Types of existing and proposed surfacing of all roads, such as asphalt or concrete paving.
- (m) Types of facing materials to be used on structures.
- (n) Elevations (front, sides, and rear views) of all sides of the building(s).
- (o) A floor plan drawing showing the specific use areas of all existing and proposed building on site.
- (p) Seal of registered architect, landscape architect, land surveyor, or civil engineer who prepared the plan.
- (q) Density calculations (for multiple-family projects).
- (r) Principal and accessory buildings.
- (s) Designation of units by type of buildings.
- (t) Interior walks and pedestrian or bicycle paths within rights-of-way.
- (u) Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.
- (v) Trash receptacle and transformer locations and method of screening.
- (w) Drive or street approaches, including acceleration, deceleration and passing lanes, where appropriate.
- (x) All utilities located on or serving the site, including waterlines/wells and septic/sanitary sewer lines. If any water or sewer system is proposed which serves more than one building or use, detailed construction plans shall be submitted for review by the Village's engineering consultant. All necessary reviews and permits shall be obtained and verified by the applicant prior to final site plan review.
- (y) Loading and unloading areas.
- (z) Designation of fire lanes.
- (aa) Address location on building and size of numbers.
- (bb) Location and boundaries of wetlands, one-hundred-year floodplains, lakes, streams, rivers, detention basins, drainageways, or other bodies of water, with water elevation levels indicated.
- (cc) Soil types and characteristics using the U.S. Soil Conservation Service's Soil Survey of Macomb County, Michigan, or more detailed surveys if available.
- (dd) Location, size and types of all proposed signs.
- (ee) Preliminary storm system layout and flow arrows, demonstrating that storm flow connections and disposal methods are feasible.
- (ff) Typical existing and proposed cross sections for streets, roads, alleys, parking lots, etc., as applicable, including right-of-way.

- (gg) Existing and proposed ground contours at intervals of two feet or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the Village's consulting engineer.
  - (hh) Proposed fire lanes and fire lane signs.
  - (ii) Proposed signs and specifications for control of traffic flow.
  - (jj) Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
  - (kk) Landscape plan showing species, spacing and size of each tree and plant material and ground cover.
  - (ll) Such other reasonable and relevant information as may be required by the Village to assist in the review of the proposed development.
- (3) Final site plan submission/data requirements. In addition to the preliminary site plan data specified above, the following minimum information must be submitted for final site plan review and approval:
- (a) Site engineering plans prepared by a registered civil engineer. Such plans shall be submitted for the Village engineering and planning consultant's review and approval. Plans shall include the following:
    - [1] A proposed grading and drainage plan. The plan shall show proposed finished floor elevations, finished grades at structures, proposed stormwater collection system, storm outlet(s), ultimate downstream outlet and, when required, retention/detention basin design calculations. Any areas of filled or reclaimed land shall be identified and all development shall detain stormwater so that the runoff from the property does not negatively impact upon adjacent properties or public and private rights-of-way. Compliance with engineering standards shall be determined by the Village Engineering consultant. The Planning Commission shall require compliance with engineering standards, subject to the Village consulting engineer's final approval, as a condition of final site plan approval.
    - [2] All utilities located on or serving the site, including sizes of waterlines and sewer lines, wells, proposed hydrants, proposed meter size, and proposed fire suppression line into building. Proposed sanitary leads, proposed sanitary sewers or on-site disposal systems must also be shown, as applicable.
    - [3] Proposed streets and drives showing types of surfacing, whether public or private, and grade elevations.
    - [4] Modifications to the site plan demonstrating compliance with all preliminary site plan review conditions of approval.
- D. Site plan review criteria. In reviewing site plans, the Village and its consultants shall consider and require compliance with the following:
- (1) All application and site plan review submittal criteria have been met.
  - (2) The site plan is in full conformance with all applicable Zoning Ordinance requirements.
  - (3) The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways and sidewalks, minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.
  - (4) On-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site.

- (5) Landscaping, earth berms, fencing, signs and obscuring walls are of such a design and location that the proposed development is aesthetically pleasing and is harmonious with nearby existing or proposed developments.
  - (6) Utility services, including proposed water, sanitary sewer and stormwater runoff systems, are sufficient to fulfill the projected needs of the development and the recommendation of the Village consulting engineer. Approval by a state or county department having jurisdiction, such as the Department of Health, Drain Commission or Road Commission, may also be a prerequisite to approval.
  - (7) Notwithstanding any other provisions of this chapter, the Village may require as a condition of final site plan approval, landscaping, berming, fencing, construction of walls, marginal access drives or other appurtenances as necessary or desirable to promote the health, safety and welfare of the community; to provide adequate protection to surrounding properties, to preserve and promote the character of the district and the intent of this chapter; and to achieve a lasting and desirable improvement to the community.
- E. Site plan review standards for groundwater protection. The following provisions shall apply to all uses and facilities which require site plan review under the provisions of this chapter.
- (1) Hazardous substances and polluting materials are defined as a chemical or other material which is or may be injurious to the public health, safety or welfare, or the environment.
  - (2) Site plan review information requirements.
    - (a) The applicant for site plan review shall complete and submit the Hazardous Substances Reporting Form for Site Plan Review and the Environmental Permits Checklist at the time of application for site plan review (forms provided by Village).
    - (b) The Village may require a listing of the type and quantity of all hazardous substances and polluting materials which will be used, generated, produced or stored on the site.
    - (c) The site plan shall detail the location of the following:
      - [1] Public or private wells on site and on adjacent sites.
      - [2] Septic systems and other wastewater treatment systems, including the location of all subcomponents of the system.
      - [3] Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.
      - [4] Underground storage tanks. (Note material to be stored.)
      - [5] Aboveground storage tanks. (Note material to be stored.)
      - [6] Exterior and interior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed or intended to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
      - [7] Wetlands, watercourses, lakes, ponds, rivers and streams.
      - [8] Soil characteristics of the parcel, at least to the detail provided by the U.S. Soil Conservation Service Soil Survey.
      - [9] Areas on the site which are known or suspected to be contaminated, along with a report on the status of cleanup efforts, if applicable.
  - (3) Groundwater protection standards.
    - (a) General.

- [1] The project shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains and groundwater, and to ensure the absence of an impairment, pollution and/or destruction of the air, water or other natural resources.
  - [2] Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body or watercourse and shall not increase flooding or the potential for pollution of surface water or groundwater, on site or off site.
  - [3] Floor drains shall be connected to a public sewer system, an on-site holding tank without an outlet, or a system authorized by through a state groundwater discharge permit.
  - [4] Sites shall be designed to prevent spills and discharges of hazardous substances and polluting materials to the air, surface of the ground, groundwater or surface water.
  - [5] State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, whether direct or indirect, shall be allowed without required permits and approvals.
  - [6] In determining compliance with the standards in this chapter, the Village may utilize appropriate and applicable reference standards regarding best management practices for groundwater protection.
- (b) Aboveground storage and use areas for hazardous substances and polluting materials.
- [1] Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
  - [2] Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage and vandalism.
  - [3] Secondary containment structures shall not have floor drains or other outlets, except as necessary for connection to pumping trucks for removal of spilled product.
  - [4] Areas and facilities for loading, handling, production, use or disposal of hazardous substances and polluting materials shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, ponds, wetlands, groundwater or soils.
- (c) Underground storage tanks for the storage of hazardous substances and polluting materials.
- [1] Existing and proposed underground storage tanks shall be registered with the authorized state agency in accordance with applicable state and federal law.
  - [2] Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with requirements of the authorized state agencies. Leak detection, corrosion protection, spill prevention and secondary containment requirements shall be met. Records of monthly monitoring and inventory control shall be retained and available for review by appropriate federal, state and local government officials in the event of a product release or spill.
  - [3] Out-of-service or abandoned underground tanks shall be emptied and removed from the ground in accordance with requirements of the authorized state and federal

agencies.

- (d) Sites with contaminated soils and/or groundwater.
- [1] Site plans shall detail the location and extent of any contaminated soils or groundwater on the site.
  - [2] Written verification from the authorized state agencies shall be provided as a part of site plan review application that indicates their approval of the proposed use or activity in relation to the contamination on site and cleanup efforts underway or anticipated.
- F. Expiration of site plan approval.
- (1) The approval of any preliminary site plan under the provisions of this chapter shall expire and be void one year after the date of such approval unless final site approval has been granted or is in an active stage of review. Approval of any final site plan under the provisions of the chapter shall expire and be void one year after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit. Upon expiration of a final site plan approval, all preliminary site plan approvals shall expire.
  - (2) The time limits set forth above may be extended by the body which approved the site plan, subject to the following:
    - (a) The extension must be requested in writing prior to the expiration of the preliminary or final site plan approval period;
    - (b) An extension may be granted for any period of time not to exceed one year; and
    - (c) No more than two one-year extensions may be granted.
- G. Fees. Any application for site plan approval, preliminary or final, shall be accompanied by a fee as determined from time to time by resolution of the Village Council.
- H. Performance guarantee.
- (1) The Village may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond to cover the estimated cost of improvements necessary to ensure compliance with this chapter. This performance guarantee shall be deposited with the Clerk of the Village to ensure faithful completion of the improvement. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or the project.
  - (2) Whenever a cash deposit is required, the Village shall establish a reasonable rebate of such cash deposit based on a proportion of work completed versus the total work required. This section shall govern whenever a financial guarantee is required by authority of this chapter notwithstanding any provisions to the contrary.
- I. Approval and issuance of building permits. Building permits shall not be issued until site plan approval has been granted by the Planning Commission and, where applicable, the Village engineering consultant has approved the final engineering plans for the site.
- J. Amendments of approved site plans.
- (1) An approved site plan may be amended by written application to the Village Clerk in accordance with the submittal and review procedures for site plan review detailed in § **515-100**. Where the changes are minor, the Planning Commission may waive the preliminary site plan review process and refer the revisions to staff or consultants for final action.
  - (2) Any actual construction or plan changes made during construction which are not approved by the Planning Commission and which differ from an approved site plan shall be made at the applicant's own risk without any assurances that the Planning Commission will approve such

changes. It shall be the responsibility of the developer and/or applicant to apply for and receive site plan approval for any modifications to approved site plans.

- K. Inspection. Inspections of all construction shall be conducted by the Building Inspector and Administrative Official in conformance with §§ **515-198**, **515-199** and **515-201**.
- L. Staging or phasing of development.
  - (1) Whenever a project is proposed to be developed in stages, each stage shall be clearly denoted on the preliminary and final site plan.
  - (2) Site plan review and approval shall be required (including fees) for each subsequent stage which is proposed to begin later than one year after the original approval. An extension may be granted by the body which approved the site plan, subject to the following:
    - (a) The extension must be requested in writing prior to the expiration of the original site plan approval period;
    - (b) An extension may be granted for any period of time not to exceed one year; and
    - (c) No more than two one-year extensions may be granted.
- M. Certificates of occupancy and performance guarantees. Certificates of occupancy shall only be considered by the appropriate administrative official in conformance with the provisions in §§ **515-199** and **515-200**.
- N. Violations and enforcement. Violations and enforcement of the provisions of this section shall be addressed in accordance with the provisions in § **515-206**.

## § 515-101. Off-street parking and loading.

- A. Off-street parking and loading requirement established. In all zoning districts, off-street parking and loading facilities for the parking of motor vehicles and the loading and unloading of merchandise or materials shall be provided in accordance with this section for all new developments, uses or activities specified, and shall not subsequently be reduced below the requirements of this section. In addition, any change in use, expansion, alteration or significant change in the size or intensity of an activity, land use or structure shall also conform to the provisions of this section.
- B. Off-street parking facility standards. Whenever the off-street parking requirements in this chapter require the building of an off-street parking facility, such off-street parking facility shall be designed, constructed, and maintained in accordance with the following standards and regulations:
  - (1) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

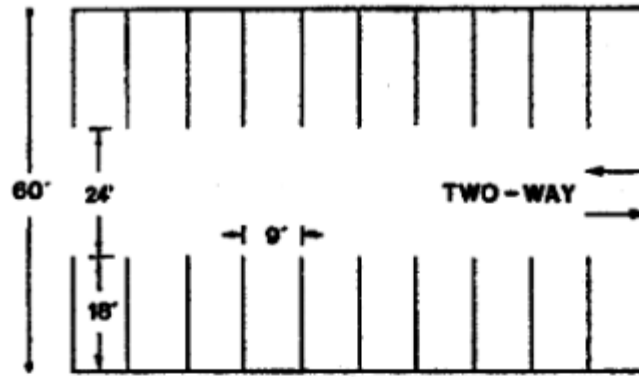
### Off-Street Parking Lot Layout

Parking Pattern (degrees)	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)	Total Width of Two Tiers Plus Maneuvering Lane (feet)
0	12	8	22	40
30 to 53	14	9	18	50
54 to 74	16	9	18	56
75 to 90	24	9	18	60

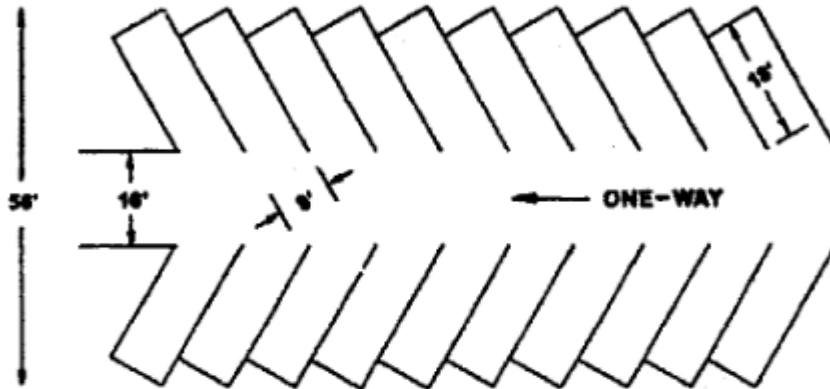
- (2) All parking spaces shall be provided adequate access by means of on-site maneuvering lanes. Backing directly onto or into a right-of-way or street shall be prohibited. All parking spaces and associated maneuvering lanes shall be located on private property and shall not be located partially or wholly in any right-of-way.
- (3) Adequate ingress and egress to any parking lot shall be provided for all vehicles by means of clearly defined driveways.
- (4) The number of driveways provided shall be the minimum necessary to provide reasonable ingress and egress. Parking facilities shall be designed to minimize the potential for pedestrian and vehicle sideswipe accidents adjacent to through aisles.
- (5) Parking facilities shall be designed to minimize the potential for pedestrian and vehicle sideswipe accidents to through aisles.
- (6) All maneuvering lanes shall permit one-way traffic only except zero-degree (parallel) and ninety-degree spaces, which shall permit two-way traffic (zero-degree spaces must have two twelve-foot maneuvering lanes if two-way traffic is proposed).
- (7) All parking areas shall be provided with a paved, asphalt or concrete surface in accordance with the specifications approved by the Village engineering consultant.
- (8) All driveways to and from any off-street parking facility shall be at least 25 feet distant from any adjacent property line.
- (9) Off-street parking spaces shall be no closer than 20 feet to any front lot line or exterior side lot line and no closer than 10 feet to any rear or interior side lot line. Furthermore, in the GB District, not more than 66% of provided off-street parking shall be located in the front yard.
- (10) Off-street parking spaces and associated drives shall not be located in any required front or street-side side yard.
- (11) All parking areas shall be adequately drained, in accordance with specifications of the Village's engineering consultant, so as to prevent ponding or drainage of runoff onto adjacent parcels or rights-of-way. Runoff shall be detained or retained, in accordance with the specifications of the Village's engineering consultant, so as to minimize impact of stormwater runoff on the site, adjacent parcels and rights-of-way. In no instance shall stormwater runoff exceed the agricultural rate for the site.
- (12) Lighting shall be located and designed in accordance with § **515-90**. Lighting fixtures shall be shielded downward and away from adjacent properties and rights-of-way.
- (13) Landscaping and screening of parking facilities shall be provided in accordance with §§ **515-91** and **515-92**.
- (14) All off-street parking facilities shall be located on the same lot or parcel as the building or use which they are intended to serve. Where collective or joint-use parking facilities are proposed or desired, they may be permitted after site plan review and approval in accordance with § **515-100** and the following:

#### PARKING LAYOUT ILLUSTRATION

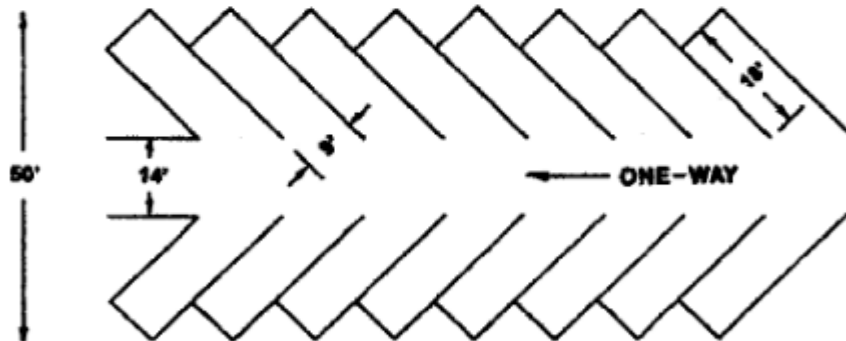




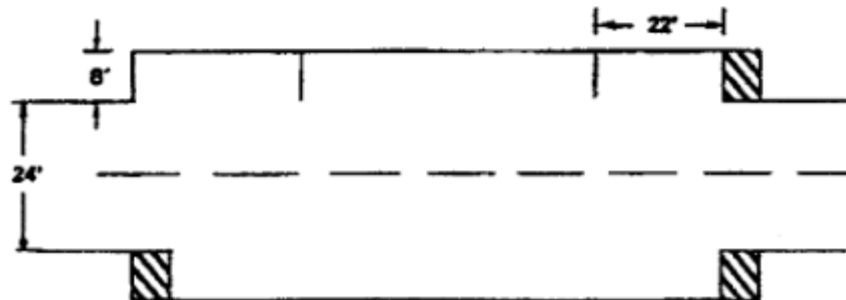
**90 DEGREE**



**60 DEGREE**



**45 DEGREE**



**PARALLEL**

- (a) Parking shall be provided for the sum of the total parking required under the provisions of this section for the individual uses to be served by the joint-use parking facility.
  - (b) Where the joint use of parking facilities involves two or more lots or parcels which are in separate ownership, written consent to the proposed joint use of parking facilities shall be provided. Said written consent shall be in the form of an easement for joint use of parking and shall be recorded with the County Register of Deeds.
- (15) All new or expanded parking facilities, including paving of existing unpaved parking lots, shall be reviewed and approved in accordance with § 515-100.
- C. Off-street parking facility limitations.
- (1) Off-street parking facilities shall not be used for the storage of materials or merchandise at any time.
  - (2) Where the outdoor storage of vehicles is associated with the principal or accessory use(s) of a site, the approved site plan shall detail the location of required off-street parking facilities and the location of outdoor areas for the parking or storage of vehicles.
  - (3) Required parking facilities may be provided within garages or carports or in paved outside parking lots. Where parking is provided in a garage, carport or other accessory structure, said accessory structure shall be located in accordance with § 515-78.
  - (4) Existing off-street parking facilities provided at the effective date of this chapter, actually being used at that date for off-street parking in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required under this section for a similar new building or new use.
- D. Schedule of required parking spaces by type of use. The number of off-street parking spaces required under Subsection A of this section shall be determined in accordance with the following table:

<b>Use</b>	<b>Minimum Number of Parking Spaces per Indicated Area or Unit of Measure</b>
<b>Residential:</b>	
1-family residential (including mobile homes)	2 for each dwelling unit
2-family residential	2 for each dwelling unit
Multiple-family residential	2 for each dwelling unit
Independent senior residential, where residents live in their own independent apartments or other housekeeping units	1 for each dwelling unit and 1 for each employee
Congregate senior residential, where residents occupy a private or shared room and have meals, medical, laundry, and other services provided daily	3 for each 4 units and 1 for each employee
<b>Institutional:</b>	
Convalescent or rest homes	1 for each 2 beds
Places of worship	1 for each 3 persons allowed under state, county or local fire and health regulations; or 1 for each 5 feet of pews, or 1 for each 3 seats in the main unit of worship, whichever is greater
Hospitals; clinics	2 for each bed plus parking for related uses
Private and public elementary and junior high schools	1 for each 2 seats in the auditorium or assembly hall or 1 space for each employee, plus 10 visitor spaces, whichever is greater

Use	Minimum Number of Parking Spaces per Indicated Area or Unit of Measure
Public and private high schools and similar institutions	1 for each 2 seats in the auditorium or assembly hall or 1 space for each employee, plus 1 space for each 5 students, whichever is greater
Public and private schools converted or used for adult education classes	1 space for each 1 1/2 students, based on the maximum occupancy as determined by local or state fire codes
College, university, business, vocational or similar school principally enrolling students 17 years of age or older	1 parking space for each pupil, plus parking requirements for places of public assembly shall be met if used during periods of classroom assembly
Small residential colleges, religious schools and similar institutions	1 for each 3 students plus 1 for each employee
Private clubs or lodges	1 for each 3 persons allowed within the maximum occupancy load as established by local, county, or state fire or health codes
Private swimming pools, clubs or other similar uses	1 for each 2 member-families or individuals plus spaces required for each accessory use, such as a restaurant or bar
Fraternity or sorority	1 for each 5 active members or 1 for each 2 beds, whichever is greater
Theaters and auditoriums	1 for each 3.4 seats plus 1 for each employee
Theaters and auditoriums in shopping centers	1 for each 4 seats
Stadiums, sports arenas or other place of outdoor assembly	1 for each 3 seats or 5 feet of benches
Libraries, museums or post offices	1 for each 200 square feet of gross floor area (GFA)
Nursery schools, day-care centers	1 for each 350 square feet of usable floor area, plus 1 space for each employee. See Subsection <b>E</b> below for stacking spaces
<b>Offices:</b>	
Banks, savings and loans, credit union	1 for each 200 square feet of usable floor area. See Subsection <b>E</b> below for stacking space requirements
General offices under 30,000 square feet GFA	4 for each 1,000 square feet of gross leasable area (GLA)
General offices containing over 30,000 square feet GFA	3.3 for each 1,000 square feet of GLA
Professional offices of doctors, dentists, veterinarian or similar professionals; clinics	1 for each 100 square feet of usable floor area in waiting rooms and 1 for each examining room, x-ray room, dental chair or other similar use area
<b>Industrial:</b>	
Industrial or research establishments and related accessory offices	5 plus 1 for each employee in largest working shift, or 5 plus 1 for each 500 square feet GFA, whichever is greater
Warehouses and wholesale establishments and related accessory offices	5 plus 1 for every 1 employee in the largest working shift, or 5 plus one for each 1,700 square feet of GFA, whichever is greater
Self-storage or mini-warehouse	5

Use	Minimum Number of Parking Spaces per Indicated Area or Unit of Measure
<b>Business/Commercial:</b>	
Commercial retail shopping centers	1 for each 192 square feet of gross leasable area (GLA)
Furniture and appliances, showroom of a plumber, decorator, electrician or similar trade	1 for each 800 square feet GFA plus 1 for each two employees
Beauty and barber shops	3 for each chair, tanning station, or other similar use area
Mortuaries and funeral parlors	1 for each 3 persons allowed under state, county, or local fire and health codes
Miniature golf establishments; par-3 golf courses	3 for each 1 hole and 1 for each employee, plus required parking for accessory uses
Golf courses, excluding par-3 courses	6 for each 1 hole and 1 for each employee, plus required parking for accessory uses
Bowling alleys	5 for each bowling lane plus required parking for all accessory uses
Dance halls, pool or billiard parlors, roller-skating rinks and exhibition halls without fixed seats	1 for each 3 persons allowed under state, county, or local fire and health codes
Restaurant, sit down	1 for each 70 square feet of GFA
Restaurant, carry out or fast food	1 for each 60 square feet of GFA of waiting area, plus 1 for each 70 square feet of sit down area. See Subsection <b>E</b> below for stacking space requirements
Laundromats and coin-operated dry cleaners	1 for each 2 machines
Automobile wash (automatic)	1 for each one employee plus an automobile standing area outside the car wash structure equal to 4 times the maximum capacity of the auto wash. The maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20
Automobile wash (self-service)	1 for each employee plus 5 automobile standing spaces for each washing stall in addition to the stall itself; the automobile standing spaces shall be no less than 18 feet by 9 feet
Vehicle convenience stations; vehicle repair garage; vehicle service center	A minimum of 5 spaces, plus 4 spaces exclusive of service stall space for each service stall, plus spaces as required for any other accessory uses
Motel, hotel or other commercial lodging establishments	1 1/2 for each unit plus required parking for all accessory uses
Motor vehicle sales and service	1 for each 200 square feet of usable floor area of sales room and 1 for each auto service stall exclusive of the stall itself
Conference facility	1 for every 3 persons allowed within the maximum occupancy established by the Fire Department or state, county or local building or health codes, plus parking for accessory uses

<b>Use</b>	<b>Minimum Number of Parking Spaces per Indicated Area or Unit of Measure</b>
Retail stores except as specified herein	1 space for each 175 square feet of GFA

- E. On the same premises with every building, structure or part thereof that serves customers in their automobiles by means of a service window, the following off-street stacking spaces shall be provided:

<b>Use Served</b>	<b>Minimum Stacking Requirements (per lane)</b>
Restaurant	The distance between the order board and first pickup window shall provide for 4 vehicles in advance of the window. In addition, 4 vehicle stacking spaces shall be provided in advance of the order board. The above shall be increased by 100% for drive-through-only facilities.
Financial institution	6 vehicles per lane, inclusive of the vehicle at the window
Nursery school, day-care center	1 vehicle per 15 children, inclusive of the vehicle at the dropoff point. No parking area or maneuvering lanes shall be permitted between the dropoff point and the principal entrance to the building.
Dry cleaners	4 vehicles per lane, inclusive of the vehicle at the window
Other uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the planning consultant

**NOTES:**

- (1) Drive-through lanes shall not utilize any space which is necessary for adequate access to parking from internal maneuvering lanes.
  - (2) Drive-through lanes shall have a minimum center-line radius of 25 feet.
  - (3) Drive-through lanes shall be striped, marked or otherwise distinctly delineated.
  - (4) Stacking spaces shall be no more than 18 feet in length by nine feet in width.
- F. Rules for calculating required number of parking spaces:
- (1) When units of measurement determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded and fractions over 1/2 shall require one parking space.
  - (2) In the case of a use not specifically listed, the requirements for off-street parking facilities for a use which is listed and to which said use is similar shall apply. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements of the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as herein specified for joint use. In the case where there is no similar use for comparative parking calculation, the Administrative Official shall determine the required parking for a given use.
  - (3) Nothing in this subsection shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses, provided that the total of such off-street

parking facilities provided collectively shall not be less than the sum of the requirements for the various individual uses computed separately.

- (4) A parking facility which provides collective parking for two or more uses may be designed to provide less than the sum of the requirements for each use, subject to the following:
  - (a) The operating hours of the uses shall not overlap;
  - (b) Seventy-five percent of the total required off-street parking for the uses collectively shall be provided. Where the proposed collective parking facility is intended to also provide parking for a church, the off-street parking requirements for the church may be reduced to 50% of the total required off-street parking for purposes of calculating the total collective spaces required, provided all other provisions of this subsection are met.
  - (c) Written verification, in the form of a recorded collective parking agreement, shall be provided to the Village prior to approval of any site plan or building permit which includes a collective parking facility.

G. Barrier-free parking standards.

- (1) Barrier-free parking spaces shall be provided in accordance with the following.
  - (a) Table of required number of barrier-free spaces:

<b>Spaces in Lot</b>	<b>Required No. of Barrier Free Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 per 100 above 1,000

- (b) Van-accessible spaces shall be provided according to the following:
  - [1] At least one van-accessible space; and
  - [2] One van-accessible space for every eight required barrier-free spaces. Van spaces count as a designated barrier-free space.
- (2) Barrier-free signage shall be provided in accordance with the following:
  - (a) Signs shall be provided for each barrier-free space or van barrier-free space. The stall signs shall be at least 70 square inches and shall be pole- or building-mounted at least five feet above grade. The signs shall conform with the blue-and-white international symbol of accessibility.
  - (b) Barrier-free paint markings shall be blue.
- (3) Barrier-free spaces shall be located in close proximity to main entrance doors or access points to the primary building(s) or use(s).
- (4) Barrier-free parking space stall widths shall be a minimum of nine feet.

- (5) A barrier-free access aisle shall be immediately adjacent to all required barrier-free spaces and shall be located on the passenger side of each space unless it is located between and is shared by two barrier-free spaces. Access aisles shall be a minimum of 60 inches wide for barrier-free spaces and 96 inches wide for van spaces.
- (6) Ramps shall be provided at all curbs where necessary to provide direct barrier-free access to principal building(s) or use(s). Ramps shall not exceed a slope of 1:12.

H. Off-street loading requirements.

- (1) All developments which include uses or facilities involved in the receipt or distribution of materials, goods or merchandise shall provide and maintain adequate loading areas in accordance with the following schedule:

<b>Required Loading Space</b>	<b>Gross Floor Area (square feet)</b>
0	0 to 1,999
1	2,000 to 19,999
1 space plus one space for each 20,000 square feet in excess of 20,000 square feet	20,000 to 99,999
5 spaces plus one space for each 40,000 square feet in excess of 100,000 square feet	100,000 or more

- (2) Loading areas shall be a minimum of 10 feet wide and 50 feet long and shall have a minimum overhead clearance of 15 feet.
- (3) Loading areas shall be located to eliminate conflicts with pedestrian, vehicular drive and parking areas.
- (4) Loading areas shall be designed to minimize the impact of loading and unloading activities on adjacent properties and rights-of-way. They shall be screened from view by walls, building setbacks, landscaping or a combination thereof, and shall be designed to reduce the noise and light nuisances associated with service activities.
- (5) Loading areas shall be located only in side or rear yards. No required front or street-side side yard shall be used for a loading area. Loading areas shall not be located closer than 50 feet to any adjacent property zoned SF-1 or SF-2, or 25 feet to any other property line.
- (6) Loading areas shall be designed to accommodate all truck or other service vehicle turning movements on site. No public rights-of-way shall be utilized for truck or service vehicle maneuvering.

## § 515-102. Raising or keeping of animals.

The raising or keeping of animals shall be in accordance with the following:

- A. Domestic pets may be kept by the resident(s) of any parcel, subject to the provisions of § 515-145, Kennels.
- B. The operation of a private or commercial kennel in any district in which such use is permitted by this chapter shall be in accordance with § 515-145, Kennels.

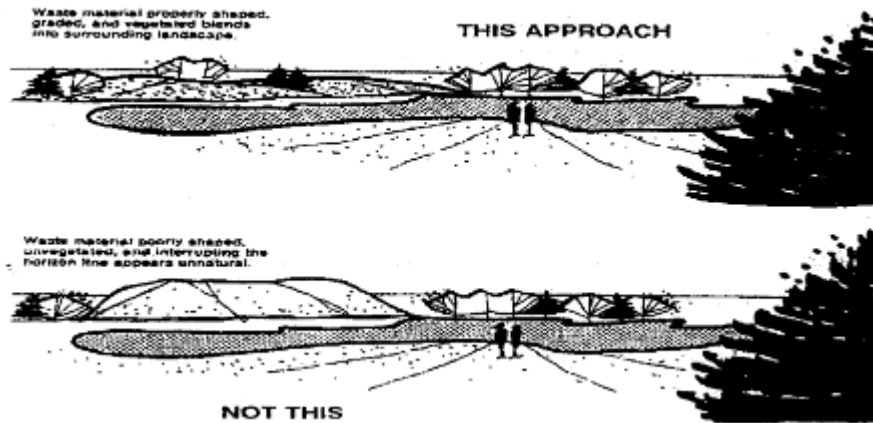
## § 515-103. Ponds.

Private residential or limited farm ponds may be permitted in the SF District in conformance with the following:

- A. A zoning compliance permit shall be required for the construction or enlargement of all private residential limited/farm ponds. The property owner shall submit an application to the Village Clerk, for review by the Village Zoning Administrator. The application shall be accompanied by a site plan that demonstrates compliance with Subsections **B** through **J** below. The Zoning Administrator shall review and approve or deny the zoning compliance permit in accordance with §§ **515-199**, **515-200** and **515-201**.
- B. A minimum setback of 100 feet shall be maintained between the edge of any pond excavation to any property line.
- C. A minimum setback of 100 feet shall be maintained from the edge of any pond to any septic tank or septic drain field.
- D. A minimum setback of 25 feet shall be maintained from the edge of excavation to the nearest point of any single-family home or any accessory building.
- E. There shall be no slope in excess of 4:1 (four feet horizontal to one foot vertical) until the pond reaches a depth of five feet at the low-water mark on all sides of the pond.
- F. Excavated materials in excess of 1,000 cubic yards may not be hauled off the site unless special approval is granted in full conformance with § **515-139**.
- G. All applications for private residential or limited hobby farm ponds shall be accompanied by a permit fee in an amount established by resolution of the Village Council.
- H. A performance bond, in an amount established by the Village Council, shall be posted by the applicant prior to issuance of a zoning compliance permit to ensure completion of all required improvements.
- I. If requested by the Zoning Administrator, the applicant shall submit written verification from the Michigan Department of Environmental Quality that the proposed pond will not impact a wetland as regulated by the MDEQ under Act 203 of 1979, as amended.
- J. All approved ponds shall be completed within six months of the date of permit issuance. Extensions may be granted by the Zoning Administrator for a period not to exceed an additional six months.
- K. Commercial use of any private residential pond or limited farm pond for swimming, fishing, boating or the like shall be prohibited.
- L. On-site dispersal of excavated material shall be in accordance with the following guidelines:
  - (1) Excavated materials shall be contoured or used to create berms with a maximum slope of 1:3.
  - (2) Where excavated materials are bermed or otherwise will result in an increase in grade, the materials shall be contoured to avoid interruption of the horizon with the top layer of the redistributed materials. The following graphic details the desired design effect of this subsection.
  - (3) All excavated material shall be suitably graded and seeded or otherwise covered with grass or other living ground cover so as to prevent erosion and to visually incorporate redistributed excavated materials into the surrounding landscape.

#### PROPER USE OF OVERBURDEN FOR PRIVATE RESIDENTIAL PONDS

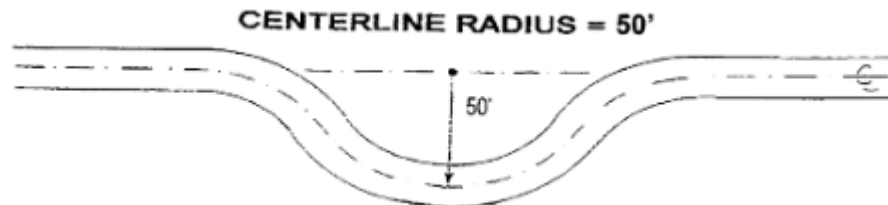




## § 515-104. Residential driveway standards.

In order to improve response time and ensure adequate access by emergency services vehicles, the following standards shall apply to all private driveways for all principal uses in all districts in the Village of New Haven:

- A. All trees and brush shall be kept cleared for a minimum width of 14 feet for the full length of all private drives.
- B. All topsoil, stumps and unstable soil shall be removed and backfilled with appropriate material and surfaced with a bituminous pavement a minimum of three inches in depth for a minimum width of 12 feet for the full length of the driveway.
- C. The surface of the driveway shall be properly drained so that water damage and frost heave will not impede access by emergency vehicles.
- D. A minimum center-line radius of 50 feet shall be maintained for all curves to ensure access by emergency vehicles. (Refer to sketch below for an illustration of this standard.) In addition, a minimum clear area of 18 feet shall be maintained through all curved sections.



- E. No bridges shall be permitted as part of driveway construction unless they are certified by a registered civil engineer as capable of supporting a thirty-ton fire truck.
- F. No structures shall be over or across any driveway unless said structure maintains not less than 14 feet of vertical and horizontal clearance.

## § 515-105. Home occupations.

Home occupations, where permitted in this chapter, shall conform with the following:

- A. The home occupation shall be a use or activity which is clearly incidental to the residential use of the lot or parcel and the residence on the same lot or parcel.

- B. No article, merchandise or service shall be sold or offered for sale on the premises except such as is produced by the permitted home occupation on the same lot or parcel.
- C. No internal or external alterations, construction features, equipment or machinery shall be used in conjunction with a home occupation which is not customary and incidental to a residential use.
- D. No employees are permitted, other than members of the family residing in the same home as the home occupation.
- E. Signage shall be limited to one sign which shall not exceed one square foot. Said sign shall not be illuminated.
- F. No equipment, process or activity shall occur which creates noise, vibration, glare, fumes, odors or electrical interference on another lot or in another dwelling.
- G. Traffic generated by the home occupation shall not exceed volumes which would be customarily expected in a residential area. Any parking areas associated with the home occupation shall be located in a side or rear yard only.
- H. No hazardous or explosive materials or products shall be used, produced or stored in conjunction with any home occupation.

## § 515-106. Residential accessory yard waste composting.

The construction and maintenance of residential yard waste composting bins accessory to one single-family residential dwelling unit shall be permitted, subject to the following specifications:

- A. One bin is permitted as accessory to a single-family residence on the same lot or parcel. Said bin shall not exceed five feet cubed (125 cubic feet) in volume area.
- B. Compost materials shall be located in a bin constructed of wood, wire, metal or plastic.
- C. The bin may be a stationary or rotating unit.
- D. The bin shall be located only in a rear yard.
- E. The bin shall be maintained to minimize odors.
- F. Compost material shall not include meats, bones, dairy products, vegetable oils, cooked foods, pet manure, fish remains, plastics or other nonbiodegradable materials.

## § 515-107. Restoration of condemned or unsafe buildings.

Any building or structure which has been condemned by authorized officials in conformance with applicable condemnation procedures shall not be restored or rebuilt unless there is full compliance with the provisions of this chapter, including but not limited to setback, area, bulk, height and use regulations. Condemned buildings or structures are hereby declared exempt from the nonconforming provisions of this chapter and shall not be used in any fashion unless in full conformance with the provisions of this chapter. This section shall not be construed as preventing the required boarding or other necessary actions to make a condemned or unsafe structure secure or in any way prevent a structure from being maintained in a safe manner.

## § 515-108. Nonresidential building facing material standards.

The exterior of all buildings in the GB, IO, LI and HI Districts shall conform with the following:

- A. The front and those sides visible from the road of new buildings shall be constructed of masonry building materials such as face brick, stone or decorative block (scored, fluted or split-faced), or other materials approved by the Planning Commission during site plan review as equivalent in quality and appearance to the above materials.
- B. The Planning Commission shall find that the proposed building facade and materials include a complementary contrast between materials in the overall appearance of the building.
- C. The Planning Commission shall review and approve the proposed exterior facing materials during site plan review. The proposed exterior facing materials shall be noted on the building elevation drawings.

## § 515-109. Transient and temporary amusement activities.

Circuses, carnivals or other transient amusement enterprises may be permitted in accordance with the provisions of this section.

- A. Transient and temporary amusement activities may be proposed in any district except SF, SF-1 and SF-2 Districts, and shall include all the following characteristics to be considered for approval under this section:
  - (1) The activity is of a clearly transient and temporary nature, with a duration of less than two weeks, including setup and removal of associated temporary structures.
  - (2) The activity does not include any permanent structures or other improvements.
  - (3) The activity can be accommodated completely on the proposed site, with no use of any off-site area, including rights-of-way, for any activity related to the proposed use, including parking, vehicle queuing, entrance admittance procedures, and signage.
- B. Proposed activities under this section shall be reviewed in conformance with the following process:
  - (1) Application for a transient and temporary amusement activity shall be made by the applicant to the Village Clerk on forms provided for that purpose by the Village. The application shall be completely filled out and shall include the review fee, as established by Village Council resolution, and all other plans and submittals as required under Subsection **C** below.
  - (2) The Planning Commission shall review the proposed application, site plan and other required submittals. The Planning Commission may hold a public hearing to solicit public input and shall make recommendation to the Village Council regarding the following:
    - (a) Applicant's conformance with required submittals;
    - (b) Appropriateness of the use at the proposed location;
    - (c) Adequacy of the road network to provide access to the site;
    - (d) Conformance of the site plan with the submission, content and review criteria in § **515-100**, Site plan review;
    - (e) Adequacy of proposed methods of reducing impact of use on the road network, adjacent properties and the natural environment; and
    - (f) Conformance with the provisions of Subsection **B(4)(a)[1]** through **[6]** below.
  - (3) The Village Council shall review the proposed application, site plan, and other required submittals. The Council shall consider the Planning Commission's recommendation and findings in its review. In addition, the Village Council may also conduct a public hearing to solicit public comment.

- (4) Grant of permit; denial.
- (a) The Village Council may grant a permit to conduct the proposed temporary amusement activity if the Village Council finds all of the following criteria have been met:
- [1] The proposed activity will not adversely affect adjoining properties, the road network or the natural environment;
  - [2] The proposed site plan conforms with the review comments and recommendations of the Planning Commission;
  - [3] The proposed activity has been designed to reduce, to the extent possible, negative impacts on adjacent properties;
  - [4] Appropriate sanitary facilities will be provided;
  - [5] Appropriate security and public safety measures will be provided during all phases of the proposed activity; and
  - [6] All required permits from other agencies have been secured.
- (b) Where the Village Council finds that these criteria have not been met, it shall deny the requested permit. Appeals from a denial shall be made to the Zoning Board of Appeals.
- (5) Where a permit is granted for a temporary amusement activity, the Zoning Administrator shall conduct a zoning compliance inspection prior to commencement of the permitted activity to ensure compliance with the approved permit and site plan. All other necessary reviews, inspections and approvals from other agencies having jurisdiction shall be the responsibility of the applicant and shall be completed prior to commencement or opening of the activity to the public.
- C. Applications shall include the following:
- (1) Application form completely filled out and signed by all necessary signatories;
  - (2) Written letter of agreement between all property owners and the applicant permitting use of subject parcel(s) for the proposed activity, including any restrictions, length of agreement, and all signatures of all parties to the agreement. Said agreement shall be notarized by a notary public in the County of Macomb;
  - (3) A site plan prepared in conformance with the preparation, content and submittal requirements for a preliminary site plan as specified in § **515-100**, Site plan review; and
  - (4) Review fee, as established by resolution of the Village Council.
- D. The Village Council shall require posting of a performance guarantee in conformance with the provisions of § **515-100H**. Said bond shall be utilized to recover Village expenses related to the following:
- (1) Zoning Administrator's legal or other time and expenses associated with review and inspection of the activity after permit issuance but prior to grant of a zoning compliance permit;
  - (2) Zoning Administrator's legal or other expenses associated with any zoning compliance or enforcement inspections and resulting administrative activities resulting from the use during or after its permitted operating period; and
  - (3) Cleanup or restoration expenses necessary after discontinuance of the activity.

## § 515-110. Garage sales.

The homeowner or occupant of a single-family home may conduct a garage sale in conformance with the following:

- A. Garage sales shall include such terms as "yard sale," "basement sale," "attic sale" or other type of so-called residential sale of used tangible personal property, such as, but not limited to, clothing, household effects, tools, garden implements, toys, recreation equipment or other used or secondhand items customarily found in and about the home and advertised in a manner whereby the public at large is, or can be, aware of such sale.
- B. Each garage sale shall be limited to five consecutive days of operation and no more than two such sales may be conducted by any household per calendar year. No sale shall be conducted before 8:00 a.m. or after 7:00 p.m. each day.
- C. No person, firm, corporation or other organization other than the homeowner or occupant shall conduct a garage sale unless in conjunction with an estate sale of a deceased former owner or occupant of the dwelling.
- D. This section shall not apply to the householder who, during the normal course of housekeeping, advertises or otherwise offers for sale individual pieces of furniture or an appliance of value being replaced or no longer needed.

## § 515-111. Hobby farms.

Hobby farms, as defined in § **515-3**, are permitted within SF Districts in conformance with § **515-146**.

## § 515-112. Wireless communication facilities.

- A. Wireless communication facilities shall be principal permitted uses in the following circumstances, subject to the provisions of § **515-130**, and following site plan approval by the Planning Commission in conformance with § **515-100**:
  - (1) An existing structure will serve as a support structure for a wireless communication facility within a district where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed in appearance.
  - (2) A proposed co-location upon an existing wireless communication facility which had been preapproved for such co-location as part of an earlier approval by the Village.
  - (3) An existing utility pole located within a right-of-way which will serve as a support structure for a wireless communication facility where the existing pole is not proposed to be modified in a manner which, in the discretion of the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- B. Wireless communication facilities not meeting the above standards may be authorized as special land uses within certain districts subject to the standards and conditions set forth in § **515-130**.
- C. If it is demonstrated by an applicant that a wireless communication facility may not reasonably be established as permitted under Subsections **A** and **B** above, wireless communication facilities may be permitted elsewhere in the community as a special land use, subject to the criteria and standards of § **515-130**.

## § 515-113. Temporary structure during construction of principal building.

A temporary structure may be permitted, as specified in this chapter, in accordance with the following:

- A. The temporary structure will be occupied only during the period of construction of a new principal building on the same lot or parcel or during the period of construction of a new principal building on the same lot or parcel where the existing principal building has been destroyed or damaged to the extent that it is uninhabitable.
- B. The owner or occupant of the principal building shall be the owner or occupant of the temporary structure.
- C. The temporary structure shall comply with all applicable zoning and building provisions regarding the construction of the structure and its placement on the site.
- D. The temporary structure shall comply with all applicable zoning and building provisions regarding the construction of the structure and its placement on the site.
- E. The temporary residential structures shall be connected to a sanitary sewage disposal system and water supply system approved by the County Health Department or a public sewer and water system.
- F. The date for removal of the temporary structure shall not exceed one year. The owner of the property shall be responsible for removal of the structure in accordance with the specified removal date. The temporary structure shall be removed within two weeks of issuance of a certificate of occupancy.
- G. The property owner shall deposit with the Village a performance guarantee in the amount of \$1,000 in accordance with § 515-100. Said performance guarantee shall be to ensure removal of the temporary dwelling in conformance with this section and the special land use permit.

## Article XIX. (Reserved)

[1] *Editor's Note: Former Art. XIX, Signs, as amended, was repealed 8-13-2019 by Ord. No. 365. See now Ch. 425, Signs.*

## § 515-114. through § 515-120. (Reserved)

## Article XX. Special Land Uses

### § 515-121. Purpose established; review required.

- A. Purpose. The purpose of this article shall be to:
  - (1) Establish the purpose of special land use review and approval;
  - (2) Require special land use review and approval for specified land uses in all zoning districts which are listed as special land uses in this chapter;
  - (3) Establish application requirements for special land use review and approval;
  - (4) Establish review standards for all special land uses;
  - (5) Establish the Planning Commission as the review and approval authority for special land uses, unless otherwise specified for a specific use; and
  - (6) Establish authority for the Planning Commission to impose conditions upon special land uses.
- B. Requirement established. Special land use review and approval shall be required for all specified land uses in all zoning districts which are listed as special land uses in this chapter. All applications for special land use review and approval shall include a site plan prepared in

conformance with the submission, content and design criteria in § **515-100**, Site plan review. All special land use review and approval requests shall be subject to a public hearing by the Planning Commission prior to a final decision on the application.

## § 515-122. Application procedures and review standards.

- A. Application, submittal and review procedures. All special land use review and approval requests in all districts shall be applied for and reviewed in accordance with the following: Applicant may request preapplication conference with Zoning Administrator, Planning Commission Chair or designee, and Village planning consultant to discuss the proposal, submittal and review procedures, ordinance criteria, and site plan design guidelines (optional, but strongly recommended). Application with fee for preapplication conference is to be submitted to Village Clerk on forms provided for that purpose by the Village.
- (1) Applicant submits completed application, review fee, and 12 copies of the site plan to the Village Clerk. Application and fee for special land use review and approval submitted to Village Clerk on forms provided for that purpose by the Village.
    - (a) Special land uses may be required to submit a traffic impact study, in accordance with the Traffic Impact Study Requirements adopted by resolution of the Village Council.
    - (b) Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.
  - (2) The Village Clerk then transfers copies of the application and site plan to the Planning Commission and Village planning consultant for review.
  - (3) The Village Planning Commission conducts the first introduction of the requested special land use at its next regularly scheduled meeting. First introduction is intended to alert Planning Commission members and the public of the request and to set a date for the public hearing. Attendance by the applicant is optional.
  - (4) The Village Clerk, or designee, provides required public notice of the public hearing date as set by the Planning Commission. Notice shall be published and mailed in accordance with notification procedures as required by state law.
  - (5) The Planning Commission conducts the public hearing on the application for special land use approval. Public comment may be made prior to the meeting in writing or at the meeting either verbally or in writing.
  - (6) The Planning Commission approves, approves with conditions, or denies the special land use request. The Planning Commission may also postpone a request to allow verification, compilation or submission of additional or supplemental information, or to address other concerns or issues.
  - (7) If the Planning Commission approves or approves with conditions the special land use request, the Village Clerk prepares and mails to the applicant a special land use permit and a copy of the approved minutes of the Planning Commission meeting at which the special land use approval was granted. Said permit and approved minutes shall constitute the formal record and notification of special land use approval.
  - (8) The applicant then applies for site plan review and approval in accordance with § **515-100**, Site plan review.
- B. Review standards and criteria. The Planning Commission shall utilize the following standards and criteria in reviewing all special land use requests. The Planning Commission shall find that each standard and criteria is met prior to granting approval of any special land use request.

- (1) All information, submittals, and site plan standards as required in § **515-100**, Site plan review, have been met with regards to the site plan submitted for the requested special land use.
  - (2) All design standards, specifications or criteria imposed on specific special land uses in Article **XX** shall be met.
  - (3) The use shall conform generally with the Master Plan.
  - (4) The use shall be designed and located so that it is compatible with the surrounding properties. At a minimum, this shall include consideration of the following:
    - (a) Location of use(s) on site;
    - (b) Height of all improvements and structures;
    - (c) Adjacent land uses;
    - (d) Need for the proposed use in specified areas of the Village;
    - (e) Conformance with future land use plans for the area as adopted or maintained by the Planning Commission; and
    - (f) Compatibility with the permitted principal uses allowed in the zoning district where the special land use is requested.
  - (5) Ingress and egress to the use shall be controlled and designed to maximize vehicular and pedestrian safety and convenience and minimize traffic impact on adjacent properties, roads and drives. At a minimum, this shall include consideration of the following:
    - (a) Reduction in the number of ingress or egress points through elimination, minimization, and/or consolidation of drives;
    - (b) Proximity and relation to road and driveway intersections specifically with regard to distance between proposed drives and existing intersections;
    - (c) Reduction/elimination of vehicular and pedestrian traffic conflicts;
    - (d) Adequacy of sight distances;
    - (e) Location and access to off-street parking; and
    - (f) Location of service drives to access multiple parcels.
  - (6) The use shall be screened in accordance with the screening and buffering criteria detailed in § **515-91** and the specific screening and buffering requirements for individual special land uses detailed in this article.
  - (7) The use shall be properly served by utilities, whether public or private.
  - (8) The use shall not have an adverse impact on the environment beyond the impacts which would be anticipated by the permitted principal uses in the same district. The use shall not result in impairment, pollution or destruction of the air, water, soil or other natural features.
  - (9) The use shall be in conformance with the performance standards specified in § **515-90**.
  - (10) The use shall be designed, located and operated to minimize negative impacts on surrounding properties or rights-of-way.
  - (11) The use shall not impose an unreasonable burden upon public services and utilities in relation to the burden that would be imposed by permitted principal uses in the same district.
- C. Conditions. The Planning Commission may impose conditions in granting special land use approval in accordance with the following:



- (1) Conditions shall be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the proposed use as well as residents and landowners adjacent to the use and within the community as a whole.
- (2) Conditions shall be related to the valid exercise of the police power and the purposes which are affected by the proposed use or activity.
- (3) Conditions shall be necessary to meet the intent and purpose of the Zoning Ordinance and shall be based upon the standards established in this chapter for the special land use under consideration, if applicable, and shall be necessary to ensure compliance with those standards.
- (4) Conditions shall provide necessary safeguards for the protection of the general welfare and individual property owners and residents.
- (5) The breach of any condition of special land use approval shall constitute a violation of the provisions of this chapter and shall be subject to appropriate actions under § 515-206, Violations and penalties. In addition, failure to correct such breach within 30 days of written notification shall constitute reason for the Planning Commission to revoke the special land use permit.
- (6) Conditions shall be continuing obligations and are binding on any heirs and assigns and upon any persons taking title to the affected property while such special land use permit is in effect.
- (7) The discontinuance of a special land use after a specified time may be a condition to the issuance of a special land use permit. Renewal of a special land use permit shall be applied for in the manner specified in § 515-121C above.

D. General stipulations.

- (1) Applications for special land use review and approval shall be made by a person or persons having an ownership interest in the land for which the special land use request is sought. All persons having ownership in the subject property shall sign the application prior to consideration by the Planning Commission.
- (2) Special land use approval is valid for a period of one year. Site plan approval and commencement of construction of approved improvements shall commence within one year of the date of the Planning Commission's approval of the request, or the special land use approval and permit shall be automatically null and void. The Planning Commission may extend special land use approval and the associated special land use permit upon a finding of good cause for a period not to exceed six months from the date of expiration of the original approval. Requests for extension shall be made prior to expiration of the subject approval and permit.
- (3) The record of the Planning Commission shall be the approved minutes of the Planning Commission meetings at which the special land use request was heard. Said record shall be available to the applicant and shall constitute notice of the Planning Commission's decision regarding the special approval request.
- (4) The Planning Commission shall give notice of the time and place of required public hearings, as required by state law.
- (5) All construction, improvement or use of a parcel of land shall be in complete conformance with a special land use approval and permit, including any conditions, and with the approved site plan.
- (6) A special land use permit may be terminated by subsequent rezoning of the affected site to a district in which the special land use is a permitted principal land use, subject to any nonconforming use rights. Such termination may be initiated only after determination by the Planning Commission that the development status of the site is in accordance with the zoning standards and requirements of the district in which the site will be located after rezoning.

- (7) No reapplication, reconsideration or rehearing of a special land use request which has been denied by the Planning Commission shall be considered until the expiration of one year from the date of denial, unless based upon proof of materially changed conditions or new information sufficient to warrant consideration by the Planning Commission. All reapplications shall be considered a new application and shall be reviewed in accordance with the provisions of this section.
- (8) The applicant shall sign the motion of approval and conditions as acknowledgment and agreement to comply with the special land use approval and all conditions of approval. Said acknowledgment shall be received by the Village prior to issuance of any permits or authorizations to commence construction or activity under the special land use approval.

## § 515-123. Accessory apartments.

Accessory apartments may be permitted in certain districts, as specified in this chapter, in conformance with the following:

- A. Single-family residential accessory apartments. One accessory apartment per single-family dwelling unit may be permitted in accordance with the following criteria:
  - (1) The principal dwelling unit must be in conformance with the provisions of this chapter.
  - (2) The principal dwelling unit or the accessory apartment shall be occupied by the owner of the lot or parcel upon which the single-family dwelling unit and accessory apartment are located.
  - (3) Exterior modifications to the structure shall not change the single-family character of the dwelling unit.
  - (4) Only one accessory apartment shall be permitted per lot or parcel and per single-family dwelling unit.
  - (5) One additional off-street parking space shall be provided, exclusive of the driveway, in conformance with the provisions of § 515-101.
  - (6) An accessory apartment shall contain a minimum of 400 square feet and shall not exceed 35% of the total floor area of the principal dwelling unit. No accessory apartment shall be permitted where the principal dwelling unit is not at least 768 square feet in total floor area.
  - (7) No accessory apartment shall include more than two bedrooms or exceed 650 square feet.
  - (8) Only one pedestrian entrance door shall face the street. Exterior stairways shall be architecturally compatible with the principal structure. The Planning Commission may require interior stairway access to second-floor accessory apartments or other architectural or design modifications to ensure compatibility of the proposed design with the building and adjacent properties.
- B. Accessory apartments in the RO Residential Office and GBD General Business Downtown Districts.
  - (1) Accessory apartments shall only be permitted where the existing or proposed commercial building and use is in conformance with the provisions of this chapter.
  - (2) Accessory apartments shall be located only on the second story or, where proposed on the first floor, in the rear of the building.
  - (3) Off-street parking space shall be provided, exclusive of the driveway, in conformance with the provisions of § 515-101. Accessory apartments that do not have sufficient space for parking on site may seek approval of one of the following options:

- (a) Parking space on nearby private property by ownership or lease arrangement, provided such property shall not be zoned for single-family residential purposes and said parking space shall be available for the exclusive use of the apartment in perpetuity or until the apartment use is terminated.
  - (b) Overnight permit parking in a Village-owned public parking lot.
- (4) Only one pedestrian entrance door shall face the street. Exterior stairways shall be architecturally compatible with the principal structure. The Planning Commission may require interior stairway access to second-floor accessory apartments or other architectural or design modifications to ensure compatibility of the proposed design with the building and adjacent properties.

## § 515-124. Agricultural implement sales and service facilities.

Agricultural implement sales and service facilities may be permitted in the LI Light Industrial or HI Heavy Industrial District, subject to the following:

- A. All such uses shall be located on a principal arterials, minor arterials and collector streets.
- B. All buildings, vehicle storage areas, equipment and the like shall be set back a minimum of 50 feet from any property line, including rights-of-way.
- C. One display area is permitted adjacent to the right-of-way within the fifty-foot setback in Subsection **B** above, not to exceed 400 square feet in area for every 250 lineal feet of lot width. Said area(s) shall be designated on the site plan.
- D. Signs shall be in accordance with Article XIX.
- E. Off-street parking shall be provided in accordance with § **515-101**.
- F. Site lighting shall be in accordance with § **515-90G**.
- G. Where the proposed facility abuts residentially zoned property, a landform buffer, buffer strip, or screen wall/fence and adjacent greenbelt shall be required along the property line in accordance with § **515-91**. The Planning Commission may require additional screening or landscaping where the Planning Commission determines it is necessary to prevent negative impacts on adjacent properties and rights-of-way.
- H. The Planning Commission shall also consider conformance with § **515-150**, Outdoor sales lots, in reviewing the request and may apply conditions designed to ensure conformance with the criteria in § **515-122** where the Planning Commission finds application of the criteria to be appropriate.

## § 515-125. Bed-and-breakfast facilities.

A bed-and-breakfast inn may be permitted in certain districts, as specified in this chapter, in conformance with the following:

- A. The bed-and-breakfast facility shall be clearly subordinate to the use of the principal residence as the owner's principal residence. Not more than 40% of the gross floor area of the dwelling unit may be devoted to guest rooms. All bed-and-breakfast rooms shall be located within the primary dwelling on the same site. No accessory buildings or second dwelling unit on the same site shall in any way be used in conjunction with a bed-and-breakfast inn.
- B. All guest rooms shall be a minimum of 100 square feet.
- C. All guest rooms shall be equipped with a smoke detector alarm.
- D. Lavatory and bathing facilities shall be provided for all overnight guests.

- E. The bed-and-breakfast inn shall have a minimum of two means of exit directly to the outside. A floor plan and elevation drawings shall be provided to demonstrate conformance with this requirement.
- F. There shall be no exterior alterations to the dwelling which are not customary to other dwellings in the Village. If guest rooms are not part of the original structure, plans for the addition(s), prepared and sealed by a registered architect, shall be submitted with the application. The Planning Commission shall determine that the proposed addition(s) are compatible in style and design with the original structure, and that the added room(s) could be utilized for single-family residential use should the bed-and-breakfast inn be discontinued.
- G. Off-street parking shall be provided at a ratio of one space per bed-and-breakfast room. The parking spaces shall be designed to maintain the residential character of the site.
- H. Signs shall be in conformance with Article XIX.
- I. The maximum length of stay for overnight guests shall be 14 days.
- J. The application shall include written verification from the County Health Department that the existing or proposed sewage disposal system is adequate for the proposed use.
- K. Any change in ownership of the site shall require written notification to the Village Clerk 30 days prior to the transfer of title.
- L. The applicant shall arrange, at the applicant's expense, inspection of all units proposed for bed-and-breakfast units by the Village's Zoning Administrator and Building Inspector prior to review by the Planning Commission. These reports shall be included with the application.

## § 515-126. \*Bulk petroleum storage.

- A. The site shall have direct access onto a principal or minor arterial.
- B. All equipment shall be set back a minimum of 250 feet from any district which permits residential uses and 100 feet from any property line.
- C. The application shall include a written report which documents conformance with the performance standards in § **515-90**, the groundwater protection standards and the storage of hazardous substances standards in § **515-100**, Site plan review.
- D. The location, size and type of all aboveground and underground storage tanks and piping shall be noted on the site plan. All tanks shall have appropriate secondary containment and leak detection which shall be noted on the site plan. All tanks shall be registered and otherwise comply with all state and local codes. (See § **515-100E**.)
- E. The storage area shall be screened from view from any adjoining nonindustrial zoning district or from any public street by a landform buffer or screen wall and adjacent greenbelt in conformance with § **515-91**.
- F. All facilities shall be approved by the Fire Department as being in compliance with all federal, state and local regulations.
- G. A hazardous materials spill contingency plan shall be submitted for approval by the Planning Commission. The plan shall specify response methods, cleanup methods, disposal methods and fire containment methods.
- H. Performance guarantee.
  - (1) Prior to commencement of construction, the applicant shall post a performance guarantee in accordance with § **515-205** with the Village Clerk in a form approved by the Village Council and in an amount of the cost of reclamation and restoration to return the site to its original

condition. The cost of the work shall be estimated by the Village Engineer, as approved by the Village Council. The Engineer's estimate shall be based upon a review of the site plan and shall be in an amount sufficient to cover the cost of restoration of the site in the event the operation is abandoned.

- (2) The performance guarantee shall be without a date of termination and shall run indefinitely, provided that it may contain a cancellation clause providing that the applicant may cancel the performance guarantee by giving the Village 30 days' written notice. The performance guarantee shall be kept in full force and effect until the area covered by the bond has been restored (materials removed and site restored to its original condition).
- (3) In the event that the performance guarantee is canceled, the applicant shall provide a replacement performance guarantee within 30 days of notice of cancellation, and in the event no replacement is so provided, the applicant's approval shall be null and void and all activities shall immediately terminate and the applicant shall immediately begin reclamation or restoration. If he or she fails to do so, the Village Council may cause the necessary work to be completed and the necessary and reasonable costs and expenses so incurred or expended, including also the incidental administrative and legal costs, shall be the obligation of and paid by the applicant.
- (4) Upon satisfactory completion of reclamation and restoration work by the applicant, the Village shall issue a certificate of completion and the performance guarantee shall be canceled or returned by the Village.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-127. Campgrounds.

Campgrounds may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. Minimum site area for a campground shall be 20 acres.
- B. Only tents, campers, trailers, camping units, or travel trailers shall be permitted. No mobile homes, cabins or other permanent residential structures for use by patrons are permitted. No individual tent or other camping unit shall occupy a site in the facility for more than 30 days in a calendar year. No person, other than the owner/operator or a caretaker, shall occupy any site or reside at the campground for more than 30 days in a calendar year.
- C. Accessory commercial uses, such as convenience stores, gift shops, propane sales, laundry services and the like shall be housed in a single building and designed to serve the needs of patrons at the campground. Off-street parking and screening and landscaping shall be provided in accordance with §§ **515-101** and **515-91**, respectively.
- D. Where the campground abuts single-family residential districts, the site shall be appropriately fenced, as determined by the Planning Commission.
- E. The active campground use areas, such as entrance building, convenience building, recreation areas, campsites and the like, shall be a minimum of 100 feet from any property line.
- F. Where the campground is adjacent to any single-family residential district, a landform buffer, buffer strip, or screening wall/fence with adjacent greenbelt shall be provided along the property line(s) in accordance with § **515-91**. The Planning Commission may require additional screening or landscaping where the Planning Commission determines it is necessary to prevent negative impacts on adjacent properties and rights-of-way.

## § 515-128. Cemeteries.

Cemeteries may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. Minimum site size shall be 20 acres with a minimum lot width of 330 feet.
- B. There shall be no burial plots within 25 feet of any property line.
- C. No service building shall be located closer than 100 feet to any property line. All service and storage yards shall be screened from view by a landform buffer strip, buffer strip, or screen wall and adjacent greenbelt in conformance with the provisions in § 515-91.
- D. On all sides abutting property in a district that permits residential uses, there shall be a landscaped greenbelt at least 25 feet wide, in accordance with § 515-91.

## § 515-129. \*Central dry-cleaning plants.

Central dry-cleaning plants may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The site plan submittal shall include a floor plan which details the location of all storage areas for hazardous/toxic materials and the method of secondary containment proposed in conformance with § 515-100E.
- B. All truck loading/unloading areas shall be located within a side or rear yard and shall be a minimum of 50 feet from any property line.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-130. Commercial broadcast and wireless communication facilities.

Commercial broadcast and wireless communication facilities may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. Standards and conditions applicable to all commercial broadcast and wireless communication facilities.
  - (1) Facilities shall not be demonstrably injurious or otherwise detrimental to the public safety and welfare.
  - (2) Facilities shall be located and designed to be harmonious with the surrounding areas. The use of monopole towers shall be required unless the applicant demonstrates that monopole towers are not feasible for the proposed use.
  - (3) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
  - (4) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower height.
  - (5) The following additional standards shall be met:
    - (a) The maximum height of the support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). Accessory buildings shall be limited to the maximum height for accessory structures within the respective district.

- (b) The setback of the support structure from any property line and existing or proposed road right-of-way line shall be at least the height of the highest point of the support structure. Multiple towers on the same parcel or adjoining parcels shall each meet the above criteria and be separated from any other tower for a distance at least equal to the height of the tallest tower.
  - (c) There shall be unobstructed access to the facility for operation, maintenance, repair and inspection (may be provided by an easement).
  - (d) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
  - (e) Rooftop wireless communication facilities shall be architecturally compatible with the principal building.
  - (f) The Village may regulate the color of the support structure and all accessory buildings to minimize distraction, maximize aesthetic appearance, and ensure compatibility with surroundings, subject to regulations of the Federal Aviation Administration.
  - (g) Support structures shall be constructed in accordance with applicable building codes. A soils report from a civil or structural engineer licensed in the State of Michigan shall be submitted. This report shall include soil borings and confirmation of the suitability of soils for the proposed use. Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission requirements shall be noted.
  - (h) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility.
  - (i) A landform buffer, buffer strip, or screen wall and adjacent greenbelt shall be provided in accordance with § **515-91**. If chain-link or similar fencing is proposed around the equipment shelter or building, it shall be dark green chain-link fencing material. The Planning Commission, after considering the type, size and height of all equipment being proposed, may require additional landscaping or screening where the Planning Commission determines it is necessary to minimize the impact on adjacent properties.
  - (j) Where employees will be stationed at the facility on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface in conformance with § **515-101**.
  - (k) There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations, except those which are necessary for safety or emergency repairs at that particular site.
- (6) The application shall include a certification by a State of Michigan licensed professional engineer regarding the manner in which the proposed structure will fall.
- (7) The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be in the form of cash, surety bond, letter of credit or an agreement in a form approved by the Village Attorney and recordable at the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the chapter. The applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the Village in securing removal.
- (8) The application shall include a map showing existing and known proposed wireless communication facilities within the Village and areas surrounding the Village. If the information is on file with the Village, the applicant shall update as needed. Any such information which is a trade secret and/or other confidential commercial information may be submitted with a request for confidentiality in connection with the development of

- governmental policy. This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be made in writing.
- (9) The applicant shall provide the name, address and phone number of the person to contact for all engineering, maintenance and other notice purposes. This information shall be continuously updated while the facility is on the premises.
- B. Standards and conditions applicable to special land uses. In addition to the provisions in Subsection **A** above, all wireless communication facilities which are placed on new towers or other new structures and are located outside the LI, HI or the IO District shall be reviewed as special land uses. All uses which require special land use approval shall conform with the following.
- (1) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
- (a) Proximity to major thoroughfares.
  - (b) Population concentrations.
  - (c) Business centers.
  - (d) Signal interference.
  - (e) Topography.
  - (f) Other specifically identified reason(s) creating facility need.
- (2) The proposal shall be reviewed in conformity with the co-location requirements of Subsection **D** below.
- C. Special requirements for wireless communication facilities proposed outside districts where they are principal permitted uses or permitted after special land use approval. Applications for facilities which are not permitted uses under § **515-112** and which are proposed to be located outside of a district where they are permitted as a special land use shall conform with the following standards, along with those in Subsections **A** and **B** above:
- (1) The applicant shall demonstrate that a location within a district where the facility is permitted as a principal or special land use cannot reasonably meet the coverage and/or capacity needs of the applicant.
- (2) Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Village.
- (3) The applicant shall seek to locate the facility at one of the following sites (not in any priority), subject to application of all other standards contained in this section:
- (a) Municipally owned site.
  - (b) Other governmentally owned site.
  - (c) Religious or other institutional site.
  - (d) Public park and other large permanent open space areas, when compatible.
  - (e) Other locations if none of the above is available.
- D. Requirements for co-location.
- (1) A permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that co-location is not feasible.
- (2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.



- (3) The policy of the Village is for co-location. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall be deemed to be a nonconforming structure and use.
- (4) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new wireless communication facility, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Village and consequently such party shall take responsibility for the violation and shall be prohibited from receiving approval for a new wireless communication support structure within the Village for a period of five years from the date of the failure or refusal to permit the co-location. Applicants to the Zoning Board of Appeals regarding this provision must demonstrate that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services or would have the effect of prohibiting the provision of personal wireless communication services.
- (5) Incentive. Review of an application for co-location on an existing structure in any nonresidential district shall be a principal permitted use and shall be reviewed and approved administratively by the Zoning Administrator upon receiving a positive recommendation from the Village Planner and Village Engineer.

#### E. Removal.

- (1) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - (a) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  - (b) Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.
- (2) The situations in which removal of a facility is required, as set forth in Subsection **E(1)** above, may be applied and limited to portions of a facility.
- (3) Upon the occurrence of one or more of the events requiring removal the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits and immediately proceed with and complete the demolition/removal.
- (4) If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the Village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.

## § 515-131. \*Commercial greenhouse/nursery.

A commercial greenhouse or nursery may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. Accessory retail sales shall be limited to only those products which are grown or which are clearly incidental and accessory to sales of grown materials, such as, but not limited to, potting soil, household fertilizers, planters and horticultural books.

- B. All areas for customer and employee parking shall be set back at least 75 feet from all property lines.
- C. All greenhouse buildings shall be set back at least 50 feet from any property line.
- D. All service and storage areas for equipment and materials shall be set back at least 50 feet from any property line and shall be screened from view by a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § 515-91.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-132. Commercial indoor recreation.

Commercial indoor recreation uses may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. All off-street parking shall be screened by a landform buffer, buffer strip, or screen wall/fence and adjacent greenbelt in accordance with § 515-91.
- B. The site shall have direct access to a major or secondary thoroughfare.
- C. The Planning Commission may regulate the hours of operation as a condition of the special land use approval and permit.
- D. Any outdoor recreational activities shall comply with § 515-133, Commercial outdoor recreation.

## § 515-133. Commercial outdoor recreation.

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

- A. No activities, parking or structures shall be located within 100 feet of an abutting single-family residential district or within 50 feet of any property line.
- B. Use of loudspeaker or public address systems for broadcasting music or continuous announcements shall be prohibited. Any proposed public address system shall be described in writing as a part of the application for special land use approval and shall be detailed on the site plan as to location of speakers, direction of speakers, duration/frequency of use, and time(s) of use.
- C. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or any public or private street or right-of-way. The site plan shall detail this information.
- D. Hours of operation shall be included in writing as a part of the application for special land use approval. Hours of operation may be restricted by the Planning Commission in order to reduce the impact of the proposed use on abutting residential areas.
- E. All protective fencing/netting locations shall be detailed on the site plan. The Planning Commission may regulate type, size and location of said fencing/netting for aesthetic, visibility and safety purposes.
- F. All service and storage areas for equipment and materials shall be set back at least 50 feet from any property line and shall be screened from view by a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § 515-91.

- G. All parking areas shall be screened from adjoining properties by either a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § **515-91**.
- H. The Planning Commission may require additional screening in conformance with § **515-91** where the Planning Commission determines such screening is necessary to reduce the impact of the proposed use on adjacent properties or rights-of-way.
- I. See § **515-138** for equestrian stables and riding academies; § **515-127** for campgrounds; § **515-157** for shooting ranges and gun clubs.

## § 515-134. \*Concrete and asphalt plants.

Concrete and asphalt plants may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The applicant shall demonstrate that the plant location is appropriate, based on the source of sand and aggregate materials for the plant. A market study shall be included which demonstrates the need for the specific facility proposed to serve the surrounding area.
- B. The site plan shall demonstrate, supported by a written report submitted by the applicant, strict compliance with all local, county, state and federal requirements for air, groundwater and surface water quality. In particular, the written report shall address compliance with the performance standards in § **515-90**, and the groundwater protection standards and the storage of hazardous substances standards in § **515-100**, Site plan review.
- C. The anticipated life of the plant, in years, shall be specific and tied to the operator's anticipated local reserves of the sand and aggregate materials for the plant.
- D. The site shall have direct access to a paved regional or major thoroughfare.
- E. All plant equipment shall be set back a minimum 1,320 feet from any district which permits residential uses and 250 feet from any property line.
- F. The plant itself shall be screened on all property lines by a fifty-foot-wide landform buffer, buffer strip, or screen wall/fence and adjacent greenbelt in conformance with § **515-91**. The Planning Commission may require additional landscaping or screening where the Planning Commission determines that it is necessary to prevent negative impact on adjacent properties or rights-of-way.
- G. The special land use permit for a concrete or asphalt plant shall be reviewed by the Planning Commission every two years at a minimum. At least 30 days prior to transferring a permit for a concrete or an asphalt plant, the operator shall notify the purchaser of all conditions of the permit and shall notify the Village of the name, address and phone number of the new owner/operator.
- H. Performance guarantee.
  - (1) Prior to commencement of construction, the applicant shall provide a performance guarantee, in accordance with § **515-205** in a form approved by the Village Council and in an amount of the cost of reclamation and restoration to return the site to its original condition. The cost of the work shall be estimated by the Village Engineer, as approved by the Village Council. The Engineer's estimate shall be based upon a review of the site plan and shall be in an amount sufficient to cover the cost of restoration of the site in the event the operation is abandoned.
  - (2) The performance guarantee shall be without a date of termination and shall run indefinitely, provided that it may contain a cancellation clause providing that the Village is given 30 days' written notice. The performance guarantee shall be kept in full force and effect until the area covered has been restored (materials removed and site restored to its original condition).
  - (3) In the event that the applicant cancels the performance guarantee, the applicant shall provide a replacement performance guarantee within 30 days of notice of cancellation, and in the

event no replacement is so provided, the applicant's approval shall be null and void and all activities shall immediately terminate and the applicant shall immediately begin reclamation or restoration. If he or she fails to do so, the Village Council may cause the necessary work to be completed, and the necessary and reasonable costs and expenses so incurred or expended, including also the incidental administrative and legal costs, shall be the obligation of and paid by the applicant.

- (4) Upon satisfactory completion of reclamation and restoration work by the applicant, the Village shall issue a certificate of completion, and the performance guarantee shall be canceled or returned by the Village.
- I. Temporary concrete or asphalt plants which are proposed in conjunction with a specified road improvement or other large-scale public works project may be permitted by the Planning Commission in conformance with this section, subject to the following:
    - (1) The proposed asphalt or concrete plant shall be clearly incidental and a required accessory use to the primary public works activity.
    - (2) The facility shall be temporary and shall be utilized solely for production of materials used directly for the identified project.
    - (3) The facility shall be removed at the completion of the identified project and the site shall be restored. The Planning Commission shall, as a condition of the special land use permit, require submission and conformance with a restoration plan for the site.
    - (4) The temporary use of a site under the provisions of this subsection shall not be construed as granting any vested right or nonconforming status for such use on a site.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-135. Convalescent or rest home.

A convalescent or rest home may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. All vehicular ingress and egress shall be directly onto a major or secondary thoroughfare.
- B. The minimum site size shall be two acres.
- C. All buildings shall be set back at least 50 feet from all property lines.
- D. All parking areas shall be set back a minimum of 50 feet from all property lines. All parking areas shall be screened from adjoining properties by either a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § 515-91.
- E. There shall be an outdoor recreation area for the use of residents. Said outdoor area may be located in such areas as gardens, patios, decks, open space, walking paths, and the like. Recreation space must be fully accessible to residents and of barrier-free design.
- F. All service and storage areas for equipment and materials shall be screened from view by a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § 515-91.

## § 515-136. Drive-through facilities.

Because of the auto-oriented character of drive-through facilities and similar establishments, they shall be permitted in certain districts, as specified in this chapter, provided the following conditions are met:

- A. A building setback of at least 50 feet from the existing street right-of-way (whichever is greater) shall be maintained.
- B. Ingress and egress points shall be located at least 100 feet from the intersection of any two street right-of-way lines or any abutting residential district.
- C. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity, and method of shielding the fixtures so that light does not project onto adjoining properties or any public or private street or public right-of-way. The site plan shall detail this information.
- D. All drive-through lanes and vehicle queuing areas shall be screened from adjacent properties by a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § **515-91**.
- E. All parking areas shall be screened from adjoining properties by either a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § **515-91**.
- F. The Planning Commission may require additional screening in conformance with § **515-91** where the Planning Commission determines such screening is necessary to reduce the impact of the proposed drive-through use on adjacent properties or rights-of-way.
- G. All vehicle maneuvering and queuing areas shall be designed to accommodate all vehicles on site. No right-of-way may be utilized for the stacking or maneuvering of vehicles in conjunction with the drive-through facility.
- H. All speakers and communication systems shall be described in writing as a part of the application for special land use approval. The site plan shall detail the location of all speakers and communication system components. All such systems shall be designed to restrict volume levels to the minimum necessary to service the immediate area of intended communication and shall not permit communications to be audible at the property line. The Planning Commission may require limitations on hours of operation, additional buffering or redesign of any communication system to eliminate impact on adjacent property.

## § 515-137. \*Educational institutions.

Educational institutions including preschools, elementary, middle and high schools, colleges, universities and other such institutions of higher learning for profit and nonprofit, offering courses in general, technical, or religious education may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. All ingress and egress from said site shall be directly onto a principal arterial, minor arterial, or collector street.
- B. No building shall be closer than 50 feet to any property line and/or existing or proposed public right-of-way.
- C. All parking, service and storage areas shall be screened from view by a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § **515-91**.
- D. All areas for student and staff parking shall be set back at least 35 feet from an abutting residential district or residential use and shall be screened from view by a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § **515-91**.
- E. Minimum parcel size shall be five acres.
- F. The layout of all parking lots, driveways, waiting areas and loading zones shall be designed with pedestrian safety as the primary consideration.

G. An adequate dropoff area and waiting spaces shall be provided so vehicles and school buses are not standing or queuing in a public right-of-way or blocking ingress or egress to the site.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-138. Equestrian stables and riding academies.

Private or commercial stables and riding academies may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. Private equestrian stables. Where the stable is utilized solely for horses and ponies belonging to the property owner, and where no boarding or other equestrian activity of any kind is offered to persons or organizations not in the immediate family of the property owner, no special approval is required. The private stable is subject to the provisions of § **515-155**, Raising and keeping of animals.
- B. Commercial equestrian stables and riding academies. Commercial equestrian stables and riding academies, where permitted by this chapter, shall conform with the following:
- (1) The minimum site size shall be 20 acres.
  - (2) All buildings, corrals, and other enclosures for animals shall be a minimum of 250 feet from any single-family residential district and 150 feet from any other property line or right-of-way.
  - (3) All manure or other wastes produced or generated by raising or keeping of farm animals shall be stored in a fashion which reduces the nuisance impact of said wastes on adjacent properties. No wastes shall be stockpiled for a period to exceed 120 days and no wastes shall be stockpiled closer than 125 feet from any property line. This subsection shall not be construed as preventing the spreading of manure as fertilizer in conjunction with an agricultural operation.
  - (4) All farm animals shall be adequately fenced or corralled to prevent them from roaming off site.
  - (5) There shall be no outdoor storage of customer's trailers or other vehicles for transporting horses. Storage of the owner's trailers and vehicles shall be permitted in conformance with § **515-98**.
  - (6) The application for special land use approval shall include a written statement of the number of horses and ponies which will be accommodated, the nature and duration of any equestrian events which will be held, the planned or agreed use of any other properties for riding or pasturing, and any agreements or arrangements with any equestrian clubs, groups or organizations for use of the facilities.
  - (7) Off-street parking shall be provided in accordance with a ratio of one space for each boarding stall. In addition, the site plan shall demonstrate adequate off-street parking to accommodate parking resulting from any approved equestrian events or activities which will generate customer or spectator parking in excess of the customary and incidental parking demand.

## § 515-139. \*Extraction, soil removal and mining operations.

Extraction, soil removal and mining operations may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The Planning Commission shall review the request for special land use approval in conformance with § **515-122**, Application procedures and review standards. In addition, the proposed use shall comply with other standards of the Village of New Haven related to mineral extraction operations.

- B. All extraction, soil removal and mining operations shall demonstrate by the submission of a reclamation plan drawing (minimum scale of one inch equals 100 feet) that rehabilitation of the subject parcel, after operations are complete, will leave the property suitable for future development with one of the permitted uses in that particular zoning classification.
- C. The Planning Commission may require additional screening, landscaping, or setbacks to buildings or use areas where the Planning Commission determines such conditions necessary to prevent negative impact on adjoining properties or rights-of-way.
- D. Granting of a special land use approval and permit by the Planning Commission does not authorize the applicant to proceed with development of the site and commencement of mining activities. Should the Planning Commission grant special land use approval, the applicant shall proceed with application for a license to operate under the Village's code of ordinances regulating mineral extraction operations.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-140. \*Foundries.

- A. The minimum site size shall be four acres with a minimum lot width of 200 feet.
- B. All operations shall be conducted within a completely enclosed building.
- C. The site shall have direct access onto a principal or minor arterial.
- D. All plant equipment shall be set back a minimum of 250 feet from any district which permits residential uses and 100 feet from any property line.
- E. The application shall include a written report which documents conformance with the performance standards in § **515-90**, and the groundwater protection standards and the storage of hazardous substances standards in § **515-100E**.
- F. The site shall be screened on all property lines by a fifty-foot-wide landform buffer, buffer strip, and screen wall/fence in conformance with § **515-91**. The Planning Commission may require additional landscaping or screening where the Planning Commission determines that it is necessary to prevent negative impact on adjacent properties or rights-of-way.

## § 515-141. Funeral homes.

Funeral homes may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The site shall have direct access to a principal arterial, minor arterial, or collector street.
- B. The minimum site size shall be two acres on a contiguous parcel.
- C. All parking areas shall be screened from adjoining properties by either a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § **515-91**.
- D. The site plan shall include a floor plan of the proposed structure(s) for use in determining required parking.

## § 515-142. Group day-care homes.

- A. Group day-care homes shall be permitted in certain districts, as specified in this chapter, subject to meeting the standards contained in this section.
- B. Location. The proposed use shall not be located closer than 1,500 feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:
  - (1) Another licensed group day-care home.
  - (2) Another adult foster care small group home or large group home, licensed by the State of Michigan.
  - (3) A facility offering substance abuse treatment and rehabilitation service to seven or more people, whether or not it is licensed by the State of Michigan.
  - (4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections or a similar governmental authority.
- C. Yard and placement requirements.
  - (1) Front, rear and side yard minimums shall be the same as the residential district in which it is located.
  - (2) Maximum lot coverage: same as for the district in which the use is located.
- D. Environmental provisions and parking requirements. Environmental provisions and parking requirements shall be as required in this chapter.
  - (1) On-site parking shall be provided for all employees, in addition to the required off-street parking for the residence. No off-street parking shall be permitted in the required front yard space.
  - (2) Decorative fencing shall be required next to residential uses or districts in accordance with this chapter and shall enclose all outdoor play areas.
- E. Character of development. The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day-care home shall not require the modification of the exterior of the dwelling nor the location of any equipment in the front yard.
- F. Signage. The use may have one nonilluminated sign, not to exceed two square feet in area, and shall display only the name and address of the group day-care home.
- G. Hours of operation. Operating hours shall not exceed 16 hours during a twenty-four-hour period. Further, operating hours shall be limited from 6:00 a.m. to 11:00 p.m. daily.
- H. Inspection. The proposed use, if approved, shall be inspected for compliance with these standards prior to occupancy and at least once each year thereafter within 10 days of the anniversary of the certificate of occupancy.

## § 515-143. \*Hospitals.

Hospitals may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The minimum site area shall be 10 acres.
- B. The proposed site shall be located on a paved principal or minor arterial street, with all vehicular access provided from the principal or minor arterial.
- C. All drives shall be located a minimum of 50 feet from any adjacent property. Any drive which accommodates emergency access shall be a minimum of 100 feet from any adjacent property.



- D. All service areas and emergency vehicle access areas shall be designed to minimize the impact on adjacent properties. The Planning Commission may require locational, directional, landscaping or screening modifications to ensure that these areas do not negatively impact adjacent properties or rights-of-way.
  - E. All drives shall be designed to separate vehicular and pedestrian traffic.
  - F. Parking and service areas shall be screened in conformance with § 515-91. The Planning Commission may require additional landscaping or screening where the Planning Commission determines it is necessary to reduce negative impacts on adjacent properties or rights-of-way.
  - G. A lighting and public address system plan shall be included with the site plan to ensure conformance with § 515-90, Performance standards.
- [1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-144. Hotels and motels.

Hotels and motels may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. All vehicular ingress and egress shall be directly onto a major or secondary thoroughfare. All drives shall be a minimum of 25 feet from any district which permits residential uses.
- B. The minimum site size shall be two acres.
- C. All buildings shall be set back at least 50 feet from all property lines, except within the GBD District.
- D. All parking areas shall be set back a minimum of 50 feet from all property lines, except within the GBD District. All parking areas shall be screened from adjoining properties by either a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § 515-91.
- E. Any outdoor recreation area for the use of overnight guests shall be detailed on the site plan and shall be designed to minimize the visual or noise impacts of the outdoor activity on adjacent property. All such areas shall be accessible to only overnight guests and shall be of barrier-free design.
- F. All service and storage areas for maintenance equipment shall be screened from view by a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § 515-91.
- G. The Planning Commission may require additional screening, buffering or landscaping along any property line where the Planning Commission determines such additional improvements would be necessary to reduce the impact on adjoining properties. Said screening, buffering or landscaping shall be in accordance with § 515-91.

## § 515-145. \*Kennels.

Private and commercial kennels, veterinary offices with outdoor runs or animal use areas, and animal hospitals may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. Private kennels.
  - (1) All private kennels, where permitted after special land use approval, shall be considered a residential accessory use. All outdoor runs, pens and structures shall be in conformance with

§ **515-78**, Accessory buildings and structures. For purposes of this section, "accessory building" shall include fenced pens, cages and other structures designed, intended or used for the housing or use of animals.

- (2) Private kennels shall not be located on a parcel or lot of less than two acres.
- (3) All animal use areas shall be completely fenced by a minimum six-foot-high fence and shall be located only in a rear yard.
- (4) All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties or create any hazard or detriment to public health, safety or general welfare.
- (5) No breeding, grooming, training, boarding or veterinary activities shall be permitted in conjunction with any private kennel.
- (6) The proposed private kennel facilities shall be located and designed to reduce the negative impact of noise on adjacent properties.
- (7) Any special land use approval or permit for a private kennel granted by the Planning Commission under this section shall terminate immediately when the lot area requirements herein set forth are decreased in any manner or the provisions of this chapter violated.
- (8) The Planning Commission may require screening, buffering or landscaping along any property line which abuts a single-family residential district or which contains an existing single-family house. Said screening, buffering or landscaping shall be in accordance with § **515-91**.

B. Commercial kennels; veterinarian clinics with outdoor animal use areas.

- (1) The proposed site shall abut a principal arterial, minor arterial or collector street.
- (2) All pens and runs shall be completely fenced by a minimum six-foot-high fence or masonry wall, located only in a rear yard, and set back a minimum 20 feet from any property line. Where the proposed commercial kennel is located in any district which abuts a single-family residential district all pens and runs shall be within a completely enclosed building.
- (3) All breeding areas shall be within a completely enclosed building.
- (4) All animals shall be adequately housed, fenced and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties or create any hazard or detriment to public health, safety or general welfare.
- (5) Commercial kennels shall provide one off-street parking space for each five kennel runs in addition to the parking required for other uses in accordance with § **515-101**.
- (6) The proposed commercial kennel facilities shall be located and designed to reduce the negative impact of noise on adjacent properties.
- (7) In addition to the screening and landscaping requirements specified in § **515-91**, the Planning Commission may require additional screening where the Planning Commission determines such screening is necessary to reduce the impact of the proposed commercial kennel on adjacent properties or rights-of-way.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-146. Limited (hobby) farms.

- A. The minimum site size shall be 10 acres.
- B. Farming activities shall be limited to growing crops and raising of livestock in a manner consistent with the Village character. Agribusinesses, chicken farms, feedlots and similar intensive agricultural uses shall not be permitted.
- C. The raising and keeping of large animals shall be in accordance with § **515-155**.
- D. All limited (hobby) farms shall be maintained and operated in conformance with generally accepted farming practices to minimize the negative impacts of an aspect of the farm operation on adjacent properties.

## § 515-147. Lumber and planing mills.

Lumber and planing mills may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The use shall be completely enclosed with no activities occurring outdoors except ancillary storage, loading and unloading of raw materials and finished products.
- B. Outdoor storage yards associated with the use(s) shall be located in conformance with § **515-152**.

## § 515-148. \*Motor freight and truck terminals.

Motor freight and truck terminals may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The site shall be designed to minimize negative impact on adjacent properties with regard to noise, glare, dust or fumes.
- B. All loading/truck service areas shall be located in compliance with the following:
  - (1) Truck bays shall be located only on the side or rear of buildings.
  - (2) All truck-loading areas shall be screened from adjacent properties and rights-of-way by a landform buffer, buffer strip, or screen wall/fence and adjacent greenbelt in accordance with § **515-91**. The Planning Commission may require additional screening or landscaping where the Planning Commission finds it necessary to minimize the impact of the facility on adjacent properties and rights-of-way.
  - (3) A minimum fifty-foot setback shall be maintained between any loading area and any property line.
- C. Site lighting shall be designed and regulated in accordance with § **515-90**. All lighting shall be detailed on the site plan and designed to prevent glare on adjacent properties.
- D. Proposed maintenance facilities, including fueling stations, shall be noted on the site plan.
- E. Loudspeakers or public address systems may be permitted, subject to the following criteria:
  - (1) Any proposed sound system shall be detailed on the site plan.
  - (2) The facility and proposed sound system shall be designed so as to minimize the level of noise generated and the impact on adjacent properties. Such design alternatives include, but are not limited to, time/volume limitations on the use of sound systems, directional/location speaker limitations, sound-deadening construction materials and landscaping.
  - (3) The Planning Commission shall review the special approval after one year to determine if there are any noise-related problems regarding the approved sound system. In reviewing the

special approval, the Planning Commission shall consult the Zoning Administrator, whose report, along with any public comments at the review hearing, shall form the basis for any subsequent decisions by the Planning Commission. If the Planning Commission finds a noise-related problem, the Planning Commission may require that additional measures be taken by the owner to reduce or eliminate the problem(s) in accordance with Subsection **E(2)** above.

- [1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-149. Nursery schools/child-care centers and group day-care facilities.

- A. All such uses shall be licensed by the State of Michigan.
- B. All such uses shall provide adequate dropoff and waiting spaces so that vehicles are not standing or queuing in a public right-of-way or blocking ingress to the site.
- C. The site layout shall be designed to ensure pedestrian safety by separating play and recreation areas and dropoff/pickup points from parking and driveways.
- D. A minimum of 100 square feet of outdoor play area shall be provided for each child, with a minimum of 1,200 square feet.
- E. Outdoor play areas shall be located to minimize the impact of noise on adjacent residential property. The Planning Commission may require screening, buffering, and locational modifications to the proposed site plan to minimize impacts on adjacent residential property.
- F. All outdoor recreation or play areas shall be enclosed by a minimum four-foot-high chain-link or other fence enclosure.

## § 515-150. Outdoor cafes.

Outdoor cafes, when incidental to a permitted use in the GBD General Business Downtown District, may be permitted, provided the following conditions are met:

- A. Outdoor dining areas shall be separated from parking areas, public rights-of-way and other common areas by an ornamental fence, landscaping or other material acceptable to the Planning Commission. When adjacent to a pedestrian walk, a six-foot sidewalk width shall be maintained for pedestrian flow.
- B. Lighting for outdoor dining areas shall be noted on a site plan and shielded downward and away from adjacent properties and rights-of-way. All lighting shall be designed to prevent glare from negatively impacting adjacent properties or rights-of-way. See § **515-90** for specific requirements for site lighting.
- C. Parking for an outdoor cafe shall be determined by the Planning Commission, based upon the size of the outdoor dining area in relation to the permanent seating in the principal use as follows. In determining whether a restaurant must provide additional parking for its outdoor cafe, the Planning Commission shall use the following guidelines:
  - (1) If the outdoor seating is 25% or less of the seating capacity indoors, no additional parking is necessary.
  - (2) If the outdoor seating is 26% to 50% of the seating capacity indoors, additional parking shall be required up to 125% of the parking required for the indoor space, as determined by the Planning Commission.

- (3) If the outdoor seating is over 50% of the seating capacity indoors, additional parking shall be required up to 150% of the parking required for the indoor space, as determined by the Planning Commission.

## § 515-151. Outdoor sales lots.

Outdoor sales lots for automobiles, trucks, trailers, boats, mobile homes, and similar uses may be permitted in certain districts specified in this chapter, subject to the following:

- A. An outdoor lighting plan shall specify the type of fixtures to be used, light intensity and method of shielding the fixtures so that light does not project onto adjoining properties or on any public or private street or right-of-way. The site plan shall detail this information.
- B. There shall be no festoon signs or bare light bulbs permitted.
- C. No vehicles or merchandise for sale shall be displayed within any required greenbelts, landform buffers, buffer strips, or other landscaped or open space area.
- D. Loudspeakers or public address systems may be permitted, subject to the following criteria:
  - (1) Any proposed sound system shall be clearly detailed on the site plan.
  - (2) The facility and proposed sound system shall be designed so as to minimize the level of noise generated. Such design alternatives include, but are not limited to, sound-deadening construction materials, time/volume limitations on use of sound systems, directional/locational limitations on speaker/public address system locations, and landscaping.
  - (3) The Planning Commission shall review the special approval in one year to determine if there are any noise-related problems regarding the approved sound system. In reviewing the special approval, the Planning Commission shall consult the Zoning Administrator. A report from the Zoning Administrator, along with any public comment at the review hearing, shall be the basis for any subsequent decision(s) by the Planning Commission.
  - (4) If the Planning Commission finds a noise-related problem(s), based upon the Zoning Administrator's and public's comments as noted above, the Planning Commission may require that additional measures be taken by the owner to reduce or eliminate the noise-related problem in accord with Subsection **D(2)** above as a condition of continuing the special land use approval and permit.
- E. A landform buffer, buffer strip, or screen wall and adjacent greenbelt shall be located on all property lines which abut any district which permits residential uses.
- F. The Planning Commission may require additional screening, buffering or landscaping along any property line where the Planning Commission determines such additional improvements would be necessary to reduce the impact of the proposed outdoor sales lot on adjoining properties. Said screening, buffering or landscaping shall be in accordance with § **515-91**.

## § 515-152. Outdoor storage yards.

Outdoor storage yards may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The site plan shall detail the location and type of equipment or materials proposed to be stored in the outdoor storage yards. Anticipated duration of storage of specified materials, height, and extent of area covered by materials shall also be indicated on the site plan.
- B. Storage yards shall have either direct access to a regional or major arterial roadway or access to a regional or major arterial roadway via an internal industrial service road or industrial collector road.

- Access shall be at least 500 feet from any single-family, multifamily or mobile home residential area.
- C. All vehicular use areas shall be paved with asphalt or concrete. Areas used exclusively for storage may be gravel or crushed stone surface, as approved by the Planning Commission. All proposed surface areas shall be detailed on the site plan and shall be in conformance with § **515-90**.
  - D. All lighting shall be shielded downward and away from adjacent properties and rights-of-way. All lighting locations shall be noted on the site plan and shall be in conformance with § **515-90**.
  - E. A minimum twenty-foot-wide landform buffer or buffer strip shall be provided along all property lines within 100 feet of a public or private road right-of-way or residentially zoned property in accordance with § **515-91**. In addition, a minimum six-foot-high screen wall or obscuring decorative, pressure-treated or cedar wood fence shall be provided behind the required landform buffer or buffer strip wherever the site abuts a district which permits residential uses or any public or private right-of-way. The Planning Commission may require said screening wall/fence to be increased in height to a maximum of eight feet where necessary to adequately screen stored materials. The Planning Commission may require additional landscaping and screening where the Planning Commission finds that it is necessary to minimize the impact on adjacent properties. Where outdoor storage yards are used to display equipment for sale, the Planning Commission shall have the discretion to waive the screening wall/fence requirement.
  - F. No storage area shall be located within 20 feet of any property line. Stored material shall not exceed eight feet in height within 50 feet of any property line.
  - G. The Planning Commission and Village Council may request review and comment on the proposed outdoor storage yard from the Fire Marshal and MDEQ where the materials proposed to be stored may pose an environmental or safety hazard.
  - H. The Planning Commission shall review the site one year from approval to ensure compliance with this section and the special land use permit.
  - I. There shall be no burning on the site.
  - J. All industrial processes, including the use of equipment for compressing or packaging, shall be conducted at least 200 feet from the exterior property line; provided, however, that occasional metal cutting shall be allowed anywhere within the wall or fence provided that adequate measures are taken to ensure against fire and adjacent properties are protected from glare and noise, including excessive intermittent noise.
  - K. The applicant shall provide a written plan for the control of dust on site. This plan shall address how storage piles will be treated to minimize dust and how dust will be controlled when materials are moved to and from piles from transport vehicles (including trucks and railcars). This plan shall be made part of the application package and shall be subject to approval by the Planning Commission.
  - L. A drainage plan addressing the impact of stored material on the site drainage system and ensuring that stormwater runoff from the site shall not exceed the agricultural runoff rate shall be submitted as part of the application package.
  - M. Performance guarantee.
    - (1) Prior to commencement of construction, the applicant shall post a performance guarantee in accordance with § **515-205** with the Village Clerk in a form approved by the Village Council and in an amount of the cost of reclamation and restoration to return the site to its original condition. The cost of the work shall be estimated by the Village Engineer, as approved by the Village Council. The Engineer's estimate shall be based upon a review of the site plan and shall be in an amount sufficient to cover that cost of restoration of the site in the event the operation is abandoned.

- (2) The performance guarantee shall be without a date of termination and shall run indefinitely, provided that it may contain a cancellation clause providing that the applicant may cancel the performance guarantee by giving the Village 30 days' written notice. The performance guarantee shall be kept in full force and effect until the area covered by the bond has been restored (materials removed and site restored to its original condition).
- (3) In the event that the performance guarantee is canceled, the applicant shall provide a replacement performance guarantee within 30 days of notice of cancellation, and in the event no replacement is so provided, the applicant's approval shall be null and void and all activities shall immediately terminate and the applicant shall immediately begin reclamation or restoration. If he or she fails to do so, the Village Council may cause the necessary work to be completed, and the necessary and reasonable costs and expenses so incurred or expended, including also the incidental administrative and legal costs, shall be the obligation of and paid by the applicant.
- (4) Upon satisfactory completion of reclamation and restoration work by the applicant, the Village shall issue a certificate of completion and the performance guarantee shall be canceled or returned by the Village.

## § 515-153. Places of worship.

Churches, synagogues and other places of worship may be permitted in certain districts specified in this chapter, subject to the following:

- A. The site shall have direct access to a principal arterial, minor arterial, or collector street.
- B. The minimum site size shall be two acres on a contiguous parcel.
- C. All parking areas shall be screened from adjoining properties by either a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § **515-91**.
- D. The principal building shall comply with all setback requirements of the district in which it is located. In no case shall the principal building be located closer than a distance equal to its height to any property line.
- E. The site plan shall include a floor plan of the proposed structure(s) for use in determining required parking.
- F. The site plan shall detail any proposed outdoor use areas (playgrounds, shrines, etc.), including means of pedestrian and vehicular access, if applicable. All lighting shall be noted on the site plan and shielded downward and away from adjacent properties and rights-of-way. All lighting shall be designed to prevent glare from negatively impacting adjacent properties or rights-of-way.

## § 515-154. Public buildings and uses with outdoor storage yards.

Public buildings and uses with outdoor storage yards may be permitted in certain districts specified in this chapter, subject to the following:

- A. The site shall have all access from a principal arterial or minor arterial street.
- B. Outdoor storage yards shall be accessory to the principal public building or use on the same site.
- C. Compliance with all provisions of § **515-152**, Outdoor storage yards, shall be required.
- D. All parking areas, drives and structures shall be screened from view from adjacent residentially zoned properties by a seventy-five-foot-wide buffer area with a berm that meets the standards of § **515-91**.

- E. No overhead doors shall face any residentially zoned property; provided, however, that said overhead doors may face residentially zoned properties if the berm required in Subsection **D** above is increased to a minimum of eight feet in height.
- F. In order to minimize noise and visual impacts, truck parking areas and fueling stations shall be placed so they are screened from any residentially zoned property by a principal or accessory building, and such site features shall be placed at least 200 feet from any residentially zoned property. The Planning Commission may permit the applicant to substitute or augment the requirement to screen truck parking and fueling stations by the placement of an eight-foot landscape berm constructed according to the truck parking areas/fueling stations shall also be provided.
- G. The maximum height for structures may be increased to 35 feet if set back from all residentially zoned property by a minimum of 200 feet.

## § 515-155. Raising/keeping of large animals.

The raising or keeping of large animals, as defined in § **515-3**, on lots at least two acres in size in an SF District may be permitted, as specified in this chapter, in conformance with the following:

- A. Minimum lot area shall be two acres.
- B. The maximum number of large animals which may be permitted by the Planning Commission shall be in accordance with the following:

<b>Lot Area (acres)</b>	<b>Number of Large Animals Permitted</b>
2	1
3	2
4	3
5	4
6 or more	4 plus one for each additional acre

- C. All manure or other wastes produced or generated by raising or keeping of farm animals shall be stored in a fashion which reduces the nuisance impact of said wastes on adjacent properties. No wastes shall be stockpiled for a period to exceed 120 days, and no wastes shall be stockpiled closer than 100 feet from any property line. This subsection shall not be construed as preventing the spreading of manure as fertilizer in conjunction with an agricultural operation.
- D. All accessory buildings, structures or use areas for farm animals shall be set back a minimum of 50 feet from any property line. Accessory buildings and structures shall be constructed and maintained in accordance with § **515-78**.
- E. All farm animals shall be adequately fenced or corralled to prevent them from roaming off site.
- F. The raising of a single farm animal for a 4-H or similar educational program shall be exempt from this section but shall conform with all provisions of § **515-102**.

## § 515-156. Salvage/recycling yards.

Salvage/recycling yards (junkyards) may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The site shall be designed in conformance with the performance standards in § **515-90** to minimize negative impact on the site and adjacent properties.



- B. Outdoor trash storage areas shall be screened from view in conformance with § **515-91K(1)**. All trash and refuse shall be stored within said enclosure. Compactors which are solely accessed directly from the interior of a building and which have no exterior access points do not require screening.
- C. All loading/truck service areas shall be located entirely within the boundaries of the proposed site and shall be designed to minimize negative impact on adjoining properties and rights-of-way. No stacking, queuing, or maneuvering of delivery or service vehicles shall occur within a right-of-way or road. All service, loading, and vehicular use areas shall be paved with asphalt or concrete.
- D. The site plan shall detail the location of all outdoor storage areas, storage rack locations, type of material or vehicle stored, and height of materials or vehicles stored.
- E. A minimum forty-foot-wide landform buffer or buffer strip shall be provided along all property lines in accordance with § **515-91**. In addition, a minimum six-foot-high screen wall or fence shall be provided behind the required landform buffer or buffer strip wherever the site abuts a district which permits single-family residential uses or any public or private right-of-way. The Planning Commission may require said screening wall/fence to be increased in height to a maximum of eight feet where necessary to adequately screen stored materials. The Planning Commission may require additional landscaping and screening where the Planning Commission finds that it is necessary to minimize the impact on adjacent properties.
- F. No storage area shall be located within 20 feet of any property line. Stored material shall not exceed eight feet in height within 50 feet of any property line.
- G. Where the activity involves any hazardous substances or polluting materials, all use areas shall be designed to prevent any release of the materials into the environment. At a minimum, this shall include full conformance with the groundwater protection standards detailed in § **515-90**.
- H. To protect groundwater resources, all areas for dismantling of automotive and truck parts and vehicles shall be fully enclosed and situated on a paved surface that includes a system for collecting spills of automotive and automotive-type fluids. These fluids and any and all other types of hazardous materials shall be contained in approved storage units and disposed of in accordance with state and federal laws.
- I. A drainage plan addressing the impact of stored material on the site drainage system and ensuring that stormwater runoff from the site shall not exceed the agricultural runoff rate shall be submitted as part of the application package.
- J. The Planning Commission shall review the special approval one year from the date of Planning Commission approval to review the facility operation. In reviewing the special approval, the Planning Commission shall consult the Zoning Administrator, along with any public comment at the review hearing, which shall form the basis for any subsequent decision(s) by the Planning Commission. The Planning Commission may require that additional measures be taken by the owner to address any operational problems which do not comply with the standards of this chapter or conditions of the Planning Commission's special land use approval and permit.
- K. Salvage/recycling yards shall have either direct access to a regional or major arterial roadway or access to a regional or major arterial roadway via an internal industrial service road or industrial collector road. Access shall be at least 500 feet from any single-family, multifamily or mobile home residential area.
- L. All vehicular use areas shall be paved with asphalt or concrete. Areas used exclusively for storage may be gravel or crushed stone surface, as approved by the Planning Commission. All proposed surface areas shall be detailed on the site plan.
- M. All lighting shall be shielded downward and away from adjacent properties and right-of-way. All lighting locations shall be noted on the site plan.
- N. The Planning Commission and Village Council may request review and comment on the proposed outdoor storage yard from the Fire Marshal and MDEQ where the materials proposed to be stored

may pose an environmental or safety hazard.

- O. There shall be no burning on the site.
- P. All industrial processes, including the use of equipment for compressing or packaging, shall be conducted at least 200 feet from the exterior property line; provided, however, that occasional metal cutting shall be allowed anywhere within the wall or fence provided that adequate measures are taken to ensure against fire and adjacent properties are protected from glare and noise, including excessive intermittent noise.
- Q. The applicant shall provide a written plan for the control of dust on site. This plan shall address how storage piles will be treated to minimize dust and how dust will be controlled when materials are moved to and from piles from transport vehicles (including trucks and rail cars). This plan shall be made part of the application package and shall be subject to approval by the Planning Commission.
- R. Performance guarantee.
  - (1) Prior to commencement of construction, the applicant shall post a performance guarantee in accordance with § **515-205** with the Village Clerk in a form approved by the Village Council and in an amount of the cost of reclamation and restoration to return the site to its original condition. The cost of the work shall be estimated by the Village Engineer, as approved by the Village Council. The Engineer's estimate shall be based upon a review of the site plan and shall be in an amount sufficient to cover the cost of restoration of the site in the event the operation is abandoned.
  - (2) The performance guarantee shall be without a date of termination and shall run indefinitely, provided that it may contain a cancellation clause providing that the applicant may cancel the performance guarantee by giving the Village 30 days' written notice. The performance guarantee shall be kept in full force and effect until the area covered by the bond has been restored (materials removed and site restored to its original condition).
  - (3) In the event that the performance guarantee is canceled, the applicant shall provide a replacement performance guarantee within 30 days of notice of cancellation, and in the event no replacement is so provided, the applicant's approval shall be null and void and all activities shall immediately terminate and the applicant shall immediately begin reclamation or restoration. If he or she fails to do so, the Village Council may cause the necessary work to be completed, and the necessary and reasonable costs and expenses so incurred or expended, including also the incidental administrative and legal costs, shall be the obligation of and paid by the applicant.
  - (4) Upon satisfactory completion of reclamation and restoration work by the applicant, the Village shall issue a certificate of completion and the performance guarantee shall be canceled or returned by the Village.

## § 515-157. \*Shooting ranges and gun clubs.

Shooting ranges and gun clubs may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The minimum site area shall be 80 acres with a minimum lot width of 1,320 feet.
- B. Off-street parking shall be provided in accordance with § **515-101**. Parking spaces shall be provided at a ratio of one space for each two range shooting spaces.
- C. All parking areas shall be screened from view in accordance with § **515-91**. The Planning Commission may require additional screening or landscaping where the Planning Commission determines it is necessary to prevent negative impacts on adjacent properties.

- D. Hours of operation shall be limited to 9:00 a.m. to 7:00 p.m. Monday through Saturday and 12:00 noon through 6:00 p.m. on Sundays. The Planning Commission may restrict hours further in order to reduce the impact of the facility on adjacent residential uses.
- E. The facility shall be designed to reduce the negative impact on adjacent properties from noise. Site layout, berming, setbacks, and building placement shall be considered in the Planning Commission's determination that this criteria has been met by the applicant.
- F. The design of the facility shall demonstrate that the safety of all persons on and off the site has been assured. This shall be interpreted to mean that the site has been designed to prevent projectiles of any sort from leaving the site. The application shall include a written report specifying in detail conformance of the proposed facility with the design, safety and operations recommendations and guidelines of the National Rifle Association's The Range Manual. The Planning Commission shall not consider an application until this information has been submitted for review.
- G. All firing range areas shall be completely fenced, except at the firing line, by a minimum eight-foot-high chain-link fence or appropriate alternative construction.
- H. The firing line or other area from which firearms are discharged shall be located no closer than 150 feet from any property line or right-of-way. This setback shall be increased to 500 feet from any residential structure.
- I. The application shall include a written statement which specifies any activities on the site which will include any firearm, air-gun, bow or other projectile activities outside of a designated shooting range. This shall include skeet, survival games, hunting reserves and the like. The site plan shall also detail these areas. Conformance with The Range Manual, where applicable, shall be demonstrated.
- J. The application shall include a written statement which specifies any activities on the site which will include any parking, spectator or participant demands or uses on the site in excess of what would be normal and customary for the primary uses at the site. This shall include special events, competitions, gun shows and the like. The Planning Commission shall have the authority to limit or prevent use of the facility for these types of activities where the Planning Commission determines such activities are not compatible with adjoining land uses.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-158. \*Tool, die, gauge, metal plating and machine shops.

Tool, die, gauge, metal plating and machine shops may be permitted in certain districts, as specified in this chapter, in conformance with the following:

- A. The application shall include a written report which documents conformance with the performance standards in § **515-90** and the groundwater protection standards in § **515-100E**.
- B. Outdoor storage yards shall conform to the provisions of § **515-152**.
- C. Screening and landscaping shall be provided in conformance with § **515-91**. The Planning Commission may require additional landscaping or screening where the Planning Commission determines it is necessary to protect adjacent properties or rights-of-way from negative impacts of the proposed use(s).
- D. The site shall be designed to minimize the impact of the proposed facility on adjacent land uses and rights-of-way. This shall include building and outdoor use area design and location, screening, landscaping, bulk and height of proposed structures, and drive/parking location.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the*

*Village Council.***§ 515-159. \*Utility structures.**

- A. Local utility structures. Utility structures, such as, but not limited to, electric transformer stations and substations, gas regulator stations, sewer lift stations, and the like, may be permitted in all districts, subject to the following:
- (1) Operating requirements necessitate the proposed location in order to serve the residents of the Village.
  - (2) All such uses shall be completely enclosed and without storage yards.
  - (3) No structure shall exceed the height limit of the district in which it is to be located.
  - (4) All buildings shall be designed to be compatible in style and materials with other uses permitted in the district.
  - (5) No building shall be located closer than 50 feet to any property line abutting land zoned for residential use.
  - (6) A landform buffer, buffer strip or screen wall and adjacent greenbelt shall be provided around the entire perimeter of the utility building site. The Planning Commission may require additional screening or landscaping where the Planning Commission determines it is necessary to minimize the impact of the utility structure on adjacent properties.
  - (7) Adequate off-street parking shall be provided for any service personnel and all drives and parking areas shall be paved with asphalt or concrete.
- B. Utility transmission systems. Utility transmission systems, such as, but not limited to, high-voltage electric transmission lines and high-pressure gas pipelines may be permitted in certain districts, as specified in this chapter, subject to the following:
- (1) All such utility lines shall follow existing utility corridors where feasible, as determined by the Planning Commission.
  - (2) Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
  - (3) Any area cleared by necessity in the construction of such approved facilities may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
  - (4) During construction or repair of any facilities approved hereunder, the following shall be required:
    - (a) All internal roads shall be kept dust-free.
    - (b) Any damage to public or private roads, fences, structures, or facilities shall be repaired immediately.
    - (c) No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
    - (d) All construction operations shall be confined to daylight hours, Monday through Saturday, unless permitted as a condition of approval by the Planning Commission.
  - (5) The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

C. Utility transmission structures. Utility transmission structures, such, as but not limited to, high-voltage electric stations, gas compressor stations, and telephone exchange buildings may be permitted in certain districts, as specified in this chapter, subject to the following:

- (1) The following types of utility transmission structures shall be permitted after special land use approval, only in the listed districts (See §§ **515-112** and **515-130** for regulations pertaining to wireless communications facilities.):

<b>Use</b>	<b>District</b>
Electric stations	All districts
Telephone exchange buildings	All districts
Gas compressor stations	LI, HI

- (2) In order to provide a compatible community appearance and to prevent noise levels, odors, dust and similar external physical effects from adversely affecting adjoining properties, all equipment shall be completely enclosed within a building, unless the setback and screening guidelines specified in Subsection **C(3)** below are met.
- (3) If the equipment proposed will not be enclosed within a building, a setback of 100 feet from all property lines shall be required. In addition, a landform buffer, buffer strip, or screen wall and adjacent greenbelt shall be provided in accordance with § **515-91**. The Planning Commission, after considering the type, size, height and anticipated noise levels of all equipment being proposed, may require additional landscaping or screening where the Planning Commission determines it is necessary to minimize the impact on adjacent properties.
- (4) All buildings permitted under this section shall be set back at least 100 feet from all adjoining property lines. Expansions of transmission facilities, which facilities existed prior to the effective date of this section, may be placed within 100 feet of an adjoining property line, after review and finding by the Planning Commission that said expansion is a necessary and logical design.
- (5) Where there will be employees stationed at the utility building on a permanent or intermittent basis, adequate off-street parking shall be constructed with an asphalt or concrete surface.
- (6) There shall be no outdoor storage of equipment and/or materials which are not necessary for daily operations of any utility building site, except those which are necessary for safety or emergency repairs at that particular utility transmission structure site.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-160. \*Vehicle convenience stations.

Vehicle convenience stations may be permitted in certain districts, as specified in this chapter, subject to the following:

A. Retail gasoline sales and convenience commercial facilities (no vehicle repair).

- (1) All structures shall conform to the setback provisions in Article **XVIII**, Schedule of Regulations.  
<sup>[2]</sup> Canopies shall be set back a minimum of 30 feet from all property lines.  
<sup>[2]</sup> *Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*
- (2) All retail sales activity, other than gasoline sales, shall be conducted entirely within a completely enclosed structure. No outside storage of any product or material is permitted.
- (3) All lighting shall be noted on the site plan and shielded downward and away from adjacent properties and rights-of-way. All lighting shall be designed to prevent glare from negatively impacting adjacent properties or rights-of-way.

- (4) There shall be no storage of vehicles on the site, including wreckers or other service vehicles.
  - (5) A six-foot-high masonry wall of face brick or poured concrete with brick pattern on both sides shall be located on all property lines which abut any residential zoning district. In addition, a five-foot-wide greenbelt shall be installed adjacent to the required wall. The wall and greenbelt shall be constructed in accordance with the criteria in § **515-91**. Where the parcel abuts any other district, the screening and landscaping options in § **515-91** shall be applied by the Planning Commission.
  - (6) There shall be no loudspeaker or public address system other than individual intercom systems for each pump.
  - (7) No vehicle wash facilities, whether roll-over, self-serve, or drive-through, are permitted unless approved by the Planning Commission under § **515-163**.
  - (8) Primary ingress/egress shall be off of a principal arterial, minor arterial, or collector road. Secondary ingress/egress on any residential street shall be designed to reduce negative impact on adjacent residential areas. On corner sites, ingress and egress drives shall be located at least 100 feet from the intersection or right-of-way lines of the two roads, taking into consideration the location of adjacent drives and uses. Drives shall be limited to one per adjacent road unless it is clearly demonstrated by the applicant that additional access is necessary for safety reasons.
  - (9) All trash storage areas shall be screened from view in accordance with § **515-91K(1)**.
  - (10) The location, size and type of all aboveground and underground storage tanks and piping shall be noted on the site plan. All tanks shall have appropriate secondary containment and leak detection which shall be noted on the site plan. All tanks shall be registered and otherwise comply with all state and local codes. (See § **515-100E**.)
- B. Retail gasoline sales with limited repair facilities.
- (1) Compliance with the provisions outlined in §§ **515-160A** and **515-161**.
  - (2) No outdoor storage or parking of wreckers or other service vehicles is permitted.
- [1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-161. \*Vehicle repair garages.

Vehicle repair garages may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. No vehicles awaiting service shall remain on site for more than 36 hours.
- B. All repair services shall be conducted within a completely enclosed building.
- C. All trash storage areas shall be screened from view in accordance with § **515-91K(1)**. All discarded vehicle parts shall be kept inside the enclosure and shall not be permitted to accumulate for periods longer than one week.
- D. A six-foot-high masonry wall of face brick or poured concrete with brick pattern on both sides shall be located on all property lines which abut any residential zoning district. In addition, a five-foot-wide greenbelt shall be installed adjacent to the required wall. The wall and greenbelt shall be constructed in accordance with the criteria in § **515-91**. Where the parcel abuts any other district, the screening and landscaping options in § **515-91** shall be applied by the Planning Commission.
- E. Management plans shall be maintained for the collection, storage, and recycling or proper disposal of all new, used or waste automotive fluids resulting from repair or service operations.

F. The location, size and type of all aboveground and underground storage tanks and piping shall be noted on the site plan. All tanks shall have appropriate secondary containment and leak detection which shall be noted on the site plan. All tanks shall be registered and otherwise comply with all state and local codes. (See § 515-100E.)

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-162. \*Vehicle service centers.

Vehicle service centers may be permitted in certain districts specified in this chapter subject to the following:

- A. The use shall be completely enclosed within a building.
- B. No vehicles awaiting repair shall remain on site for more than 24 hours.
- C. A six-foot-high masonry wall of face brick or poured concrete with brick pattern on both sides shall be located on all property lines which abut any residential zoning district. In addition, a five-foot-wide greenbelt shall be installed adjacent to the required wall. The wall and greenbelt shall be constructed in accordance with the criteria in § 515-91. Where the parcel abuts any other district, the screening and landscaping options in § 515-91 shall be applied by the Planning Commission.
- D. All trash storage areas shall be screened from view in accordance with § 515-91K(1).
- E. Management plans shall be maintained for the collection, storage and recycling or proper disposal of all new, used or waste automotive fluids resulting from repair or service operations.
- F. The location, size and type of all aboveground and underground storage tanks and piping shall be noted on the site plan. All tanks shall have appropriate secondary containment and leak detection which shall be noted on the site plan. All tanks shall be registered and otherwise comply with all state and local codes. (See § 515-100E.)

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-163. \*Vehicle wash facilities.

Self-service and automatic vehicle wash facilities may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The site plan shall detail all required parking and vehicular standing areas as required in § 515-101, Off-street parking.
- B. The site shall be designed to minimize the potential for excess water from clean vehicles dripping onto adjacent roads. In complying with this subsection, a combination of alternatives may be used, including, but not limited to, blowers, hand drying, length of exit drive and general site design.
- C. The site plan shall demonstrate that the direction of drainage flow for the wash facility will prevent water from flowing outside of the wash facility structure. In addition, all water shall flow into a floor drain that is connected to a public sewer system. Floor drains shall not outlet to soils, groundwater or nearby drains or rivers.
- D. The site plan shall detail the location of all proposed vacuum stations. These areas shall be located so as not to conflict with any required parking, drive or automobile standing areas. Self-contained, covered waste receptacles shall be provided at each proposed vacuum station to provide convenient disposal of customer refuse.

- E. The site shall be screened from abutting property in conformance with § **515-91**. The Planning Commission may require additional landscaping or screening where the Planning Commission determines that it is necessary to prevent negative impacts on adjoining properties.
  - F. All lighting shall be noted on the site plan and shall be shielded downward and away from adjacent properties and rights-of-way.
- [1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-164. Warehouses, self-storage and mini.

Self-storage or mini warehouses may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. The owner and/or operator shall not permit any use of individual storage units other than storage.
- B. The minimum spacing between self-storage buildings shall be 30 feet where a one-way traffic pattern is used and 40 feet for two-way movement of customer vehicles.
- C. If an office and caretaker's quarters are proposed on site, they shall occupy a single building and shall be detailed on the site plan.
- D. Where the site abuts any district which permits single-family residential uses, a landform buffer, buffer strip, or screen wall/fence and adjacent greenbelt shall be provided along the property line. The Planning Commission may require additional screening or landscaping where the Planning Commission determines it is necessary to minimize the impact of the facility on adjacent properties.
- E. There shall be no electrical or other utility service to individual units available for use by customers.
- F. There shall be no storage of hazardous, flammable, explosive or toxic materials in any storage units at any time.
- G. Any outdoor storage yard proposed in conjunction with a self-storage facility shall be utilized only for recreation vehicles, private automobiles, and customarily manufactured noncommercial vehicles. The intent of this subsection is to prohibit use of these facilities for contractors' storage yards and bulk materials storage. All outdoor vehicle storage areas shall comply with the provisions of § **515-152**, Outdoor storage yards.

## § 515-165. \*Waste hauling, transfer, processing or disposal facilities.

- A. The Village of New Haven recognizes the authority of the State of Michigan with regard to the issuance of construction and operating permits for sanitary landfills and similar uses. The Village considers the requirements of Act 641 of 1978, as amended, and all rules and regulations promulgated pursuant to authority of said act as the minimum standards for approval of any landfill, transfer station, or similar use.<sup>[2]</sup>

[2] *Editor's Note: The Solid Waste Management Act.*
- B. All waste hauling, transfer, processing or disposal facilities, including sanitary landfills, hazardous waste facilities, mixed waste processing facilities, incinerators and similar uses shall obtain special land use approval from the Planning Commission, subject to the following:
  - (1) Landfills of any classification or type shall be permitted only in HI Districts. Transfer stations, incinerators or waste-processing facilities shall be permitted only in HI Districts. Yard waste



composting facilities are regulated under § **515-166**.

- (2) All such uses shall be located on a paved public road capable of carrying Class A loadings on a year-round basis.
  - (3) All such uses shall conform to the performance standards of § **515-90**.
  - (4) All transportation of waste, including ashes, shall occur in covered containers or covered trucks.
  - (5) A minimum setback of 300 feet from all lot lines shall be maintained from all use areas, buildings or other structures where any phase of waste handling occurs, for all uses regulated by this section.
  - (6) Blowing trash or debris shall not be permitted to leave the site and shall be collected daily.
  - (7) The entire perimeter of the site shall be enclosed by a chain-link fence at least six feet in height. The entire perimeter of the site shall be screened by a landform buffer, buffer strip, or screen wall/fence and adjacent greenbelt in conformance with § **515-91**. The Planning Commission shall determine the type of buffer or screening method which is appropriate, based on the type of adjacent land use(s), zoning, Master Plan designations, and the design and location of the proposed activities on site. The Planning Commission may require any combination of screening, landscaping or buffering techniques that the Planning Commission finds appropriate to adequately prevent negative impact on adjacent properties, rights-of-way, or the community.
  - (8) All internal drives, parking areas, roadways and the like shall be designed and paved with asphalt or concrete.
  - (9) All applicable standards, findings, reports and submittals as required under Act 641 of 1978, as amended, and the Macomb County Solid Waste Management Plan Update have been provided, met and addressed by the applicant.
  - (10) All landfill uses shall demonstrate, by the submission of a reuse plan drawing (minimum scale of one inch equals 100 feet), that rehabilitation of the subject parcel after operations are complete will leave the property suitable for future development with one of the permitted uses in that particular zoning classification.
- C. The Planning Commission shall review all proposed facilities under this section in the same manner as a special land use and make findings that the granting of a permit as proposed would not:
- (1) Permanently impair the intended land use potential of the property in question;
  - (2) Detrimentially affect the adjoining properties beyond what would be expected of other permitted uses in the same district;
  - (3) Be consistent with the existing land uses, zoning and Master Plan designations for the area where the proposed facility is to be located.
- [1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-166. \*Yard waste composting facilities.

Yard waste composting facilities are permitted in certain districts, subject to the following standards:

- A. Site location and design.

- (1) All such uses shall be located on a paved public road capable of carrying Class A loadings on a year-round basis.
- (2) Dust shall be controlled on all internal roads and operation areas at all times.
- (3) The site shall be level and well-drained.
- (4) If the site abuts a single-family residential district or one which is designated for low-density residential or moderate-density suburban residential uses on the Master Plan map, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to 300 feet from existing residences and 100 feet from all adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants from stormwater runoff.
- (5) All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. In addition, a paved internal material-handling area of at least 10,000 square feet shall be provided. Internal haul roads may be unpaved.
- (6) The compost site shall be screened from adjacent public rights-of-way and single-family districts by a landform buffer, buffer strip, screening wall/fence and adjacent greenbelt, or a combination thereof. The Planning Commission may require additional landscaping or screening where the Planning Commission determines it to be necessary to prevent negative impacts on adjacent properties.
- (7) Adequate parking shall be provided for all employees and visitors. A minimum of four paved off-street parking spaces shall be provided on site. All parking shall be designed in accordance with § 515-101.
- (8) In order to contain windblown debris, chain-link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the composting process in which bags or portions of bags are present. The Planning Commission shall determine the appropriate location and height of required fencing during site plan review after consideration of the site characteristics, proposed design, adjacent land uses, and prevailing wind patterns.

B. Operation.

- (1) Access to the site shall be controlled to prevent unauthorized dumping during nonbusiness hours. The operator shall establish a procedure and mechanism for proper disposal of nonyard wastes at an approved sanitary landfill.
- (2) Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings. All yard wastes must be brought to the site loose or in biodegradable bags with a cornstarch or similar base designed to degrade rapidly under aerobic conditions. All bags brought to the site shall be broken up and turned into compost windrows within five days of delivery to the site. In no instance shall nondegradable plastic bags be placed into the windrows.
- (3) The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. Towards this end, the temperature of compost piles shall be monitored regularly, and all compost piles shall be turned when the internal temperature drops below 120° F.
- (4) Poned water shall not be permitted to collect on a yard waste composting site. An engineering plan for collection, retention and drainage of stormwater shall be provided for review and approval. Vegetation filtration of runoff prior to discharge off site shall be accomplished by use of a fifty-foot-wide (minimum) perimeter strip/swale of grass, or similar measure. Any direct discharge to a water body may require a Michigan Department of Environmental Quality permit.
- (5) The operator shall provide sufficient equipment to properly manage the composting process. At a minimum this shall include a front-end loader or similar machinery for loading and

- unloading; a windrow machine for turning and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks for dust control and proper moisture content in windrows; and a screen to improve the quality and marketability of the final product.
- (6) The volume of yard wastes handled by the facility shall not exceed 7,000 cubic yards of incoming yard wastes per acre of active composting area on site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
  - (7) The operator shall provide a name, address and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to the Village.
  - (8) Treated yard wastes shall be actively rotated in an aerobic condition. Wastes shall not be allowed to accumulate for longer than three years before being finished and removed from the site.
  - (9) The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment. Secondary containment facilities shall be adequate to accept the full volume of the hazardous materials stored in the primary container in the event of a leak or spill, in accordance with § **515-100E**.
  - (10) The applicant shall provide a written plan for the removal of unmarketable compost.
  - (11) An annual inspection/permit fee for all yard waste composting facilities, established by resolution of the Village Council, shall be paid by the owner of the facility.
  - (12) Copies of all Michigan Department of Natural Resources applications/permits, if required, shall be provided with the application.
  - (13) The use must conform with the performance standards in § **515-90**.
  - (14) The operator shall provide surety in the form of cash, irrevocable letter of credit or other surety acceptable to the Village Council to guarantee performance as required by the Zoning Ordinance and provide for restoration of the site upon default of the operator. The amount of the bond shall be set from time to time by resolution of the Village Council on a per-acre basis.
  - (15) The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Village.

C. Performance guarantee.

- (1) Prior to commencement of construction, the applicant shall post a performance guarantee in accordance with § **515-205** with the Village Clerk in a form approved by the Village Council and in an amount of the cost of reclamation and restoration to return the site to its original condition. The cost of the work shall be estimated by the Village Engineer, as approved by the Village Council. The Engineer's estimate shall be based upon a review of the site plan and shall be in an amount sufficient to cover that cost of restoration of the site in the event the operation is abandoned.
- (2) The performance guarantee shall be without a date of termination and shall run indefinitely, provided that it may contain a cancellation clause providing that the applicant may cancel the performance guarantee by giving the Village 30 days' written notice. The performance guarantee shall be kept in full force and effect until the area covered by the bond has been restored (materials removed and site restored to its original condition).

- (3) In the event that the performance guarantee is canceled, the applicant shall provide a replacement performance guarantee within 30 days of notice of cancellation, and in the event no replacement is so provided, the applicant's approval shall be null and void and all activities shall immediately terminate and the applicant shall immediately begin reclamation or restoration. If he or she fails to do so, the Village Council may cause the necessary work to be completed, and the necessary and reasonable costs and expenses so incurred or expended, including also the incidental administrative and legal costs, shall be the obligation of and paid by the applicant.
- (4) Upon satisfactory completion of reclamation and restoration work by the applicant, the Village shall issue a certificate of completion and the performance guarantee shall be canceled or returned by the Village.

[1] *Editor's Note: Special land uses that have an asterisk (\*) are required to submit a community impact statement in accordance with the Community Impact Statement Outline adopted by resolution of the Village Council.*

## § 515-167. Adult foster care small group home and adult foster care large group home.

- A. All such uses shall be licensed by the State of Michigan.
- B. The proposed use shall be at least 1,500 feet from another group day-care home or similar facility and shall not result in an excessive concentration of child- or adult-care facilities in the neighborhood or the Village overall.
- C. One off-street parking space for each two beds and one off-street parking space per employee not a resident of the adult foster care home shall be provided.
- D. The exterior appearance and architectural design of the principal and accessory building shall be consistent with the prevailing appearance and architecture of the surrounding residential uses.
- E. When outdoor recreation areas are provided, they shall be enclosed by a fence that is at least four feet in height but no higher than six feet in height.
- F. Code inspection may be required as necessary to determine compliance with applicable zoning and/or Building Code regulations.
- G. The Planning Commission shall find that the proposed use shall not change the essential residential character of the surrounding area.

## § 515-168. Independent senior housing.

A senior housing development which is for the exclusive use of individuals 62 years of age or older, or for a couple where at least one of the individuals is over the age of 62, or where the resident has a disability and is required by federal or state housing laws to be included in senior housing programs, may be permitted in certain districts, as specified in this chapter, subject to the following:

- A. All vehicular ingress and egress shall be directly onto a principal arterial, minor arterial, or collector road.
- B. The minimum site size shall be two acres. The minimum lot width shall be 200 feet.
- C. The density shall not exceed 12 dwelling units per acre.
- D. Building setbacks, maximum building height, minimum floor area per dwelling unit, and maximum lot coverage shall comply with the requirements for the MF Multiple-Family Residential District, as

provided in Article **XVII**, Schedule of District Regulations, which provides height, bulk, density, area, setback and lot coverage by district.<sup>[1]</sup>

[1] *Editor's Note: The Schedule of District Regulations is included at the end of this chapter.*

- E. The site shall be screened from adjacent single-family residential districts by a greenbelt planted in accordance with § **515-91**.
- F. All parking areas shall be set back a minimum of 50 feet from all property lines. All parking areas shall be screened from adjoining properties zoned for single-family residential uses by either a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § **515-91**.
- G. There shall be an outdoor recreation area for the use of residents. Said outdoor area may be located in such areas as gardens, patios, decks, open space, walking paths and the like. Recreation space must be fully accessible to residents and of barrier-free design.
- H. All service and storage areas for equipment and materials shall be screened from view by a landform buffer, buffer strip, or screen fence/wall and adjacent greenbelt designed and planted in accordance with § **515-91**.

## Article XXI. Nonconforming Lots, Uses and Structures

### § 515-169. Compliance by nonconforming lots, uses and structures.

All nonconforming lots, uses, structures or combination of nonconforming uses of land or structures shall conform with the provisions of this article.

### § 515-170. Intent.

- A. It is the intent of this chapter to permit legal nonconforming lots, uses or structures to continue until they are removed but not to encourage their survival.
- B. It is recognized that there exists within the districts established by this chapter, and its subsequent amendments, lots, structures and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.
- C. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- D. A nonconforming use of a structure, land, or of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
- E. To this end, there are two classes of nonconforming uses: Class A, those that are not objectionable; and Class B, those that are objectionable and will only be allowed to be continued until they are removed or voluntarily discontinued.

### § 515-171. Class A and Class B nonconforming uses.

- A. Class A and Class B nonconforming uses and structures. Class A nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals after application by any interested person or the Building Inspector upon findings that: 1) continuance thereof would not be contrary to the public health, safety or welfare; 2) that the use or structure does not and is not likely to significantly depress the value of nearby properties; 3) that the use or structure was lawful at the time of its inception; and 4) that no useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform.
- B. Procedure for obtaining Class A designation; conditions:
- (1) A written application shall be filed with the Village Clerk setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of an application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based.
  - (2) Conditions may be attached, including any time limits, where necessary to assure that the use, building or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this chapter. No vested interest shall arise out of a Class A designation.
- C. Revocation of Class A designation. Any Class A designation shall be revoked following the same procedure required for designation upon a finding that, as a result of any change of conditions or circumstances, the use or structure no longer qualifies for Class A designation.
- D. Regulations pertaining to Class A nonconforming uses and structures.
- (1) No Class A nonconforming use of land, building or structure shall be resumed if it has been for any reason discontinued for a continuous period of at least 12 months or if it has been changed to a conforming use for any period.
  - (2) An individual Class A use or structure may be changed, altered or enlarged, provided that it does not violate any condition imposed by the Board of Appeals at the time of its designation. Any change, alteration, or expansion of a Class A nonconforming use or structure, except those used as single-family dwellings, shall require site plan approval by the Planning Commission and subsequent approval by the Zoning Board of Appeals prior to the issuance of a building permit.
  - (3) Nothing in this chapter shall prevent the restoration of a Class A nonconforming building or structure destroyed by fire, explosion, act of God, or act of the public enemy subsequent to the effective date of its Class A designation or shall prevent the continuance of the use of such a building or structure or part thereof as such use existed at the time of such impairment of such building or structure, provided that restoration is entirely and completely executed within 12 months from the time of impairment.
  - (4) Should a Class A nonconforming building or structure be moved for any reason, it shall hereafter conform to the regulations for the district in which it is located after it is moved.
  - (5) Where a Class A nonconforming use status applies to building and/or structure and premises in combination, moving and/or removal of the building or structure shall eliminate the nonconforming status of the land.
- E. Regulations pertaining to Class B nonconforming uses and structures. All nonconforming uses, buildings or structures not designated as Class A are Class B nonconforming uses, buildings or structures. All Class B nonconforming uses and structures shall conform to all of the requirements of Article **XXI**.

## § 515-172. Nonconforming lots of record.

- A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customarily accessory building may be erected on any single, legally established lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.
- B. If two or more lots or combinations of lots and portions of lots with continuous frontage are in single ownership and are of record at the time of adoption or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the parcels involved shall be considered an undivided parcel for purposes of this chapter. No portion of said parcel shall be used or sold in any manner which diminishes compliance with lot width and area requirements established by this chapter. No division of any parcel or lot shall be made which creates a lot with a width or area below the minimum requirements of this chapter.
- C. In all nonresidential districts, structures may be erected on any single lot of record, provided that such lot meets the criteria in Subsection **B** above.

## § 515-173. Nonconforming uses of land.

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

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
- C. If such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

## § 515-174. Nonconforming structures.

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

- A. No such structure may be expanded in a way which increases its nonconformity. A nonconforming structure may be expanded if the addition(s) conform(s) with all Zoning Ordinance requirements for the district in which the structure is located.
- B. Should such structure be destroyed by any means to an extent of more than 50% of its replacement value, it shall not be reconstructed except in conformity with the provisions of this chapter.
- C. Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

- D. A nonconforming structure may be altered to decrease its nonconformity, subject to issuance of necessary permits in accordance with § 515-116.

## § 515-175. Nonconforming uses of structures and land.

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

- A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a change in the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use, provided that the Board of Appeals, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this chapter in conformance with § 515-189.
- D. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use for any period of time shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not be resumed.
- E. When a nonconforming use of a structure or structure and premises in combination is discontinued or ceases to exist for six consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by successive constant seasonal uses shall be excepted from this provision.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

## § 515-176. Nonconformities under construction.

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

## § 515-177. Repairs and maintenance.

- A. On any building or structure devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of



nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 25% of the market value at the date of repair, provided that the floor area or cubic area of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

- B. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official, in accordance with § 515-107.

## § 515-178. Special land uses not nonconforming.

Special land uses which are approved by the Planning Commission as provided in this chapter shall not be deemed a nonconforming use.

## § 515-179. Change in tenancy or ownership.

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

## Article XXII. General Exceptions

### § 515-180. General exceptions detailed.

The regulations set forth in this chapter within each use district shall be subject to the exceptions detailed in the following sections.

### § 515-181. Essential services.

Essential services, as defined in § 515-3, shall be permitted as authorized by law. Essential services are exempt from the provisions of this chapter, with the exception that there shall be full conformance with the following articles (where applicable for the proposed use or activity):

- A. Article **XVIII**, General Provisions.
- B. Article **XX**, Special Land Uses.
- C. Article **XXV**, Administration and Enforcement.

### § 515-182. Voting places.

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with any local, state or federal election.

### § 515-183. Height limit exceptions.

- A. The height limits of this chapter shall not apply to the following:
  - (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans and air conditioners or other similar equipment which is necessary or customarily incidental to the operation or maintenance of the building;

- (2) Fire or parapet walls;
  - (3) Skylights;
  - (4) Chimneys and smokestacks;
  - (5) Steeples on places of worship;
  - (6) Flagpoles;
  - (7) Wireless signal receiving antennas for domestic use only; and
  - (8) Similar structures or appurtenances necessary and customarily incidental to the permitted uses in the district in which they are located.
- B. No structure or part of any structure listed above as an exception shall exceed by more than 15 feet the height limitation of the district in which it is located. In addition, no structure listed above as an exception shall have a total area greater than 25% of the roof area to which it is attached.

## § 515-184. Substandard residential lots.

Legal nonconforming lots of record may be excepted from the minimum lot width and area requirements in accordance with the provisions in § 515-172.

## § 515-185. Porches and decks.

An uncovered, unenclosed porch or deck may project into a required front or rear yard for a distance not to exceed 10 feet. This shall not be interpreted to include or permit fixed canopies.

## § 515-186. Projections into yards.

Architectural features may extend or project into a required side, front or rear yard not more than four feet.

# Article XXIII. Zoning Board of Appeals

## § 515-187. Creation and membership.

- A. A Zoning Board of Appeals (ZBA) is hereby created to carry out the responsibilities and exercise the authority provided in this chapter and in Act 110 of the Public Acts of 2006, as amended. The ZBA shall carry out its duties so that the objectives and spirit of this chapter shall be observed, public safety secured, and substantial justice done.
- B. The ZBA shall consist of five members appointed by the Village Council for terms of three years. When the ZBA is first created, terms shall be for a period of one, two and three years, respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full three-year term.
- C. Following the expiration of the term of a ZBA member, a successor shall be appointed not more than one month after the term of the proceeding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. The Village Council may appoint two alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of

the Zoning Board of Appeals in the absence of a regular member if a regular member will be unable to attend one or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

- E. A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- F. The compensation, if any, paid to ZBA members for discharge of their duties shall be established by the Village Council. A failure of action on the part of the Village Council in any year shall be effective action to reestablish the same compensation from the prior year.

## § 515-188. Officers.

- A. The ZBA shall annually elect a Chairperson, a Vice Chairperson, and a Secretary, each to serve for one year. An elected officer of the Village shall not serve as Chairperson of the ZBA. Such election shall be held at the first regular meeting of the ZBA following January 1 in each calendar year or at the first regular meeting of the ZBA following departure of an existing officer from the ZBA.
- B. The Chairperson shall preside at all meetings of the ZBA. In the absence of the Chairperson, the Vice Chairperson shall preside. The presiding officer, subject to these rules, shall decide all points of order or procedure generally following Robert's Rules of Order. The Chairperson or, in his or her absence, the Acting Chairperson may administer oaths.

## § 515-189. Authority of Zoning Board of Appeals.

- A. In general. The ZBA shall have authority to act on those matters where this chapter provides for administrative review, appeal or interpretation and shall have authority to authorize a variance as defined in this chapter and the law of the State of Michigan. The ZBA shall not have the authority to alter or change zoning district classifications of any property nor to make any change in the text of this chapter.
- B. Administrative review. The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision or refusal made by an official, board or commission in carrying out or enforcing any provisions of this chapter. In hearing and deciding appeals under this subsection, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which has not been presented to the administrative official, board or commission from whom the appeal is taken. The ZBA shall not substitute its judgment for that of the administrative official, board or commission being appealed, and the appeal shall be limited to determining, based upon the record, whether the administrative official, board or commission breached a duty or discretion in this chapter.
- C. Interpretation. The ZBA shall have authority to hear and decided requests for interpretation of the Zoning Ordinance, including the Zoning Map. The ZBA shall make such decision so that the spirit and intent of this chapter shall be observed. Text interpretations shall be limited to the issues presented and shall be based upon a reading of the ordinance as a whole, and shall not have the effect of amending the ordinance. Map interpretations shall be made based upon rules in the ordinance and any relevant historical information. In carrying out its authority to interpret the

ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the ordinance.

D. Variances. The ZBA shall have authority in specific cases to authorize one or more variances from the strict letter and terms of this chapter by varying or modifying any of its rules or provisions so that the spirit of this chapter is observed, public safety secured, and substantial justice done. Such authority shall be exercised in accordance with the following standards:

- (1) The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
  - (a) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, off-street parking or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render chapter conformity unnecessarily burdensome.
  - (b) The variance will do substantial justice to the applicant, as well as to other property owners.
  - (c) A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
  - (d) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
  - (e) The problem and resulting need for the variance has not been self-created by the applicant.
- (2) In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and evidence on a variance request. The fact that a Village representative does not appear and/or present information, testimony and/or evidence on a particular variance request shall not be considered or construed as being a waiver of the right to make such a presentation at a later date or an acknowledgment that the information, testimony and/or evidence does not exist and shall not be evidence, in and of itself, that a variance should be granted.
- (3) The following are specified as appropriate considerations by the ZBA in hearing and deciding variance requests, provided that this list shall in no respect constitute a limitation upon the considerations which may be made by the ZBA:
  - (a) Other lands, structures, buildings, lots and uses in the same district and in the general vicinity of the property in question.
  - (b) Whether granting the variance will confer special privileges on the applicant that have been denied by the chapter and/or ZBA in other cases.
  - (c) Whether the requested variance is the minimum necessary to authorize reasonable use of the property in relation to the surrounding area.
  - (d) Reasonable and available alternatives, which, although not requested by the applicant, would minimize or eliminate the need for variance relief.
  - (e) The provisions of this chapter from which a variance is requested, including the purpose and intent of such provisions within the context of the chapter as a whole.

- (f) The imposition of appropriate and authorized conditions.
  - (g) The existence of nonconforming structures, uses of land, or the combination of structures and uses shall not be used as a basis or rationale for granting a variance.
- E. Conditions.
- (1) The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to ensure adequacy of public services and facilities affected by a proposed use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:
    - (a) Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
    - (b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
    - (c) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
  - (2) Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required for a new case or application. Moreover, to ensure adequate notice of a decision and any conditions, the ZBA may require as a condition to the effectiveness of relief granted that the property owner record with County Register of Deeds, in a form acceptable to the ZBA, an affidavit detailing the relief granted and conditions imposed.

## § 515-190. Applications and notices; effect of appeal.

- A. All applications to the ZBA shall be filed with the Village Clerk, on forms provided by the Village, and shall be accompanied by the applicable fee established by resolution of the Village Council. Applications shall include all plans, studies and other information and data to be relied upon by the applicant.
- B. The plan which shall accompany all variance requests shall be based on a mortgage survey or land survey prepared by a registered land surveyor. The plan shall be to scale and shall include all property lines and dimensions, setbacks and all existing and proposed structures. The Zoning Board of Appeals has the authority to require a land survey prepared by a registered land surveyor when the ZBA determines it to be necessary to ensure accuracy of the plan.
- C. The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed, including relevant plans, studies and other information.
- D. As a condition to invoking the jurisdiction of the ZBA, an appeal under § **515-189B** shall be taken by the applicant within 30 days of the date of the order, refusal, requirement or determination from which the appeal is being taken. In a case involving an appeal from an action of an administrative official, the administrative official, upon notice from the ZBA, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken.

- E. Applications to the ZBA shall be made with full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.
- F. The Village Clerk, or designate, shall provide public notice of a ZBA public hearing in accordance with the public hearing publication and notification procedures required for a rezoning or special land use approval request. Other persons may be notified, at the discretion of the ZBA. Where the case does not relate to a specific site, notification shall be made in the newspaper only.
- G. An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the ZBA or by a court of competent jurisdiction.

## § 515-191. Meetings and records.

- A. The ZBA shall conduct regular meetings as scheduled each year or at the call of the Chairperson. The Chairperson shall set the time and date for meetings, not to exceed 45 days from the date of application of a specific case. The ZBA shall also conduct such special meetings as shall be called by the Chairperson and/or by a majority of the ZBA members. All meetings of the ZBA shall be conducted in accordance with Act 267 of the Public Acts of 1976, as amended, the Open Meetings Act.
- B. Applicants shall appear at the hearing, either personally or by designated representative, whose identity and authority shall be confirmed by the applicant in writing. Nothing in this subsection shall relieve the applicant from providing competent testimony or evidence in support of the relief requested, including responses to questions or requests by the ZBA regarding the applicant's position on a relevant issue and/or possible conditions on a favorable decision. The ZBA may conduct the required hearing and reach a decision on all applications without the applicant being present if the applicant does not request a continuance in writing prior to the hearing.
- C. The ZBA shall make no decision except in a specific case and after the required hearing.
- D. Three members of the ZBA shall constitute a quorum, without which the ZBA shall not conduct business. The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision or determination of an administrative official, board or commission made in the administration of this chapter or to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this chapter or to grant a variance from the terms of this chapter.
- E. The Secretary of the ZBA shall prepare minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority and shall be the responsibility of the Secretary of the ZBA and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval.
- F. The official records of the ZBA proceedings shall be filed in the Village Clerk's office and shall be public records.

## § 515-192. Disposition; duration of approval; appeal.

- A. The ZBA may reverse, affirm, vary or modify any order, requirement, decision or determination presented in a case within the ZBA's jurisdiction and, to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of

review, as specified in this chapter and by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.

- B. A decision by the ZBA shall be considered final as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting and decision, as prepared by the Secretary, shall constitute the written decision.
- C. Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decisions are found to be correct and the conditions upon which the decision was based are maintained.
- D. The relief granted by the ZBA shall be valid for a period not longer than one year, unless otherwise specified by the ZBA, and within such period of effectiveness actual on-site improvement of property in accordance with the approved plan and the relief granted under a valid building permit must be commenced or the grant of relief shall be deemed void. Relief granted by the ZBA shall not constitute approval of the use or activity where any other zoning compliance, building permit, or other review or permit is required.
- E. Appeals of a ZBA decision shall be taken in the manner provided by law.

## Article XXIV. Planning Commission

### § 515-193. Membership.

[Amended 5-9-2000 by Ord. No. 264]

- A. The Village of New Haven Planning Commission as established under Act 285 of the Michigan Public Acts of 1931, as amended, shall perform all of the duties of a planning commission in accordance with said Act and such other duties as are established in this chapter.
- B. Pursuant to MCLA § 125.33(4), the Planning Commission shall consist of seven members, one of whom shall be a member of the Village Council to serve ex officio.
- C. The Village President shall appoint the members, subject to approval of the Village Council by majority vote. All appointed members of the Commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office, except that one appointed member may be a member of the Zoning Board of Adjustment or Appeals. The term of the ex officio member shall be determined by the Village Council and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body. The term of each appointed member shall be three years or until his or her successor takes office, except that the respective terms of two of the members first appointed shall be for one year and three for two years. After a public hearing, a member other than the member selected by the Village Council may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The Village Council body may for like cause remove the member selected by the Village Council body. All ex officio members appointed under this subsection shall have full voting rights.

### § 515-194. Powers and duties.

The Planning Commission shall have those powers and duties as provided in Public Act 285 of 1931, as amended, Public Act 110 of 2006, as amended, and such other duties as are established in this chapter, including:

- A. Prepare and maintain a general development plan.

- B. Review and make recommendations to the Village Council regarding adoption of a zoning ordinance and subsequent amendments thereto.
- C. Review and decide special land uses in accordance with Article **XX** of this chapter.
- D. Review and approve site plans in accordance with § **515-100** of this chapter.
- E. Review and make recommendation to the Village Council regarding tentative preliminary plat review of subdivisions under P.A. 288 of 1967, as amended.
- F. Review and approval of proposed public works projects.
- G. Conduct necessary public hearings as required by law regarding matters before the Commission for review, recommendation or approval.
- H. Review and take appropriate action on all other matters which are subject to Planning Commission review authority as required by law.

## § 515-195. Meetings and records.

- A. The Planning Commission shall hold regular meetings as scheduled each year. The Planning Commission shall also conduct such special meetings as shall be called by the Chair.
- B. All meetings of the Planning Commission shall be conducted in compliance with Act 267 of 1976, as amended, the Open Meetings Act.
- C. Applicants shall appear at hearing(s) regarding their cases, either personally or by designated representatives who are authorized by the applicants to act on their behalf for purposes of the application. The Planning Commission may conduct required hearings and reach a decision on all applications without the applicant being present if the applicant does not request a continuance or postponement in writing prior to the hearing.
- D. The Planning Commission shall make no decision except in a specific case and after required hearing, if applicable.
- E. A simple majority of the members of the Planning Commission shall constitute a quorum, without which the Planning Commission shall not conduct business. The concurring vote of a simple majority of the quorum of the Planning Commission shall be required to pass a motion regarding any matter brought before the Commission, unless otherwise required by state law, this chapter or Village ordinance.
- F. The Secretary shall prepare and maintain minutes of all Planning Commission proceedings. The minutes shall be the final authority on proceedings of the Planning Commission. The Commission shall approve all minutes prior to their designation and use as the official record of proceedings. Where a written record is required or requested, the approved minutes, along with any plans or other information submitted with the application, shall constitute the written record.
- G. The official records of the Planning Commission shall be maintained by the Village Clerk or the Administrative Official so designated.
- H. The Planning Commission may adopt bylaws for the conduct of its meetings and hearings.

## § 515-196. Appeals from decisions of Planning Commission.

Appeals from decisions of the Planning Commission shall be taken in the manner provided by law.

## Article XXV. Administration and Enforcement



## § 515-197. Administrative Official.

An Administrative Official designated by the Village Council shall administer and enforce this chapter. The Administrative Official may be provided with the assistance of deputy administrative officials or other consultants as the Village Council may direct.

## § 515-198. Duties of Administrative Official.

The Administrative Official shall have the following duties and responsibilities:

- A. Administration and interpretation of the provisions of this chapter.
- B. Enforcement of all provisions of this chapter, including identification, processing and issuance of all necessary notices or orders to ensure compliance with said provisions. Upon finding that any of the provisions of this chapter are being violated, the Administrative Official shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrative Official shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
- C. Receipt of applications for and issuance of certificates of zoning compliance in accordance with the provisions of this chapter. The Administrative Official shall have the authority to grant certificates of zoning compliance and certificates of occupancy and to make inspections of buildings or premises necessary to carry out duties in the enforcement of this chapter.
- D. Inspections of property within the Village as required by this chapter or which are necessary to enforce the provisions of this chapter. The administrative official may engage the assistance of other persons, agencies, officials or consultants as deemed necessary by the Administrative Official in making such inspections, subject to approval of the Village Council,
- E. Maintain official records of applications, certificates, notices and other correspondences for which the Administrative Official is responsible under the provisions of this chapter.
- F. Provide an annual report to the Village Council and Planning Commission which summarizes the activities of the Administrative Official.
- G. The Administrative Official shall not refuse to issue a permit when the applicant complies with conditions imposed by this chapter. Violations of contracts, such as covenants or private agreements, which may result upon the granting of said permit, are not cause for refusal to issue a permit.

## § 515-199. Certificate of zoning compliance and building permits required.

- A. It shall be unlawful to commence or conduct any of the following until the Administrative Official has issued a certificate of zoning compliance for such work or change and a building permit (if applicable) has been issued:
  - (1) The excavation, construction, reconstruction, repair, moving or alteration of any building or structure for which a building permit is required.
  - (2) Any parking lot, sign or structure having a cost or value of more than \$200.

- (3) Any change in the use or occupancy of any building or land in the RO, GBD, GB, IO, LI or HI Districts.
  - (4) Any change in use or occupancy of any building or land in the FP Overlay, SF, SF-1 or SF-2, MF or MH Districts to a type of use or occupancy which is not expressly permitted by the district's regulations specified in this chapter.
- B. Applications for certificates of zoning compliance shall be made to the Administrative Official on forms provided for that purpose by the Village of New Haven. Applications shall include the following:
- (1) A site plan as required by § **515-100**. Where a site plan is not required under § **515-100**, the plan which shall accompany all applications for certificates of zoning compliance shall be based on a mortgage survey or land survey prepared by a registered land surveyor. The plan shall be to scale and shall include all property lines and dimensions, setbacks, all existing and proposed structures, and a written description of the existing and proposed uses of all structures and outdoor use areas. The Administrative Official has the authority to require a land survey prepared by a registered land surveyor when the Administrative Official determines it to be necessary to ensure accuracy of the plan.
  - (2) All information called for on the application.
  - (3) Review fee, as established by resolution of the Village Council.
  - (4) Signature of the owner(s) of the structure or lot. If the application is made by a person other than the owner(s), the owner's signature on the application shall constitute authorization of the application by the owner(s).
  - (5) Additional information as required by the Administrative Official to determine compliance with the provisions of this chapter.
- C. All applications or plans which require issuance of a building permit shall be submitted to the Administrative Official for review under this section prior to or concurrent with application for building permits. No building permits shall be issued until a certificate of zoning compliance is issued by the Administrative Official and the Building Inspector has verified that the proposed building permit activity is in conformance with the certificate of zoning compliance.
- D. Where issuance of a building permit is not required, but a certificate of occupancy is required, no certificate of occupancy shall be issued until a certificate of zoning compliance has been issued by the Administrative Official.
- E. The certificate of zoning compliance shall include a certificate by the Administrative Official that plans, specifications, and description of such use(s) and structure(s) conform to the provisions of this chapter.
- F. Any certificate of zoning compliance issued under the provisions of this chapter shall be valid for a period of six months following the date of issuance. A certificate of zoning compliance shall be null and void after said period unless a valid building permit has been issued, actual construction under a valid building permit has commenced, or a certificate of occupancy has been granted. One six-month extension may be granted by the Administrative Official where necessary due to weather-related or other causes beyond the control of the applicant.
- G. When the Administrative Official receives an application for a certificate of zoning compliance which requires site plan review, special land use approval, or other approval which necessitates Planning Commission or Village Council approval, the Administrative Official shall so inform the applicant. Approval of a site plan in conformance with the provisions of § **515-100** or of a special land use under the provisions of § **515-121** shall constitute the necessary review and approval of the proposed use or activity for issuance of a certificate of zoning compliance.
- H. The Administrative Official may revoke any certificate of zoning compliance where it is demonstrated that false information was included on any application, plan or submittal upon which

approval of the certificate was based.

- I. Issuance of a certificate of zoning compliance shall be based on the following conditions:
  - (1) Full payment of all required fees;
  - (2) All work, construction, use and activities shall conform to the approved application and plans upon which the certificate of zoning compliance was issued; and
  - (3) All work, construction, use and activities shall conform to any conditions of approval of the certificate of zoning compliance.

## § 515-200. Certificates of occupancy.

- A. No building, structure or use for which a certificate of zoning compliance or building permit has been issued shall be used or occupied until the Administrative Official has, after final inspection, authorized in writing the issuance of a certificate of occupancy.
- B. Application for certificates of occupancy shall be made in writing to the Building Inspector on forms provided for that purpose.
- C. Certificates of occupancy shall constitute verification of compliance with both Building Code and Zoning Ordinance requirements.
- D. Temporary certificates of occupancy.
  - (1) Temporary certificates of occupancy may be considered for issuance by the Administrative Official where all of the following conditions are met:
    - (a) Site construction is substantially completed in full conformance with approved plans;
    - (b) Remaining site improvements are not related to health, safety, or Americans With Disabilities Act (ADA) barrier-free compliance requirements;
    - (c) Remaining site improvements are related to landscaping, paving or similar features which, due to their unique characteristics, cannot be completed due to weather conditions; and
    - (d) Submittal of a performance guarantee, in conformance with § 515-205, which is equal to the full cost of all incomplete site work as estimated by the Village of New Haven, utilizing standard construction cost estimating publications.
  - (2) Temporary certificates of occupancy shall not be granted for a period exceeding six months. Said period shall be based on a reasonable estimate of the time necessary to accommodate fair weather installation of all remaining improvements. No extensions of temporary certificates of occupancy shall be granted.
- E. Failure to obtain a certificate of occupancy when required shall constitute a violation of the provisions of this chapter and shall be subject to the provisions of § 515-206.
- F. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this chapter.

## § 515-201. Filling and excavating permit.

- A. Before any land is filled or excavated for purposes other than gardening or farming and where such filling or excavating is not covered by the building permit and is not incidental to the work covered by the building permit, a filling and excavating permit shall be obtained. For the purpose of this chapter, filling and excavating shall be the removal from or the addition to any lot or parcel

of land of one or more cubic yards of dirt, clay, sand, gravel, cinders, crushed aggregate or mixtures thereof.

- B. Application forms shall be available at the Office of the Village Clerk. The filling and excavating permit form shall show:
- (1) The name and address of the owner of the land and or of the applicant if different that the owner.
  - (2) Location and size of the property to be filled or excavated.
  - (3) Size of the area to be filled or excavated.
  - (4) A statement that a soil erosion permit has been obtained where the proposed fill or excavation would disturb one or more acres of land or where it would be adjacent to a stream or waterway.
  - (5) A description of the proposed fill or excavation.
  - (6) Such other information as the Village Council and/or Building Inspector may require.
  - (7) The approval and authorized signatures of the Village President and/or Building Inspector.
- C. A fee shall be required as established by resolution of the Village Council for any filling and excavating permit involving five or more cubic yards or material.

## § 515-202. Duration of active applications; construction to conform with application, plans, and permits.

- A. Applications for all reviews, approvals and permits specified in this chapter shall be pursued actively by the applicant. Applications which are filed with the Village shall expire and be void one year following the date of application unless the applicant is actively pursuing review by the applicable Village authority, including timely submittal of revised plans or required additional information. Upon expiration of the application in accordance with this section, all reviews, comments, preliminary approvals and the like shall expire. New applications shall be in accordance with all applicable submittal, review and design standards in effect on the date of any subsequent application.
- B. Permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement and construction set forth in said plans and applications. Any use, development or activity which is not in accordance with approved applications, plans and permits shall constitute a violation of this chapter.

## § 515-203. Amendments.

- A. This chapter may be amended in accordance with Public Act 110 of 2006, as amended. The Village Council may by legislative authority or on recommendation of the Planning Commission or on petition amend, supplement or change the district boundaries or the regulations of this chapter.
- B. Petitions to change the zoning of a parcel or parcels of land within the Village shall be made to the Village Clerk on forms provided for that purpose by the Village of New Haven. Applications for rezoning shall be submitted by the property owner seeking such change or by his legally authorized representative. Applications shall be accompanied by the fee as established by resolution of the Village Council.
- C. Prior to any amendments to this chapter, a public hearing shall be conducted by the Planning Commission, notification of which shall be published and sent as prescribed by state law.

## § 515-204. Fees.

All fees associated with any application, review, inspection or other activity authorized or required by this chapter shall be paid in full prior to issuance of any certificate of zoning compliance or building permit or the processing of any application or request. All fees shall be established by resolution of the Village Council.

## § 515-205. (Reserved)

## § 515-206. Violations and penalties.

- A. Provisions of chapter declared to be minimum requirements. In their interpretation and application, the provisions of this chapter shall be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of any other lawfully adopted rules, regulations or ordinances are more or less restrictive than the provisions of this chapter, the more restrictive or that imposing the higher standards shall govern.
- B. Compliance regarding violations. Whenever a violation of this chapter occurs or is alleged to have occurred any person may file a written complaint. Such complaint shall be filed with the Administrative Official. The Administrative Official shall record, investigate, and take action(s) thereon as provided by this chapter in conformance with §§ **515-197** and **515-198**.
- C. Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special land uses) shall constitute a municipal civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be punishable as set forth in Chapter **59**, Municipal Civil Infractions, of the Code of the Village of New Haven. Each day such violation continues shall be considered a separate offense. [Amended 1-13-2015 by Ord. No. 333]
- D. Responsible parties. The owner(s) or tenant(s) of any building, structure, premises or part thereof, and architect, builder, contractor, other design professional, agent or other person who commits, participates in, assists in or maintains such violations may each be found guilty of a separate offense and suffer the penalties herein provided.
- E. Public nuisance per se. Violations of the provisions of this chapter are declared to be a nuisance per se and may be abated by remedies as provided by law. Nothing herein contained shall prevent the Village from taking such other lawful action necessary to prevent or remedy any violation.

## § 515-207. Interpretation of conflicting regulations.

The provisions of this chapter shall be liberally interpreted in order to promote and accomplish the purposes of this chapter as set forth in § **515-1**. Any limitations set forth in this chapter shall be construed as the minimum requirements in their interpretation and application. Wherever the requirements of any other lawfully adopted rules, regulations or ordinances are more or less restrictive than the provisions of this chapter, the more restrictive or that imposing the higher standards shall govern.

## § 515-208. Severability.

Should any section or provision of this chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any

part thereof other than the part so declared to be unconstitutional or invalid.

## § 515-209. Repeal of conflicting ordinances.

The Village of New Haven Zoning Ordinance No. 167 (1979) is hereby repealed in its entirety and replaced by this amendatory ordinance.

## § 515-210. When effective.

- A. This chapter shall take effect 30 days following publication of a notice of adoption hereof as provided by state law.
- B. This chapter was adopted by the Village Council on January 12, 1999.
- C. A notice of adoption was published in The Bay Voice on January 20, 1999.
- D. The effective date of the Village of New Haven Zoning Ordinance is February 19, 1999.