

CHAPTER 46 ZONING

ARTICLE 46-I IN GENERAL

ARTICLE 46-II ADMINISTRATION AND ENFORCEMENT

ARTICLE 46-III ZONING DISTRICTS

ARTICLE 46-IV SUPPLEMENTARY REGULATIONS

ARTICLE 46-V GENERAL EXCEPTIONS

ARTICLE 46-VI SITE PLAN REVIEW

ARTICLE 46-VII SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

ARTICLE 46-VIII OFFSTREET PARKING AND LOADING

ARTICLE 46-IX SPECIAL LAND USE REVIEW

ARTICLE 46-X NONCONFORMING USES AND NONCONFORMING BUILDINGS

ARTICLE 46-XI PLANNED UNIT DEVELOPMENTS

Cross reference— Any ordinance pertaining to rezoning saved from repeal, § 1-13(a) (15); buildings and building regulations, ch. 6; community development, ch. 10; environment, ch. 14; historical preservation, ch. 18; land divisions and subdivisions, ch. 20; planning, ch. 32; telecommunications, ch. 40; franchises, app. A.

State Law reference— Authority to regulate land use, MCL 125.581 et seq.; municipal planning, MCL 125.31 et seq.

ARTICLE 46-I IN GENERAL

Sec 46-1 Application

Sec 46-2 Interpretation

Sec 46-3 Vested Right For Structures Under Construction

Sec 46-4 Construction Of Language

Sec 46-5 Definitions

Sec 46-1 Application

No building or structure or part thereof shall be moved into the village, erected, constructed, reconstructed, altered or maintained, and no new use or change in use shall be made or maintained of any structure or land or part thereof, except in conformity with the provisions of this chapter. No such building, structure or use that is otherwise lawful under the terms of this chapter shall exist or be operated in such a manner as to constitute a nuisance as defined in section 46-5.

(Ord. No. 482, § 2.00, 7-17-2000)

Sec 46-2 Interpretation

In interpreting and construing the respective provisions of this chapter, they shall be interpreted and construed to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare. Wherever any provision of this chapter imposes more stringent requirements, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, the provisions of such law or ordinance shall govern.

(Ord. No. 482, § 2.01, 7-17-2000)

Sec 46-3 Vested Right For Structures Under Construction

Any structure for which a building permit has been issued and construction begun or for which a contract has been entered into pursuant to a building permit issued prior to the effective date of the ordinance from which this chapter is derived may be completed and used in accordance with the plans and applications upon which such building permit was granted. Any such permit for a use which would be nonconforming under this chapter or any amendment to this chapter shall not be renewed if construction pursuant to such permit is not commenced within one year from the date of issuance of the permit.

(Ord. No. 482, § 2.02, 7-17-2000)

Sec 46-4 Construction Of Language

The following rules of construction apply to the text of this chapter.

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (c) The terms "shall" and "will" are always mandatory and not discretionary. The term "may" is permissive.
- (d) The term "building" or "structure" includes any part thereof.
- (e) The term "lot" includes any site or parcel comprising an individual piece of land, whether created by platting, splitting, condominium or other legal process.
- (f) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (g) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions "and," "or," "either ... or," the conjunction shall be interpreted as follows:
 - (1) The term "and" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (2) The term "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) The term "either ... or" indicates that the connected items, conditions, provisions or events shall apply but not in combination.
- (h) Terms not defined shall have the meaning customarily assigned to them.

(Ord. No. 482, § 20.00, 7-17-2000)

Sec 46-5 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting means having a common border or property line.

Accessory building and accessory structure mean a subordinate building or structure detached from, but located on the same lot as, the principal structure, the use of which is customary, clearly incidental, and accessory to that of the principal structure.

Accessory use and accessory mean a use which is clearly incidental to, customarily found in connection with, and generally located on the same lot as the principal use to which it is related.

Adult bookstore means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult mini-motion-picture theater means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motion-picture theater means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult video store means an establishment having, as a substantial or significant portion of its stock in trade, pictures, films or videotapes which are characterized or distinguished by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as further defined in this section.

Alley means any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation and not more than 20 feet wide.

Alteration means any change, addition or modification in construction in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to as "altered" or "reconstructed." Also see *Structural alteration*.

Animals, private ownership of, means the keeping of no more than three household pets, typically a member of the canine or feline species, which are in the ownership of the principal resident.

Antenna means a wire or set of wires used in transmitting and receiving electromagnetic waves and including the supporting structure, including but not limited to amateur radio antennas, television antennas, satellite receiving dishes, cellular phones, and similar uses.

Apartment means a room or suite of rooms used as a dwelling for one family which does its own cooking and contains sanitary facilities therein.

Apartment house means a building containing three or more dwelling units whose entrances are from a common hallway or area or series of hallways or areas.

Architectural features, of a building, includes cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile repair means general repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting; and vehicle rustproofing.

Automobile wash. see *Carwash*.

Automobile wrecking yard means the dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard. Also see *Junkyard*.

Basement and cellar mean that portion of a building partly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five feet or more, such areas shall be considered as a story.

Bedroom means a room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

Berm means an earthen mound graded, shaped and improved with landscaping, in such a fashion as to be utilized for screening purposes.

Block means the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream, or between any of the foregoing and any other barrier to the continuity of development or boundary lines of the village.

Boardinghouse means a residential structure in which nonfamily members are sheltered and fed for a fee.

Buildable area, of a site or lot, means the space remaining after the minimum yard and space requirements of this chapter have been deducted.

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

Building height means the vertical distance from the average elevation of the street curb paralleling the front or, if on a street corner the front and side of the building, to the highest point of the roof surface if the roof is flat; to the deck line if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type. For buildings set back from the street line, this vertical distance shall be taken above the average elevation of the ground along the front of this building, provided its distance from the street line is more than the average height of such ground above the established curb elevation. Total height is measured from the ground to the highest point of the structure.

Building inspector means the building inspector (building official) of the village or his authorized representative.

Building line means a line formed by the face of the building. For the purposes of this chapter, a minimum building line is the same as a front setback line.

Building, main or principal, means a building in which is conducted the principal use of the lot on which it is situated.

Building, multiple-family, means a building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking in the building. This definition includes three-family buildings, four-family buildings, and apartment buildings, but does not include trailer camps or mobile home parks.

Building permit means the written authority issued by the building official permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this chapter.

Building, single-family, means a detached building designed or occupied exclusively by one family.

Building, temporary, means a structure without permanent foundation erected or devoted to the development of, or in connection with, the principal site used for a limited period of time.

Building, two-family, means a detached building designed for or occupied exclusively by two families living independently of each other, such as a duplex dwelling unit.

Carwash means an area of land and/or structure with machine- or hand-operated facilities used principally for the cleaning and washing of motor vehicles.

Carwash, automatic, means a building that provides facilities for washing and cleaning motor vehicles; which uses production line methods with a conveyor, blower or other mechanical devices; and which may employ some hand labor for drying, polishing or waxing.

Carport means a partially open structure for sheltering vehicles erected in conformity with the site requirements for garages.

Carryout restaurant. see Restaurant, fast food.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

Church and place of religious worship mean an institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The term "church" shall not include or mean an undertaker's chapel or funeral building.

Clinic means a place for the care, diagnosis and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for inpatient care or major surgery.

Club, lodge and fraternity mean an organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

Cluster development means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial use means an occupation, employment or enterprise dealing with the public that is carried on for profit by the owner, lessee or licensee.

Community center means a place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Composting means a yard waste management alternative to burning and/or landfilling, in which compostable yard waste is collected, processed and recovered as a resource rather than disposed of. Composting involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions. Sheet composting shall not be considered a permitted use.

Condominium means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space. A condominium may include, in addition, a separate interest in other portions of such real property. A site condominium is the same as a condominium subdivision plan.

Condominium act means Public Act No. 59 of 1978 (MCL 559.101 et seq.).

Condominium subdivision plan means the site plan illustrating the existing site features and all proposed improvements pursuant to the requirements of site plan review. A means of subdividing land and sharing ownership through the condominium act.

Convalescent home and nursing home mean a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. The home shall conform and qualify for a license under state law, even though state law has different size regulations.

Court means an open space on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or group of buildings. A court shall be unoccupied, except as otherwise provided in this chapter.

Deck means a wooden platform which is above the mean yard grade.

Density means the number of families residing on or dwelling units developed on an acre of land.

District and zoning district mean a portion of the village within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

Drive-in establishment means a business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (i.e., restaurants, cleaners, banks, theaters, etc.).

Driveway means a private access from a public or private road to a building on an abutting parcel.

Dwelling unit means any house or building or portion thereof, having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer, automobile chassis, tent or portable building be considered a dwelling unit.

Easement means the right of a person, government agency or public utility company to use public or private land owned by another for a specific purpose.

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

Essential services means the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities or village departments or commissions of underground, surface or overhead distribution of gas; electricity; communications, excluding commercial radio, television and other transmitting or relay antenna towers or monopoles; steam or water transmission or distributing systems; collection, supply or disposal systems including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines; fire alarm boxes; police callboxes; traffic signals; hydrants; and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service to this village and the immediate surrounding territory. Such facilities both above and below ground, including storage fields and high pressure mains designated to serve users outside of the village and the immediate surrounding territory, shall not be considered essential services under this definition. See *Public utility*.

Excavation means any breaking of ground, except common household gardening and ground care.

Family means one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family. Notwithstanding the definition of the preceding sentence, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if the occupants are handicapped persons as defined in title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first sentence of this definition.

Fast food restaurant. See *Restaurant, drive-in* and *Restaurant, fast food*.

Fence means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Filling means the depositing or dumping of any matter onto or into the ground, except common household gardening.

Flea market means an occasional or periodic sales activity within a building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique, and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Floor area, gross, for the purpose of computing parking, means the sum of the gross horizontal areas of the several floors of the building measured from the exterior walls or from the centerline of walls separating two buildings. Floor area shall include elevator shafts and stairwells at each floor or story; floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof; attic space having headroom of seven feet ten inches or more; interior balconies; and mezzanines.

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

Footcandle means the unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illumination produced on a surface, all points of which are at a distance of one foot from a directionally uniform point source of one candela.

Front setback line means the minimum required setback from the street right-of-way to the principal structure.

Frontage means the side of a lot abutting on a street or way.

Funeral home means a building or part thereof used for human funeral services. Such building may contain space and facilities for: (i) embalming and the performance of other services used in preparation of the dead for burial; (ii) the performance of autopsies and other surgical procedures; (iii) the storage of caskets, funeral urns and other related funeral supplies; and (iv) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage, automobile repair. See *Automobile repair*.

Garage, private, means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature.

Garbage means all wastes; animal, fish, fowl or vegetable matter; or household waste.

Gasoline service station means a place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair as defined in this section for automobile repair stations.

Grade means the elevation of the surface of the ground. The established grade of the street or sidewalk shall be the elevation of the curb, or the centerline of the road if there is no curb, at the midpoint of the front of the lot.

Grade, building, means the average of the finished grade at each side of the building.

Greenbelt means a strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this chapter.

Gross floor area means the total area of a building measured with reference to the outside walls thereof and including all levels or stories.

Group day care means a private residence where care, protection and supervision are provided, for a fee, to at least seven and no more than 12 children, including children of the adult provider.

Hazardous substance includes:

- (a) Hazardous chemicals as defined by the state department of environmental quality and the state department of consumer and industry services;
- (b) Hazardous materials as defined by the U.S. Department of Transportation;
- (c) Critical materials and polluting materials as defined by the state department of environmental quality; and
- (d) Hazardous waste as defined by the state department of environmental quality.

Height. See Building height.

Home occupation means an activity carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes, and is such that it does not generate additional vehicular traffic to or from the dwelling unit.

House, boarding. See Boardinghouse.

House, rooming. See Roominghouse.

House trailer. See Mobile home.

Indirect illumination means illumination from a concealed light source.

Internal illumination means illumination from a light source concealed or contained within the sign and which is transmitted through a translucent surface.

Junk means any motor vehicles, machinery, appliances, products, merchandise with parts missing or scrap metals or other scrap materials that are damaged, are deteriorated, or are in a condition which

cannot be used for the purpose for which the product was manufactured.

Junkyard means an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Loading space means an offstreet space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot means a parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under this chapter. A lot may or may not be specifically designated as such on public records. Each such parcel shall also have its front lot line abutting a public street or approved private road.

Lot area means the total horizontal area within the lot lines of a lot.

Lot, condominium, means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. A condominium lot shall be of sufficient size and area of the zoning district within which it is located to accommodate a structure observing all required yard setbacks.

Lot, corner, means a lot where the interior angle of two adjacent sides at the intersection of both streets is less than 135 degrees. A lot abutting upon a curbed street shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.

Lot coverage means the percent of the lot occupied by buildings or structures, including accessory buildings or structures, except swimming pools.

Lot depth means the mean horizontal distance measured from the front street right-of-way line or private street centerline to the rear lot line.

Lot, double-frontage means any interior lot having frontage on two more-or-less parallel streets as distinguished from a corner lot. For a row of double-frontage lots, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

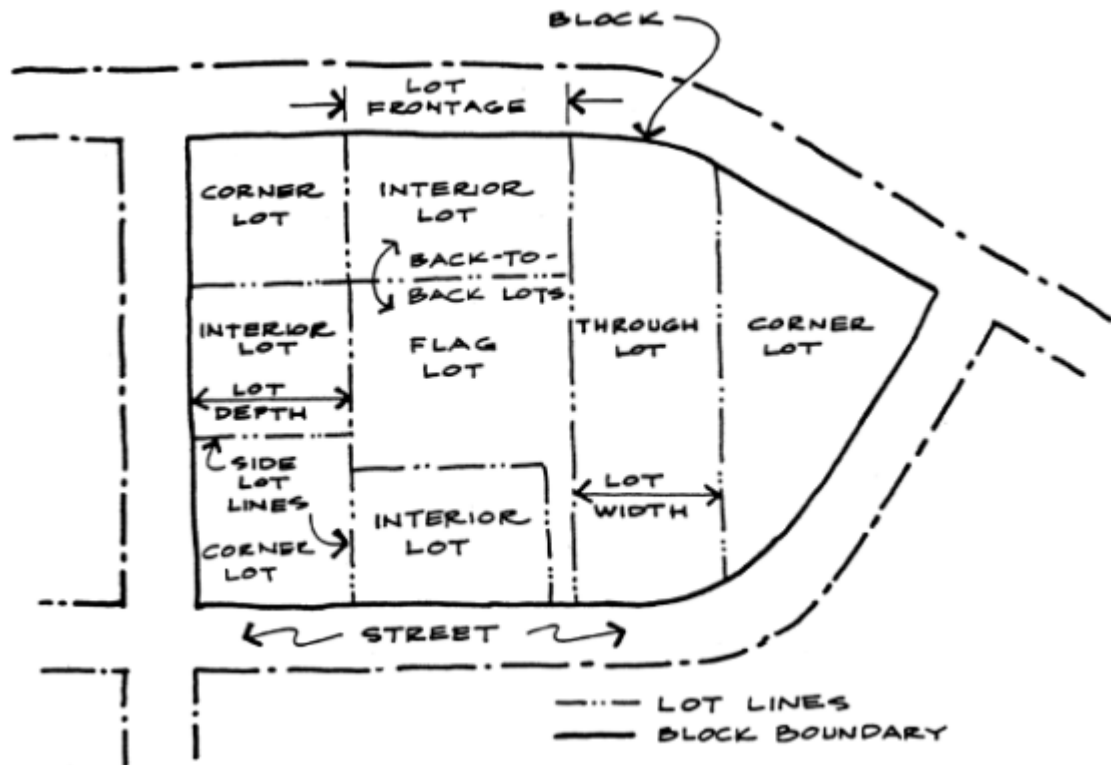
Lot, front, rear and depth.

- (a) The front of a lot is that boundary line which borders on a street other than an alley. For a corner lot, the side which has the narrowest dimension bordering on a street shall be deemed to be the front of such lot. For a double-frontage lot, both lot lines abutting on streets shall be treated as front lot lines.
- (b) The rear of a lot is the side opposite to the front. For a triangular or irregular lot, the rear is the boundary line not bordering on a street.
- (c) The depth of a lot is the dimension measured from the front of the lot to the mean depth.

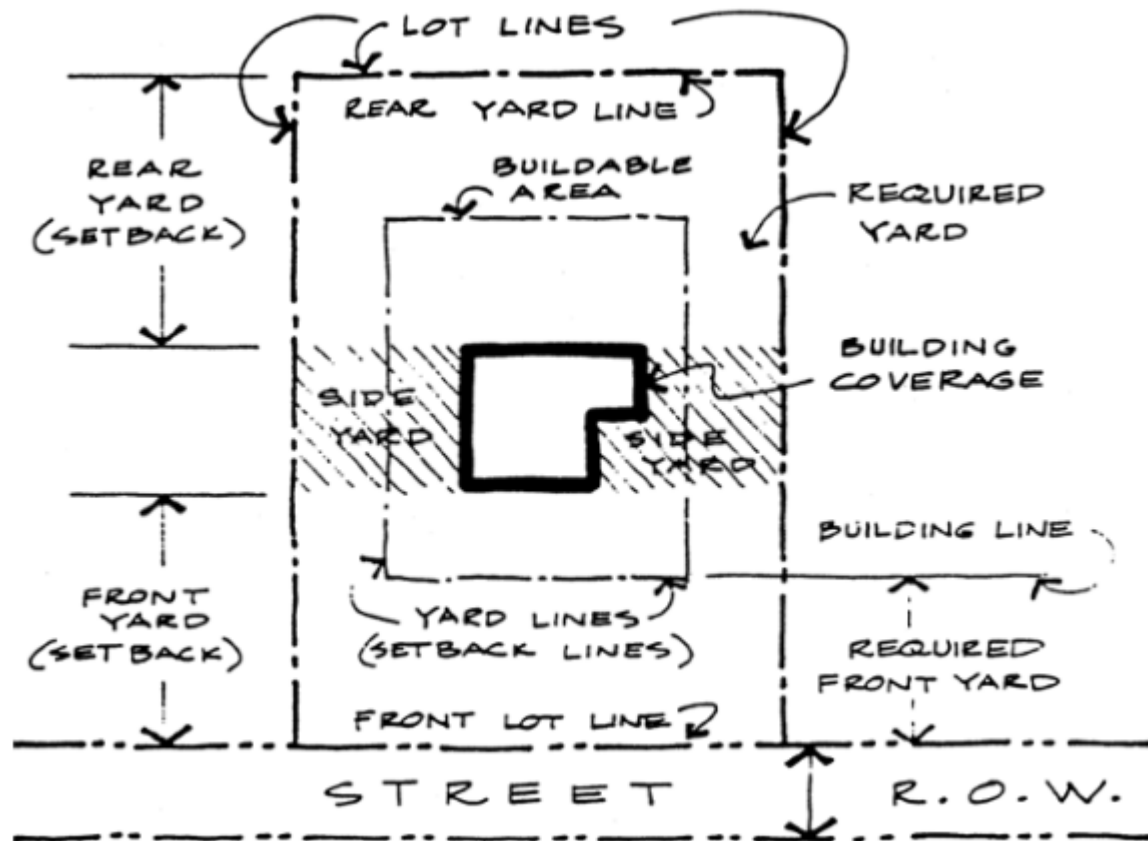
Lot, interior, means any lot other than a corner lot.

Lot lines means the lines bounding a lot as follows:

- (a) *Front lot line* means, for an interior lot, that line separating the lot from the street; for a through lot, the line separating the lot from both streets.
- (b) *Rear lot line* means that lot line opposite the front lot line. If a lot is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.
- (c) *Side lot line* means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.



Lot Lines
Block Boundary



Lot Lines 2

Lot of record means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or a system of registration used by village or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot, substandard, means a lot or parcel of land that has less than the required minimum area, depth or width as established by the zone in which it is located, and provided that such lot or parcel was of record as a legally created lot on the effective date of the ordinance from which this chapter is derived.

Lot width means the horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

Major thoroughfare means an arterial street which is intended to serve as a large volume trafficway for both the immediate village area and the region beyond and which is designated as a "major thoroughfare," "freeway," or equivalent term in the village master plan.

Master deed means the condominium document recording the condominium project as approved by the village, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium plan for the site.

Master plan means the village's master land use plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the village, and includes any unit or part of such plan and any amendment to such plan or parts thereof. Such plan shall be adopted by the planning commission.

Mean grade means the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than 100 feet apart.

Medical marijuana dispensary, compassion center, or other similar operation for the consumption of medicinal marijuana means any facility or location where medical marijuana is grown or possessed, or where a means is provided for the purpose of distributing or facilitating the distribution to a nonqualified patient, an entity, or registered primary caregiver who does not reside at the location where the medical marijuana is grown, cultivated, or possessed, or any facility or location where medical marijuana is grown, processed, possessed, or where a means is provided for the purpose of distributing or facilitating the distribution of medicinal marijuana to more than five qualified patients.

Mobile home means a vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be, attached to the ground, to another structure, or to a utility system on the same premises for more than 30 consecutive days. Mobile home does not include a recreational vehicle.

Mobile home park means a parcel or tract of land under the control of a person upon which two or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park and licensed pursuant to the provisions of Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

Motel means a series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation.

Nonconforming building means a building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter is derived or amendments to this chapter and that does not conform to the provisions of this chapter in the district in which it is located.

Nonconforming use means a use that lawfully existed before the enactment of the ordinance from which this chapter is derived and that is maintained at the effective date of the ordinance, even though it does not comply with the restrictions applicable to the district in which it is situated wrongfully.

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

Nursery school, day school and child center mean an establishment wherein seven or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.

Nursing home means a home, whether operated for profit or not, for the care of the aged, infirm, or those suffering from bodily disorders, wherein seven or more persons are housed or lodged and furnished with nursing care. Also see Convalescent home and Nursing home.

Occupancy load means the number of persons that a building can hold, as determined by the fire marshal or as determined by the village building code.

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

Offstreet parking lot means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two

automobiles.

Open air business uses. Open air business uses not conducted from a wholly enclosed building, if operated for profit, may include, by way of example, the following:

- (a) Mobile homes, motor vehicles, farm implements, boats, or home equipment sale or rental services.
- (b) Swimming pools.
- (c) Sales of fruits, vegetables, trees, shrubbery, plants, and other home garden supplies and equipment.
- (d) Miniature golf, golf driving range, children's amusement park or similar recreation uses.

Open front store means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patrons to enter the structure.

Open space means land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

Open space, common, means open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

Outdoor storage means the keeping, in an unroofed area, of any goods, junk material, merchandise or vehicles in the same place for more than 24 hours.

Parcel means a continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person.

Park means any public or private improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes.

Parking space means an area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and full accessibility for the parking of permitted vehicles. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to be fully accessible for the purpose of this definition.

Performance guarantee and maintenance guarantee mean any financial guarantee accepted by the village in the form of cash, letter of credit or performance bond, provided that the village shall not require that a financial guarantee be more than ten percent of the total performance costs to ensure that all improvements, facilities or work required by this chapter will be completed in compliance with this chapter, regulations, and the approved plans and specifications of a development.

Person means any natural person, firm, partnership, association, corporation, or limited liability company; however, this definition does not include any governmental unit.

Porch, enclosed, means a covered entrance to a building or structure which is totally enclosed and projects out from the exterior wall of the building or structure and which has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, open, means a covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, and which projects out from the exterior wall of the building or

structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Principal building means a building which contains the primary use of the lot.

Principal use means the main use of land or structures, as distinguished from a secondary or accessory use.

Private street and private road mean a street or road which is not under public ownership or control, serving two or more lots.

Public road means all public property reserved or dedicated for street traffic.

Public utility means any person, firm, corporation, governmental unit or other entity duly authorized to furnish to the public electricity, gas, sanitary sewers, water, communications, transportation or other services or commodities pursuant to federal, state or village regulations, excluding commercial radio, television and other transmitting or relay antenna towers or monopoles.

Recreation vehicle means the following:

- (a) A travel trailer, which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and permanently identified as a travel trailer by the manufacturer.
- (b) A pickup camper, which is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- (c) A motorized home, which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (d) A folding tent trailer, which is a metal, plastic or canvas folding structure, mounted on wheels and designed for travel and vacation use.
- (e) Boats and boat trailers, which shall include boats, jet skis, floats and rafts, plus the normal equipment to transport them on the highway.
- (f) Snowmobiles and all terrain vehicles, plus the normal equipment to transport them on the highway.

Recycling center means a facility that is not a junkyard and in which recoverable resources, such as newspapers, plastics, glassware and metal cans, are collected, stored, flattened, crushed or bundled within a completely enclosed building.

Restaurant means a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, drive-in, means an establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Restaurant, fast food, means any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carryout, and where either:

- (a) Foods, frozen desserts or beverages are usually served in paper, plastic or other disposable

containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or

- (b) The establishment includes a drive-up or drive-through service facility or offers window or curbside service.

Right-of-way means the right-of-way line, which shall be the line established by the village, the county road commission, or the state department of transportation in its right-of-way requirements.

Roominghouse means a residential structure in which nonfamily members are sheltered for a fee.

Rubbish means waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices.

Screening means the method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition: walls, berms or plantings.

Self-service storage facility means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

Separate ownership means ownership of a parcel of property wherein the owner does not own adjoining property.

Setback means the minimum horizontal distance between any face of the building, excluding only steps, porches, chimneys and decks, and the adjoining property lines.

Sign means the use of any word, numeral, figure, object, device, letter, symbol, insignia, illustration, design, trademark, or combination of these, by which anything is made known to the general public, or which is commonly understood to be used to attract the attention of the general public, irrespective of where it is visible from off the site or lot. Customary displays of merchandise or objects and material within a building without lettering shall not be considered as a sign, nor shall the customary noncommunicative architecture of a building be considered as a sign.

Definitions pertaining to signs shall be as follows:

- (a) *Area of sign* means the area within a continuous perimeter enclosing or making up a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. This excludes necessary supports or uprights on which such sign is placed. Where a sign consists solely of lettering or other sign elements mounted on a wall of a building without any distinguishing border, panel or background, only the area of a tightly drawn imaginary rectangle enclosing each such letter or other sign elements shall be treated as a single sign for the purposes of area computation. For double-faced signs, only one display face shall be measured or counted in computing sign area or items of information where the sign faces are parallel or where the interior angle formed by the faces is 60 degrees or less. If the two faces of a double-faced sign are of unequal area, the area of the signs shall be taken as the area of the larger face.
- (b) *Bulletin board or announcement sign* means a business sign of the following types:
- (1) Announcing existing religious services or activities.
 - (2) A directory of offices or activities for a building or group of buildings.
 - (3) Announcing employment opportunities.

- (c) *Business sign* means an accessory sign which relates to the business, activity or service conducted on the site upon which the sign is located.
- (d) *Directional sign* means an accessory sign directing vehicular traffic to parking or loading areas and pedestrians to specified locations.
- (e) *Festoon sign* means an accessory sign where incandescent lightbulbs, banners, flags, streamers, spinners or pennants, or other such features are hung or strung overhead and are not an integral physical part of the building or structure.
- (f) *Flashing, animated or moving sign* means a sign which:
 - (1) Intermittently reflects lights from either an artificial source or the sun;
 - (2) Has movement of any illumination such as intermittent, flashing, scintillating or varying intensity; or
 - (3) Has any visible portion in motion, either constantly or intermittently.
- (g) *Freestanding sign* means a sign located in or upon the ground or to something requiring location on the ground which is not attached to any principal or accessory structure.
- (h) *Garage sale sign* means a sign relating to a garage sale, rummage sale, craft sale or show, and similar activities.
- (i) *Ground sign and monument sign* mean a freestanding sign with less than four feet of clearance between the bottom of the face of the sign and the finished grade.
- (j) *Identification sign and nameplate* mean a wall sign stating the name of a person or the name or description of a certain permitted use.
- (k) *Inflatable sign* means a sign that is inflated by a gaseous substance before use.
- (l) *Marquee sign* means a display sign attached to or hung from a marquee canopy or other covered structure projecting from and supported by the building and extending beyond the building wall or building line.
- (m) *Maximum size of sign* means the total area of a sign included within the rectangle, triangle, circle, or other geometric shape caused by encompassing the outermost portions of the sign or the outermost edges of a sign formed of letters or symbols only.
- (n) *Mechanical movement* means any animation, revolution, vertical or horizontal movement.
- (o) *Memorial sign* means a sign containing the name of the building and date of construction cut into its masonry surface or on a bronze or other noncombustible plate permanently fixed or attached to the building. Also includes historical signs.
- (p) *Nonaccessory sign* means a sign which is not accessory to the principal use of the site.
- (q) *Outdoor advertising sign and offsite sign* mean a nonaccessory sign exceeding 50 square feet, relating to a business, activity or service not conducted at the site, upon which such sign is constructed, erected or located.
- (r) *Political sign* means a temporary sign relating to the election of a person to public office, a political party, or a matter to be voted upon at an election called by a public body.
- (s) *Portable sign* means a sign not permanently anchored or secured to either a building or the ground, such as but not limited to trailers, A-frame, T-shaped, inverted T-shaped, or message or sandwich board signs.
- (t) *Projecting sign* means a sign affixed to a building or part thereof, which extends beyond the

building wall or parts thereof by more than 12 inches.

- (u) *Pylon sign* means a freestanding sign with not less than ten feet of clearance between the bottom of the face of the sign and the finished grade.
- (v) *Real estate development sign* means a business sign placed on the site of a subdivision or other real estate development to indicate a proposed start of construction or to inform relative to availability.
- (w) *Real estate development sign, nonaccessory*, means a sign placed on a site to indicate the proposed start of construction or to inform relative to the availability of another site.
- (x) *Real estate sign* means a business sign placed upon a site advertising that particular site is for sale, rent or lease.
- (y) *Real estate sign, nonaccessory* means a sign placed upon a site advertising that another site is for sale, rent or lease.
- (z) *Roof sign* means a sign constructed, erected or maintained upon the roof or parapet of a building.
- (aa) *Signable area* means a continuous wall area on the front facade of a building which is free of windows, doors or major architectural detail, including the area of any mansard roof which is within 20 degrees of a vertical plane if signs mounted on such roof are vertical.
- (ab) *Temporary sign* means a business sign, with or without letters and numerals, and made or constructed of lightweight cardboard, cloth, plastic, paper or other such materials, which are not permanently fastened to any structure, including posts with permanent footings.
- (ac) *Vehicle business sign* means any sign which is painted, affixed or attached to a motor vehicle, whether licensed or not, parked or placed upon a site primarily for advertising purposes, except signs on licensed commercial vehicles in daily offsite use are not included in this definition.
- (ad) *Wall sign* means a sign attached to and placed flat against the exterior wall or surface of a building.
- (ae) *Window sign* means a temporary sign attached to or painted on a window by which anything is made known to the general public and which is visible and discernible off the site or from a public right-of-way.

Site means a parcel of land.

Soil removal means removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials, or combination thereof.

Special land use means a use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke or noise), is permitted in a district, subject to approval by the village and subject to special requirements, different from those usual requirements for the district in which the special land use may be located.

Specified anatomical areas means:

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

Specified sexual activities means:

- (a) Human genitals in a state of sexual stimulation or arousal.
- (b) Acts of human masturbation, sexual intercourse or sodomy.
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Story means that portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it. A mezzanine shall be deemed a full story when it covers more than 50 percent of the area of the story underneath the mezzanine or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

Story, half, means an uppermost story lying under a sloping roof, having an area of at least 200 square feet, with a clear height of seven feet six inches. For the purposes of this chapter, the usable floor area is only that area having at least five feet of clear height between floor and ceiling.

Street means a public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

Structural alteration means any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

Structure means anything constructed or erected on the ground or attached to the ground, including but without limitation to buildings, factories, sheds.

Swimming pool means any structure or container intended for swimming, located either above or below grade, designed to hold water to a depth of 24 inches or greater.

Temporary use and temporary building mean a use or building permitted by the building inspector or clerk to exist during periods of construction of the main building or use or for special events or purpose. Tents or similar enclosures used in residential zoning districts for short-term events, not exceeding three days, shall not be defined as a temporary use or building.

Tent means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Use means the purpose for which land or a building is designed, arranged or intended to be used, or for which land or a building is or may be occupied.

Utility room means a room used primarily for storage, for housing a heating unit, or for laundry purposes.

Variance means a relaxation by the zoning board of appeals of the dimensional regulations of this chapter where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this chapter would result in practical difficulty or unnecessary and undue hardship.

Vertical projection means any architectural feature which projects into the yard space from the ground up through the first story.

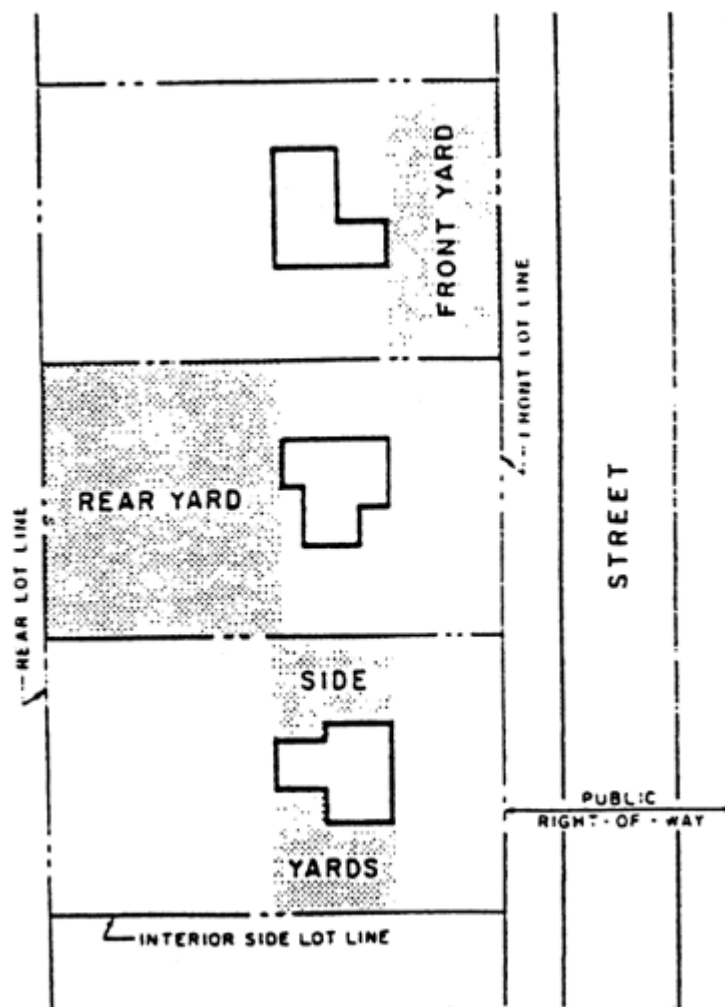
Veterinarian clinic means a place for the care, diagnosis and treatment of sick or injured animals and those in need of medical or surgical attention. A veterinarian clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

Wall, obscuring, means an obscuring structure of definite height and location constructed of wood, masonry, concrete or similar material.

Woodland and woodlot mean a tract of land dominated by trees, but usually also containing woody shrubs and other vegetation.

Yard means an open space, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure. A required yard is that portion of any lot on which the erection of a main building is prohibited.

- (a) *Front yard* means a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.
- (b) *Rear yard* means 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 nearest point of the main building. For a corner lot, the rear yard may be opposite either street frontage.
- (c) *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.



Yards

Zone. See *District* and *zoning district*.

(Ord. No. 482, § 20.01, 7-17-2000; Ord. No. 513, 8-15-2011)

Cross reference— Definitions generally, § 1-2.

ARTICLE 46-II ADMINISTRATION AND ENFORCEMENT

DIVISION 46-II-1 GENERALLY

DIVISION 46-II-2 BOARD OF ZONING APPEALS

Cross reference— Administration, ch. 2.

DIVISION 46-II-1 GENERALLY

Sec 46-41 Enforcement

Sec 46-42 Duties Of Building Inspector And Village Clerk

Sec 46-43 Permits

Sec 46-44 Certificate Of Occupancy

Sec 46-45 Final Inspection

Sec 46-46 Planning Commission

Sec 46-47 Amendments And Changes

Sec 46-48 Fees

Sec 46-49 Violations; Village Civil Infractions; Civil Fines And Sanctions; Authorized Village Officials

Sec 46-41 Enforcement

The provisions of this chapter shall be administered and enforced by the village clerk or other official so designated by the village council.

(Ord. No. 482, § 19.00, 7-17-2000)

Sec 46-42 Duties Of Building Inspector And Village Clerk

(a) The building inspector shall have the power to grant occupancy permits, to make inspections of buildings or premises, and to carry out his duties in the enforcement of this chapter. It shall be unlawful for the village clerk to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this chapter. To this end, the village clerk may require that every application for a zoning compliance permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by a written statement and plans or plats drawn to scale, in triplicate, and showing the following in sufficient detail to enable the village clerk to ascertain whether the proposed work or use is in conformance with this chapter:

- (1) The actual shape, location and dimensions of the lot.
- (2) The shape, size and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (4) The signature of the fee holder owner of the premises concerned.
- (5) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(b) If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the provisions of this chapter, the village clerk shall issue a zoning compliance permit. If any application for such permit is not approved, the village clerk

shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this chapter.

- (c) The village clerk and building inspector under no circumstances are permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this chapter to any person making application to excavate, construct, remove, alter, or use either buildings, structures or land within the village.
- (d) The village clerk under no circumstances is permitted to make changes to this chapter nor to vary the terms of this chapter in carrying out his duties as village clerk.
- (e) The village clerk shall not refuse to issue a permit when the conditions imposed by this chapter are complied with by the applicant, notwithstanding violations of deed restrictions, contracts, covenants or agreements which may result upon the granting of the permit.

(Ord. No. 482, § 19.01, 7-17-2000)

Sec 46-43 Permits

- (a) It shall be unlawful for any person to commence excavation for or construction of any building or structure, except concrete work not requiring a foundation or rat wall; structural changes or repairs in any existing building or structure; or moving of an existing building without first obtaining a zoning compliance permit and a building permit from the village clerk. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this chapter, showing that the construction proposed is in compliance with the provisions of this chapter and the building code.
- (b) No plumbing, electrical, drainage or other permit shall be issued until the zoning administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this chapter.
- (c) Alteration or repair of any existing building or structure shall not include any changes in structural members, stairways, basic construction type, kind of class occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the building code, the state housing law, or this chapter, except for minor repairs or changes not involving any of such provisions.

(Ord. No. 482, § 19.02, 7-17-2000)

Sec 46-44 Certificate Of Occupancy

- (a) *Required.* It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required and use or permit to be used any building or structure altered, extended, erected, repaired, or moved until the building inspector shall have issued a certificate of occupancy stating that the provisions of this chapter have been complied with.
- (b) *Certificate validity.* The certificate of occupancy, as required for new construction of or renovations to existing buildings and structures in the building code, shall also constitute a certificate of occupancy as required by this chapter.
- (c) *Certificates for existing buildings.* Certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such certificate of temporary occupancy shall not remain in force more than 30 days.
- (d) *Temporary certificates.* Certificates of temporary occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such

certificate of temporary occupancy shall not remain in force more than 90 days. The village clerk and building inspector may grant one extension of a temporary occupancy certificate up to 90 days.

- (e) *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the building inspector, and copies of such certificates of occupancy shall be furnished upon request to a person having a proprietary or tenancy interest in the property involved.
- (f) *Certificates for accessory buildings to dwellings.* Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- (g) *Application for certificates of occupancy.* Certificates of occupancy shall be issued within five days after notification of completion of the building, if it is found that the building or structure or part thereof or the use of the land is in accordance with the provisions of this chapter. If such certificate is refused, the applicant shall be notified of such refusal and the cause thereof within the five-day period.

(Ord. No. 482, § 19.03, 7-17-2000)

Sec 46-45 Final Inspection

The recipient of any building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof shall notify the building inspector immediately upon the completion of the work authorized by such permit for a final inspection.

(Ord. No. 482, § 19.04, 7-17-2000)

Sec 46-46 Planning Commission

- (a) The village planning commission, as established under Public Act No. 285 of 1931 (MCL 125.31 et seq.), shall perform all of the duties of such commission in accordance with the law in such case made and provided, relating to amendments of this chapter, and such other duties as are established in this chapter and article II of chapter 32.
- (b) When the planning commission is required to recommend or approve certain uses of premises under the provisions of this chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the planning commission for the proper consideration of the matter.
- (c) The planning commission shall investigate the circumstances of each such use and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
- (d) Any approval granted by the planning commission, under which premises are not used or work is not started within one year or when such use or work has been abandoned for a period of one year, shall lapse and cease to be in effect.

(Ord. No. 482, § 19.05, 7-17-2000)

Sec 46-47 Amendments And Changes

- (a) Amendments to this chapter may be made from time to time in the manner provided in Public Act No. 207 of 1921 (MCL 125.581 et seq.) and in accordance with the procedure set forth in subsection (b) of this section.

- (b) Amendments may be initiated by the village council upon written request to the planning commission, or the planning commission may initiate amendments upon its own motion. Any person affected by the provisions of this chapter may request an amendment to this chapter by submitting the necessary forms, obtainable from the village, to the village clerk. The petition shall be processed according to the procedures adopted by the village.

(Ord. No. 482, § 19.06, 7-17-2000)

State Law reference— Enactment of ordinances, MCL 125.584.

Sec 46-48 Fees

The village council shall establish by resolution fees for each of the following:

- (a) *Inspections, permits and certification.* Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter shall be collected by the village clerk in advance of the issuance of such permits or certificates.
- (b) *Appeals.* Any person appealing under this division in all cases shall pay the established fixed fee plus such additional fees as may be deemed reasonable by the village council for expert services necessary to render a proper decision.
- (c) *Reviews.* Fees for the review of site plans, special approval uses, or other matters requiring village council, planning commission or zoning board of appeals review under the terms of this chapter shall be paid to cover the cost of such reviews, including notice, publication, delivery, administration and professional services.
- (d) *Rezoning.* Any petition for the rezoning of land requiring an amendment of this chapter shall be accompanied by a fee payable by the petitioner. Such fee shall be utilized to defray all costs, including necessary expert opinions, in conjunction with the legislative review of the petition.
- (e) *Other.* Fees for special resolutions pertaining to any matter relevant to this chapter or for the cost of special meetings of the village council, the planning commission or the board of appeals shall be paid by the applicant prior to the resolution or meeting.

(Ord. No. 482, § 19.07, 7-17-2000)

Sec 46-49 Violations; Village Civil Infractions; Civil Fines And Sanctions; Authorized Village Officials

- (a) No person or any other group, entity or association, acting as a unit, or the individuals constituting such group, entity or unit, shall violate or fail to comply with any of the provisions of this chapter or any lawful order of the village clerk, building inspector, or other authorized village official made or issued to enforce this chapter.
- (b) Any violation of any provision of this chapter shall be a village civil infraction. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this chapter and any omission or failure to act where the act is required by this chapter.
- (c) The sanction for any violation of this chapter, which constitutes a village civil infraction, shall be a civil fine, as follows, plus any costs, damages, expenses, other relief, and other sanctions, as authorized and permitted under chapter 87 of Public Act No. 236 of 1961 (MCL 600.8701 et seq.) and as authorized and permitted by and/or under other applicable laws:
- (1) Any person and any other group, entity or association, acting as a unit, and the individuals constituting such group, entity or unit, who, as a result of violating any provision of this chapter, is responsible for a village civil infraction shall pay a civil fine of

not less than \$50.00 nor more than \$500.00, plus costs and other sanctions as authorized and permitted by law, for each village civil infraction.

- (2) Repeat violations shall be subject to increased civil fines as set forth in this subsection. As used in this subsection, the term "repeat violation" means a second or any subsequent village civil infraction violation of the same requirement or provision of this chapter (i) committed by a violating party within any 12-month period and (ii) for which the violating party admits responsibility or is determined to be responsible. The increased civil fine for a repeat violation under this chapter shall be as follows:
- a. The civil fine for any violation which is a repeat violation shall be no less than \$250.00, plus costs and other sanctions as authorized and permitted by law.
 - b. The civil fine for any violation which is a second repeat violation or any subsequent repeat violation shall be no less than \$500.00, plus costs and other sanctions authorized and permitted by law.
- (3) A person and any other group, entity or association, acting as a unit, and the individuals constituting such group, entity or unit, who, as a result of violating any provision of this chapter, receives a village civil infraction violation notice, upon a determination of responsibility thereon, shall pay a civil fine at the village ordinance violations bureau as follows:
- a. For the first violation, \$50.00.
 - b. For the first repeat violation, \$250.00.
 - c. For the second repeat violation and for any subsequent repeat violation, \$500.00.
- (d) The establishment of village civil infractions, the handling and processing of village civil infraction violations, the establishment and operation of the village ordinance violations bureau, the establishment and collection of civil fines and costs and other sanctions for village civil infraction violations, and the handling and administration of all matters incident to village civil infractions shall be expressly subject to and governed by the provisions of Public Act No. 236 of 1961 (MCL 600.101 et seq.) and all other applicable statutes of the state applicable to village civil infractions.
- (e) The building inspector or his deputies, any duly appointed village code enforcement officer, and all police officers of the village are the authorized village officials authorized to issue village civil infraction citations and village civil infraction violation notices for violations of this chapter.

(Ord. No. 482, § 21.00, 7-17-2000)

DIVISION 46-II-2 BOARD OF ZONING APPEALS

[Sec 46-71 Created; Membership; Alternate Members; Removal; Conflicts Of Interest](#)

[Sec 46-72 Rules Of Procedure; Meetings](#)

[Sec 46-73 Powers And Jurisdiction](#)

[Sec 46-74 Temporary Uses](#)

[Sec 46-75 Limitations On Powers](#)

[Sec 46-76 Appeal Process](#)

[Sec 46-77 Approval Period](#)

Cross reference— Boards and commissions, § 2-301 et seq.

State Law reference— Board of appeals, MCL 125.585.

Sec 46-71 Created; Membership; Alternate Members; Removal; Conflicts Of Interest

- (a) There is hereby established a board of zoning appeals which shall perform its duties and exercise its powers as provided in Public Act No. 207 of 1921 (MCL 125.581 et seq.) and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The board of zoning appeals shall consist of five regular members, each to be appointed for a term of three years. All vacancies for unexpired terms shall be filled for the remainder of the term. The compensation for members of the board may be established by the village council. Members shall be appointed by the village council.
- (b) The village council also establishes positions for two alternate members to serve on the board of zoning appeals. Each alternate member shall be appointed by the village council to serve a three-year term. The alternate members shall be called on a rotating basis to sit as regular members of the board in the absence of a regular member. 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. Once an alternate has been called to serve in a particular case, he shall continue to serve and participate in that case until a final decision has been rendered. The alternate member has the same voting rights as a regular member of the board of appeals.
- (c) Members of the board of zoning appeals shall be removable by the village council for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest may constitute misconduct in office.

(Ord. No. 482, § 18.00, 7-17-2000)

Sec 46-72 Rules Of Procedure; Meetings

- (a) The board of zoning appeals shall establish rules and procedures in accordance with the provisions of this chapter and the applicable state law.
- (b) All meetings of the board of zoning appeals shall be held at the call of the village clerk in accordance with its adopted procedures and at such other times as the village clerk shall determine or specify in its rules of procedure. All meetings, including hearings, conducted by the board shall be open to the public, and all business of the board shall be conducted at such meetings. The board shall not conduct business unless a majority of its members are present.

(Ord. No. 482, § 18.01, 7-17-2000)

Sec 46-73 Powers And Jurisdiction

The board of appeals shall have the following powers:

- (a) *Ordinance interpretation.*
 - (1) Interpret the ordinance text and map and all matters relating thereto whenever a question arises in the administration of this chapter as to the meaning and intent of any provision or part of this chapter. Any text interpretation shall be narrow and in a manner as to carry out the intent and purpose of this chapter. Interpretations shall not have the effect of amending the ordinance.
 - (2) Map interpretations shall be based on section 46-2 and division 1 of article III of this chapter and any relevant historical information.
- (b) *Appeals of administrative decisions.* Hear and decide appeals where it is alleged by the appellant

that there is error in any order, interpretation, requirement, permit, decision or refusal made by the building inspector in enforcing any provision of this chapter.

(c) *Nonuse or dimensional variances.*

- (1) Hear and decide on all matters referred to it or upon which it is required to pass under this chapter.
- (2) Permit such modification of the height, placement and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or so located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately improved without such modification.
- (3) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirement.
- (4) Permit the modification of screening and landscaping requirements.
- (5) Permit the phasing of required site plan improvements where the cost of the required improvements are relatively high in relation to the total cost of the applicant's development or addition. Planning commission recommendations shall be required. A bond or similar security in the amount of the deferred improvements may be required to ensure completion of the phasing.

(Ord. No. 482, § 18.02, 7-17-2000)

Sec 46-74 Temporary Uses

- (a) The zoning board of appeals may authorize temporary structures and uses permitted in a zoning district for periods not to exceed six months. A total of three six-month extensions may be granted. The board of appeals, in granting permits for the temporary uses, shall do so under the following conditions:
- (1) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
 - (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of the temporary permit.
 - (3) All setbacks, land coverage, offstreet parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the village shall be made at the discretion of the board of appeals.
 - (4) The use shall be in harmony with the general character of the district.
 - (5) The adequate provision of necessary utilities shall be completed prior to occupancy.
- (b) Temporary approval granted pursuant to this section shall become effective upon issuance of a permit signed by the chairman of the zoning board of appeals. The permit shall clearly state its date of expiration. Any permit may be revoked by the building inspector whenever:
- (1) Any condition of the permit is not being observed.
 - (2) Any provision of this chapter is being violated.
 - (3) It is necessary to preserve or protect public health, safety or welfare.

However, the building inspector shall forthwith report the revocation and the reasons therefor in writing to the holder of the permit, the village clerk and the village council.

(Ord. No. 482, § 18.03, 7-17-2000)

Sec 46-75 Limitations On Powers

- (a) Nothing contained in this division shall empower the board of zoning appeals to override the decisions of the planning commission with respect to the approval or denial of special approval land uses.
- (b) Nothing contained in this division shall empower the board of zoning appeals to:
 - (1) Change the terms of this chapter;
 - (2) Effect changes in the zoning map;
 - (3) Grant a use variance; or
 - (4) Add to the uses permitted in any zoning district.
- (c) Every decision of the board of zoning appeals shall be based upon findings of fact, and each and every such finding shall be supported in the record of the proceedings of the board.
- (d) In authorizing a variance or taking any other action within its jurisdiction, the board of zoning appeals may attach such conditions as may be deemed necessary in the furtherance of the purposes of this chapter, provided any conditions are in compliance with the three standards listed in section 46-655(a).
- (e) A variance from the terms of this chapter shall not be granted by the zoning board of appeals unless and until a written application for a variance is submitted demonstrating that:
 - (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - (2) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
 - (3) The special conditions and circumstances do not result from the actions of the applicant; and
 - (4) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.
- (f) Any person aggrieved by the zoning board of appeals may appeal to the circuit court.

(Ord. No. 482, § 18.04, 7-17-2000)

Sec 46-76 Appeal Process

- (a) Appeals under this chapter shall be commenced by a person filing a notice of appeal or petition, as described in the rules and procedures of the board of zoning appeals, accompanied by such appeal fee as may be specified by the village council. The notice of appeal shall specify the specific grounds upon which the appeal is based and shall be signed by the applicant. It shall also specify the requirement from which a variance is sought and the nature and extent of such variance.

- (b) The appeal shall also be accompanied by a fully completed application along with plot plans meeting the rules of procedure adopted by the board.
- (c) The board shall fix a reasonable time for the hearing of appeals and shall give due notice thereof as required by law.
- (d) The documents and records related to the appeal shall be transmitted to the board.
- (e) Any person may appear in person or be represented by a duly authorized agent.
- (f) The board shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include the following:
 - (1) The relevant administrative record and administrative orders issued thereon relating to the appeal.
 - (2) The notice of appeal.
 - (3) Such documents, exhibits, photographs or written reports as may be submitted to the board for its consideration.
 - (4) The minutes of the hearing, findings of fact, and decisions and orders of the board.
- (g) The record and decision of the board shall meet all of the following:
 - (1) They comply with the constitution and laws of this state.
 - (2) They are based upon proper procedure.
 - (3) They are supported by competent material and substantial evidence on the record.
 - (4) They represent the reasonable exercise of discretion granted by law to the board of zoning appeals.

(Ord. No. 482, § 18.05, 7-17-2000)

Sec 46-77 Approval Period

No order of the zoning board of appeals permitting the erection or alteration of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. The zoning board of appeals may grant one one-year extension to the approval.

(Ord. No. 482, § 18.06, 7-17-2000)

ARTICLE 46-III ZONING DISTRICTS

DIVISION 46-III-1 GENERALLY

DIVISION 46-III-2 R1 SINGLE-FAMILY RESIDENTIAL DISTRICT

DIVISION 46-III-3 MHP MOBILE HOME PARK DISTRICT

DIVISION 46-III-4 RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT

DIVISION 46-III-5 O OFFICE DISTRICT

DIVISION 46-III-6 CBD CENTRAL BUSINESS DISTRICT

DIVISION 46-III-7 C GENERAL COMMERCIAL DISTRICT

DIVISION 46-III-8 IND INDUSTRIAL DISTRICT

DIVISION 46-III-1 GENERALLY

Sec 46-111 Zoning Map

Sec 46-112 Zoning Districts

[Sec 46-113 District Boundaries](#)

[Sec 46-114 District Regulations](#)

[Sec 46-115 Zoning Of Vacated Areas](#)

[Sec 46-116 Zoning Of Annexed Areas](#)

[Sec 46-117 Floor Area, Setbacks, Building Height And Lot Size](#)

Sec 46-111 Zoning Map

- (a) The zoning map of the village, together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this chapter.
- (b) Regardless of the existence of purported copies of the zoning map, which may from time to time be made or published, the zoning map, which shall be located in the office of the village clerk, shall be the final authority as to the current status of zoning in the village.
- (c) If the zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the village council may, by resolution, adopt a new zoning map. The new zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such corrections shall have the effect of amending the original zoning map or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the village president attested by the village clerk and bearing the seal of the village under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of the map being replaced) as part of Ordinance Number 481 of the Village of Romeo, Michigan."
- (d) Unless the prior zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ord. No. 482, § 8.00, 7-17-2000)

Sec 46-112 Zoning Districts

For the purpose of this chapter, the village is hereby divided into the following districts:

R1	Single-family residential district
MHP	Mobile home park district
RM	Multiple-family residential district
O	Office district
CBD	Central business district
C	General commercial district
IND	Industrial district

(Ord. No. 482, § 8.01, 7-17-2000)

Sec 46-113 District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- (a) Unless shown otherwise, the boundaries of the districts are: lot lines; the centerlines of streets,

alleys, roads or such lines extended; railroad right-of-way lines; and the village limits. Dimensions shown are to the center of the adjacent road or street or alley.

(b) Where, due to the scale, lack of detail or illegibility of the zoning map for this chapter, there is any uncertainty or contradiction as to the location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application or upon its own motion, by the zoning board of appeals. The zoning board of appeals, in arriving at a decision on these matters, shall apply the following standards:

- (1) The district boundaries, as set forth in this section, shall first be considered with reference to the standards cited in subsection (a) of this section.
- (2) Where a district boundary divides a site, the location of any such boundary, unless the site is indicated by dimensions shown on the map, shall be determined by the use of the map scale shown thereon.
- (3) If, after the application of the standards in subsections (b)(1). and (b)(2). of this section, uncertainty, contradiction or dispute remains as to the exact location of a district boundary, the zoning board of appeals shall determine and fix the location of the boundary line as all of the facts and circumstances shall reasonably require.

(Ord. No. 482, § 8.02, 7-17-2000)

Sec 46-114 District Regulations

- (a) No structure or land shall be used, occupied, erected, constructed, moved or altered, except in conformity with the regulations specified for that zoning district. Unless a use is specifically permitted in a particular zoning district, the use shall be prohibited in that zoning district.
- (b) Except as otherwise provided, regulations governing land and building use, minimum lot size, lot area per dwelling unit, building height, building placement, required yards and other pertinent factors are hereby established as stated in the detailed provisions for each of the zoning districts.

(Ord. No. 482, § 8.03, 7-17-2000)

Sec 46-115 Zoning Of Vacated Areas

Whenever any street, alley or other public way within the village shall have been vacated by official government action and when the lands within the boundaries thereof attach to and become a part of the land adjoining such street, alley or other public way, such lands formerly within such vacated street, alley or public way shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which they shall attach, and they shall be used for that same use as is permitted under this chapter for such adjoining lands.

(Ord. No. 482, § 8.04, 7-17-2000)

Sec 46-116 Zoning Of Annexed Areas

All territory which may be annexed to the village shall be considered zoned R1 single-family residential district for a period of not more than 90 days from the date of the annexation, at which time the village council shall establish the zoning classification of the parcel pursuant to the requirements and procedures as specified by state law.

(Ord. No. 482, § 8.05, 7-17-2000)

Sec 46-117 Floor Area, Setbacks, Building Height And Lot Size

The floor area, setbacks, building height and lot size for each of the zoning districts shall be as follows:

District	Maximum Usable Floor Area and Accessory Building Floor Area in Percent of Lot Area	Minimum Yard Setback in Feet				Maximum Building Height		Minimum Lot Size	
		Front Yard	Least One Side Yard	Total of Two Side Yards	Rear Yard	In Feet	In Stories	Area in Square Feet	Width in Feet
R1 single-family residential	35%	25	9	18	40	30	2	7,200	60
MHP mobile home park	NA	(a)	(a)	(a)	10	NA	NA	4,500	45
RM multiple-family residential	NA	25	40	80	40	30	2	Per dwelling unit 1 BR 2,000 2 BR 2,700 3 BR 3,400	NA
O office	35%	25	9	18	30	30	2	7,200	60
CBD central business	100%	NA	(b)	(b)	20	40	3	NA	NA
C commercial	40%	25	(c)	(c)	30	30	2	8,000	80
IND industrial	40%	25	(d)	(d)	30	40	2	20,000	100

- (a) Mobile homes shall be located 20 feet from a mobile home located on any adjacent site and 20 feet from the edge of any interior road.
- (b) None. Where a side yard setback borders a residential district, a setback of 15 feet shall be provided.
- (c) None. Where a side yard setback borders a residential district, a setback of 30 feet shall be provided. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than 20 feet. A corner lot side yard must equal the setback required for the front yard on the street to which it sides.
- (d) Ten feet on each side. A corner lot side yard must equal the setback required for the front yard on the street to which it sides. If an exterior yard abuts other than an industrial district, there shall be provided a yard setback of not less than 50 feet.

(Ord. No. 482, § 8.05, 7-17-2000)

DIVISION 46-III-2 R1 SINGLE-FAMILY RESIDENTIAL DISTRICT

[Sec 46-151 Statement Of Purpose](#)

[Sec 46-152 Permitted Uses](#)

[Sec 46-153 Special Land Uses](#)[Sec 46-154 Area, Height And Placement Requirements](#)**Sec 46-151 Statement Of Purpose**

The R1 single-family residential district is established to provide primarily for detached single-family dwellings and supporting uses intended to serve these residential neighborhoods, but which do not detract from the predominantly residential character of the village. The specific intent of the district is to:

- (a) Encourage the construction and continued use of single-family dwellings and to prohibit the use of land which would substantially interfere with this objective;
- (b) Discourage any land use which, because of its size or character, would create requirements and costs for public services substantially in excess of those at the specified densities; and
- (c) Discourage any land use which would generate excess traffic on local streets.

(Ord. No. 482, § 9.00, 7-17-2000)

Sec 46-152 Permitted Uses

Permitted uses in the R1 single-family residential district are as follows:

- (a) Single-family detached dwelling units.
- (b) Home occupations, subject to the following requirements:
 - (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
 - (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, not more than 25 percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation, and the home occupation shall be carried out completely within such dwelling.
 - (3) No home occupation shall be conducted in whole or in part in any accessory structure, attached or detached, including garages, breezeways, porches, patios and the like.
 - (4) There shall be no change in the outside appearance of the structure or premises or other visible evidence of the conduct of such home occupations, other than one sign meeting the requirements of section 46-578.
 - (5) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an offstreet area.
 - (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
 - (7) Subject to compliance with the provisions of this subsection, a home occupation may include instructions in crafts or fine arts offered by the inhabitant and contained within the dwelling unit.
- (c) State-licensed residential facilities for six persons or less.

- (d) Family day care for six children or less.
- (e) Village buildings and libraries.
- (f) Accessory buildings, subject to the following standards:
 - (1) Where an accessory building is structurally attached to a main building, it shall conform to all regulations of this chapter applicable to the main building.
 - (2) A detached accessory building incidental to the dwelling shall be located only in a rear yard.
 - (3) When an accessory building is located on a corner lot, the accessory building shall observe the required front yard setback from both streets.
 - (4) No more than one attached or detached accessory building shall be permitted for each lot, excluding garages, either attached or detached.
 - (5) Dwelling units with attached garages may be allowed not more than one detached accessory building not to exceed 250 square feet in total area. Dwelling units without an attached garage may be allowed not more than one detached accessory building not to exceed 790 square feet in total area.
 - (6) No detached accessory building shall be located closer than ten feet to any main building, nor shall it be closer than five feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
 - (7) Accessory buildings shall not exceed two stories or 25 feet in total height.
 - (8) A detached accessory building, when located on the same or adjoining lot, shall not involve any business, profession, trade or occupation. No accessory building shall be used for residential purposes.

(Ord. No. 482, § 9.01, 7-17-2000)

Sec 46-153 Special Land Uses

The following uses, and others similar to those cited in this division, may be permitted by the planning commission in the R1 single-family residential district, subject to the general standards of article IX of this chapter and any specific standards imposed for each use:

- (a) Bed and breakfast establishments, subject to the following:
 - (1) The rooms utilized for lodging purposes shall be part of the primary residential use and shall not have been specifically constructed for rental purposes.
 - (2) There shall be no separate cooking facilities used for the bed and breakfast rooms.
 - (3) The residence shall be occupied at all times.
 - (4) Sufficient offstreet parking has been provided to meet the requirements of the existing single-family structure as specified in section 46-613, as well as one parking space per double-occupied room.
 - (5) Signage shall comply with the requirements of section 46-578.
 - (6) Adequate lavatory, bathing facilities and kitchen facilities for the lodging rooms shall be provided, as per the requirements of the county health department or other appropriate regulatory agency.

(b) Churches, subject to the following requirements:

- (1) Buildings of greater height than allowed by section 46-494 may be permitted, provided that front, rear and side yards are increased above the minimum yard requirements by one foot for each foot of building height that exceeds the maximum height allowed. The maximum height of the steeple shall not exceed 60 feet. The additional setback requirements shall not apply to the steeple.
- (2) All buildings shall maintain a minimum side and rear yard setback of at least 30 feet.
- (3) A front yard setback of 25 feet shall be provided.
- (4) No parking may be allowed within the required front yard setback.
- (5) The parking lot shall be screened from any adjoining single-family dwellings by a decorative masonry wall, greenbelt or landscaped berm, as specified in section 46-572.
- (6) Churches may include accessory community centers, provided that such centers are limited to activities sponsored by church members only. The facilities shall not be rented as banquet facilities for the general public.

(c) Group day care (seven to 12 children or adults), in conjunction with an existing single-family dwelling, subject to the following:

- (1) 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:
 - a. Another licensed group day care home.
 - b. Another adult foster care small group home or large group home, licensed by the state.
 - c. A facility offering substance abuse treatment and rehabilitation services to seven or more people, whether or not it is licensed by the state.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population, under the jurisdiction of the state department of corrections or a similar governmental authority.
- (2) Front, rear and side yard minimums shall be the same as the residential district in which it is requested.
- (3) On-site parking shall be provided for all employees, in addition to the required offstreet parking for the residence. No offstreet parking shall be permitted in the required front yard space.
- (4) Fencing or screening shall be required adjacent to single-family residential uses or districts in accordance with section 46-572, and all outdoor play areas shall be enclosed.
- (5) 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.
- (6) The facility shall be licensed by the state family independence agency.
- (7) Adequate outdoor play area shall be provided in accordance with the requirements of the state family independence agency.

(d) Private and public recreation facilities, subject to the following:

- (1) All buildings and parking lots shall be set back a minimum of 50 feet from the boundaries

of any abutting residential property line.

(2) The maximum lot coverage of all buildings shall not exceed 35 percent.

(e) Public utility buildings (excluding wireless communication towers), including telephone exchange buildings and repeater stations, electric transformer substations and stations, and gas regulator stations (all without storage yards), when operation requirements necessitate their location within the district in order to serve the immediate area, subject to the following requirements:

(1) Development features shall be enclosed within a building. Buildings which are complementary to the single-family residential use shall not require screening. The planning commission may permit substitutions of dense or opaque screening for the building requirement in cases of large site size and/or isolated locations.

(2) The maximum height of any building or structure shall not exceed 25 feet.

(3) Minimum yard requirements shall be as follows:

a. Front yard: 25 feet.

b. Side yard: 30 feet each side, with one additional foot for each five feet the nonresidential structure exceeds 40 feet in length along the adjoining property line.

c. Rear yard: 50 feet.

d. Maximum lot coverage of all buildings: 35 percent.

(f) Public and private schools.

(g) Cemeteries.

(h) Funeral homes and mortuaries, but not including crematoriums, subject to the following conditions:

(1) Sufficient offstreet automobile parking and assembly area shall be provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required offstreet parking area. A circulation plan identifying the arrangement of the vehicular assembly area shall be provided as part of the required site plan.

(2) The site shall be located so as to have one property line abutting a major thoroughfare, as indicated in the village master plan.

(3) Adequate ingress and egress shall be provided to the major thoroughfare.

(4) No building shall be located closer than 50 feet to the outer perimeter (property line) of the district when the property line abuts any single-family residential district.

(Ord. No. 482, § 9.02, 7-17-2000)

Sec 46-154 Area, Height And Placement Requirements

Area, height and placement requirements in the R1 single-family residential district shall be as follows:

(a) Minimum lot area: 7,200 square feet.

(b) Minimum lot width: 60 lineal feet.

(c) Front yard setback: 25 lineal feet.

- (d) Minimum rear yard setback: 40 lineal feet.
- (e) Minimum side yards: nine feet each.
- (f) Maximum height: two stories/30 feet.
- (g) Maximum lot coverage: 35 percent.
- (h) Minimum floor area:
 - (1) One story: 900 square feet.
 - (2) One and one-half stories: 768 square feet for the first floor; 900 square feet total.
 - (3) Two stories: 728 square feet for the first floor; 1,456 square feet total.
- (i) One- and two-family dwelling standards shall be as follows:
 - (1) A building permit issued by the village must be obtained prior to construction, reconstruction, relocating, locating or moving the dwelling into or within the village. All dwelling units and additions thereto shall be able to meet or exceed the construction standards of the village building, electrical, plumbing, mechanical and fire codes.
 - (2) Plans for modulars, prefabricated units and similarly constructed units shall be approved by the state construction code commission as meeting the single state construction code, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), prior to the issuance of a building or occupancy permit. Mobile homes or trailers shall meet or exceed the requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280 and as, from time to time, such standards may be amended). The building official shall be furnished a certificate stating that such dwelling meets the minimum building code requirements applicable to such structure or shall include a seal attached to the unit. Any addition to such mobile home must be designed and constructed by the manufacturer of such mobile home or must be based upon an architectural plan deemed compatible with the overall design of the mobile home and approved by the building official.
 - (3) All construction shall meet the minimum lot size, yard spaces, setbacks, parking and all other minimum site requirements applicable to residential dwellings within the zoning district in which the use will be located.
 - (4) All dwelling units shall meet the minimum living area standards for one-family or two-family residential dwellings of the zoning district in which the home is to be located.
 - (5) All one-family dwelling units shall have a minimum width across any front, side or rear elevation of 24 feet.
 - (6) All dwelling units shall be attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling and additions thereto and constructed of such materials and type as required in the building code. If the dwelling is a mobile home, such dwelling shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the state mobile home commission and shall have a continuous perimeter wall, as required in this subsection.
 - (7) Single-family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or, alternatively, with roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors, with the second one being in either the rear or side of the dwelling; and contains steps

connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires such. In making such determination of compatibility, the building official may consider the following factors: total square footage; length-to-depth proportions; value and quality of construction; exterior building materials; architectural style and design and roofline; as well as the character, design and appearance of a majority of the residential dwellings within 1,000 feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(Ord. No. 482, § 9.03, 7-17-2000)

DIVISION 46-III-3 MHP MOBILE HOME PARK DISTRICT

[Sec 46-191 Statement Of Purpose](#)

[Sec 46-192 Permitted Uses](#)

[Sec 46-193 General Site Regulations](#)

State Law reference— Mobile home commission act, MCL 125.2301 et seq.

Sec 46-191 Statement Of Purpose

- (a) The MHP mobile home park district is designed to permit the development of residential neighborhoods in planned mobile home park settings. The regulations contained in this division recognize the unique physical characteristics of mobile home park communities and the regulation of these developments by the state.
- (b) Unlike the typical single-family subdivision in which the individual lot provides the open space and amenities necessary for family living, mobile home parks more closely resemble multiple-family development. Mobile home parks are constructed, managed and regulated by the developer. Streets, utilities, recreation areas and amenities are also similarly under the control of the developer. As a result of these similarities, mobile home parks should be designed to provide adequate space and land use separation consistent with their land use intensity relative to the village's other residential zoning districts. The rules and regulations, as promulgated by the state mobile home commission, shall be applicable to the development of mobile home parks in the village, except as modified by this division.

(Ord. No. 482, § 10.00, 7-17-2000)

Sec 46-192 Permitted Uses

Permitted uses in the MHP mobile home park district shall be as follows:

- (a) All principal and special land uses permitted and as regulated in the RM multiple-family residential district and R1 single-family residential district.
- (b) Mobile home parks, subject to the requirements as established and regulated by the state mobile home commission pursuant to Public Act No. 96 of 1987 (MCL 125.2301 et seq.) as well as all other applicable village codes and ordinances referenced in this division.
- (c) Accessory commercial uses may be conducted in a mobile home park in separate, permanent structures, and for such purposes as the office of the manager, laundry and dry cleaning facilities, or other services primarily for the residents of the park. Adequate parking for such services shall be provided.

- (d) One sign identifying the premises and use and containing not more than 24 square feet in area and six feet in height for identification, without additional advertising, may be placed at the main entrance of the mobile home park. One sign, no larger than ten square feet, limited to the same information as shown on the entrance sign, may be erected at any secondary entrance to a mobile home park which adjoins a public road. The identification sign shall be part of a permanent decorative entranceway which shall be compatible with the surrounding areas. All signs shall observe the setback requirements cited in section 46-578.

(Ord. No. 482, § 10.01, 7-17-2000)

Sec 46-193 General Site Regulations

- (a) *Minimum site size.* Each mobile home park shall have a minimum site size of not less than ten acres of land.
- (b) *Access to public roads.* All mobile home parks shall have access to the public road system. The planning commission may require the extension of public roads through the mobile home park when necessary to provide continuity to the existing public road system in the village. All public roads shall meet the requirements of the village for right-of-way and paving. All private roads shall meet the requirements of the state mobile home commission.
- (c) *Sidewalks.* Sidewalks meeting the standards of the village shall be installed along any public road within or abutting the mobile home park and on both sides of all streets in the mobile home park.
- (d) *Parking.* A minimum of two offstreet parking spaces shall be provided on each mobile home park site. Parking may be arranged in tandem or side by side. If in tandem, the width shall not be less than ten feet, and the combined length shall not be less than 40 feet. If side by side, the combined width of the two parking spaces shall not be less than 19 feet, and the length shall be 20 feet. A minimum of one parking space for every three mobile home sites shall be provided for visitor parking.
- (e) *Lot width and lot area.* Each mobile home lot or site shall have a minimum area of not less than 4,500 square feet, with a minimum width of at least 45 feet.
- (f) *Setbacks.* All mobile homes shall observe the following minimum setback requirements:
- (1) Twenty feet from a mobile home located on any adjacent site, and 20 feet from the edge of any interior road.
 - (2) Ten feet from an on-site parking space located on an adjacent mobile home site or any accessory structure.
 - (3) On-site detached storage sheds shall be a minimum of three unobstructed feet from the mobile home that it serves, unless the sidewall adjacent to the mobile home is lined with a class A fire resistant material.
 - (4) Any part or structure, such as steps, porches, supported or unsupported awnings, decks, carports, garages or similar structures, that is part of a mobile home shall observe the following minimum setbacks:
 - a. Ten feet from the edge of an internal road.
 - b. Seven feet from an offsite parking bay.
 - c. Seven feet from a common sidewalk.
 - (5) Steps shall not encroach into a parking space.

- (6) No mobile home shall be located closer than ten feet to any rear lot line.
- (g) *Electrical and TV.* All electrical and telephone wiring shall be underground. Individual externally mounted antennas shall be prohibited. Where a master antenna is provided, service shall be constructed and maintained with underground leads servicing each mobile home site.
- (h) *Floor area.* There shall be not less than 800 square feet of floor area within each mobile home. The floor area of any unheated porch, sun deck or other structure above the roof or outside the floor or walls of the mobile home shall not be used to meet the 800-square-foot requirement.
- (i) *Storage and skirting.* There shall be no storage of any kind permitted under a mobile home. The skirting shall be installed upon a mobile home within 90 days after its placement upon a lot.
- (j) *Fencing.* All fences, other than the perimeter screening requirements, shall be uniform in height and shall be constructed and installed in such a manner as to not interfere with free access by the fire department to all sides of a mobile home. Fences shall not exceed 36 inches in height. Barbed wire shall not be used on any fence. The construction of privacy fences shall be prohibited.
- (k) *Fuel tanks.* Individual fuel oil, liquid petroleum, or other fuel tanks shall not be permitted in a mobile home park.
- (l) *Utility cabinets.* One utility cabinet may be permitted on each mobile home lot, provided it meets the accessory building requirements of this chapter. Such cabinets shall be maintained, kept neat and clean, and painted regularly and shall not be used to accumulate garbage in accordance with section 34-37.
- (m) *Site plan review.* In accordance with sections 11, 12 and 13 of the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2311, 125.2312, 125.2313), a person desiring to develop a mobile home park shall submit a preliminary plan to the planning commission for review and approval. The preliminary plan shall include the location, layout, general design, and a general description of the project. All site plans shall be submitted in accordance with the provisions of article VI of this chapter. The preliminary plan shall not include detailed construction plans.
- (n) *Smoke alarms.* Smoke alarms shall be required.
- (o) *Water supply and sanitary system.* Each mobile home occupied as a dwelling unit upon a lot within a mobile home park shall be connected to a water supply and sewage disposal system approved by the village.

(Ord. No. 482, § 10.02, 7-17-2000)

DIVISION 46-III-4 RM MULTIPLE-FAMILY RESIDENTIAL DISTRICT

[Sec 46-231 Statement Of Purpose](#)

[Sec 46-232 Permitted Uses](#)

[Sec 46-233 Special Land Uses](#)

[Sec 46-234 Minimum Site And Building Requirements](#)

Sec 46-231 Statement Of Purpose

The RM multiple-family residential district is intended to permit a more intensive residential use of land permitting various types of attached residential units. This district should be located near major thoroughfares for good accessibility and may serve as a transition between nonresidential uses and single-family districts. Various sizes of residential accommodations for ownership or rental would be provided to meet the needs of different age and family groups residing or expected to reside in the community.

(Ord. No. 482, § 11.00, 7-17-2000)

Sec 46-232 Permitted Uses

The following uses shall be permitted in the RM multiple-family residential district, subject to the limitations of this chapter:

- (a) Multiple-family dwellings, including but not limited to multiplexes, townhouses and apartments.
- (b) Single-family dwellings, subject to all applicable requirements of the R1 single-family district.
- (c) State-licensed residential facilities for six persons or less.
- (d) Accessory buildings and uses, including community garages, carports, utility sheds, maintenance buildings, community buildings and swimming pools, which are part of the multiple-family complex. Common parking areas for the storage of recreational vehicles may be allowed as an accessory use, subject to site plan review.

(Ord. No. 482, § 11.01, 7-17-2000)

Sec 46-233 Special Land Uses

The following uses, and others similar to those cited in this division may be permitted by the planning commission in the RM multiple-family residential district, subject to the general standards of section 46-653 and any specific standards imposed for each use:

- (a) Nursing homes and similar continuous care residential facilities, subject to the following:
 - (1) All structures shall be located not less than 50 feet from the rear property line and 25 feet to the side property lines.
 - (2) The entire site shall be landscaped to harmonize with the residential characteristics of the district in which the activity is to be located.
 - (3) Licensing shall be in accordance with the state and/or other appropriate authority or jurisdiction.
- (b) Child care centers, subject to the following requirements:
 - (1) Adequate outdoor play area shall be provided in accordance with the requirements of the state family independence agency.
 - (2) All outdoor play areas shall be fenced and screened from any abutting residentially developed or zoned sites as per the requirements of section 46-572.
 - (3) Parking shall be provided on the basis of one space per employee, plus one space for each five children cared for at the center.
 - (4) Designated child dropoff and pickup areas shall be shown on the site plan. Such dropoff and pickup areas shall only be permitted on the driveway, approved parking area or directly in front of the building. No such areas may be allowed to encroach into the public right-of-way. All such areas shall be arranged to minimize pedestrian and vehicular conflicts or vehicle stacking into any abutting road.
 - (5) No outdoor play areas shall be allowed in any front yard area.
- (c) Churches, subject to the requirements of section 46-153(b).
- (d) Public and private recreation facilities, subject to the requirements of section 46-153(d).
- (e) Public utility buildings, including telephone exchange buildings and repeater stations, electric

transformer substations and stations, and gas regulator stations (all without storage yards), when operation requirements necessitate their location within the district in order to serve the immediate area, subject to the requirements of section 46-153(e).

- (f) Group day care (seven to 12 children) in conjunction with an existing single-family dwelling, subject to the requirements of section 46-153(c).
- (g) Adult care centers and adult day care, subject to the requirements of section 46-153(c).
- (h) Bed and breakfasts, subject to the requirements of section 46-153(a).
- (i) Funeral homes and mortuaries, subject to the requirements of section 46-153(h).

(Ord. No. 482, § 11.02, 7-17-2000)

Sec 46-234 Minimum Site And Building Requirements

- (a) Lots used for multiple-family dwellings in the RM multiple-family residential district shall provide a minimum lot area per dwelling based on the following standards:
 - (1) One-bedroom unit: 2,000 square feet.
 - (2) Two-bedroom unit: 2,700 square feet.
 - (3) Three-bedroom unit: 3,400 square feet.
- (b) Efficiency units shall not be permitted.
- (c) Plans presented which include a den, library or extra room shall have such extra room counted as a bedroom for purposes of this chapter.
- (d) Front, side and rear yards relating to the spacing between buildings within multiple-family development shall have the following minimum overall dimensions:

Buildings Relationship	Overall Distance Between Buildings (exclusion of parking area)
Front to front	60 feet*
Front to rear	70 feet*
Rear to rear	80 feet*
Rear to side	30 feet
Side to side	15 feet
Corner to corner	15 feet

* Parking may be permitted in a portion of the required yard, provided that there shall be at least 25 feet of yard space between the parking area and the building.

- (e) No multiple-family building shall exceed a maximum length of 180 feet.
- (f) Parking, maneuvering lanes and drives shall meet the requirements article VIII of this chapter.
- (g) Minimum floor areas for multiple-family buildings shall be as follows:
 - (1) *One bedroom unit.* The term "one bedroom unit" shall mean a dwelling unit containing a minimum floor area of at least 500 square feet per unit, consisting of not more than two rooms in addition to kitchen, dining and necessary sanitary facilities.

- (2) *Two bedroom unit.* The term "two bedroom unit" shall mean a dwelling unit containing a minimum floor area of at least 728 square feet per unit, consisting of not more than three rooms in addition to kitchen, dining and necessary sanitary facilities.
- (3) *Additional bedrooms.* For units exceeding two bedrooms, an additional 200 square feet per unit shall be provided in addition to the minimum requirement of 728 square feet noted in subsection (g)(2) of this section.
- (4) *Storage areas.* Storage or utility areas shall be provided on the basis of at least 100 square feet per unit. Basements can be used for this storage area.

(h) Maximum height of each building shall be as follows:

- (1) In stories: two.
- (2) In feet: 30.

(i) The minimum yard setback from the project perimeter shall be as follows:

- (1) Front yard: 25 feet.
- (2) Perimeter yards: 40 feet from all other perimeter yard setbacks.

Yard setbacks are also subject to the requirements of subsections (d) and (e) of this section.

(j) Areas of the site not required to be hard surfaced shall be landscaped. A landscape plan for these areas shall be provided as per the requirements of article VII of this chapter.

(k) Where any recreation vehicles are permitted in the development, adequate fenced, locked or secured, and visually buffered parking and storage spaces shall be provided, in addition to those required in this section.

(Ord. No. 482, § 11.03, 7-17-2000)

DIVISION 46-III-5 O OFFICE DISTRICT

[Sec 46-271 Statement Of Purpose](#)

[Sec 46-272 Permitted Uses](#)

[Sec 46-273 Special Land Uses](#)

[Sec 46-274 Area, Height And Placement Requirements](#)

[Sec 46-275 Structure And Site Requirements](#)

Sec 46-271 Statement Of Purpose

It is intended that the O office district be applied to that portion of South Main Street between downtown and the southern boundary of the village. This district is intended to provide a transition to residential areas. The development standards applicable to this district are intended to create an entrance into the village and to reinforce the predominantly noncommercial character of the buildings by restricting the location of offstreet parking lots and the requirement for appropriate site amenities.

(Ord. No. 482, § 12.00, 7-17-2000)

Sec 46-272 Permitted Uses

Permitted uses in the O office district shall be as follows:

- (a) Administrative and professional offices for accounting, clerical, engineering, architecture, drafting, education/training incidental to other permitted uses, insurance, real estate, research, sales, appraisers, stenographic services, and other similar occupations.

- (b) Medical and dental offices and clinics.
- (c) Village or other public offices.
- (d) Churches, subject to the requirements of section 46-153(b).
- (e) Community buildings, such as libraries; museums; recreational, educational and human service centers.
- (f) Funeral homes, provided that there is adequate assembly area for vehicles to be used in funeral processions, in addition to any required offstreet parking areas.
- (g) Single-family dwellings, subject to the requirements of division 2 of this article.
- (h) State-licensed residential facilities for six persons or less.
- (i) Personal service establishments, such as barber and beauty salons, and similar uses.
- (j) Other similar uses to those listed in this section.

(Ord. No. 482, § 12.01, 7-17-2000)

Sec 46-273 Special Land Uses

The following special land uses and others similar to those cited in this division may be permitted by the planning commission in the O office district, subject to the standards of section 46-653 and any other specific standards imposed for each use:

- (a) Uses having a combination of nonresidential and residential facilities, subject to the following:
 - (1) Office uses shall be confined to the ground floor of the building.
 - (2) Each residential unit shall have at least two exits and two offstreet parking spaces.
 - (3) All residential units shall comply with the density and floor area requirements of the RM multiple-family district.
- (b) Nursery schools and day care establishments, subject to the requirements of section 46-153(c).
- (c) Bed and breakfast establishments, subject to the following:
 - (1) Bed and breakfast establishments shall be subject to the provisions of section 46-153(a).
 - (2) Ancillary uses to an approved bed and breakfast may include tearooms, bridal and baby showers/receptions, rehearsals and wedding ceremonies, subject to the following terms and conditions:
 - a. Such ancillary uses shall provide additional parking as required in article VIII of this chapter. Such parking may be located off site, provided that documentation acceptable to the village is provided that ensures offsite parking shall be available in perpetuity.
 - b. Such ancillary uses shall not contain commercial grade kitchens as determined by the county health department and shall meet all necessary requirements of the state and the county health department, and all other requirements of the village.
 - c. Adequate restroom facilities shall be provided for such ancillary uses.
 - d. Maximum occupancy is to be determined as provided by law and clearly posted on the premises. In no case shall the maximum occupancy be exceeded.
 - e. Buildings and structures shall comply with all federal, state or local building and

fire codes for the approved ancillary use.

f. Alcoholic beverages shall not be sold on the premises.

(Ord. No. 482, § 12.02, 7-17-2000; Ord. No. 483, 6-18-2001)

Sec 46-274 Area, Height And Placement Requirements

Area, height and placement requirements for the O office district shall be as follows:

(a) Minimum lot size:

(1) Area: 7,200 square feet.

(2) Width: 60 feet.

(b) Maximum building height:

(1) Stories: two.

(2) Height: 30 feet.

(c) Minimum yard setbacks:

(1) Front yard: 25 feet, with no parking allowed in the front yard setback. The planning commission may permit parking to encroach into the required front yard setback, subject to the construction of a three-foot-high decorative face brick wall along the frontage of the site to screen the view of the parking lot from public view.

(2) Side yard: minimum each side of nine feet. The planning commission may permit a modification of the required side yard setback when it can be determined that reducing the setback will not result in a nuisance for any abutting residential uses and that adequate space for building maintenance is also provided.

(3) Rear yard: 30 feet.

(4) Maximum lot coverage: 35 percent.

(Ord. No. 482, § 12.03, 7-17-2000)

Sec 46-275 Structure And Site Requirements

(a) *Landscaping*. All open areas, setbacks, and all other portions of the site not used for parking, driveways and other buildings in the O office district shall be landscaped.

(b) *Offstreet parking and environmental improvements*. Offstreet parking and environmental improvements shall be provided in accordance with articles VI and VII of this chapter.

(c) *Lighting of parking areas*. During business hours and after sunset, all parking areas shall be adequately lit for the safety and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences as provided in section 46-575.

(d) *Building design standards*. The renovation of existing buildings and the construction of new buildings shall emphasize and respect the predominant architectural character of existing buildings which are residential in nature. This compatibility shall be evaluated in relation to roof

form and materials, window and door treatments, building surface materials, and architectural details.

- (e) *Outside storage or outdoor sales.* All business shall be conducted entirely within an enclosed building. No outside storage or outdoor sales of goods and merchandise shall be permitted, except as part of a sidewalk sale or other similar, temporary type of use approved by the village.

(Ord. No. 482, § 12.04, 7-17-2000)

DIVISION 46-III-6 CBD CENTRAL BUSINESS DISTRICT

[Sec 46-311 Statement Of Purpose](#)

[Sec 46-312 Permitted Uses](#)

[Sec 46-313 Special Land Uses](#)

[Sec 46-314 Area, Height And Placement Requirements](#)

Sec 46-311 Statement Of Purpose

The major economic function of the CBD central business district is that of a specialty center. It is also the intent of the CBD district to permit a mixture of mutually supporting convenience, comparison, specialty, and service commercial uses serving a trade area including the village and adjacent communities. The standards contained in this division are designed to promote a compact development pattern with continuous retail frontage, a convenient pedestrian shopping experience, and compatible building appearance. Preservation of the village historical character is an essential element. Uses allowed in this district should complement each other, not adversely impact vehicular or pedestrian circulation or the overall image and function of the district. Parking or the future provision for such must be an integral part of any development. The development concepts and plans embodied in the development plan and tax increment financing plan of the village downtown development authority should be used as guidelines in any new development or redevelopment.

(Ord. No. 482, § 13.00, 7-17-2000)

Sec 46-312 Permitted Uses

Permitted uses in the CBD central business district shall be as follows:

- (a) Antique shops.
- (b) Art supply stores, including picture framing.
- (c) Art galleries and studios.
- (d) Bakeries.
- (e) Banks, excluding drive-through facilities.
- (f) Barbershops and beauty salons.
- (g) Bicycle sales and repair shops.
- (h) Book and stationery shops.
- (i) Camera and photographic supply stores.
- (j) Carpet, rug and linoleum showrooms, with limited on-site storage of merchandise.
- (k) Catering businesses.
- (l) China and glassware shops.
- (m) Clothing (men, women and children) and accessory shops.

- (n) Coin and stamp stores.
- (o) Custom dressmaking and millinery shops.
- (p) Department stores.
- (q) Drugstores.
- (r) Dry cleaning establishments and laundromats.
- (s) Electrical and house appliance stores.
- (t) Florist shops.
- (u) Convenience and specialty foodstores.
- (v) Furniture and other household accessory stores.
- (w) Gift shops.
- (x) Hardware stores.
- (y) Hobby shops.
- (z) Jewelry shops.
- (aa) Leather goods and luggage shops.
- (ab) Locksmith shops.
- (ac) Musical instrument shops; music and record shops.
- (ad) Office supply stores.
- (ae) Printing, lithographing or publishing establishments for letter press, business cards, mimeographing and other similar custom services; newspaper publishing, including engraving and photo engraving.
- (af) Restaurants or lounges specifically excluding establishments with drive-through windows.
- (ag) Schools for music and dance.
- (ah) Shoe repair stores and other small item repair shops.
- (ai) Sporting goods stores.
- (aj) Tailor shops.
- (ak) Tobacco shops.
- (al) Toy stores.
- (am) Travel agents.
- (an) Upholstery shops.
- (ao) Village service buildings, such as administrative offices, fire and police facilities and community recreation buildings.
- (ap) Professional and business offices, provided that for any building located and fronting on Main Street such uses are above the ground floor.
- (aq) Paint and wallpaper stores.
- (ar) Video rental and sales.
- (as) Interior decorators.

- (at) Private clubs and lodges.
- (au) Offices and showrooms of plumbers, electricians, decorators or similar trades, in connection with which not more than 25 percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display. All storage of material shall be within totally enclosed buildings.
- (av) Auto parts stores.
- (aw) Other specialty retail shops.
- (ax) Offstreet parking lots.
- (ay) Gymnasiums, health clubs, billiard halls, arcades, and other similar indoor recreational activities.
- (az) Other uses which are similar to the uses in subsections (1) through (51) of this section, and subject to the following restrictions:
 - (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
 - (2) All business, servicing or processing, except for offstreet parking or loading, shall be conducted within completely enclosed buildings.
 - (3) Outdoor storage of commodities shall be expressly prohibited.
- (ba) Street sidewalk uses, including the sale and service of food and drink out-of-doors, sidewalk sales, Peach Festival activities and similar uses, provided that any such use is incidental to a similar principal use indoors and conducted adjacent to the principal use, subject further to all required permits by the village. Such use shall not obstruct pedestrian or vehicular traffic. See section 46-447 pertaining to outdoor merchandising and sidewalk sales.

(Ord. No. 482, § 13.01, 7-17-2000; Ord. No. 499, 6-19-2006)

Sec 46-313 Special Land Uses

The following special land uses and others similar to those cited in this division may be permitted by the planning commission in the CBD central business district, subject to the standards of section 46-653 and any other specific standards imposed for each use:

- (a) Banks and other financial institutions with drive-through windows.
- (b) Business and professional offices, including medical, chiropractic, dental and similar uses, on the ground floor.
- (c) Public utility and service buildings and uses, excluding outdoor storage, when the operating requirements of such uses require their location within the CBD district in order to serve the immediate vicinity.
- (d) Residential units, subject to the following requirements:
 - (1) All living units shall meet the minimum floor area requirements specified in subsection 46-234(7).
 - (2) Two adequate means of egress shall be provided as required by building code and approved by the fire chief.

(Ord. No. 482, § 13.02, 7-17-2000)

Sec 46-314 Area, Height And Placement Requirements

- (a) Area, height and placement requirements in the CBD central business district shall be as follows:
- (1) Minimum lot size:
 - a. Area: none.
 - b. Width: none.
 - (2) Maximum building height:
 - a. In stories: three.
 - b. In feet: 40.
 - (3) Minimum building floor area: none.
 - (4) Minimum yard setbacks per lot:
 - a. Front: none. All buildings shall be built at the front property line with no front yard setback.
 - b. Side: none. Where a side yard setback borders a residential district, a setback of 15 feet shall be provided.
 - c. Rear: 20 feet, if there is no alley. The purpose of the rear yard setback in the CBD district is to provide a service and delivery area. The planning commission may waive the rear yard requirement when the site backs up to a public parking lot or public right-of-way or when the requirement for the rear yard setback would serve no useful purpose. Whenever a rear yard abuts a residential zoning district, a setback of 20 feet is required.
 - (5) Maximum lot coverage: 100 percent, except as modified by the setback and parking requirements of this chapter.
- (b) To the extent possible, parking shall be located at the rear of the buildings. Parking shall not be permitted between the primary street frontage and the front of the building that faces that street. Parking lots shall include landscaping and lighting as approved by the planning commission as provided in article VII of this chapter. If parking is located other than at the rear of the building, a decorative brick wall that is architecturally compatible with the building shall be constructed between the parking lot and the sidewalk/street. This wall shall be a minimum of three feet in height. This wall shall include landscaping and decorative lighting as approved by the village planning commission as provided in article VII of this chapter.
- Permitted onstreet parking spaces, which are within the public right-of-way for the extent of the property frontage, may be counted toward meeting the total number of parking spaces required.
- (c) In the interest of creating a viable central business district, achieving the goals of the DDA plan, and enhancing pedestrian and vehicular traffic within the downtown, the village encourages the development of strategically located public and private parking lots. In addition, the village council and DDA shall encourage employee offsite parking, share-a-ride, carpools, joint-use parking, and similar means for reducing CBD parking needs. There are also a number of uses located within the CBD which do not function alone and are dependent upon other uses in the CBD.

Any use in the CBD district required to provide offstreet parking may, subject to the approval of the village council and after recommendation of the planning commission, elect to meet the owner/employee parking requirements by contributing a fee, as established by the village council, to the central business district parking fund in lieu of such required onsite parking space. This fund shall be used for purchasing land and developing consolidated parking spaces in the CBD district. The amount of the required fee shall be established by the village engineer and shall be based on anticipated acquisition and development costs. "Payment in lieu of" may be paid in annual installments, with interest thereon, upon such terms and conditions as may be approved by the village council. An agreement between the village and the owner or developer, setting forth such terms and conditions in a form prepared by the village attorney and approved by the village council, shall be executed and deposited with the village clerk. The agreement shall be recorded, and all monies due thereunder shall be a lien upon the subject property.

The parking requirements for the central business district shall be provided as follows:

- (1) General commercial uses: one space for every 500 square feet of gross floor area. In addition, there shall be one space for each owner or employee which shall be provided in employee parking lots offsite.
- (2) General office uses: one space for every 300 square feet of gross floor area, with the understanding that only 25 percent of this requirement must be provided on site. The remainder of the requirement shall be provided in employee parking lots off site.

(Ord. No. 482, § 13.03, 7-17-2000)

DIVISION 46-III-7 C GENERAL COMMERCIAL DISTRICT

[Sec 46-351 Statement Of Purpose](#)

[Sec 46-352 Permitted Uses](#)

[Sec 46-353 Special Land Uses](#)

[Sec 46-354 Area, Height And Placement Requirements](#)

[Sec 46-355 Structure And Site Requirements](#)

Sec 46-351 Statement Of Purpose

The C general commercial district is intended to provide opportunities for retail and service businesses that require more land area than can be practically accommodated within the CBD and O office districts and which function independently from one another. This district also allows a more diverse range of commercial uses, including those which generate more traffic and require more offstreet parking and loading/unloading areas and which may have impacts extending beyond the site.

(Ord. No. 482, § 14.00, 7-17-2000)

Sec 46-352 Permitted Uses

Permitted uses in the C general commercial district shall be as follows:

- (a) Automobile service stations, quick oil and lube, and carwash establishments.
- (b) Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, printer, upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
- (c) Automobile repair facilities.
- (d) Drive-through businesses of a retail or service nature, including fast food restaurants.

- (e) All uses permitted in the office district.
- (f) Adult bookstores, adult motion-picture theaters, cabarets, massage parlors, or other similar adult uses, provided that not more than two of such uses are permitted within 1,000 feet of each other in order to prevent the concentration of these uses in any one area and discourage the development of a skid row area. None of the buildings housing any of such uses shall be permitted within 200 feet of any residentially zoned or used property, public or private school, or public park.
- (g) Other similar uses as determined by the planning commission.

(Ord. No. 482, § 14.01, 7-17-2000)

Sec 46-353 Special Land Uses

The following special land uses and others similar to those cited in this division may be permitted by the planning commission in the C general commercial district, subject to the standards of section 46-653 and any other specific standards imposed for each use:

- (a) Businesses with outdoor storage, including machinery, vehicles, boats, recreational vehicle and automobile dealerships, retail truck rental, building supplies, nurseries, and similar uses, subject to the requirements of section 46-448.
- (b) Open air businesses, subject to the following conditions:
 - (1) There shall be provided around all sides of the site, except in the required front yard, exits and along sides of the premises, enclosed by buildings, a fence or wall at least five feet in height, as approved by the planning commission, in order to intercept windblown trash and other debris.
 - (2) Outdoor sales space shall be exclusively for sales and not for storage and shall be paved, properly drained, and items placed in such space shall be subject to the same setback as required for any structure within the district.
- (c) Kennels subject to the following:
 - (1) A kennel is for four or more animals six months or more in age maintained for pets, breeding, showing, boarding, training and related sales of pet products.
 - a. The minimum site size for a kennel shall be two acres, with a minimum frontage of 200 feet.
 - b. Kennels shall maintain a minimum setback of 50 feet from side and rear property lines and a front yard setback of 75 feet.
 - c. All outdoor animal pens must be enclosed within a solid six-foot safety fence, which also screens the animals from adjoining property. The animal pen surface shall be of concrete pitched to provide runoff from cleaning to a septic tank or other county-approved system.
 - d. There shall be an opening housing the animals to permit them easy entrance and exit. There shall be provided at least 100 square feet in area per animal, including kennel and runs.
 - e. All outdoor animal pens shall be constructed to meet minimum state and county requirements for licensing.
 - f. A kennel shall be so constructed that all animals must be enclosed within a building at night.

- g. All objectionable noise shall be subject to the requirements of the village noise ordinance.
- h. The planning commission shall make a determination, after a hearing has been held and all residents within 300 feet have been notified, as to whether the granting of approval would substantially impair or adversely affect adjoining landowners or the character of the neighborhood.

(2) Offstreet parking requirements are as follows:

- a. A commercial kennel housing more than ten dogs shall provide one offstreet parking space for each five kennel runs.
- b. Other uses shall provide parking to accommodate the maximum number of visitors using the facility at any one time.
- c. All offstreet parking shall be constructed to the standards shown in article VIII of this chapter.

(Ord. No. 482, § 14.02, 7-17-2000)

Sec 46-354 Area, Height And Placement Requirements

Area, height and placement requirements in the C general commercial district shall be as follows:

(a) Minimum lot size requirements:

- (1) Lot area (square feet): 8,000.
- (2) Lot width (linear feet): 80.

(b) Maximum building requirements:

- (1) Maximum height:
 - a. In stories: two.
 - b. In feet: 30.

(2) Maximum lot coverage: 40 percent

(c) Minimum yard spaces:

- (1) Front: 25 feet, with no parking allowed in the required front yard setback.
- (2) Rear: 30 feet.
- (3) Side: No side yard is required along an interior side lot line, except as otherwise specified in the building code. If the exterior side yard borders a residential district, there shall be provided a side yard setback of not less than 30 feet. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than 20 feet. A corner lot side yard must equal the setback required for the front yard on the street to which it sides.

(Ord. No. 482, § 14.03, 7-17-2000)

Sec 46-355 Structure And Site Requirements

- (a) All open areas, setbacks, and all other portions of the site not used for parking, driveways and buildings in the C general commercial district shall be landscaped.
- (b) During business hours after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent illumination therefrom from being cast upon neighboring residences.
- (c) Offstreet and environmental parking shall be provided in accordance with articles VII and VIII of this chapter.

(Ord. No. 482, § 14.04, 7-17-2000)

DIVISION 46-III-8 IND INDUSTRIAL DISTRICT

[Sec 46-391 Statement Of Purpose](#)

[Sec 46-392 Permitted And Prohibited Uses](#)

[Sec 46-393 Special Land Uses](#)

[Sec 46-394 Area, Height And Placement Requirements](#)

[Sec 46-395 Structure And Site Requirements](#)

Sec 46-391 Statement Of Purpose

The IND industrial district is designed to primarily accommodate wholesale activities, warehouses, and industrial operations, all conducted wholly within a building and whose external, physical effects are restricted to the area of the district and in no manner affect, in a detrimental way, any of the surrounding districts. The processing of raw material for shipment in bulk form for use in industrial operations at other locations shall not be permitted in this district.

(Ord. No. 482, § 15.00, 7-17-2000)

Sec 46-392 Permitted And Prohibited Uses

- (a) All uses in the IND industrial district shall be conducted wholly within a building.
- (b) The following uses shall be permitted:
 - (1) Automobile manufacturing and assembly operations, including the manufacture of automobile parts and tool, die, garage, and machine shops.
 - (2) Warehousing and wholesale establishments, storage other than accessory to a permitted retail use, and miniwarehouses.
 - (3) The compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery.
 - (4) The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cement, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, soil, shell, textiles, tobacco, wax, wire, wood and yarns, or other such materials as approved by the planning commission.
 - (5) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
 - (6) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded products.
 - (7) Manufacturing or assembly of electrical appliances, electronic instruments and devices, and telecommunication equipment and products, excluding large stampings.

- (8) Laboratories: experimental, film or testing.
- (9) Manufacture and repair of electric or neon signs, light sheetmetal products, including heating and ventilating equipment, cornices, eaves and the like.
- (10) Cabinet and home remodeling showrooms and workshops.
- (11) Building and landscaping contractors' offices, with garages for maintenance and the storage of equipment.
- (12) Printing, publishing and photographic processing or allied products.
- (13) Commercial radio, television and other transmitting or relay towers or monopoles. Towers may exceed the height limits established for the industrial district, provided that they maintain a setback from all abutting streets or the adjacent property lines a distance equal to the height of the tower. Collocation or an existing tower shall be required, if possible and feasible.
- (14) Public utility buildings and service facilities.
- (15) Other light industrial uses of a similar character and no more objectionable in character to those uses identified in this section.
- (16) Accessory uses and accessory outside storage customarily incidental to any of the uses in subsections (1) through (15) of this section. Outside storage shall be limited to currently licensed cars, trucks, and recreation vehicles; finished and semifinished manufactured materials produced on the premises; and equipment necessary as an accessory to the principal use, provided the following conditions are complied with:
 - a. No storage shall be allowed in front of the building or in any required front yard. Storage may be allowed within an interior side or rear yard setback, but not in any street side setback.
 - b. A chainlink or pressure-treated obscuring wood fence or masonry wall, not less than four feet high nor more than eight feet high, shall enclose the storage area. The height and choice of type of fence or wall to most appropriately screen the stored materials from view shall be determined by the planning commission (also see section 46-572).
 - c. Whenever a different material is to be stored than that approved in the original request, a new approval shall be required from the planning commission.
 - d. The planning commission shall also find, before granting this approval, it will not tend to further:
 1. Impair the adequate supply of light and air to adjacent property.
 2. Increase the hazard from fire, flood and other dangers.
 3. Increase the congestion on the public streets.
 4. Otherwise impair the public health, safety, comfort, and general welfare.
- (17) Sleeping quarters for security and maintenance personnel shall not be constructed as permanent housekeeping facilities or units for family living.

(c) Uses expressly prohibited under this division include the following:

- (1) Storage of loose minerals, including soil, stone, sand, gravel, coal, cinders and similar materials. Loose material such as those described may be allowed as part of an approved

landscaping contractor's yard, provided that the materials are enclosed in a building or other enclosure to prevent blowing across the site onto adjoining property.

- (2) Storage of combustible or odoriferous materials.
- (3) Incubation, raising, killing or storage of poultry and animals.
- (4) Semitrailers and similar uses for storage purposes.

(Ord. No. 482, § 15.01, 7-17-2000)

Sec 46-393 Special Land Uses

The following uses and others similar to those cited in this division may be permitted by the planning commission in the IND industrial district, subject to the standards of section 46-653 and any specific standards imposed for each use:

- (a) Automobile repair and service centers, including auto body repair, paint and rustproofing shops, engine and transmission repair or replacement, subject to the following standards:
 - (1) All repair activities shall be confined to the interior of the building.
 - (2) No outdoor storage of parts or equipment is permitted, except as provided in this section. This shall not prohibit temporary storage of vehicles waiting for repair, provided that no vehicle shall be stored on site for a period exceeding 30 days. The storage area shall meet the requirements of section 46-392(b)(16).
- (b) Various retail uses. This category shall include retail uses which have a warehouse or which have an industrial character by reason of outdoor storage requirements or activities, such as but not limited to lumberyards; building materials; upholsterer; outdoor boat, recreational vehicle storage; house trailer, automobile or agricultural implement sales and storage. The category may also include uses which serve the convenience needs of the industrial district, such as but not limited to union halls, trade or industrial schools, medical or other offices serving such district, including an industrial medical clinic.
- (c) Communication towers and antennae.
- (d) Trucking facilities, subject to the following requirements:
 - (1) No portion of any structure, access drive or parking area shall be located within 50 feet of any residentially zoned parcel.
 - (2) Any truck storage area shall be screened from view of adjoining residentially zoned developed property and the public right-of-way.
 - (3) The site shall be designed so that all vehicles can move in a forward manner upon entering and leaving the site to eliminate the necessity of backing up to enter or exit the site.
 - (4) All sites shall have a minimum lot size of one acre.
 - (5) The site shall maintain a minimum front yard setback of at least 50 feet. No buildings or parking spaces shall encroach into this required front yard setback.
- (e) Junkyards, including the storage of wrecked motor vehicles, equipment, and auto parts, subject to the following requirements:
 - (1) The entire site shall be enclosed by a masonry or precast concrete wall, not less than eight feet in height.

- (2) All structures, parking and storage areas shall maintain a minimum front yard setback of not less than 75 feet.
 - (3) The area between the front enclosure wall and the front property line shall be landscaped and maintained with grass, trees, and other planted material.
- (f) Heavy industrial uses, such as foundries, stamping, steel storage and similar uses.
- (g) Kennels subject to section 46-353(c).
- (h) Recreational facilities such as martial art studios, dance instruction studios, gymnastics, ice skating rinks, swimming pools, athletic courts and other recreational uses as recognized by the community as beneficial.

(Ord. No. 482, § 15.02, 7-17-2000; Ord. No. 494, 12-15-2003)

Sec 46-394 Area, Height And Placement Requirements

Area, height and placement requirements in the IND industrial district shall be as follows:

(a) Minimum lot size requirements:

- (1) Lot area (square feet): 20,000.
- (2) Lot width (linear feet): 100.

(b) Building requirements:

(1) Maximum height:

- a. In stories: two.
- b. In feet: 40. Building height may be allowed to exceed the 40-foot requirement, provided that all yards are increased by one foot for each one foot that the building exceeds 40 feet.

(2) Maximum lot coverage: 40 percent.

(c) Minimum yard spaces:

- (1) Front: 25 feet, with no parking allowed within the required front yard setback.
- (2) Rear: 30 feet. No building shall be located closer than 50 feet to the outer perimeter property lines of this district where the property lines abut any residential district, and such space shall be used only for the parking of individual passenger vehicles and/or small trucks.
- (3) Side yard: ten feet on each side. A corner lot side yard must equal the setback required for the front yard on the street to which it sides. If an exterior yard abuts other than an industrial district, there shall be provided a yard setback of not less than 50 feet.
- (4) Distance between buildings: The distance at the closest point between any two buildings on the same site shall not be less than 20 feet.

(Ord. No. 482, § 15.03, 7-17-2000)

Sec 46-395 Structure And Site Requirements

- (a) *Landscaping and screening.* In the IND industrial district, any industrial development which is adjacent to residential uses shall provide screening and landscaping per the requirements of article VII of this chapter. All open areas, setbacks, and all other portions of the site not used for parking, driveways, permitted storage and buildings shall be landscaped according to a landscape plan submitted as part of the site plan.
- (b) *Lighting of parking areas.* During business hours and after sunset, the parking areas shall be adequately lighted for safety of users and comfort of adjacent property owners. Lighting of parking areas shall be in a manner so as to prevent rays and illumination therefrom from being cast upon neighboring residences. A site lighting plan shall be provided for all new development.
- (c) *Offstreet parking and environmental improvements.* Offstreet parking and environmental improvements shall be provided in accordance with articles VII and VIII of this article.
- (d) *Hazardous substances.* The site plan shall be submitted with a listing by technical and common identification of all flammable or toxic materials used in the process. The types of materials and storage requirements shall be reviewed by the fire department prior to the issuance of a certificate of zoning compliance. The site plan shall identify the locations and security measures used to store, use, and dispose of any flammable or toxic material and waste consisting of such material. An application for special land use approval for any proposed use producing any flammable, toxic, or putrescent waste shall be accompanied by a notarized agreement between the owner of the use and a licensed waste hauler, providing for the safe and adequate disposal of such waste material.
- (e) *Exterior facing materials.* The exterior of all buildings erected shall be constructed of aesthetically pleasing brick and/or stone building materials, including decorative block. Other durable, decorative building materials may be approved by the planning commission when the character and style of the proposed structure warrants special consideration. The architecture and approved exterior finish of any building shall be complementary and compatible in style and shall be of uniform finish on all sides of its exterior when the site is adjacent to any nonindustrial district. Within the industrial district, the architecture and approved exterior finish shall be returned on the building sides a sufficient distance, as determined by the planning commission, to provide a continuous appearance from the adjacent right-of-way or structures or visible to the public. Mobile units shall only be allowed for a period of six months during the construction of a permanent structure. Extensions for additional six-month periods may be allowed by the village clerk.
- (f) *Rear and side yard access and parking.* Required rear and side yards may be used for offstreet parking, as regulated in this division, provided adequate access to the rear of the building for firefighting and emergency equipment is open, unobstructed and clearly marked.
- (g) *Offstreet loading space.* Every use involving the receipt or delivery of materials, supplies or merchandise by trucks or trailers shall provide space for standing, so that loading and unloading services will not take place on the public streets, alleys and rights-of-way. Loading and unloading spaces shall be provided and shall not be from a public right-of-way, and, further, no such space shall be provided within the required front yard setback. Such loading space shall consist of an area as required in section 46-615, with the loading space and any roadway thereto paved with an asphalt or concrete surface.
- (h) *Equipment.* Equipment requirements shall be as follows:
- (1) Automatic screw machines must be equipped with noise silencers or other sound absorbing devices and must not be located closer than 200 feet to any residential zoned district.
 - (2) Stamping machines, punch presses, press breaks and hydraulic presses shall not be located closer than 200 feet to any district zoned for residential use nor closer than 200 feet to any residential district or residential use. All such machines shall be placed on

shock absorbing mountings located on suitable reinforced concrete footings. No such machine shall be loaded beyond such capacity as may be prescribed by the manufacturer of the machine.

- (3) Hammers, steam or board and hot forgings shall not be permitted closer than 1,000 feet to any residential zoned district. Such machine or operation is otherwise permitted when placed on shock absorbing mountings located on a suitable reinforced concrete footing, all of which shall be completely enclosed within a masonry-type building.

- (i) *Surfacing requirements.* All parking, vehicle maneuvering or outdoor storage areas shall be paved with asphaltic or concrete pavement in accordance with the specifications of the village engineer.

(Ord. No. 482, § 15.04, 7-17-2000)

ARTICLE 46-IV SUPPLEMENTARY REGULATIONS

[Sec 46-431 Scope Of Article](#)

[Sec 46-432 Access Across Residential Property](#)

[Sec 46-433 Accessory Buildings In Other Than Residential One- And Two-Family Districts](#)

[Sec 46-434 Animals](#)

[Sec 46-435 Approval Of Plats](#)

[Sec 46-436 Building Grades](#)

[Sec 46-437 Buildings To Be Moved](#)

[Sec 46-438 Corner Clearance](#)

[Sec 46-439 Dwellings Per Lot Or Parcel](#)

[Sec 46-440 Dwellings In Nonresidential Districts](#)

[Sec 46-441 Excavations Or Holes](#)

[Sec 46-442 Fences](#)

[Sec 46-443 Frontage](#)

[Sec 46-444 Locations Of Improvements In Public Easement](#)

[Sec 46-445 Lots, Yards And Open Spaces](#)

[Sec 46-446 Measuring Setback Requirements](#)

[Sec 46-447 Outdoor Merchandising And Sidewalk Sales](#)

[Sec 46-448 Outdoor Storage And/Or Display Lots](#)

[Sec 46-449 Portable Toilets](#)

[Sec 46-450 Prohibited Occupancy](#)

[Sec 46-451 Public Utility Electronic Equipment Enclosures](#)

[Sec 46-452 Restoration Of Unsafe Buildings](#)

[Sec 46-453 Satellite Dish Antennas And Towers](#)

[Sec 46-454 Side Yard Setbacks For Corner Lots And Double-Frontage Lots](#)

[Sec 46-455 Temporary Dwellings](#)

[Sec 46-456 Utility Approval](#)

[Sec 46-457 Vacated Right-Of-Way](#)

[Sec 46-458 Medical Marijuana Dispensary, Compassion Centers, Grow Facilities, Or Other Similar Operations For The Use, Consumption, Or Distribution Of Medicinal Marijuana](#)

Sec 46-431 Scope Of Article

Except as provided, the general regulations of this article shall apply in this chapter.

(Ord. No. 482, art. 3, 7-17-2000)

Sec 46-432 Access Across Residential Property

Ingress and egress to a parking lot, to a loading area, or to a use other than residential shall not be permitted across or upon land zoned as single-family residential. This shall not apply if the planning commission finds that there are circumstances which indicate that there will be a substantial improvement in traffic safety.

(Ord. No. 482, § 3.00, 7-17-2000)

Sec 46-433 Accessory Buildings In Other Than Residential One- And Two-Family Districts

Accessory buildings in other than residential one- and two-family districts shall occupy any of the ground area which the principal building is permitted to cover. Accessory buildings, such as buildings for parking attendants, guard shelters, gatehouses and transformer buildings, may be located in the front or side yard in nonresidential districts, upon planning commission approval. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and shall be located and landscaped to reduce the visual impact from surrounding properties and from public streets. When an accessory building is intended for other than the storage of private motor vehicles, accessory maintenance equipment, or other similar equipment, the accessory use shall be subject to planning commission approval. All accessory buildings and uses shall be subject to site plan review by the planning commission as per the requirements of article VI of this chapter.

(Ord. No. 482, § 3.01, 7-17-2000)

Sec 46-434 Animals

The keeping of animals within the village shall be in conformance with the requirements of chapter 4 pertaining to animal control.

(Ord. No. 482, § 3.02, 7-17-2000)

Sec 46-435 Approval Of Plats

No proposed plat of a new or redesigned subdivision shall be approved, except as otherwise authorized by the village subdivision regulations in article II of chapter 20. All lots comprising such plat shall equal or exceed the minimum size and width requirements set forth in the various districts of this chapter and shall meet the minimum requirements of this chapter and the village subdivision regulations and the land division act (MCL 560.101 et seq.).

(Ord. No. 482, § 3.03, 7-17-2000)

Sec 46-436 Building Grades

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit runoff of surface water to flow onto the adjacent property. If necessary, drain systems shall be installed to provide water runoff into existing or proposed street storm facilities at the new building owner's expense. Final grades shall be approved by the building official. Where final grades are two feet or more above the grade of the fronting road or when the building official deems necessary, a certificate of grading and location of building shall be duly completed and certified by a registered engineer or land surveyor before final grades are approved.

(Ord. No. 482, § 3.04, 7-17-2000)

Sec 46-437 Buildings To Be Moved

- (a) Any building or structure which has been wholly or partially erected on any premises, located either within or outside of this village, shall not be moved to and placed upon any other premises in this village until all applicable permits for such removal have been secured under article IX of this chapter. Any such building or structure shall fully conform to all the provisions of this chapter in the same manner as a new building or structure.
- (b) Before a permit may be issued for moving a building or structure, the building inspector shall inspect the building or structure and shall determine if it is in a safe condition for moving and whether it may be reconditioned to comply with the building code and other village requirements for the use and occupancy for which it is to be used. Provided these conditions can be complied with, a permit shall be issued for the moving of the building or structure.

(Ord. No. 482, § 3.05, 7-17-2000)

Sec 46-438 Corner Clearance

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection. It shall be unlawful for any person to plant, maintain, or allow any hedge, foliage, privacy screen shrubbery or other substance or material which obscures visibility.

(Ord. No. 482, § 3.06, 7-17-2000)

Sec 46-439 Dwellings Per Lot Or Parcel

No more than one one-family residential dwelling shall be permitted per each lot or parcel, except as otherwise specifically permitted in this chapter.

(Ord. No. 482, § 3.07, 7-17-2000)

Sec 46-440 Dwellings In Nonresidential Districts

No dwelling shall be erected in industrial zoning districts. However, the sleeping quarters of a watchman or a caretaker, not constructed as permanent sleeping or housekeeping facilities, may be permitted in the industrial zoning districts in conformance with the specific requirements of the particular district.

(Ord. No. 482, § 3.08, 7-17-2000)

Sec 46-441 Excavations Or Holes

The construction, maintenance or existence within the village of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited. However, this section shall not prevent any excavation under a permit issued, pursuant to this chapter, where such excavation is properly protected and warning signs posted in such manner as may be approved by the building inspector. Further, this section shall not apply to drains created or existing by authority of the state, county, village or other governmental agency.

(Ord. No. 482, § 3.09, 7-17-2000)

Sec 46-442 Fences

The location, height and construction of fences in all residential and nonresidential zoning districts shall conform to the requirements of article VI of chapter 6 pertaining to fences.

(Ord. No. 482, § 3.10, 7-17-2000)

Sec 46-443 Frontage

Every dwelling or principal building shall be located on a lot which shall front upon an improved public or an approved private street, road or highway. Modification of this requirement may be permitted by the zoning board of appeals when the configuration of the site limits opportunities for access. In modifying this frontage requirement, the zoning board of appeals shall consider the arrangement of the parcel to neighboring sites in the interest of maintaining privacy and minimizing nuisances. The zoning board of appeals shall also determine that safe and convenient access is provided for public safety purposes and adequate offstreet parking is available as specified in article VIII of this chapter.

(Ord. No. 482, § 3.11, 7-17-2000)

Sec 46-444 Locations Of Improvements In Public Easement

No improvements, structures or buildings, other than a fence, walk or parking lot, may be erected in a public easement or a dedicated public street.

(Ord. No. 482, § 3.12, 7-17-2000)

Sec 46-445 Lots, Yards And Open Spaces

No portion of any lot or parcel used in compliance with the various provisions of this chapter may again be used in determining site compliance with the provisions of this chapter for any proposed additional concurrent use of such lot or parcel or portion thereof.

(Ord. No. 482, § 3.13, 7-17-2000)

Sec 46-446 Measuring Setback Requirements

The measurement for determining front, rear and side setback requirements shall be made from the furthest most exterior projection of the principal building to the nearest applicable property line.

(Ord. No. 482, § 3.14, 7-17-2000)

Sec 46-447 Outdoor Merchandising And Sidewalk Sales

- (a) No person or business shall use any sidewalk or that space between the sidewalk and curb or any parking area or any area of a road right-of-way for displaying any goods for sale or for any other purpose.
- (b) Commercial sidewalk sales and outdoor merchandising and promotional events shall be approved by the village clerk. Outdoor sales events shall be limited to a maximum duration of five days. No establishment shall be allowed to conduct more than three outdoor merchandising events in any year.
- (c) Minor in-and-out merchandising and services may be permitted by the village clerk, provided that the following standards are observed:
 - (1) All goods and services shall be placed or kept so that a minimum five-foot sidewalk is maintained as an open and unobstructed walkway adjacent to the street right-of-way.
 - (2) All display areas shall be located and arranged to protect the health, safety and welfare of the village.
 - (3) No area designated for outdoor merchandising shall obstruct or create a hazard for

pedestrians or motorists.

- (4) All outdoor merchandising shall be confined to paved areas.
- (5) No outdoor merchandising area shall encroach into an established road right-of-way.
- (6) Temporary signs may be allowed as permitted in section 46-578(d).

(d) Restaurants, lounges and similar businesses which are going to provide annual seasonal outdoor seating must submit an application, which shall include a detailed drawing showing the proposed seating arrangements and other physical structures within the seating plan, for approval by the village clerk. There shall be no charge for the application, and approval is only needed once, provided there are no significant changes in the seating plan. If there are significant changes in the seating plan, a new application will have to be submitted for approval.

(Ord. No. 482, § 3.15, 7-17-2000; Ord. No. 485, 9-17-2001)

Sec 46-448 Outdoor Storage And/Or Display Lots

- (a) Outdoor storage and/or display lots, when permitted in a particular zoning district, shall be enclosed by an approved masonry wall or obscuring fence, as approved by the planning commission. The extent and height of such a wall or fence shall be determined by the planning commission on the basis of usage. Such wall or fence shall not be less than four feet six inches in height. The maximum height of the fence or wall shall be determined by the planning commission, depending on the proposed use and the grade of the property. The construction of the fence or wall shall be subject to the requirements of article VII of this chapter.
- (b) Outdoor storage areas, open air businesses and uses, such as flea markets, farm markets, recreation vehicle, boat and car sales, with permitted outdoor space for display and sales, shall not be allowed until approved by the planning commission. Such uses shall be paved and constructed to the same standards of construction as a parking lot or shall be provided with a suitable surface approved by the planning commission.

(Ord. No. 482, § 3.16, 7-17-2000)

Sec 46-449 Portable Toilets

No portable toilet shall be permitted in connection with any use of any site, except as required by OSHA and/or approved as a temporary use or for special events.

(Ord. No. 482, § 3.17, 7-17-2000)

Sec 46-450 Prohibited Occupancy

- (a) Any basement dwellings, garage dwellings and/or other temporary residential structures, which have been erected or occupied, are hereby declared to be unlawful for residential purposes. In no case shall a travel trailer, motor home, automobile chassis, tent or portable building be considered a dwelling. Mobile homes shall not be used as dwellings, except when located in and as part of a mobile home park or when permitted in zoning districts set forth in this chapter or when permitted by the building inspector as a temporary dwelling pursuant to the standards of section 46-455. All travel trailers, motor homes and mobile homes parked or stored on lands not approved for such use, as set forth, shall not be connected to sanitary facilities and shall not be occupied as a dwelling.
- (b) For mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with

the provisions thereof relative to dwellings.

(Ord. No. 482, § 3.18, 7-17-2000)

Sec 46-451 Public Utility Electronic Equipment Enclosures

The planning commission, after public hearing and site plan review, may permit the use and construction of one public utility electronic equipment enclosure on a lot or parcel. There shall be a determination that such use or structure is necessary within that neighborhood to provide essential services to the village. Any such structure shall be constructed and landscaped to blend into the neighborhood. Outdoor storage shall be prohibited.

(Ord. No. 482, § 3.19, 7-17-2000)

Sec 46-452 Restoration Of Unsafe Buildings

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building inspector or required to comply with his lawful order, provided that the restoration is not prohibited by this chapter.

(Ord. No. 482, § 3.20, 7-17-2000)

Cross reference— Buildings and building regulations, ch. 6.

Sec 46-453 Satellite Dish Antennas And Towers

Any exterior audiovisual dish antenna or receiver (referred to as a "satellite dish antenna") to be placed upon a lot, parcel or building shall be regulated the same as a principal building or as an accessory structure or building in the applicable zoning district. Wireless communication towers, including commercial television and radio towers and cellular telephone antennas, may be permitted in any zoning district within the village, subject to the following minimum conditions:

- (a) If the tower is to be located in a residential or office district, the property shall be owned and occupied by a governmental or educational entity.
- (b) All new towers shall be designed and constructed to allow for at least two additional collocators. Furthermore, the applicant shall commit to the village that it will negotiate in good faith and allow for leased, shared use of the tower at a reasonable market rate.
- (c) The height of the tower, including any and all attachments, shall not exceed 175 feet, unless a variance has been granted by the zoning board of appeals.
- (d) The tower shall be set back from any residential district a minimum distance of 50 feet, plus the overall height of the tower.
- (e) The tower shall be set back from any nonresidential district a minimum distance equal to the overall height of the tower. The setback may be reduced to one-half of the overall height of the tower if the applicant provides a written statement that verifies the ability of the tower to collapse in upon itself. Such statement shall be certified by a licensed engineer or architect.
- (f) Monopole structures shall be required when technically feasible. To minimize visual pollution the village encourages innovative design.
- (g) The site shall be landscaped in an aesthetically pleasing and functional manner with particular attention to those areas that abut residentially zoned property. The tower base, any accessory buildings and protective fencing shall be screened from abutting public rights-of-way and/or

adjacent properties by means of an obscuring greenbelt. Landscaping shall also be provided along any access drives which serve the tower site.

(h) When submitting an application for any proposed transmission tower, the applicant shall provide the following documents:

- (1) A statement certified and sealed by a licensed engineer or architect, verifying a safe fall zone for the tower, antenna or pole and all attachments. Manufacturer specifications of a safe fall zone may be substituted for this requirement. No building, sidewalk, parking lot or other area in which pedestrian or vehicular traffic is anticipated shall be permitted within the safe fall area.
- (2) A statement, certified and sealed by a licensed engineer or architect, verifying that the tower, antenna or pole and all attachments will withstand wind speeds up to 100 miles per hour with no ice, and 74 miles per hour with up to one-half inch of radial ice. Manufacturer specifications may be substituted for this requirement.
- (3) A statement, certified and sealed by a licensed engineer, that the signal being transmitted will not interfere with the ability of surrounding uses to receive signals from different radio, television, telephone or other electronic equipment.
- (4) A report that surveys all existing towers within a three-mile radius of the proposed site, including towers located in neighboring communities. The report shall, at a minimum, identify the owner and provider of each tower and shall provide information regarding the type, size and height of each tower. The report shall also contain written documentation of attempts by the applicant to collocate its transmission requirements on any of the existing towers, along with proof in writing why collocation was denied or why collocation on any of the existing towers is not feasible.
- (5) A statement containing an agreement that, should any tower approved under this chapter cease to function in its approved capacity, it shall be removed from the site within 180 days. Removal shall also include any accessory facilities. In order to ensure compliance with this condition, the village may require that a removal bond of \$10,000.00 be posted.

(i) No sign, logo, lettering or advertising shall be displayed upon the tower. Signage for any accessory building on the site shall be in compliance with section 46-578.

(Ord. No. 482, § 3.21, 7-17-2000; Ord. No. 491, 11-18-2002)

Sec 46-454 Side Yard Setbacks For Corner Lots And Double-Frontage Lots

The placement of all buildings on corner lots and lots having frontage on two streets shall observe the required front yard setback from all streets as required by the zoning district within which the site is located. This section applies to corner lots and double-frontage lots.

(Ord. No. 482, § 3.22, 7-17-2000)

Sec 46-455 Temporary Dwellings

If an existing building is subject to fire, tornado or similar act of God, the building inspector may permit the temporary occupancy of a mobile home or trailer. The approval shall be for a maximum period not to exceed six months, with one extension allowed. Utilities meeting the requirements of the village or county shall be provided by the property owner. The building inspector may also require a cash deposit or letter of credit to provide for the removal of the structure when the approval is expired.

(Ord. No. 482, § 3.23, 7-17-2000)

Sec 46-456 Utility Approval

Except as provided elsewhere in this chapter (see section 46-493), the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities of underground, surface or overhead distribution of gas, electricity, communications, steam or water transmission or distributing systems and collection, supply or disposal systems, including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, and other similar equipment and accessories in connection therewith shall be permitted by the village council pursuant to article VII, section 29, of the 1963 state constitution, after review and recommendation by the planning commission, based on the site plan review standards outlined in article VI of this chapter and of Public Act No. 368 of 1925 (MCL 247.171 et seq.).

(Ord. No. 482, § 3.24, 7-17-2000)

Sec 46-457 Vacated Right-Of-Way

Whenever any street, alley or other public way within the village shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it is attached.

(Ord. No. 482, § 3.25, 7-17-2000)

Sec 46-458 Medical Marijuana Dispensary, Compassion Centers, Grow Facilities, Or Other Similar Operations For The Use, Consumption, Or Distribution Of Medicinal Marijuana

It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marijuana dispensary, compassion center, grow facility, or other similar operation, or to participate in such operation as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, compassion center, grow facility, or other similar operation in the Village of Romeo.

(Ord. No. 513, 8-15-2011)

ARTICLE 46-V GENERAL EXCEPTIONS

[Sec 46-491 Scope Of Article](#)

[Sec 46-492 Access Through Yards](#)

[Sec 46-493 Essential Services](#)

[Sec 46-494 Height Limit](#)

[Sec 46-495 Lot Area](#)

[Sec 46-496 Porches, Terraces, At-Grade Patios, Steps Or Stairs And Decks](#)

[Sec 46-497 Voting Places](#)

Sec 46-491 Scope Of Article

The regulations of this chapter shall be subject to the interpretations and exceptions of this article.

(Ord. No. 482, art. 4, 7-17-2000)

Sec 46-492 Access Through Yards

For the purpose of this chapter, access drives may cross a required front yard or be placed in the side yard so as to provide access to a rear yard and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, driveway or other pavement servicing a like function shall not, for the purpose of this chapter, be considered to be a structure and shall be permitted as necessary in any required yard.

(Ord. No. 482, § 4.00, 7-17-2000)

Sec 46-493 Essential Services

Essential services shall be permitted as authorized and regulated by law and other village ordinances, it being the intention of this section to exempt such essential services which primarily serve the village from the application of this chapter.

(Ord. No. 482, § 4.01, 7-17-2000)

Sec 46-494 Height Limit

No building shall be converted, enlarged, reconstructed or structurally altered to exceed the height limit established for the zoning district in which the building is located. However, roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the limits prescribed.

(Ord. No. 482, § 4.02, 7-17-2000)

Sec 46-495 Lot Area

Any lot which was of record at the time of the adoption of the ordinance from which this chapter is derived that does not meet the requirements of this chapter for lot width and depth and available space for yards shall meet the provisions of article X of this chapter pertaining to nonconforming uses and nonconforming buildings.

(Ord. No. 482, § 4.03, 7-17-2000)

Sec 46-496 Porches, Terraces, At-Grade Patios, Steps Or Stairs And Decks

- (a) At-grade patios, unenclosed and uncovered access porches (i.e., one which is not roofed over) or paved terraces may project into a required front or rear yard for a distance not exceeding eight feet. Patios and porches covered or partially covered by permanent construction shall not project into any required yard space. Structures essential for handicapped access may be approved at the discretion of the building inspector.
- (b) Roofed open access porches, steps or stairs may project into a required front yard for a distance not exceeding eight feet.
- (c) Decks may be allowed, provided that the following conditions are met:
 - (1) The deck does not encroach into any easement.
 - (2) The deck does not project more than ten feet into the required rear yard setback.
 - (3) The deck does not project into the required front or side yard setback.
 - (4) The deck is located at least ten feet from any detached accessory building.
 - (5) The deck and all other appurtenant facilities shall conform with all applicable codes and ordinances.

(Ord. No. 482, § 4.04, 7-17-2000)

Sec 46-497 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 a village or other public election.

(Ord. No. 482, § 4.05, 7-17-2000)

ARTICLE 46-VI SITE PLAN REVIEW

[Sec 46-531 Intent](#)

[Sec 46-532 Planning Standards](#)

[Sec 46-533 Submission Requirements](#)

[Sec 46-534 Review Procedures](#)

[Sec 46-535 Site Condominium Subdivisions](#)

State Law reference— Site plans, MCL 125.584d.

Sec 46-531 Intent

Site plan review provides the village with an opportunity to review the proposed use of a site in relation to all applicable provisions of this chapter and the master plan. Site plan review also provides the village with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, offstreet parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare.

(Ord. No. 482, § 5.00, 7-17-2000)

Sec 46-532 Planning Standards

In reviewing all applications for site plan approval, the planning commission shall consider the plan in relation to the following standards:

- (a) *Vehicular access and circulation.* The location and design of driveways providing vehicular access to the site shall be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation. The planning commission shall require public streets adjacent or through a proposed development, when it is necessary for the public health, safety and welfare, and/or provide continuity to the public road system. When the planning commission determines that there are an excessive number of curb cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways shall be required.
- (b) *Relationship to surrounding property.* All site development features shall be arranged to minimize the potential for negatively impacting surrounding property. In making this determination, the planning commission shall review the plan for negative conditions, such as but not limited to:
 - (1) Channeling excessive traffic onto local residential streets.
 - (2) The lack of adequate screening of parking or service areas.
 - (3) The impediments to the access of emergency vehicles.
- (c) *Relationship to natural features.* All buildings, driveways, parking lots and site improvements shall be designed to be compatible with the physical characteristics of the site, including but not limited to woodlands, wetlands, slopes, floodplains and soil suitability. The proposed development shall not needlessly have an adverse impact on the natural environment of the site or the surrounding area.
- (d) *Infrastructure.* The planning commission shall consider the village engineer's evaluation of the

adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and stormwater retention.

(Ord. No. 482, § 5.01, 7-17-2000)

Sec 46-533 Submission Requirements

- (a) A site plan shall be submitted for review and approval by the planning commission whenever one or more of the following conditions apply:
- (1) Whenever a building permit is required for the erection or structural alteration of a building, other than one-family homes, one two-family structure, or accessory structures to these uses.
 - (2) For the construction, use or establishment of new or additional parking of ten spaces or more or of a storage area.
 - (3) For all special land uses.
 - (4) For site condominium subdivisions.
 - (5) For any substantial change in use or class of use, when referred by the village clerk.
 - (6) The erection of or addition to any major utility service facilities, including towers, substations, pump stations and similar facilities.
- (b) A required site plan shall include the entire site under the control or ownership of the applicant with all areas proposed for improvement shown. Unplanned areas of the site also shall be shown. All site plans submitted for consideration shall include the following information:
- (1) General site data as follows:
 - a. At least one copy of the site plan shall carry the seal and signature of the registered architect, landscape architect, community planner, land surveyor or professional engineer who prepared it. The site plan shall consist of one or more sheets necessary to adequately provide the required data.
 - b. The dimensions of all improvements and yards shall be labeled and dimensioned in a manner that clearly indicates the plan's compliance with the applicable standards and requirements of this chapter.
 - c. North point. The scale should customarily be provided at one inch equals 20 feet or one inch equals 30 feet. For large scale development, one inch equals 50 feet or one inch equals 100 feet may be acceptable, provided all important typical areas and requirements of this chapter are thoroughly detailed in clearly recognizable form and presented at the customary scale.
 - d. Complete legal description.
 - e. Size of the site expressed in acres.
 - f. A legible location map, at a scale of four inches equals one mile, showing major roads, nearby cross streets and property lines, where necessary.
 - g. Zoning of the site and all surrounding property. If the site has split zoning, show the line between the districts.
 - h. Proposed address, if available.
 - i. Location of existing structures and improvements. Indicate if any such structure or improvement is to be removed.

- j. Location of proposed structures and improvements.
- k. Yards and setbacks and critical dimensions between buildings and other site improvements.
- l. Existing improvements (buildings, parking, driveways, sidewalks, signs, fences, walks, etc.) within 50 feet of all property lines.
- m. Topography at two-foot contours, existing and proposed, if determined to be necessary by the village engineer.
- n. Recorded easements and rights-of-way with liber and page numbers.

(2) Building plans showing the following:

- a. All architectural building elevations (front, sides and rear).
- b. Type of surface material and design of all exterior surfaces.
- c. Dimensioned floor plans for principal and accessory buildings.
- d. Decks and/or patios (dimensions, location, height and materials).

(3) Access, parking and circulation as follows:

- a. Existing and proposed rights-of-way for all abutting roads.
- b. Location and dimensions of all driveways and street approaches.
- c. Indicate the type of surface (paving).
- d. Parking spaces (location, number and method of calculation per this chapter, dimensions, aisle dimensions, surface material and landscaping island dimensions).
- e. Site circulation pattern. (Direction of pedestrian and vehicular traffic flow if one-way or not obvious from the arrangement.)
- f. Identification of all fire lanes.
- g. Sidewalks, interior walks and their connection.
- h. Carport locations and details, including architectural elevations.
- i. Identification of all loading/unloading spaces.

(4) Environmental features as follows:

- a. Complete landscaping plan, including ground cover and the location, number, type and size of all proposed plantings. Common names of all plantings shall be provided.
- b. Greenbelts, walls and/or berm details. Provide at least one cross section for each type used.
- c. Treatment of all undeveloped areas, such as seeded, sodded, plantings, maintenance or other.
- d. Trash receptacles and method of screening.
- e. Site lighting details (location, height, type, intensity and shielding).
- f. Freestanding sign location.

g. Location and extent of wetland areas, if known, or floodplains if applicable.

(5) Other information as follows:

- a. Location of all site utilities, including fire hydrants. On-site fire hydrant locations shall be approved by the fire chief and/or village engineer prior to engineering approval.
- b. Site drainage characteristics and improvements.
- c. Park or recreation areas, showing the boundary and size in square feet.
- d. Fences, screen walls or similar structures (location and details).
- e. Statistical data shall be furnished, including the number of dwelling units; the size of dwelling units (i.e., one bedroom, two bedrooms and three bedrooms), if any; and the total net acreage involved. For mobile home parks, the size and location of each mobile home site shall be shown.
- f. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions and other data of all such equipment and/or machinery shall be indicated.
- g. List of hazardous substances used, stored or generated at the proposed facility and the location of storage, use and disposal areas, if any, for hazardous substances. Evidence of approval by the applicable federal, state or local review agency shall also be provided, including the fire department.

(6) Where it is determined by the planning commission that certain requirements of this section are not necessary to the review and understanding of the site, the planning commission may waive the requirements. Any and all waivers shall be recorded in the planning commission's minutes, together with the unique circumstances and reasons for such waiver.

(Ord. No. 482, § 5.02, 7-17-2000)

Sec 46-534 Review Procedures

- (a) *Submission.* The proposed site plan shall be submitted to the village clerk or other designated representative who shall check the submission data and transmit it to the planning commission and village departments or commissions. The applicant may also be required to submit the site plans to other agencies and consultants, as appropriate. The village clerk shall then submit the site plan with the available written comments from the various agencies and departments to the planning commission.
- (b) *Planning commission review.* The site plan shall be reviewed by the planning commission with reference to the specific requirements of this chapter. The planning commission shall also review the site plan relative to other planning documents and other applicable ordinances. The planning commission shall require review and comment from the village planner, village engineer and village attorney, where appropriate. Approval of the site plan, as submitted or with additions, corrections, or alterations, by the planning commission shall satisfy the requirements of this chapter for the issuance of a zoning compliance permit. It shall not, however, exempt the petitioner from compliance with other village ordinances. If a site plan is not approved by the planning commission, the reasons shall be stated in writing and a copy of the reasons supplied to the applicant. The approved site plan shall be part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a

change conforming to this chapter receives the mutual agreement of the landowner and the planning commission.

- (c) *Approval period.* A site plan approval shall be valid for 12 months from the date of approval. If physical improvement of the site is not in actual progress at the expiration of the approval, the approval shall be null and void unless renewed or extended by specific planning commission action. Any request for an extension shall be made in writing prior to the expiration of the approval. If a request is not made before expiration of the 12-month period, a new application and a new approval shall be required before a building permit may be issued.
- (d) *Performance guarantee.* The planning commission or village council may require a cash deposit or irrevocable bank letter of credit acceptable to the village, covering the estimated cost of improvements associated with a project for which the site plan approval is sought, be deposited with the village treasurer to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project.
- (e) *Review fees.* A site plan fee shall be required to cover any cost for review by the village engineer, village planner, and other professional and village services in accordance with a schedule of fees as determined by resolution of the village council. Any additional cost shall be paid by the applicant prior to the issuance of a building permit.
- (f) *Appeals.* An applicant for a site plan approval may appeal the decision or absence of a decision of the planning commission to the board of zoning appeals under division 2 of article II of this chapter.

(Ord. No. 482, § 5.03, 7-17-2000)

Sec 46-535 Site Condominium Subdivisions

- (a) *Intent.* The intent of the requirements of this section is to ensure that all site condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in the village ordinances and requirements.
- (b) *Allowed as permitted use.* Condominium subdivisions may be allowed as a permitted use in the applicable zoning district, subject to site plan review by the planning commission.
- (c) *Submission requirements.* All site condominium subdivision plans shall be submitted for review, as required by sections 46-531, 46-532, 46-533 and 46-534 and section 66 of the condominium act (MCL 559.166) and shall include the following additional information:
 - (1) A boundary survey of the site condominium subdivision site.
 - (2) A plan delineating all natural and manmade features on the site, including but not limited to drains, ponds, lakes, streams, floodplains, wetlands and woodland areas.
 - (3) The location, size, shape, area and width of all condominium units and common areas and the location of all proposed streets.
 - (4) A copy of the master deed and a copy of all restrictive covenants to be applied to the project. Such deeds shall include an acceptable means of converting the project to a platted subdivision, under the provisions of the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), at some future date.
- (d) *Review procedures.* Pursuant to authority conferred by section 141 of the condominium act (MCL 559.241), all site condominium subdivision plans shall require approval by the planning commission before units may be sold or site improvement initiated. In determining whether to

approve a site condominium subdivision plan, the planning commission may consult with the village attorney, planner and engineer regarding the adequacy of the submission as it relates to this chapter, the master plan and other applicable ordinances, and requirements of the condominium act. The review process shall consist of the following two steps:

- (1) *Preliminary plan review.* In the preliminary review phase, the planning commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans, with all applicable provisions of this chapter. Plans submitted for preliminary review shall include information specified in subsections (c)(1) and (3) of this section pertaining to submission requirements.
 - (2) *Final plan review.* Upon receipt of preliminary plan approval, the applicant shall prepare the appropriate engineering plans and apply for final review by the planning commission. Final plans shall include information as required by the submission requirements in subsection (c) of this section. Such plans and information shall be reviewed by the village attorney, engineer and planner. Further, such plans shall be submitted for review and comment to all applicable local, county and state agencies. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
- (e) *District requirements.* The development of all site condominium subdivisions shall observe the applicable yard setback and minimum area requirements of the zoning district within which the project is located. The density of development of the project shall be no greater and spacing no less than would be permitted if the property were a platted subdivision.
- (f) *Design standards.* All development in a condominium subdivision shall conform to the design and improvement standards of the subdivision requirements in article II of chapter 20 and all applicable requirements of the village engineer. All streets and roads shall be dedicated to the public where necessary to maintain the continuity of the public road system. In those locations where the planning commission determines that public roads are not necessary, private roads may be allowed. All private roads shall conform to the design and construction standards of the village engineer. Approval of the private road shall also be accompanied by a maintenance agreement approved by the village. Street and road connections and/or stubs shall be required, where necessary, to provide continuity to the public road system. In any of the foregoing referenced sections, the term "plat" shall be substituted with the term "condominium subdivision plan," the term "tentative preliminary plat approval" shall be substituted with the term "preliminary plan review," the term "final preliminary plat approval" shall be substituted with the term "final plan review," and the term "proprietor" shall be deemed to refer to the applicant pursuant to this section. Any applications, fees, procedures for review or hearing, as set forth in this chapter and other provisions, shall be fully complied with, except as provided in this section.
- (g) *Utility easements.* The condominium subdivision plan shall include all necessary easements granted to any appropriate authority for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including but not limited to the conveyance of sewage, water and stormwater runoff across, through and under the property, subject to the easement.
- (h) *Final acceptance.* The village shall also require all the appropriate inspections at the applicant's expense. After construction of the condominium subdivision, an as-built reproducible Mylar of the completed site improvements, excluding dwelling units, is to be submitted to the village council for review by the village engineer. A final certificate of occupancy and any construction bond or letter of credit will not be released to the developer/owner until the as-built Mylar has been reviewed and accepted by the village.

(Ord. No. 482, § 5.04, 7-17-2000)

ARTICLE 46-VII SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS[Sec 46-571 Intent](#)[Sec 46-572 Screening Requirements](#)[Sec 46-573 Landscaping Requirements](#)[Sec 46-574 Parking Lot Landscaping Requirements](#)[Sec 46-575 Lighting](#)[Sec 46-576 Performance Standards](#)[Sec 46-577 Location And Screening Of Trash Receptacles](#)

State Law reference— Site plans, MCL 125.584d; natural resources and environmental protection act, MCL 324.101 et seq.

Sec 46-571 Intent

The intent of the site development and environmental standards in this article is to preserve the quality and character of the village's environment by regulating manmade development and by conserving natural resources. The requirements of this article are promulgated pursuant to the following objectives:

- (a) Screen and buffer incompatible views and activities within and between uses.
- (b) Define the limits of site functions and areas.
- (c) Reduce or eliminate glare into and from adjacent sites and activities.
- (d) Reduce dust and other pollutants from the air.
- (e) Control noise and provide acoustical modification into and from adjacent sites.
- (f) Contain odors and minimize their passage into and from adjacent sites.
- (g) Control the direction and velocity of surface water runoff and minimize soil erosion.
- (h) Moderate interior and exterior temperatures by controlling solar radiation on buildings and paved surfaces.
- (i) Maintain aesthetic quality of property and preserve its value.
- (j) Maintain and enhance the visual quality of the village.

(Ord. No. 482, § 6.00, 7-17-2000)

Sec 46-572 Screening Requirements

- (a) The planning commission may require screening whenever construction or development in a commercial or industrial district abuts a residential zoning district. Screening may also be required where multiple-family or mobile home developments abut single-family districts or uses. The planning commission shall evaluate the need for screening between adjacent uses based on the following standards:
 - (1) The compatibility of adjoining uses.
 - (2) The distance between structures, parking lots, access drives, service areas, and other applicable development features on the abutting sites.
 - (3) Dimensional conditions unique to the parcel.
 - (4) Existing and proposed building placement.
 - (5) The presence of existing natural vegetation.

(6) Topographic conditions between the sites.

(b) In those locations where the planning commission determines that screening between dissimilar uses or districts is required, the screening shall consist of a decorative masonry wall, greenbelt, berm, or combination thereof, meeting the following standards:

(1) Standards for walls shall be as follows:

- a. Walls shall be constructed of decorative poured reinforced concrete, reinforced protective face brick, or similar decorative building material acceptable to the planning commission. The brick or facing shall be compatible with brick used on the site and shall be durable, weather-resistant and easy to maintain.
- b. Walls shall be placed on the lot line and shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings and the arrangement of such as may be approved by the planning commission for the purposes of public safety. Where walls are pierced, the openings shall be so spaced as to maintain the overall obscuring character required and shall not reduce the minimum height requirement.
- c. The foundation of any wall shall be constructed to meet the requirements of the building department.
- d. Whenever a wall abuts a parking lot, the wall shall be placed on the property line with a five-foot-wide landscaped greenbelt provided between the wall and the surface of the parking lot. This greenbelt shall be planted with decorative shrubs and grass, ground cover, or other landscape materials acceptable to the planning commission. The wall shall not be permitted to extend into the required front yard setback or the parking lot setback, whichever is less.
- e. The height of a required screen wall shall be between four and six feet in height.

(2) Standards for greenbelts shall be as follows:

- a. The minimum required greenbelt width shall be ten feet.
- b. Five-foot-high evergreen trees shall be planted 15 feet on center and/or two-inch-caliper deciduous trees shall be planted 20 feet on center. Not more than 50 percent of planting shall consist of deciduous trees.
- c. Shrubs and ground cover or mulch shall be provided so as to cover the ground at the time of planting. All such plantings shall meet the following height and spacing requirements:
 1. Plant material shall not be placed closer than four feet from the fence line or property line.
 2. Where plant materials are planted in two or more rows, planting shall be staggered in rows.
 3. Narrow evergreens shall be planted not more than three feet on center.
 4. Tree-like shrubs shall be planted not more than ten feet on center.
 5. Large deciduous shrubs shall be planted not more than four feet on center.

(3) Whenever a berm is to be used to supplement a greenbelt, it shall be constructed to the following standards:

- a. In lieu of the wall, the planning commission may allow the development of a three-

foot-high landscaped earthen berm with a 20-foot-wide greenbelt, meeting the requirements of this section. The landscaped earthen berm shall be planted with a single row of six-foot-high evergreens, planted 15 feet on center. Shrubs a minimum of 30 inches in height and/or other ground cover and mulches so as to cover the ground upon planting shall also be required.

- b. Berms shall consist of landscaped earth mounds possessing a maximum slope ratio of three feet horizontal to one foot vertical, except where retaining walls are used. Side slopes shall be designed and planted with sod or hydro seeded to prevent erosion.
 - c. When a berm is included as part of a greenbelt, a detailed drawing and cross section of the proposed berm shall be provided as part of the landscape plan.
- (c) Unless otherwise expressly directed by the provisions of this chapter, all protective walls or greenbelts shall be provided when required along and immediately joining the zoning district boundary line and/or property line and shall be installed so as to lie wholly on the land of the applicant seeking site plan approval. When drains, trees or other obstacles preclude such location, the planning commission shall determine the most appropriate alternative location.
- (d) All walls or greenbelts required by this chapter shall be completely installed prior to the issuance of an occupancy permit for the use of the premises, except as provided.
- (e) Maintenance of the wall or any other substituted screening device shall be the responsibility of the property owner on whose property such wall or screen is located and shall thereafter be reasonably maintained to provide a screen to abutting properties.

(Ord. No. 482, § 6.01, 7-17-2000)

Sec 46-573 Landscaping Requirements

Whenever a landscaping plan is required by this chapter, the following general requirements and standards shall apply:

- (a) Whenever any front, side or rear yard is not designated for building, parking, storage or other approved purpose, it shall be landscaped with either approved natural materials or living plant materials which shall be maintained in an aesthetically pleasing condition.
- (b) A detailed landscape plan for all yard areas shall be submitted to the planning commission showing the common names, location, spacing, starting size and planting and staking details of all plantings to be installed and the location and types of all natural materials proposed to be included in the landscape treatment of the yard areas.
- (c) Existing trees and natural vegetation shall be integrated into the site landscape plan whenever possible. Undeveloped portions and subsequent phases of the site shall be seeded, mowed and maintained.
- (d) The planning commission may approve constructed features of other materials, such as masonry walls or brick, stone and cobblestone pavement, as a supplement or substitute upon a showing by the applicant that general plantings will not prosper at the intended location.
- (e) Landscaping shall be planted, landscape elements shall be installed, and earth moving or grading performed in a sound workmanlike manner and according to accepted planting and grading procedures.
- (f) All landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All plant materials shall be continuously maintained in a

sound, weed-free, healthy and vigorous growing condition and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one year or the next appropriate planting period, whichever comes first.

(g) All proposed landscaped plantings shall meet the minimum size requirements specified in the following table:

PLANT MATERIAL SIZE

		Minimum Size Allowable								
		Height				Caliper				
		5 ft. to 6 ft.	3 ft. to 4 ft.	2 ft. to 3 ft.	18 in. to 2 ft.	1½ in.	2 in.	18 in. to 2 ft. spread	2 in. peat pot	2 gal. container
Evergreens:										
	Fir	X								
	Spruce	X								
	Pine	X								
	Hemlock	X								
	Douglas fir	X								
Narrow evergreen trees:										
	Red cedar	X								
	Arborvitae	X								
	Juniper (selected varieties)	X								
Large deciduous trees:										
	Oak						X			
	Maple						X			
	Beech						X			
	Linden						X			
	Ash						X			
	Ginkgo (male only)						X			
	Honey locust (seedless, thornless)						X			
	Birch						X			
	Sycamore						X			
Small deciduous trees (ornamental):										
	Flowering					X				

	dogwood								
	Flowering cherry, plum, pear					X			
	Hawthorn (thornless)					X			
	Redbud					X			
	Magnolia					X			
	Flowering crabapple					X			
	Mountain ash					X			
	Hornbeam					X			
	Russian olive					X			
Large evergreen shrubs:									
	Irish yew			X					
	Hicks yew			X					
	Upright yew			X					
	Spreading yew						X		
	Pfitzer juniper						X		
	Sevin juniper						X		
	Mugho pine						X		
Small evergreen shrubs:									
	Brown's, Ward's sebion yews						X		
	Dwarf spreading juniper						X		
	Dwarf mugho pine						X		
	Euonymous varieties						X		
Large deciduous shrubs:									
	Honeysuckle			X					
	Lilac			X					
	Border privet (hedge plantings)				X				
	Sumac		X						
	Buckthorn		X						
	Pyracantha			X					

	Weigela		X						
	Flowering quince		X						
	Barberry		X						
	Cotoneaster (Peking and spreading)		X						
	Sargent crabapple		X						
	Dogwood (red osier and grey)		X						
	Euonymous varieties		X						
	Viburnum varieties		X						
	Tail hedge (hedge planting)			X					
Small deciduous shrubs:									
	Dwarf winged				X				
	Regal privet				X				
	Fragrant sumac				X				
	Japanese quince				X				
	Cotoneaster (rockspray, cranberry)				X				
Ground cover:									
	Periwinkle							X	
	Baltic ivy							X	
	Euonymous varieties							X	
	Hall honeysuckle							X	
	Pachysandra							X	
Vines:									
	Euonymous varieties								X
	Virginia creeper								X
	Baltic ivy							X	
	Wisteria								X

(Ord. No. 482, § 6.02, 7-17-2000)

Sec 46-574 Parking Lot Landscaping Requirements

- (a) *Intent*. The intent of the parking lot landscaping requirements in this section is to:
- (1) Enhance the visual environment of the village;
 - (2) Promote public safety;
 - (3) Moderate heat, wind and other local climatic effects produced by parking lots; and
 - (4) Minimize nuisances, particularly noise and glare.
- (b) *Frontage landscaping*. Street landscaping shall be required along any public right-of-way line of any street, road or highway equal in depth to the required front yard setback. One tree shall be planted each 30 linear feet of the landscaping strip and shall be located within the required front yard setback.
- (c) *Vision clearance*. To ensure that landscape materials do not constitute a driving hazard, clear vision sight triangles shall be established at all street intersections and at the intersection of site driveways and streets, as provided and regulated in section 46-438.

(Ord. No. 482, § 6.03, 7-17-2000)

Sec 46-575 Lighting

Lighting in all zoning use districts shall conform to the following requirements as to type, location and intensity:

- (a) All outdoor lighting used to light the general area of a specific site shall be shielded downward or below horizontal to reduce glare and shall be so arranged as to reflect light away from all adjacent residential districts or adjacent residences and public rights-of-way.
- (b) Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view.
- (c) There shall be no lights which tend to be harmful to natural forms of vegetation in any use district.
- (d) The lighting source shall not be visible from adjoining properties or rights-of-way. In addition, the height of the lighting fixture, including the base, measured from the established grade shall not exceed 20 feet.
- (e) No light measured, at eye level, at the property line between any use and any residential district or use shall be greater than one-tenth footcandle at the side and rear property line, nor greater than one-half footcandle for the intensity of the available street lighting at the front property line, whichever is greater.
- (f) The standards contained in subsections (1) through (5) of this section shall not preclude the use of ornamental lighting in the central business district which may not meet the standards contained in this section.
- (g) The intensity of outdoor lighting in all use districts shall be limited to the following maximum amounts:

SCHEDULE OF ILLUMINATION

(in footcandles measured at the surface)

Use	Minimum Illumination	Maximum
-----	----------------------	---------

	Level (footcandles)	Uniformity Ratio
Residential, church, school, and child care facility:		
All parking areas	0.4	10:1
Nonresidential:		
Small (5—15 spaces)	0.4	10:1
Large (16 and above)	0.6	10:1

(Ord. No. 482, § 6.04, 7-17-2000)

Sec 46-576 Performance Standards

- (a) *Intent*. It is the intent of this section to regulate all uses and require that each permitted use shall be a good neighbor to adjoining properties by control of noise, odor, glare, vibration, smoke, dust, liquid wastes, radiation, radioactivity, etc. The sum of the effects of concurrent operations on two or more lots measured at any property line shall not be greater or more offensive to the senses than the standards contained in this section. Compliance with the provisions of this section by single or mutual changes in operational levels, scheduling of operations and other adjustments is permitted. If a conflict occurs among these standards and federal and state regulations, the most restrictive standard or regulation shall apply.
- (b) *Noise*. The emission of measurable noises from the premises shall not exceed 65 decibels as measured at the boundary property lines, except that, where normal street traffic noises exceed 65 decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. In the industrial district, the following maximum noise levels may be permitted:

6:00 a.m. to 11:00 p.m. 75	11:00 p.m. to 6:00 a.m. 70
-------------------------------	-------------------------------

In addition, objectionable sounds of an intermittent nature or characterized by high frequencies, even if falling below the decibel readings, shall be controlled so as not to become a nuisance to adjacent uses.

- (c) *Odors*. Odors from any use shall not be discernible at the property line to a greater degree than odors from plants for the manufacture of electronic equipment. The values given in table III (Odor Thresholds) in the latest revision of chapter 5, "Physiological Effects," in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., copyright 1951, shall be used as the standard in case of doubt concerning the character of odors emitted. In such case, the smallest value given in table III shall be the maximum odor permitted. In the industrial district, no obnoxious odors shall be emitted which may be harmful to public health and/or safety.
- (d) *Glare*. Any operation producing intense glare or heat shall be confined to an enclosed building so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.
- (e) *Vibration*. Vibration shall not be discernible at any property line to the human sense of feeling. In the industrial district, vibration shall not cause a ground displacement exceeding 0.003 inch, as measured at any property line, and not detectable at any residential district boundary.

- (f) *Smoke*. Emission of smoke on the site shall be controlled so that a nuisance will not result. Emission of smoke shall not exceed the number 1 standard as established by the Ringelmann chart. In the industrial district, the emission of smoke shall not exceed the number 2 standard as established by the Ringelmann chart for periods aggregating four minutes in any 30 minutes.
- (g) *Gases*. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. In the industrial district, no obnoxious odors or gases shall be emitted which may be harmful to public health and/or safety.
- (h) *Electrical radiation*. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation.
- (i) *Airborne matter generally*. There shall not be discharged from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment or nuisance to the public; which endanger the comfort, repose, health or safety of persons; or which cause injury or damage to business or property, except burning activities as may be permitted by article II of chapter 16 pertaining to open burning. In the industrial district, the emission of dirt, dust and fly ash shall not exceed 0.3 grain per cubic foot of flue gas as measured at a temperature of 500 degrees Fahrenheit, with not to exceed 50 percent excess air. No haze shall be caused by such emission which would impair visibility.
- (j) *Storage of hazardous substances*. This subsection applies to all businesses and facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds). Site plans for facilities with hazardous substances shall be reviewed by the fire chief prior to the approval by the planning commission.

(1) *Aboveground storage*. Aboveground storage shall be in accordance with the following:

- a. Primary containment of hazardous substances shall be product-tight.
- b. Secondary containment of hazardous substances shall be provided for all facilities, subject to site plan review. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- c. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.
- d. At a minimum, state and federal agency requirements for storage, leak detection, recordkeeping, spill prevention, emergency response, transport and disposal shall be met.

(2) *Belowground storage*. Belowground storage shall be in accordance with the following:

- a. At a minimum, regulations of the state department of environmental quality, the department of state police, and the village for the installation, inspection, maintenance of a leak detection system, inventory and recordkeeping, emergency response and closure must be met.
- b. All underground storage tanks which have been out of service for nine months or longer shall be removed from the site before a building permit is issued. This requirement may be adjusted by the fire chief in situations where a clear timetable for the safe use of the underground tank is established.

(Ord. No. 482, § 6.05, 7-17-2000)

Sec 46-577 Location And Screening Of Trash Receptacles

- (a) The location of trash receptacles shall be indicated on a site plan. All such trash receptacles shall be located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, site traffic circulation patterns, or any public right-of-way.
- (b) All trash receptacles shall be screened on three sides by durable masonry walls which are similar to or compatible with the exterior construction materials used elsewhere on site. Chainlink fencing with view obscuring slats or wooden fencing shall not be considered to be suitable screening materials. All trash receptacles shall be placed on a minimum six inch concrete pad, having a minimum dimension of eight feet by ten feet. Concrete or metal bollards shall be placed between the trash receptacle and the rear wall of the enclosure.
- (c) The height of the masonry screening shall be six feet. The walls shall be maintained so as to remain structurally sound and neat and clean in appearance. Trash shall not be allowed to overflow from the receptacle. Trash receptacles shall be so located and arranged to minimize their visibility from adjacent streets and uses. All trash receptacles shall be located on site to be as accessible as possible without interfering with vehicular circulation patterns.

(Ord. No. 482, § 6.06, 7-17-2000)

ARTICLE 46-VIII OFFSTREET PARKING AND LOADING

[Sec 46-611 Intent](#)

[Sec 46-612 General Parking Requirements](#)

[Sec 46-613 Minimum Number Of Offstreet Parking Spaces](#)

[Sec 46-614 Offstreet Parking Space Layout Standards, Construction And Maintenance](#)

[Sec 46-615 Offstreet Loading And Unloading](#)

[Sec 46-616 Banking Of Parking Spaces](#)

Cross reference— Streets, sidewalks and other public places, ch. 38; stopping, standing and parking, § 42-41 et seq.

Sec 46-611 Intent

The offstreet parking and loading requirements of this chapter are established to:

- (a) Prevent congestion on public streets by providing clearly defined parking areas that are separated from roadways;
- (b) Remove the hazard to pedestrians of emerging between parked vehicles onto a public street;
- (c) Facilitate proper stormwater runoff;
- (d) Prevent the generation of dust into the area; and
- (e) Make clear the availability and arrangement of spaces to all users.

(Ord. No. 482, § 7.00, 7-17-2000)

Sec 46-612 General Parking Requirements

It shall be the duty of both the owner and occupant of any premises to provide offstreet parking spaces as required in this article. Such offstreet parking areas shall be laid out, constructed and maintained in

accordance with the following standards and regulations:

- (a) Whenever a use or activity requiring offstreet parking is created, enlarged or increased in activity or intensity, offstreet parking spaces shall be provided on site and maintained as required by this chapter.
- (b) Nothing in this section shall be construed to prevent the collective provision of offstreet parking facilities for two or more buildings or uses on separate sites, provided that, collectively, such parking shall not be less than the sum of requirements for the various uses computed separately. The provision for shared parking shall not be construed to allow for development without parking located reasonably proximate to the development it is intended to serve. Parking shall be reasonably distributed to fulfill the parking needs of each use being served and shall be irrevocably dedicated to each use.
- (c) Where the owners of two buildings, whose operating hours do not overlap, desire to utilize common offstreet parking facilities, the planning commission may permit such dual function, at site plan review, provided that the following conditions have been met:
 - (1) The normal business hours of the two buildings or uses in no way overlap, except for custodial personnel. If there is a change of uses that no longer meets the criteria established for shared parking, the required number of spaces as provided in section 46-613 shall be installed.
 - (2) The common parking lot meets all of the locational requirements of this chapter with respect to each building or use.
 - (3) The site plan shall indicate a reserve area that is capable of accommodating the required number of parking spaces, if necessary. The developer shall execute an agreement, in a form satisfactory to the village attorney, that will obligate the property owners to install additional parking at the village council's request if the need arises.
- (d) Offstreet parking facilities required shall be located within 300 feet of the permitted use it is intended to serve, such distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served.
- (e) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one parking space.
- (f) For the purpose of determining offstreet parking requirements for all uses, floor area shall mean the total gross floor area, as measured from the exterior walls. For those buildings which feature unique interior natural features, such as atriums and landscaped areas, the floor area occupied by such areas may be deducted from the gross floor area to calculate parking requirements.
- (g) Whenever drive-through or vehicle stacking lanes are provided, such lanes shall be so located so as not to impede pedestrian or vehicular circulation on the site or on abutting sites, nor shall any drive-through lane cross a vehicle maneuvering lane or aisle. Unless otherwise provided in section 46-613, a minimum of four stacking spaces shall be provided for each service window. A minimum waiting space shall be 23 feet long by ten feet wide.

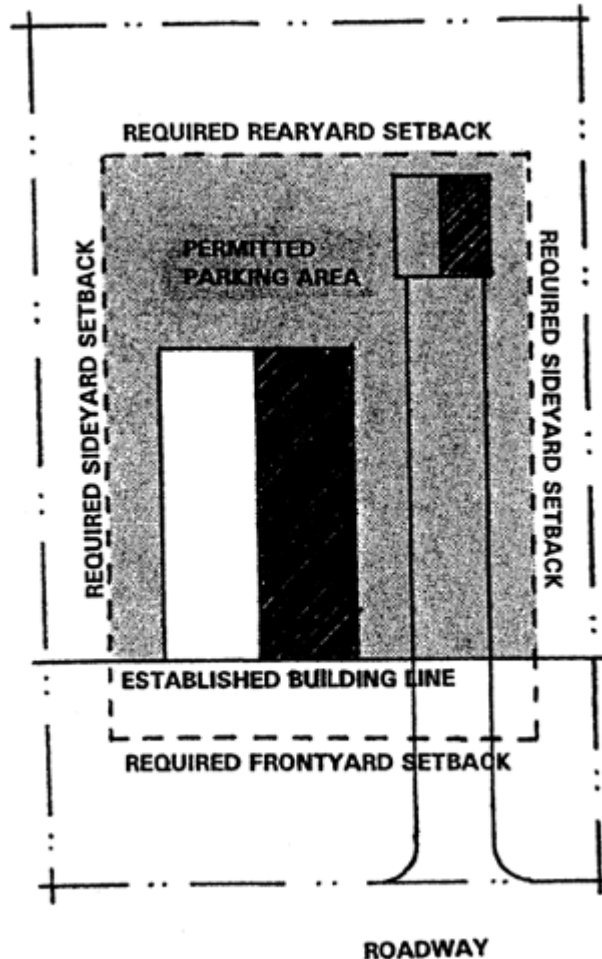
(Ord. No. 482, § 7.01, 7-17-2000)

Sec 46-613 Minimum Number Of Offstreet Parking Spaces

The minimum number of offstreet parking spaces by type of use shall be determined in accordance with the following schedule. For those uses not specifically mentioned, the requirements for offstreet parking facilities shall be in accord with a use which is most similar in type as determined by the planning commission:

(a) *Residential.*

- (1) The offstreet parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground and shall consist of a paved parking space of at least nine feet by 20 feet, parking apron, two paved strips for wheels separated by grass, carport and/or garage. In lieu of asphalt or concrete pavement, brick pavers or similar dustfree durable surface may be permitted. Driveway approaches from the public roadway must be paved.

Permitted Parking Area

Such parking space shall be paved to provide not less than two offstreet parking spaces. Parking or storage of vehicles shall be restricted to paved areas. Paved driveways may be allowed in required side yards to provide access to a side-entry garage or to a detached garage located in the rear yard.

No motor vehicle shall be kept or stored in any residential zoning district, unless it shall be in operating condition and properly licensed or located inside a building. No storage of motor vehicles or recreational vehicles may be allowed within a required front yard or the established building line, whichever is more restrictive, or required side or required rear yard.

- (2) Multiple-family residential dwellings shall have two paved offstreet parking spaces for each one-bedroom dwelling unit. For each additional bedroom, one-half additional parking space shall be provided.
- (3) For housing for the elderly, there shall be two spaces for each three dwelling units, and

one for each employee. Should the dwelling units revert to general occupancy, two spaces per unit shall be provided. The location of this reserved parking area shall be shown on the site plan at the time of the original approval.

- (4) For community buildings for multiple-family dwellings and mobile home parks, there shall be one space for each four persons allowed within the maximum occupancy load, as determined by the fire department.
- (5) In multiple-family residential districts and mobile home parks where recreation vehicles are permitted, a secured storage area for such vehicles shall be provided and buffered from adjacent uses. No unlicensed motor vehicle of any type shall be parked within the development at any time, except within a covered building or the enclosed storage area. In the mobile home park district, no motorized recreation vehicles or boats shall be parked on individual home sites. All group offstreet parking lots shall be adequately lighted during hours of darkness with no more than one-half footcandle of illumination.

Use		Required Parking Spaces
(b)	<i>Institutional.</i>	
(1)	Auditoriums (incidental to churches, schools and hospitals)	One space for each three seats; plus one for each two employees. If no seats, one for each 50 square feet of floor area
(2)	Churches or temples	One space for each three seats or six feet of pew in the main worship area; plus spaces for any residential uses, as determined in accordance with the parking requirements established for residential uses. Additional spaces for ancillary facilities, such as social halls, schools, etc., may be required by the planning commission
(3)	Convalescent homes	One space for each two beds; plus one for each staff member
(4)	Elementary schools	One space per each employee, including teachers and administrators; plus one per each classroom or teaching station; plus one for each three seats in the auditorium or public assembly areas, as determined by the fire chief
(5)	Junior high schools	One space per each employee, including teachers and administrators; plus two for each classroom or teaching station; plus one for each three seats in the auditorium or public assembly areas, as determined by the fire chief
(6)	Hospitals	One space per bed, excluding bassinets; plus one space per employee and doctor on peak employment shift. Additional spaces shall be required for ancillary medical office buildings based on their individual requirements. Parking for emergency facilities shall be provided on the basis of one space per 100 square feet of floor area of the emergency room, patient treatment areas and waiting areas
(7)	Libraries	One space for every 300 square feet of gross floor area
(8)	Museums	One space for every 500 square feet of gross floor area
(9)	Nursery schools, day nurseries or child care facilities	One space for each employee; plus one space for each four students on the premises at one time. Adequate, but not fewer

			than five, stacking spaces shall be provided for pickup and dropoff
(10)	Private clubs and lodges		One space for each three members allowed within the maximum occupancy load, as determined by the fire department; plus one per employee
(11)	Senior high schools and colleges		One space for each employee, including teachers and administrators; plus one for each three students; plus the requirements of the auditorium, as determined by the fire chief. Additional spaces for ancillary facilities and activities may be required by the planning commission
(c)	<i>Recreational.</i>		
(1)	Bowling alleys		Five spaces per lane, plus parking required for ancillary uses such as restaurants or lounges, as determined in accordance with the requirements of this section
(2)	Dancehalls, roller rinks, amusement device centers, billiards, ice skating rinks, indoor shooting ranges, archery ranges and exhibition halls		One space per three persons allowed at maximum occupancy load, as determined by the fire department
(3)	Miniature golf		One space per employee; plus 1¼ spaces per each hole; plus spaces for any ancillary uses as determined in accordance with the requirements of this section
(4)	Swimming or tennis clubs and similar uses		One space for each three member families; plus one per employee. If clubhouses are provided, one additional space shall be provided for each three persons allowed within the maximum occupancy load, as determined by the fire department
(5)	Private parks		One space for each two individual members or users
(6)	Public recreation (other)		One space for every two users at maximum capacity; plus one space for each employee
(7)	Stadiums and sports arenas or similar places of assembly		One space for each three seats or 60 inches of benches
(8)	Racquet/tennis and exercise clubs		One space for each two persons allowed within the maximum occupancy, as determined by the fire department; plus spaces required for any ancillary uses, as determined in accordance with the requirements of this section
(d)	<i>Offices.</i>		
(1)	Banks		One space for each 100 square feet of floor area. Stacking lanes for drive-through tellers shall be provided, as required in section 46-612
(2)	Professional offices and business or administrative offices,		One space for each 200 square feet of gross floor area

		except medical offices as indicated in subsection (4)c. of this section	
	(3)	Clinics: medical, dental and veterinary	One space for each employee; plus one space for each 150 square feet of gross floor area
	(e)	<i>Auto-related uses.</i>	
	(1)	Auto wash, hand or coin-operated	Two exterior waiting spaces at entry; plus two exterior drying spaces for each bay; plus one space for each employee
	(2)	Enclosed self-service two-door time charge carwash	Where all washing and drying operations are designed to take place within the building, four waiting spaces shall be provided for each bay; plus one space for each employee. A properly drained 50-foot-long drying lane shall also be provided at the exit of each washing lane or stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard
	(3)	Auto wash, high speed commercial	One space for each employee; plus 20 exterior waiting spaces at entry. A properly drained 50-foot-long drying lane shall also be provided at the exit of each washing lane or stall in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard
	(4)	Auto service stations (gasoline and repair) and auto repair services, excluding heavy and major repair	In addition to a service space to be provided at each pump, the following additional requirements shall apply: three spaces for each service bay; one per employee; plus one per each 200 square feet of retail floor area
	(5)	Self-service gasoline stations (gasoline and convenience retail; no repair)	In addition to a service space to be provided at each pump, the following additional requirements shall apply: one space for each 200 square feet of retail floor area; plus one for each employee. A minimum of three shall be provided for each site
	(6)	Heavy and major auto repairs	Three spaces for each service bay. No wrecked vehicles to be parked or stored outside (see section 46-393(1))
	(7)	Quick oil changes	Four spaces per bay; plus one per employee at the peak shift; one per 200 square feet of floor area used for retail sales
	(8)	New and used vehicle sales	One space for each 300 square feet of sales area; one for each 200 square feet of office area; and three for each service bay
	(f)	<i>Commercial.</i>	
	(1)	Agricultural sales, greenhouses and nurseries	One space per employee; plus one space for each 100 square feet of actual permanent or temporary areas devoted primarily to sales, excluding growing areas
	(2)	Banquet/catering halls	One space for each two persons allowed within maximum occupancy, as determined by the fire department; plus one space per employee
	(3)	Beauty parlors/barbershops	Three spaces for the first two chairs; plus 1½ spaces for each additional chair; or one space for each 75 feet of floor area, whichever is less

	(4)	Dry cleaners	One space per each two employees, plus one space for each 150 square feet of floor area in the waiting area
	(5)	Funeral homes/mortuaries	One space for each 50 square feet of assembly room floor space, parlors and slumber rooms
	(6)	Furniture and appliance, household equipment, repair shops; showroom of a plumber, decorator, electrician or similar trade; shoe repair; and other similar uses	One space for each 500 square feet of gross floor area. For that floor area used in processing or storage, one additional space shall be provided for each two persons employed within or each 1,000 square feet, whichever is greater
	(7)	Laundromats and coin-operated dry cleaners	One space for each two machines
	(8)	Motel, hotel or other commercial lodging establishments	One space for each occupancy unit; plus one space for each employee; spaces required for ancillary uses, such as lounges, restaurants or conference areas, shall be determined on the basis of the individual requirements for each use as specified in this section
	(9)	Open air businesses	One space for each 500 square feet of lot area used for retail sales, services and uses
	(10)	Retail stores, except as otherwise specified in this section	One space for each 200 square feet of gross floor area
	(11)	Restaurants/lounges (excluding fast food or carryout establishments)	One space for each 100 square feet of gross floor area or one space for each two persons allowed within maximum occupancy, whichever is greater
	(12)	Restaurants, fast food and drive-ins	One space for each two employees; plus one space for each two seats intended for patrons within the restaurant building and one space for each 20 square feet of building floor area available in the order-waiting area
	(13)	Restaurants, carryout only	One space per employee; plus 50 percent of the parking requirement for restaurants with permanent seating
	(14)	Specialty shops	One space for each 200 square feet of gross floor area
(g)		<i>Industrial.</i>	
	(1)	Industrial, wholesale or warehouse	One space per 500 square feet of gross floor area
	(2)	Miniwarehouses or self-storage units	Two spaces for the residential caretaker's unit; plus one space per 50 square feet of floor area used for office purposes

(Ord. No. 482, § 7.02, 7-17-2000)

Sec 46-614 Offstreet Parking Space Layout Standards, Construction And Maintenance

Offstreet parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (a) No parking lot shall be constructed, enlarged or altered, unless and until a permit therefor is issued by the building department. Applications for a permit shall be submitted as per the requirements of site plan review in article VI of this chapter.
- (b) Plans for the layout of an offstreet parking lot shall have dimensions consistent with the following standards:
 - (1) Ninety-degree pattern: Parking spaces and maneuvering lanes shall be provided based on one of the following alternatives:

Space Width (feet)	Space Length (feet)	Maneuvering Width (feet)	Two Tiers of Parking & One Maneuvering Lane (feet)
9.0	20	22	62
9.5	20	20	60

- (2) Sixty-degree pattern: 58 feet for two tiers of spaces, and one aisle/maneuvering lane, with the minimum aisle width being 20 feet.
 - (3) Forty-five degree pattern: 56 feet with two tiers of parking spaces, plus one aisle/maneuvering lane of at least 20 feet in width.
 - (4) All other drives or maneuvering lanes not indicated in subsections (2)a. through (2)c. of this section shall have a minimum width of 20 feet.
 - (5) Parking spaces to accommodate vehicles with trailers (boats and recreational vehicles) shall be at least 12 feet by 40 feet.
 - (6) All parking lot stalls shall be striped and maintained.
- (c) Handicapped spaces shall be furnished as required by state law.
 - (d) Except in the central business district, parallel parking shall be prohibited.
 - (e) All parking spaces shall be provided with adequate access by means of paved maneuvering lanes or driveways. Spaces shall not be designed to permit backing directly onto a street, except in single- or two-family residential zoning districts.
 - (f) The entire parking area, including parking spaces, maneuvering lanes and drives required under this section, shall be paved with asphaltic or concrete surfacing in accordance with specifications of the village engineer, unless a cash deposit or irrevocable letter of credit acceptable to the village in an amount equal to 110 percent of the estimated cost of the improvement is given. Any improvements for which a letter of credit or cash deposit has been posted shall be installed by the end of the construction season following the posting.
 - (g) Offstreet parking areas shall be drained to dispose of all surface water accumulated in the parking area in such a way as to prevent drainage of water onto adjacent property or toward buildings, and drainage plans shall meet the specifications of the village engineer.
 - (h) In any area where front-end parking abuts a raised sidewalk or curbed landscaped area at least seven feet in width, the minimum parking stall depth of 20 feet, as otherwise specified in this section, may be decreased by up to two feet in depth in order to allow for a vehicle to overhang such landscaped area or such sidewalk. In no case shall the parking stall depth be decreased to

allow a vehicle to overhang a required parking setback or property line. The parking lot shall be curbed to prevent vehicles from encroaching into a setback or property line.

- (i) Ingress and egress to a parking lot for nonresidential purposes shall not be provided across land zoned for one-family or two-family residential purposes, except as provided in section 46-432. All such entrances and exits shall also be located at least 25 feet from any property zoned for one-family residential use.
- (j) Parking lot lighting shall meet the requirements of section 46-575.
- (k) The surface of the parking lot area shall be maintained and kept free from weeds, rubbish, refuse and debris.
- (l) All parking serving other than one or two-family dwellings shall be side by side. Tandem parking shall be prohibited, except in church parking lots or where a multiple-family unit has its own separate two-car garage, their separate approach apron can be used for visitor parking. Tandem parking to a depth of three cars may be permitted in vehicle storage and inventory areas, provided such areas are under the control of employees and are not accessible by the general public.
- (m) Except as otherwise provided in this article, required offstreet parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Offstreet parking shall not be used for other than parking purposes or allowed to become unusable. The storage of vehicles or merchandise in any offstreet parking space is prohibited, except as permitted in conjunction with the principal or accessory use.
- (n) The planning commission may require an access easement to provide for vehicular access to existing or contemplated adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic. In such instances, a reciprocal use agreement shall be signed by each owner in a form satisfactory to the village attorney and shall be recorded with the county register of deeds.
- (o) Adequate ingress and egress to the parking lot by means of clearly limited and defined paved drives shall be provided for all vehicles. All parking areas shall be provided with an entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one. The number of driveways permitted for each site shall be determined by the planning commission as part of site plan review.
- (p) Curbs, meeting the construction standards of the village engineer, shall be required. The use of bumper blocks is prohibited, except in such circumstances as determined by the planning commission where the site characteristics necessitate their use.
- (q) Whenever a parking lot abuts a residentially zoned lot, a side yard setback of ten feet shall be provided between the parking lot and the adjoining residential property line. The parking lot setback from the road shall not be less than ten feet. The front and side yard setbacks between the road and the parking lot shall be landscaped.
- (r) All parking lots abutting residential lots shall be screened as per the requirements of section 46-572.
- (s) The use of any outdoor loud noise-producing device or public address system shall be prohibited.

(Ord. No. 482, § 7.03, 7-17-2000)

Sec 46-615 Offstreet Loading And Unloading

- (a) The number, size and location of offstreet loading and unloading area shall be provided whenever it is determined by the planning commission that the nature of the building or use is

such that loading areas would be necessary.

- (b) All loading or unloading areas shall provide a minimum height clearance of 14 feet.
- (c) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot maneuvering lane or aisle, except in the CBD central business district.
- (d) Unless otherwise specified, loading and unloading areas shall be provided only in rear or side yards. Overhead doors which may be used for the purpose of loading and unloading shall not be located on a front yard or street side elevation.

(Ord. No. 482, § 7.04, 7-17-2000)

Sec 46-616 Banking Of Parking Spaces

The village recognizes that certain uses may function with less off-street parking than other uses permitted in the same zoning district. Notwithstanding the specific provisions of this chapter, banking parking spaces may be permitted at the request of an applicant if the applicant can demonstrate that the number of parking spaces required under this chapter is in excess of the actual requirements for the functional use of a building, for up to a percentage of the required number of parking spaces on the specific site, provided all the following conditions are met:

- (a) In no case shall banking of parking spaces be permitted for a parcel requiring 20 or fewer parking spaces.
- (b) An alternative parking site plan shall be submitted to the planning commission that conforms to this chapter, with the area where parking spaces will be banked clearly identified on the site plan, in addition to the areas where parking spaces will be initially constructed and used.

The alternative parking site plan shall show the number of parking spaces to be constructed and used, the number of parking spaces to be banked, and the layout of both parking areas. The areas designated for banking parking spaces shall be maintained as landscaped open space and may not be used for any other purpose.

- (c) The applicant shall demonstrate that all proposed parking areas to be used and banked parking areas can be developed in accordance with village, county and state standards and regulations, including, but not limited to, storm water management and wetland protection.
- (d) Areas of land where parking construction has been banked shall be landscaped and maintained with grass or other acceptable plant materials. If that area is not disturbed during construction, it may, with the approval of the planning commission, be maintained in the natural vegetative condition that existed prior to the development, provided the natural vegetation is in keeping with the general appearance of the area.
- (e) In addition to the above requirements, approval for banking of required parking spaces shall be granted only upon a finding by the planning commission that the proposal meets all of the following requirements:
 - (1) The applicant has demonstrated through substantial evidence that the specified occupant of the building, or the use of the building, will require less parking than the number of parking spaces required by this chapter.
 - (2) Parking shall not be permitted on any driveway,
 - (3) Parking shall not be permitted in any area not approved and developed for parking.

- (4) Parking shall not be permitted in the area where parking space construction has been approved for banking until such time as that area is actually constructed for parking.
 - (5) The requested banking of parking spaces shall not create traffic or circulation problems on or off site.
 - (6) The requested banking of parking spaces shall be consistent with the public health, safety and welfare of the village and the purposes of this chapter.
- (f) The owner or occupant of property for which the banking of parking spaces has been approved shall report any proposed change in the use or occupancy of the subject property to the village building official prior to said change. The building official shall evaluate the change and the site to determine if there is a need for some or all of the banked parking spaces to be constructed and installed.
- (g) Upon determination by the building official, or his/her designee, that some or all of the banked parking spaces need to be constructed and installed, the applicant shall construct and install the number of previously banked parking spaces determined by the building official prior to any change in the use or occupancy of the property. The planning commission may permit deferral of the construction and installation of banked parking spaces for up to six months from the determination of need made by the village building official.
- (h) In approving the banking of parking spaces, the planning commission may prescribe such conditions regarding the character, location, landscaping and other features that will, in its judgment, secure the objectives and purposes of this chapter. Violation of such conditions, when made a part of the terms under which the banking of parking spaces is approved, shall be deemed a violation of this chapter.

(Ord. No. 532, 1-19-2017)

ARTICLE 46-IX SPECIAL LAND USE REVIEW

[Sec 46-651 Application](#)

[Sec 46-652 Public Hearing](#)

[Sec 46-653 Review Standards](#)

[Sec 46-654 Decision](#)

[Sec 46-655 Conditions](#)

State Law reference— Special land uses, MCL 125.514a.

Sec 46-651 Application

An application for special land use approval shall be filed with the village by the owner of the property on which the use is to be located or by a legally appointed representative of such owner, accompanied by the necessary fees and documents, as required by this chapter. All applications for special land use shall include the signature of the property owner, a site plan as regulated by article VI of this chapter, supporting documents as prescribed in this chapter, and any other documents required under this chapter.

(Ord. No. 482, § 16.00, 7-17-2000)

Sec 46-652 Public Hearing

Requests for uses permitted after special approval may be heard and decided at any regular or special meeting of the planning commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing shall be processed by the village clerk after

payment of the fees. One notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the village and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet, except that the notice shall be given not less than five and not more than 15 days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(Ord. No. 482, § 16.01, 7-17-2000)

Sec 46-653 Review Standards

In considering all applications for special land use, the planning commission shall review each case individually as to its appropriateness and must find affirmatively to each of the following standards of the proposed land use. The petitioners should submit a written document with the site plan which responds to each of these eight standards:

- (a) The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- (b) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of offstreet parking, and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
- (c) The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- (d) The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- (e) The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the village.
- (f) The proposed use is necessary for the public convenience at the proposed location.
- (g) The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
- (h) The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within the zoning district, and it shall be in harmony with the general purpose and intent of this chapter.

(Ord. No. 482, § 16.02, 7-17-2000)

Sec 46-654 Decision

- (a) *Approval*. If the planning commission determines that the particular special land use should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular uses which have been allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided in this article, application for a building permit in pursuance thereof must be made and received by the village not later than one year thereafter, or such approval shall automatically be revoked.
- (b) *Denial*. If the planning commission shall determine that the particular special land use requested does not meet the standards of this chapter or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the village, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial in its minutes.
- (c) *Record*. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The statement shall specify the basis for the decision and any conditions imposed.

(Ord. No. 482, § 16.03, 7-17-2000)

Sec 46-655 Conditions

- (a) The planning commission may impose such conditions or limitations in granting approval of a special land use, as may be permitted by state law and this chapter, which it deems necessary to fulfill the spirit and purpose of this chapter. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, 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 do all the following:
 - (1) Be designed to protect natural resources and the health, safety, and welfare, as well as 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.
 - (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - (3) Be necessary to meet the intent and purpose of the zoning regulations, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- (b) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged, unless the village and landowner undertake a new special approval application and public hearing.

(Ord. No. 482, § 16.04, 7-17-2000)

ARTICLE 46-X NONCONFORMING USES AND NONCONFORMING BUILDINGS

[Sec 46-691 Intent](#)

[Sec 46-692 Nonconforming Use Of Land, Continuation Of Use](#)

[Sec 46-693 Change Of Nonconforming Use](#)

[Sec 46-694 Expansion Or Extension Of Nonconforming Use In Building](#)

[Sec 46-695 Moving Of Building](#)

[Sec 46-696 Modifications](#)

[Sec 46-697 Repairs And Maintenance](#)

[Sec 46-698 Restoration](#)

[Sec 46-699 Abandonment](#)

[Sec 46-700 Change Of Tenancy Or Ownership](#)

[Sec 46-701 Uses Subject To Special Land Use Approval Not Nonconforming Uses](#)

[Sec 46-702 Nonconforming Lots Of Record](#)

Cross reference— Buildings and building regulations, ch. 6.

State Law reference— Nonconforming uses and structures, MCL 125.583a.

Sec 46-691 Intent

Any lawful use of land or buildings existing at the date of passage of the ordinance from which this chapter is derived or amendment thereto and located in a district in which it would not be permitted as a new use under the regulations of this chapter is hereby declared to be a "nonconforming use"; and any building which does not meet the provisions of this chapter as to setbacks, height, or other requirements is hereby declared to be a "nonconforming building"; and such uses and buildings shall not be considered in violation of this chapter. However, all nonconforming uses and buildings shall not constitute a nuisance and shall be subject to and the owner shall comply with the regulations in this article. It is the intent of this chapter to permit nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(Ord. No. 482, § 17.00, 7-17-2000)

Sec 46-692 Nonconforming Use Of Land, Continuation Of Use

The nonconforming use of land, where no building or structure is involved, which exists when the ordinance from which this chapter is derived becomes effective or amendments thereto, may be continued, provided that:

- (a) No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
- (b) No such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use.
- (c) If such nonconforming use of land or any portion thereof is abandoned, discontinued or changed for a period of more than one year, any future use of such land shall be in conformity with the provisions of this chapter. This shall not apply to a seasonal nonconforming use of land; however, discontinuation for a full season shall be considered abandonment, and any future use shall conform to this chapter.

(Ord. No. 482, § 17.01, 7-17-2000)

Sec 46-693 Change Of Nonconforming Use

A nonconforming use may be changed to another nonconforming use of the same or greater restriction, provided no structural changes are made in the building and provided that the zoning board of appeals shall determine that the proposed new use is equally appropriate or more appropriate to the particular

district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restriction, it shall not thereafter be changed back to a nonconforming use. For the purpose of this chapter, the R1 district shall be considered the most restrictive district, followed in turn by the order of districts as listed in division 1 of article III of this chapter.

(Ord. No. 482, § 17.02, 7-17-2000)

Sec 46-694 Expansion Or Extension Of Nonconforming Use In Building

- (a) A nonconforming use may not be expanded or extended throughout other portions of a building unless such building was actually existing at the time of enactment or subsequent amendment of the ordinance from which this chapter is derived. If such nonconforming use in all or part of the building is discontinued as provided in section 46-699 or changed to a conforming use as provided in section 46-693, any future use of such building or portion thereof shall be in conformity to the regulations of the district in which such building is located.
- (b) A nonconforming use of land or a nonconforming use situated within a building or structure shall not be enlarged or altered unless such enlargement or alteration shall result in compliance with applicable codes and/or ordinances of the village and statutes of the state pertaining to minimum requirements for health and safety.

(Ord. No. 482, § 17.03, 7-17-2000)

Sec 46-695 Moving Of Building

No building in which a nonconforming use exists may be moved to any other part of a parcel of land upon which the building was located at the time of the adoption of the ordinance from which this chapter is derived. No nonconforming building shall be moved for any reason unless it shall then conform to the regulations for the zoning district in which it is located after the move.

(Ord. No. 482, § 17.04, 7-17-2000)

Sec 46-696 Modifications

- (a) *Structural alterations, improvements, and rehabilitation.* Nothing in this chapter shall prohibit the alteration, improvement or rehabilitation of a nonconforming building or structure existing at the effective date of the ordinance from which this chapter is derived, provided:
 - (1) Such alteration, improvement or rehabilitation does not involve an increase in height, area or bulk; and
 - (2) Such alteration, improvement or rehabilitation conforms with applicable codes and/or ordinances of the village.
- (b) *Structural enlargement.* A nonconforming building or structure shall not be enlarged or structurally altered so as to result in an increase in height, area or bulk, unless such enlargement or structural alteration shall result in compliance with requirements of applicable codes and/or ordinances of the village. Notwithstanding such prohibition, a single-family building or structure deemed nonconforming because of insufficient area may be enlarged or structurally altered so as to result in an increase in area less than the applicable minimum requirements for single-family dwellings in the zoning district in which the nonconforming single-family building or structure is situated.
- (c) *Variances.* The zoning board of appeals, upon application being made as provided in division 1 of article II of this chapter and after hearing, may permit a variance from a literal application of

the prohibitions of this section upon a proper showing of undue hardship and/or practical difficulties.

(Ord. No. 482, § 17.05, 7-17-2000)

Sec 46-697 Repairs And Maintenance

- (a) On any nonconforming structure or portion of a structure containing a 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 50 percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
- (b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt, except in conformity with the regulations of the district in which it is located.
- (c) 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.

(Ord. No. 482, § 17.06, 7-17-2000)

Sec 46-698 Restoration

Any nonconforming use or nonconforming building which has been destroyed or damaged by fire, by explosion, by act of God, or by public enemy to the extent of 50 percent of current replacement cost of the building or structure, exclusive of the foundation at the time such damage occurred, shall, if reconstructed, conform with the provisions of this chapter. Where such destruction or damage has occurred, removal of the nonconforming use of a building also shall eliminate the nonconforming use status of the land on which the building is located. If such damage is less than 50 percent of the current replacement cost of the building or structure before the damage occurred, exclusive of the foundation, such structure may be restored to the same nonconforming use or nonconforming building as existed before such damage.

(Ord. No. 482, § 17.07, 7-17-2000)

Sec 46-699 Abandonment

Any nonconforming use shall be considered abandoned, and such nonconforming use may not be resumed thereafter if any of the following conditions apply:

- (a) When the owner declares or otherwise makes evident his intent to discontinue such use.
- (b) When the nonconforming use has been replaced by a conforming use.
- (c) Cessation of such nonconforming use for a period of one year.
- (d) When the repair, rebuilding or reconstruction of a nonconforming use, rendered necessary by wear, weather, deterioration or age, exceeds 50 percent of the current replacement cost.
- (e) When a nonconforming use has been damaged by fire, collapse, explosion, storm, lightning, accident, war, other calamity or acts of God, to an extent exceeding 50 percent of the current replacement cost, immediately prior to such damage. If the cost of such restoration or rebuilding

shall be equal to or greater than 50 percent of such value, such use shall be made to conform with the applicable provisions of the zoning district established by this chapter where the use is located.

(Ord. No. 482, § 17.08, 7-17-2000)

Sec 46-700 Change Of Tenancy Or Ownership

There may be a change in tenancy, ownership or management of an existing nonconforming use or structure, provided there is no change in the nature or character of such nonconforming use or structure, except to bring such into greater conformity.

(Ord. No. 482, § 17.09, 7-17-2000)

Sec 46-701 Uses Subject To Special Land Use Approval Not Nonconforming Uses

Any use for which a special land use approval is required is permitted as provided in this chapter and shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district. Such use shall remain subject to all of the approval provisions of article IX of this chapter pertaining to special land uses.

(Ord. No. 482, § 17.10, 7-17-2000)

Sec 46-702 Nonconforming Lots Of Record

- (a) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of the ordinance from which this chapter is derived or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This 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 requirements other than these applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of appeals.
- (b) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of the ordinance from which this chapter is derived 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 lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

(Ord. No. 482, § 17.11, 7-17-2000)

ARTICLE 46-XI PLANNED UNIT DEVELOPMENTS

[Sec 46-751 Statement Of Purpose](#)

[Sec 46-752 Location](#)

[Sec 46-753 Permitted Uses](#)

[Sec 46-754 Special Land Uses](#)

[Sec 46-755 Minimum Site Criteria](#)

[Sec 46-756 Procedures Submission And Approval](#)

[Sec 46-757 Detailed Site Criteria](#)

Sec 46-751 Statement Of Purpose

It is deemed necessary to the preservation of health, safety and welfare that the certain uses hereinafter set forth be specially controlled because they serve an area, market and/or purpose considerably beyond the borders of the village and/or create particular problems of control in relation to adjoining uses, districts, public health, safety and welfare. These uses, because of their unique characteristics and/or effects upon public health, safety and welfare, are deemed to be impractical to be permitted without special land use or planned unit development (PUD) approval, and then only as specifically allowed.

The planned unit development (PUD) concept is intended to provide a greater degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take advantage of the special characteristics of the land than would otherwise be possible through the strict enforcement of the ordinance. The specific objectives of this article are to:

- (a) Provide for a mixture of acceptable layout of buildings, densities, open spaces, etc.
- (b) Allow for an innovative site design which incorporates all uses, parking, open spaces, etc.
- (c) Approve the development of a planned unit development through an overall site development plan.
- (d) Provide for flexibility in setbacks, building relationships, and use relationships.
- (e) Provide regulations for coverage, density, and building heights.
- (f) Provide a mechanism for managing site access for multiple uses through joint roads and driveways as well as interconnection of uses.

(Ord. No. 504, § 1, 9-15-2008)

Sec 46-752 Location

Planned unit developments (PUDs) may be permitted as regulated in this section within all zoning districts.

(Ord. No. 504, § 2, 9-15-2008)

Sec 46-753 Permitted Uses

All permitted uses within R-1 single-family zoning districts (single-family residential densities shall not exceed those permitted in these districts. A yield plan which shows how the parcel could be developed conventionally using the same land use acreage allocations shall be submitted justifying residential densities.)

Proposed residential units within a nonresidential zoning district may be permitted at a density consistent with the R1 single-family zoning district based on the availability/nonavailability of public sewer and water infrastructure.

(Ord. No. 504, § 3, 9-15-2008)

Sec 46-754 Special Land Uses

All permitted and special land uses within the RM multiple-family zoning district.

(Ord. No. 504, § 4, 9-15-2008)

Sec 46-755 Minimum Site Criteria

- (a) *Ownership and minimum site area.* The land area(s) depicted within the village's master plan for planned unit development purposes, may apply for development as a PUD under the procedures for, and in compliance with, the standards of this article.
- (b) *Access.* The PUD must have direct access to a public street. Access drives within close proximity to major intersections of public streets shall be avoided. Main roadways within the development as well as those shown in the village's master plan shall be designed and developed meeting village standards and upon the completion and proper inspection of such roadways, they shall be dedicated to the village (if such are found to be acceptable to the village). Common drives or roadways shall be provided for all other uses on site. The use of boulevard roadways and entryways is encouraged.

(Ord. No. 504, § 1, 9-15-2008)

Sec 46-756 Procedures Submission And Approval

Approval of a PUD shall require a two-step process: preliminary and final PUD approval. The preliminary phase shall involve a review of the preliminary PUD development plan to determine its suitability and consistency in the land use and zoning patterns of the village. The final phase shall require detailed site plans for all or various parts of the preliminary PUD development plan prior to the issuance of building permits.

- (a) *Submission of preliminary plans.* An application as supplied by the village along with all applicable fees as established by the village council shall be submitted to the village along with the necessary number of copies of the site plan and supplemental information. Once placed on the agenda, a presentation shall be made to the planning commission for review and recommendation to the village council of the following:
 - (1) A boundary survey of the exact acreage being requested, to be performed by a registered land surveyor or civil engineer (Scale: 1" = 200').
 - (2) A topography map drawn as contours, with an interval of at least two feet. This map shall indicate all stands of trees, bodies of water and unbuildable area due to soil conditions, wetlands, topography or similar conditions (Scale: 1" = 200').
 - (3) A recent aerial photograph of the area shall be provided (Scale: 1" = 200').
 - (4) A preliminary development plan for the entire PUD area, carried out in such detail as to indicate the functional use areas, any subdivision of land, building layout, architecture and design and the character of nonresidential development being requested; the densities being proposed; a generalized major thoroughfare, traffic and pedestrian circulation plan; natural resource areas and other usable open spaces, and common areas for residents and users of the planned unit development (Scale: 1" = 200'). Phasing lines (if proposed) must be shown on the plan at this time.
 - (5) A preliminary utility plan shall show each utility as a one-line diagram, with flow direction drawn on the proposed street layout. Preliminary estimates shall also be provided regarding contemplated total stormwater flow, sanitary sewage flows and water requirements. The anticipated method of treating sanitary sewer flows and providing water shall be specified.
 - (6) All supporting documentation and material as to the development's objectives and purposes to be served; economic feasibility; conformity to plans and policies of the

village; market needs; utilities and circulation facilities; impact on natural resources; impact on the general area and adjacent property; estimated cost; and a staging plan showing the general time schedule of and expected completion dates of the various elements of the plan. The village may further require the applicant to provide additional information demonstrating the demand for this project and the applicant's capability of undertaking the project. Such information may include, but shall not be limited to, the following: market demand studies, relevant financial information, banking references, and examples of previously completed projects.

(7) The general architectural themes shall be established at preliminary planned unit development approval.

(b) *Preliminary approval.* Upon receipt of an application for preliminary approval, the planning commission shall set and hold a public hearing on the application. Proper notice, as required by the Michigan Zoning Enabling Act, shall be carried out at this time for a planned unit development and the requirements for special land use approval.

The planning commission shall review all applicable site plans, correspondence, additional studies, public comment, etc., in reviewing a PUD application. In addition the planning commission shall review the planning standards for special land use approval contained in section 16.02 of the village's zoning ordinance. Further, in reviewing the PUD application the planning commission shall also review adjacent land use, adjacent zonings, adjacent master plan designations, etc., to ensure that the intent of the PUD meets the intent of the village's goals, policies and land use planning practices for the particular area in which it is proposed. Specifically, the impact of planned densities, building massing, and proposed parking areas on surrounding land uses shall be reviewed. And finally that there is, or will be at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water, and the road system and stormwater drainage system will be adequate.

After review and recommendation, the planning commission shall forward a record of the findings of fact, along with a recommendation for either approval or denial to the village council. The village council shall consider the planning commission's record and recommendation and any additional information it deems necessary or appropriate to make its final determination.

(c) *Approval of preliminary planned unit plan by council.*

(1) The village council shall also set and hold a public hearing on such application. Proper notice, as required by the Michigan Zoning Enabling Act, shall be carried out at this time and shall meet the noticing requirements for special land use approval.

(2) If the council determines to grant the application and approve the use areas within the preliminary development plan, it shall do so by motion including the finding of facts and reasons for such approval or denial.

(3) Once an area has been included within a preliminary development plan for planned unit development and such plan has been approved by the council, no development may take place in such area, nor may any use thereof be made, except in accordance with the preliminary development plan approved or in accordance with a council approved amendment thereto.

(4) Within a period of 18 months following approval by the council, final detailed site plans for the entire area embraced within the area approved for development under this district by the council must be submitted as hereinafter provided. If such site plans have not been submitted and approved within the two-year period, the right to develop under the approved plan shall be automatically terminated, and a new application must then be filed and processed in the same manner as in the original instance if the project is to be considered for continuation.

(d) *Submission of final plans.*

- (1) Before any building permits shall be issued for buildings and structures within the area of the planned unit development district, a final detailed site plan for all or a portion of the PUD site shall be submitted to the planning commission for review and recommendation to the village council of the following:
 - a. A detailed site plan (meeting the requirements of site plan review), fully dimensioned, showing a fully scaled plan view of all buildings (general plans for showing single-family character shall be shown), all public road rights-of-way and maneuvering areas, boundaries and acreage of each use area and the proposed ultimate density thereof, parking areas, utilities; and the detailed site plan shall indicate plans for natural resource preservation, the development of open space or areas to be set aside for the use of the public or by residents within the development (Scale: 1" = 50').
 - b. The proposed topography, contour interval of at least two feet, shall be superimposed on all site plans (Scale: 1" - 50').
 - c. Typical floor plans for all principal buildings and structures, including single-family detached dwellings, with a schedule of building types, shall be included in the final plan.
 - d. Each plat or site plan within the PUD submitted for final approval shall, either individually or in combination with previously approved project areas, meet the standards of this section as to density and open space requirements. Open space shall be computed as a proportionate amount of the total open space requirement.
 - e. All other provisions of the village's site plan review requirements and procedures unless otherwise provided in this section.

The procedure for review of the plans shall be the same as that outlined for preliminary plan review. The only exception being the requirement for public hearing shall be waived.

(e) *Approval of final submittal by the village council.*

- (1) Upon approval of the council, each detailed final site plan shall be effective for a period of one year. If development in compliance with a final site plan is not completed in this period, further development shall not be approved until the final site plan in question is completed or until completion is extended or waived by the village council. In reviewing and approving the final site plans, the following conditions shall be set forth.
 - a. All final PUD site plans shall be subject to the review and approval of the village council following a recommendation by the planning commission.
 - b. Where necessary, the provision of public roads shall be made so as to cause continuity of public access between any abutting thoroughfare and ingress and egress to all development within the plan.
 - c. Before approval of any final, detailed site plan, the village planning commission and village council shall determine:
 1. That all use and density areas shown upon the development plan for the entire planned unit development district for use by the public or the residents of land within the planned unit development district have been irrevocably committed to such uses by dedication, restrictive covenants or in some other manner satisfactory to the village.
 2. That the final detailed site plan is in conformity with the original preliminary

plan previously approved.

3. That the sanitary sewage, public water and stormwater drainage requirements of the proposed development have been adequately provided for by the applicant in accordance with the village's sewer and water master plan.

d. Provisions satisfactory to the planning commission and village council shall be made to provide for the financing of any improvements shown on the site plan which are to be provided by the applicant and that maintenance of such improvements is assured by a means satisfactory to the planning commission, including by way of example, but not limitation, performance bonds, cash bonds, or letters of credit. The planning commission and village council may require that conveyances or other documents be placed in escrow to accomplish this.

(f) *Conditions to approvals.*

(1) The planning commission or village council may impose such conditions or limitations in granting approval as may be permitted by state law and this article which it deems necessary to fulfill the spirit and purpose of this article. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

- a. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity 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 regulations; be related to the standards established in this article for the land use or activity under consideration; and be necessary to insure compliance with those standards.
- d. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and in the office of the Macomb County Register of Deeds, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The planning commission and village council shall maintain a record of changes granted in conditions.
- e. Once a special land use or planned unit development has been approved, no zoning board of appeals requests shall be permitted. Any changes in the development plans must be made following the same procedure as with the detailed-final-site plan in accordance with revision procedures contained herein.

(2) The village council shall have the right to establish a special assessment district for the entire project boundary to ensure that the uses and buildings approved as a part of the overall planned unit development are kept in a clean, safe and acceptable manner. The terms and conditions of any special assessment district shall be established by the council and reviewed by the village attorney.

(Ord. No. 482, § 6, 9-15-2008)

Sec 46-757 Detailed Site Criteria

- (a) *Consistency of uses.* The uses proposed shall be generally consistent with the village's master plan. Any variations from the village master plan shall be duly noted and rationale for such deviation shall be made a part of the planning commission and village council record.
- (b) *Perimeter setbacks.* All single-family residential structures shall be located not less than the setback required within the village's R-1 district for the applicable yard setback. Multiple-family structures shall be set back a minimum of 30 feet from the perimeter of the PUD. This requirement may be altered based on the specific site design presented as well as the surrounding existing and planned land use patterns.

Further, a 15-foot greenbelt shall be provided along all exterior property lines of the PUD where proposed uses are not consistent in density or unit type with the adjoining use. Again, this requirement may be altered based on the specific site design presented as well as the surrounding existing and planned land use patterns as well as existing vegetation. This area shall not be used for building, parking, maneuvering, etc., and shall be planted with mixture of deciduous and evergreen trees. These plantings shall provide a continuous visual screen.

- (c) *Interior setbacks.* All proposed uses shall comply with the applicable setback, height, minimum floor area and lot coverage requirements of the applicable zoning district. The village council, upon recommendation by the planning commission, may modify any of these standards, when found to be consistent with the general planning standards of special land use. In making any such modifications, the village shall determine that all structures are located and designed to assure maximum privacy. Building elevations and floor plans shall be required to assure compliance with these requirements.
- (d) *Landscaping and screening.* Whenever incompatible uses, in particular, residential building massing, off-street parking areas and areas for storage and collection of refuse and garbage abut one another or are visible from public view or public right-of-way, either within the area of the planned unit development or between the planned unit development and the adjacent land uses or zoning districts adequate screening and buffering must be provided. Further greenbelt areas shall be provided between exterior roadways and the area of the planned unit development.
- (e) *Architectural compatibility.* Architectural features of all structures shall be designed to be compatibly integrated within the overall PUD. The plan shall demonstrate such common architectural designs, materials, and amenities. The general architectural themes shall be established at preliminary planned unit development approval.
- (f) *Access management.* Well-defined circulation routes shall be required and shall be generally compatible with that shown in the village's master plan. Particular attention shall be paid to entry and exit drives and the potential conflicts which arise either onsite or offsite. Access drives (other than those which provide an extension to the existing street pattern) shall be the absolute minimum number needed to adequately service the site. Main drives connected to the entry and exit points shall be provided. These drives shall limit the number of intersections or cross traffic within the parking and maneuvering areas.
- (g) *Open space.* A minimum of 15 percent of the total project area shall be developed for outdoor recreation and open space uses; but such areas shall not include space devoted to streets and parking. In calculating open space acreage, the applicant may, at the discretion of the village, include existing natural features that occur on the site, including wetlands, lakes or ponds, woodlands, etc., provided that facilities are made available as a part of the PUD approval to use these areas for active or passive recreation purposes.

Further, those areas utilized for greenbelts or setbacks between buildings shall not be utilized for meeting the open space requirements. Open space requirements shall only be met by green areas which provide usable area which is typically centrally located to the residents of the development. Again, the village may approve other creative solutions to such open space requirement upon a finding that the intent of this section is being met.

(Ord. No. 482, § 7, 9-15-2008)

