

VILLAGE OF POWERS ZONING ORDINANCE

March 2003

Village of Powers Planning Commission

Carol Welch, Chair
Mike Snyder
Donald Shannon
Ruth Blahnik
Pam Kirschner
Mike Bouty

Village of Powers Board

Matt Stein, President
James Cologna, Clerk/Treasurer
James Cory, Trustee
Jerome Hubbard, Trustee
Donald Shannon, Trustee
Anne Stein, Trustee
Walter Veraghen, Trustee
Carol J. Welch, Trustee

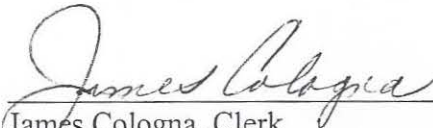
RESOLUTION ON ADOPTING A ZONING ORDINANCE


Therefore, be it ordained that the Village Board of the Village of Powers adopts the March 2003 Zoning Ordinance for the Village of Powers, Michigan at a meeting thereof, duly called and held on the 10th day of March, 2003.

Approved by the Village Board of the Village of Powers, Michigan, on the 10th day of March, 2003.

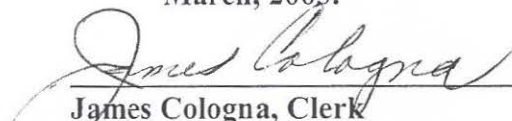
Roll Call Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Matt Stein	—	—	✓
James Cologna	✓	—	—
James Cory	✓	—	—
Jerome Hubbard	✓	—	—
Donald Shannon	✓	—	—
Anne Stein	✓	—	—
Walter Veraghen	✓	—	—
Carol J. Welch	✓	—	—


James Cologna, Clerk
Village of Powers, Menominee County


Date

I hereby certify that this is a true copy of the Zoning Ordinance of the Village of Powers, as adopted by the Village Board of the Village of Powers on the 10th day of March, 2003.


James Cologna, Clerk
Village of Powers, Menominee County

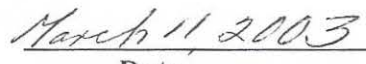

Date

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ARTICLE I: PURPOSE OF ZONING

THE VILLAGE OF POWERS HEREBY ORDAINS:

An Ordinance to establish zoning districts and regulations governing the development and use of land within the Village of Powers, in accordance with the provisions of P.A. 207 of 1921, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

Section 101 Purpose

- A. Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:
1. Promoting and protecting the public health, safety, and general welfare;
 2. Protecting and conserving the character, and social and economic stability of residential, commercial, agricultural, industrial uses within the Village;
 3. Securing the most appropriate use of land;
 4. Promoting the orderly and beneficial development of residential and nonresidential areas within the Village of Powers;
 5. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access and privacy to protect the public health;
 6. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
 7. Providing for the needs of agricultural production, housing, and commerce for future growth;
 8. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;

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9. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
10. Conserving the taxable value of land, buildings and structures in the Village; and,
11. Conserving the expenditure of funds for public improvements, such as roads, public water and sewer system, schools, recreation and other public services.

Section 102 Short Title

- A. This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Village of Powers, County of Menominee, Michigan."

Section 103 Zoning Authority

- A. The Village of Powers Planning Commission has been created in accordance with the provisions of the Municipal Planning Act, P.A. 358 of 1931, as amended, and in accordance with the Section 12 of P.A. 358 of 1931, as amended shall assume the powers and duties as a zoning commission as described in Section 4 of the City and Village Zoning Act, P.A. 207 of 1921, as amended.

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ARTICLE II: DEFINITIONS

Section 201 Construction of Language

- A. The following rules of construction shall apply to the text of this Ordinance:
1. All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
 2. The particular shall control the general.
 3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 5. The word "use" includes the words structures and buildings associated with such use.
 6. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
 7. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
 8. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
 9. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
 10. The word "lot" includes the words "plot" and "parcel."
 11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:

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- a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . Or" indicates that the connected items, conditions, provisions, or events shall apply singular but not in combination.
12. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
 13. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.

Section 202 Definitions

- A. For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:
 1. Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
 2. Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
 3. Adult Foster Care Family Home: A private home with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence. (Adult Foster Care Licensing Act, P.A. 218 of 1979).
 4. Adult Foster Care Large Group Home: A licensed facility with approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. (Adult Foster Care Licensing Act, P.A. 218 of 1979).
 5. Adult Foster Care Small Group Home: A licensed facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or

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more days a week, and for two or more consecutive weeks for compensation. (Adult Foster Care Licensing Act, P.A. 218 of 1979).

6. Agriculture: The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens.
7. Agricultural Products Stand: A structure which is used seasonally for display including, but not limited to the sale of agricultural produce, farm products, flowers, Christmas trees, wreaths and grave blankets.
8. Alley: A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
9. Alterations: Any change, addition or modification to a structure or type of occupancy, any change 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 herein as "altered" or "reconstructed."
10. Area, Sign: The entire area within a circle, triangle, parallelogram or other polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or uprights on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculating the total area.
11. Attached Wireless Facilities: Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks or utility poles.
12. Automobile Repair Facility: A premise where the following services may be carried out in a completely enclosed building: where general repairs, engine rebuilding, rebuilding or reconditioning of small engines and motor vehicles (not tractors or trucks) takes place.

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13. Automobile Body Work Facility: A premise where the following services may be carried out in a completely enclosed building: collision services such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
14. Basement: The portion of a building which is partly, or wholly below grade but so located that the vertical distance from an average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from an average grade to the ceiling is more than five feet, such basement shall be rated as a first story.
15. Bed and Breakfast Establishment: A single family residence structure that meets all of the following criteria:
 - a. Has eight or fewer sleeping rooms, including rooms occupied by the inn keeper, one or more of which are available for rent to transient tenants.
 - b. Serves breakfast at no extra cost to its transient tenants.
18. Block: 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, stream, or other barrier to the continuity of development.
19. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.
20. Buffer: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
21. Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for such purposes.)
22. Building Height for Principal Building: The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof.

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Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall.

23. Building Height for Accessory Structure: The vertical distance measured from the lowest ground elevation to the highest point of the structure.
24. Building Line: A line formed by the face of the building.
25. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
26. Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.
27. Business: The occupation or means of a livelihood that occupies the time, attention and labor of persons for the purpose of profit or improvement outside the home.
28. Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply service.
29. Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.
30. Carwash: A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for the purpose.
31. Church: A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
32. Clinic: A place where medical or dental care is furnished to persons on an outpatient basis by two or more licensed health care professionals.
33. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

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34. Co-Location: The location of two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the Village.
35. Commercial Vehicle: A motor vehicle registered as a commercial vehicle.
36. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under Conditional Uses Authorized by Permit. These Conditional Uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Village's inhabitants.
37. Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running through them. Property which is joined at a common point is not considered contiguous property.
38. Contractor Yard: An area intended for the storage of materials and equipment used for construction, road building, and forestry operations.
39. Convenience Store: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.
40. County Board: Menominee County Board of Commissioners.
41. Day Care Facility, Commercial: A day care operation located in a structure whose principal use provides day care services for children, and is not the residence of the operator or any other person, and which is licensed and regulated under P.A. 116 of 1973.
42. Day Care Facility, Family: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.
43. Day Care Facility, Group: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day

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- care services for seven to 12 children, and which is licensed or registered under P.A. of 116 of 1973.
44. Directional Sign: A sign which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
 45. Drive-In/ Drive-Thru Restaurant: A business establishment, for the serving of food and/or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor vehicle, or permit patron self-service so that consumption within motor vehicles may be facilitated.
 46. Dwelling, Two Family: A building designed exclusively for occupancy by two families, living independently of each other (also called "duplex").
 47. Dwelling Unit, Multi-Family: A single structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.
 48. Dwelling Unit: A structure with one or more rooms including bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes. A dwelling unit does not include recreational vehicles or tents.
 49. Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one family.
 50. Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.
 51. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.

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52. Excavation: Any breaking of ground, except common household gardening, general farming and ground care.
53. Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
54. Farm: A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.
55. Farmstead: Farm buildings and the adjacent service areas of a farm, including the feedlot, and manure pit.
56. Feasibility of Co-Location: That the wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for co-location and the wireless communication provider seeking the facility will pay such rates; the site on which co-location is being considered is able to provide structural support; and the co-location is considered technically reasonable.
57. Feed Lot: The place of confined or concentrated feeding of farm animals which are being fattened for market.
58. Fence: An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the separation of yard areas.
59. Fence, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
60. Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
61. Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), basements, and breezeways shall not be considered as a part of the gross floor area

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unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.

62. Floor Area, Usable: The ground and nonground floor area used, or intended to be used, for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area." For the purposes of computing parking for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.
63. Floor Area Ratio: A ratio derived by dividing the gross floor area of a building(s) by the lot area.
64. Foster Family Group Home: A private home in which six or less children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian. (Child Care Organizations Act, P.A. 116 of 1973).
65. Fur Farm: The place of confined keeping, raising, or breeding of animals for the purpose of producing fur or pelts.
66. Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the noncommercial storage of motor vehicles, boats, and similar items.
67. Garage Sale: The sale of used household items, clothing, crafts and assorted secondhand objects held at a residence. The sale may take place in residential garage, yard, or residence.
68. Gasoline Service Stations: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
69. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averag-

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ing the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.

70. Greenbelt: 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 Ordinance.
71. Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.
72. Home Occupation: A use or occupation conducted within an enclosed accessory building or within a residence which is clearly incidental and secondary to residential occupancy.
73. Hotel: A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment and recreational facilities.
74. Identification Sign: A sign which pertains to the use of a premise and contains any or all of the following information:
 - a. The occupant of the use.
 - b. The address of the use.
 - c. The kind of business and/or the principal commodity sold on the premise.
75. Industrial Park: A tract of land that is planned, developed and operated as an integrated facility for a number of individual industrial uses.
76. Industry: Those fields of economic activity including forestry; fishing; hunting; trapping; mining; construction; manufacturing; transportation; communication; electric, gas, and sanitary services; and wholesale trade.
91. Junk Yard: 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 two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
92. Kenel: The permanent or temporary keeping, of more than three dogs or other animals that are more than six months of age. This specifically excludes dogs

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- kept and raised for a person's personal enjoyment or hobby or recreational purposes.
93. Livestock Farming: The raising of domesticated animals, such as cattle, horses, sheep, for home/personal use or as a source of income.
94. Loading Space: An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
95. Lodge: A building used by a non-profit membership organization for recreational or social purposes.
96. Lot: A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:
- a. A single lot of record;
 - b. A portion of a lot of record;
 - c. Any combination of complete and/or portions of lots of record; or
 - d. A parcel of land described by metes and bounds in a recorded deed or by number in a recorded plat, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.
97. Lot Area: The area of land within the boundary of a lot which is bounded by any front lot lines, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the rear property (lot) lines, excluding any part beyond the ordinary high water mark.
98. Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.
99. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.
100. Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
101. Lot, Double Frontage: Any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double

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frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

102. Lot, Interior: Any lot other than a corner lot.
103. Lot Lines: The lines bounding a lot as defined herein:
 - a. Front Lot Line: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from that street which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot both lot lines abutting on streets shall be treated as front lot lines.
 - b. Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
 - c. Side Lot Line: Any lot lines 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 or lots is an interior side lot line.
104. Lot of Record: A lot on a map or a deed recorded with the County Register of Deeds, or described in a land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
105. Lot, Width: The straight line horizontal distance between the side lot lines, measured at the front lot line.
106. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.
107. Manufacturing, Light: Establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Motors used in light manufacturing operations shall not be in excess of 10 horsepower. Light manufacturing operations shall be located within the principal

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- building. Noise emanating from a light manufacturing building will be less than 90 decibels.
108. Mini Warehouse Storage Facility: A structure or group of structures for the storage of customers' residential goods and wares, recreational vehicles and related equipment.
 109. Minimum Landscape Open Space: The percentage of a lot area which must be maintained in grass or other living vegetation.
 110. Mobile/ Manufactured Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.
 111. Mobile Home/ Manufactured Home Park: A parcel or tract of land under the control of a person upon which three or more mobile (manufactured) homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.
 112. Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modulators or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
 113. Multi-Use Recreation Area: A recreation facility where two or more separate recreational uses occupy or utilize the same parcel.
 114. Multi-Family Dwelling Complex: Two or more structures on the same parcel, each containing more than two dwelling units. Each dwelling unit is designed for residential occupancy by one family.
 115. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located. (Refer to Article IX Nonconforming Uses and Structures).

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116. Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. (Refer to Article IX Nonconforming Uses and Structures).
117. Nursery: Land or greenhouses used to raise flowers, shrubs, and plants for sale.
118. Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.
119. Occupied: Includes the meaning of intent, design or arranged for occupancy.
120. Off-Street Parking Lot: 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 automobiles.
121. Off-Premise Outdoor Advertising Sign: A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called a "billboard." The following shall not be considered an off-premise sign for the purposes of this Ordinance:
 - a. Directional or official signs authorized by law;
 - b. Real estate signs;
 - c. On-Premise signs.
122. On-Premise Outdoor Advertising Sign: A sign which advertises the primary goods or services sold or taking place upon the premises on which the sign is located.
123. Open Space Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.
124. Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.
125. Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configura-

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tion of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

126. Parking Lot: A use containing one or more parking spaces located at, above or below grade accessible for the storage or parking of permitted vehicles, including drives and entrance giving access thereto.
127. Parking Space: An area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access and shall be fully accessible for the storage or parking of permitted vehicles.
128. Pet: An animal kept for amusement or companionship.
129. Personal Services: A type of business providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services, etc.
130. Planning Commission: The Planning Commission of the Village of Powers.
131. Poultry Farm: The place of confined keeping, raising, or breeding fowl on a commercial scale for the production of eggs or meat.
132. Premises: A lot as otherwise used in this Ordinance.
133. Principal Floor Area: The total of all floor areas of a structure, excluding stairwells, elevator shafts, unfinished basements, garages, porches, decks, breezeways, unfinished attics, that could be used for human occupation.
134. Principal Structure: The main structure or building to which the premises are devoted.
135. Principal Use: The main use to which the premises are devoted.
136. Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including, radio, telephone, telegraph, television, cable, or fiber optics but excluding communication tower, i.e. attached wireless and wireless communication facilities and facilities).
137. Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

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138. Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.
139. Resource Professional: A person or agency having expertise in soil, forestry, or wildlife habitat and qualified to provide recommendations on plant materials suitable for use as a greenbelt.
140. Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as grills, cafes, and fast food establishments permitting consumption on the premises.
141. Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail sales establishments are: (1) the establishment is usually a place of business and is engaged in activity to attract the general public to buy; (2) the establishment buys and receives as well as sells merchandise; (3) it may process or manufacture some of the products, such as a jeweler or bakery, but such processing or manufacturing usually is incidental or subordinate to the selling activities; and (4) retail establishments sell to customers for their own personal or household use.
142. Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
143. Sawmill: The machinery and appurtenant structures used for the manufacture of wood products, not limited to but including circular or band saws, planers, debarkers, chippers, and kilns.
144. Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other living vegetation.
145. Setback: The minimum unoccupied distance between the front, side and rear lot line and the principal and accessory buildings, as required.
146. Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line. The front setback is

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measured from the edge of the road right of way or in the case of a lot along a river or lake, from the ordinary high water mark.

147. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
148. Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
149. Shopping Center: A group of businesses providing a variety of merchandise and/or services located on the same lot.
150. Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.
151. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
152. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
153. Story: That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
154. Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.
155. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, utility poles and fences. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.

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156. Subdivision: The partitioning or dividing of a parcel or tract of land by the property owner for the purpose of sale, lease or building development as regulated by the Land Division Act, P.A. 591 of 1996.
157. Temporary Building or Use: Is a structure or use permitted to exist during a period of construction of the main building or use, or for special events.
158. Thoroughfares:
Major: Is an arterial street which is intended to serve as a large volume trafficway for both the immediate Village area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.
Secondary: Is an arterial street which is intended to serve as a trafficway serving primarily the immediate Village area and serving to connect with major thoroughfares.
159. Tourist Cabins: An establishment that has separate, individual dwelling units with at least one room, that has complete bathroom facilities and may or may not have kitchen facilities that are rented on a temporary basis by the day, week or season.
160. Travel Trailer: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.
161. Use: Is 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.
162. Use, Accessory: Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.
163. V Type Sign: An off-premise sign structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.
164. Variance: A modification of the literal provisions of the Zoning Ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

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165. Vehicle: A self-propelled device used for transporting people and/or goods over land surfaces and is licensable as a motor vehicle by the Michigan Department of State.
166. Village Board: The elected governing body of the Village of Powers.
167. Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless communication facility, wireless or cellular telephone communication receivers and transmitters, telephone devices, and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt Village regulatory authority.
168. Wireless Communication Support Structure: Structure erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to monopole, lattice towers, light poles, wood poles, and guyed towers or other structure which appear to be something other than a mere support structure.
169. Wood Products Industries: Establishments engaged in sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, plywood mills and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in manufacturing finished articles made entirely or mainly of wood or related materials, except mobile homes.
170. Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.
171. Yards:
 - a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the main building.
 - b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the main building.

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- c. Yard, Side: An open space between the side line of the lot and the nearest line of the main building and extending from the front yard to the rear yard.

- 172. Zoning Administrator: The Village Board's authorized representative charged with the responsibility of administering this Ordinance.

- 173. Zoning Board of Appeals: The Zoning Board of Appeals of the Village of Powers. (See Article XII)

- 174. Zoning Compliance Permit: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or build or construct any buildings or structures in the Village.

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ARTICLE III: ZONING DISTRICTS AND MAP

Section 301 Establishment of Districts

- A. For the purpose of this Ordinance, the Village of Powers is divided into the following zoning districts, which shall be known by the following respective symbols and names:

R-1	Residential One District
R-2	Residential Two District
R-3	Residential Three District
R-4	Residential Four District
C	Commercial District
I	Industrial District
AG	Agricultural District

Section 302 Zoning District Map

- A. The boundaries of the respective districts enumerated in Section 301 are depicted on the map entitled "Village of Powers Official Zoning Map", which is an integral part of this Ordinance. The map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.
- B. The Village of Powers Official Zoning Map shall be identified by the signature of the Village President, attested by the Village Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Village of Powers Official Zoning Map and approved by the Village Board together with an entry on the Village of Powers Official Zoning Map showing the date and official action taken.
- C. One copy of the Village of Powers Official Zoning Map is to be maintained and kept up-to-date by the Zoning Administrator, accessible to the public and shall be the final authority as to the current zoning status of properties in Village of Powers.

Section 303 Interpretation of the Zoning Map

- A. Where due to the scale, lack of detail or illegibility of the zoning map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Board of Appeals shall make an interpretation of said map upon request of any person. The Zoning Board of Appeals shall apply the following standards in interpreting the zoning map:

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1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular to, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
 2. Where zoning district boundary lines are indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
 3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary lines, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- B. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Village of Powers, as well as all other relevant facts.

Section 304 Replacement of Official Zoning Map

- A. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made, the Village Board may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the current Village officers' signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 305 Application of District Regulations

- A. The regulations established for each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article XII, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 306 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration

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or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to a use specifically permitted by right or by conditions.
- C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- E. Any structure, use of a structure or land use and any lot, the size, width, or other characteristic of which fails to meet the requirements of the land use district in which it is located and which was lawfully established in accordance with state and local statutes ("of record") prior to the effective date of this amendment shall be considered a legal nonconforming use.

Section 307 Conflicting Regulations

- A. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding Village of Powers Zoning Ordinance.

Section 308 Exemptions

- A. The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.

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

Section 309 R-1 Residential One District

- A. Intent: To establish and preserve quiet neighborhoods for single-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this District.
- B. Permitted Principal Uses:
1. Adult foster care family home
 2. Adult foster care small group home
 3. Day care facility, family
 4. Dwelling unit, one family
 5. Foster family group home
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, and woodshed.
 2. Accessory uses and structures normally associated with permitted uses.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VIII:
1. Adult foster care large group home
 2. Bed and breakfast establishment
 3. Day care facility, group or commercial
 4. Public or private school
 5. Utility and public service

Section 310 R-2 Residential Two District

- A. Intent: To establish and preserve neighborhoods for single-family, two-family and multi-family dwellings free from other uses except those which are both compatible and convenient to the residents of such a district.
- B. Permitted Principal Uses:
1. Adult foster care family home
 2. Adult foster care small group home
 3. Bed and breakfast establishment

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4. Day care facility, family
 5. Dwelling unit, one family
 6. Dwelling unit, two family
 7. Foster family group home
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, woodshed and sauna.
 2. Accessory uses and structures normally associated with permitted uses.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VIII:
1. Adult foster care large group home
 2. Day care facility, group or commercial
 3. Dwelling unit, multi-family
 4. Hospitals, nursing home, convalescent home, assisted living facility
 5. Multi-family dwelling complex
 6. Public or private school
 7. Utility or public service

Section 311 R-3 Residential Three District

- A. Intent: To establish and preserve areas within the Village for medium density single-family residential uses, free from other uses except those which are both compatible with and convenient to the residents of such a district. The R-3 District is designed to accommodate those desiring larger lots and areas that may not presently be serviced with municipal water or wastewater services.
- B. Permitted Principal Uses:
1. Adult foster care family home
 2. Adult foster care small group home
 3. Bed and breakfast establishment
 4. Day care facility, family
 5. Dwelling unit, one family
 6. Foster family group home
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, woodshed and sauna.

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2. Accessory uses and structures normally associated with permitted uses.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VIII:

1. Adult foster care large group home
2. Church
3. Commercial greenhouse/nursery
4. Day care facility, group or commercial
5. Hospital, nursing home, convalescent home, assisted living facility
6. Planned unit development
7. Public or private school
8. Utility and public service

Section 312 R-4 Residential Four District

A. Intent: To establish and preserve neighborhoods for single-family homes with a minimum side width of less than 20 feet and to allow for the placement of a mobile home park. The uses permitted in the district are to be both compatible with and convenient to the residents of the district.

B. Permitted Principal Uses:

1. Adult foster care family home
2. Adult foster care small group home
3. Day care facility, family
4. Dwelling unit, one family
5. Foster family group home
6. Mobile home
7. Mobile home park

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, woodshed and sauna.
2. Accessory uses and structures normally associated with permitted uses.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VIII:

1. Adult foster care large group home
2. Day care facility, group or commercial
3. Hospital, nursing home, convalescent home, assisted living facility

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5. Mini-storage facility
6. Planned unit development
7. Petroleum, natural gas and propane tanks
8. Tractor/ truck repair facility
9. Trade school or business school
10. Utility and public service

Section 314 I Industrial District

- A. Intent: To establish an area(s) for a variety of manufacturing establishments. Light industrial where the finished product generally consists of small machine parts, small electronic equipment or similar items and operations will generally have less than 90 decibels emanating from the building are generally permitted. Heavy industrial uses whose external and physical effects require separation from residential, commercial and light manufacturing uses will require consideration by the planning commission. The location of industrial uses may be located on individual lots or as part of an industrial park.
- B. Permitted Principal Uses:
1. Automobile body work facility
 2. Automobile repair facility
 3. Automobile and recreational vehicle sales and service
 4. Building material sales
 5. Business office
 6. Contractor yard
 7. Light manufacturing
 8. Mechanical car washing facility
 9. Motel, hotel, and tourist cabins
 10. Retail (general) business establishment
 11. Sawmill and planing mill
 12. Wholesale and storage facility
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory uses and structures normally associated with permitted uses.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VIII:
1. Communication tower (attached wireless and wireless communication facilities)
 2. Gasoline service station
 3. Planned unit development

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4. Planned unit development
5. Public or private school
6. Utility and public service

Section 313 C Commercial District

- A. Intent: To establish and preserve a compact business district suited to the needs of travelers, tourists, and vacationers.
- B. Permitted Principal Uses:
1. Automobile body work facility
 2. Automobile repair facility
 3. Automobile and recreational vehicle sales and service
 4. Banks and financial institutions
 5. Building material sales
 6. Business office
 7. Commercial greenhouse/nursery
 8. Contractor yard
 9. Convenience store
 10. Lodge hall
 11. Laundromat
 12. Light manufacturing operation
 13. Medical and dental office
 14. Mechanical or hand car washing facility
 15. Motel, hotel, and tourist cabins
 16. Public building
 17. Personal service establishment
 18. Retail (general) business establishment
 19. Restaurant
 20. Theater, assembly hall
 21. Tavern
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory uses and structures normally associated with permitted uses.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VIII:
1. Commercial printing facility
 2. Communication tower (attached wireless and wireless communication facilities)
 3. Funeral home
 4. Gasoline service station

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Section 316 Recreational Uses

- A. The following uses may be permitted by right or as a conditional use as listed in the following table:

RECREATIONAL LAND USES IN ZONING DISTRICTS							
	P-Permitted				C-Conditional		
Land Use\District	R-1	R-2	R-3	R-4	C	I	AG
community playgrounds	P	P	P	P	-	-	-
picnic area	P	P	P	P	-	-	-
multi use recreation area	C	C	C	C			C
passive park (nature areas, nonmotorized trails, walkways)	P	P	P	P	P	P	P
fields: soccer, ice hockey, field hockey, ballfields, ice rinks	-	-	P	P	C	-	-
cross-country ski trail	P	P	P	P	P	P	P
horseback riding (equestrian) trail	-	-	-	-	-	-	C
indoor recreation: handball, badminton, basketball, tennis, archery, golf, bowling alley	-	-	-	-	P	C	-
golf- driving range	-	-	-	-	-	-	-
golf course (9 or 18 hole)	-	-	-	-	-	-	C
mini-golf course	-	-	-	-	C	-	-
tracks: ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing	-	-	-	-	-	C	C
archery range (outdoor)	-	-	-	-	-	C	C
off-road vehicle and snowmobile trails	-	-	-	-	-	-	C

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4. Petroleum, natural gas and propane storage tanks
5. Public or private school
6. Restaurant
7. Tractor/ trucking facility
8. Tractor/ truck repair facility
9. Trade or business school
10. Utility and public service

Section 315 AG Agricultural District

- A. Intent: To establish and maintain areas within the Village that are suitable for and historically have been used for agricultural and natural resource production. The areas will allow for continued use of the lands for agricultural uses and permit low density development.
- B. Permitted Principal Uses:
1. Adult foster care family home
 2. Adult foster care small group home
 3. Commercial greenhouse/nursery
 4. Contractor yard
 5. Day care facility, family
 6. Dwelling unit, one family
 7. Farming and agricultural production, including crop cultivation, pastures, orchards, farmstead and other similar uses, except feedlots, poultry farms, and farms.
 8. Foster family group home
 9. Sawmill and planing mill
Stabling of horses and riding academy
 10. Tree farms and commercial harvesting of timber
 11. Wholesale and storage facility
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory uses and structures normally associated with permitted uses.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VIII:
1. Communication tower (attached wireless and wireless communication facilities)
 2. Mini-storage facility
 3. Utility and public service

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Section 402 Minimum Standards for Dwelling Units

- A. Every dwelling unit shall comply with the following standards:
1. A structure used for residential use shall have a minimum width across any front, side or rear elevation of 20 feet unless located in district R-4, and shall comply in all respects with the Menominee County Building Code, including minimum heights for habitable rooms. Where a dwelling is lawfully required to comply with any federal or state standards or regulations for construction and where such standards or regulations are different than those imposed by the Menominee County Building Code, then such federal or state standards or regulations shall apply.
 2. The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Menominee County building code, shall have a wall of the same perimeter dimensions of the dwelling, and shall be constructed of such material and type as required in the applicable building code.
 3. The dwelling shall be connected to a public sewer and water supply or to an on-site septic system or water supply approved by Public Health, Menominee and Delta Counties.
 4. The structure shall have a floor area of not less than 750 square feet and shall contain a storage capability in a basement located under the structure in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.
 5. The dwelling 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 window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; have not less than two functioning exterior doors with one being in either the rear or side of the dwelling; and contains permanently attached steps connected to the exterior door areas or to porches connected to door areas where a difference in elevation requires same. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall take into account the standards set forth in this definition of dwelling as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling. Such area is to be developed with dwellings on not less than 20% of the lots. Where said area is not

ARTICLE IV: GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

A. Except as otherwise provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

Schedule of Regulations						
District	Minimum Lot Size (Square Feet or Acreage)	Minimum Lot Width (Feet) ^A	Setback (Feet) for buildings on lot			Maximum Height of Buildings (Feet)
			Front ^{B,C}	Side	Rear	
R-1	12,000 sq. ft.	100	30	15	30	30
R-2	12,000 sq. ft.	100	30	15	30	30
R-3	40,000 sq. ft.	200	30	15	30	30
R-4	40,000 sq. ft.	200	30	15	30	30
C	20,000 sq. ft.	100	30	15	30	30
I	2 acres	225	50	50	50	50
A	10 acres	400	30	15	30	30

Footnotes to the Table:

- A. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
- B. Where a parcel abuts a water body, the structure must be setback 75 feet from the ordinary high water mark.
- C. The front setback is measured from the road right-of-way.

B. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20-acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres, however, it will still conform to a 20-acre minimum lot size requirement.

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so developed, compatibility shall be determined by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Village. 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.

6. The dwelling shall not contain any addition, room or other area which are not constructed with similar or higher quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required.
 7. The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 8. Mobile homes which do not conform to the standards of Section 402 shall not be used for dwelling purposes within the Village unless located within a mobile home park or a mobile home plat.
- B. Mobile homes shall be installed at a minimum in compliance with rules established by the Mobile Home Commission.

Section 403 Accessory Buildings and Uses

- A. Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized, except as specifically prohibited or by necessary implication in this or any other ordinance. The following special rules are applicable:
1. An accessory building, including carports, attached to the principal building shall comply in all respects with the requirements of this Ordinance applicable to principal buildings. Breezeways, as an attachment between the garage or carport and the main building shall be considered a part of the main building, but shall not be considered livable floor space.
 2. Any accessory building greater than 150 square feet shall require a zoning compliance permit.

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3. In no instance shall the square footage of the accessory building exceed the ground floor liveable area of the principal structure in the R-1 district.
 4. No more than two accessory buildings shall be permitted on any lot in the R-1 and R-2 districts.
 5. Accessory buildings shall not be occupied for dwelling purposes, nor used for any business, profession, trade or occupation, except for agricultural use, home occupation, or as otherwise permitted by this Ordinance.
 6. An accessory building shall not be located within the minimum front yard setback
- B. On lots where no principal building is presently constructed, the maximum size of a garage or similar structure shall be 900 square feet with a maximum height of 30 feet.

Section 404 Accessory (Echo) Housing

- A. It is the intent of the Village of Powers to allow for accessory housing, where because of advancing age, illness, or death of a significant other or family member, assistance or companionship is needed. The individual requiring the assistance may reside in either a separate housing unit or a separate apartment within the principal dwelling unit, as authorized by this section.
- B. Accessory housing units may be permitted in all districts that allow for residential dwellings, upon the issuance of a Conditional Use Permit. One accessory housing unit is permitted on a lot; the housing unit shall have no more than two bedrooms.
- C. No alteration, conversion, construction or placement of an accessory housing unit shall take place without the issuance of a building permit and applicable health department permit. The construction or placement of a separate structure, as an accessory housing unit, shall meet all applicable setback and height requirements for a principal building.
- D. The accessory housing unit may continue as long as the medical or other reason for allowing the accessory housing exists. Upon cessation of the medical or other condition, a mobile home placed as an accessory housing unit shall be removed from the property within six months.

Section 405 Right-of-Way

- A. Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931 as amended) and varies from the standard 66 feet of width, the setback shall be not less than 58 feet from the centerline of the roadway.

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Section 406 Minimum Building Floor Area

- A. The minimum principal floor area, for residential use, exclusive of unfinished basements, garages, porches and breezeways are:
- One-family dwelling unit: 800 square feet
 - Two family dwelling unit: 700 square feet per dwelling unit
 - Multi-family dwelling unit: 700 square feet per dwelling unit

Section 407 Placement of Decks

- A. Attached or unattached decks, terraces, patios and porches shall be located at least 10 feet from the front, side and rear lot line.

Section 408 Home Occupation

- A. Home occupations are allowed in all zoning districts subject to the following regulations:
1. The use of the building for home occupation shall be clearly incidental and subordinate to its use as residential purposes. Home occupations shall be permitted to operate within the principal dwelling provided not more than 25% of the dwelling is devoted to the home occupation.
 2. Home occupations shall be permitted to employ no more than two persons who are not members of the household residing on the premises. Employment of three or more persons may be permitted by application for and issuance of a Conditional Use Permit.
 3. Off-street parking shall be provided in accordance with Section 413 Off-Street Parking Requirements.
 4. Outside display of products, other than seasonal items or products, related to the home occupation may be permitted by application for and issuance of a Conditional Use Permit.
 5. The use of an accessory building for the conduct of a home occupation may be permitted by application for and issuance of a Conditional Use Permit.
 6. There shall be no sale of merchandise that is not directly related to the home occupation.
 7. Light manufacturing establishments may be permitted as a home occupation by application for and issuance of a Conditional Use Permit. Animal boarding

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Section 411 Allocation and Reduction of Lot Area

- A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the stated minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the established minimum requirements.

Section 412 Height Requirement Exemptions and Restrictions

- A. The following are exempt from height limit requirements up to a maximum of 100 feet:
 - 1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
 - 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, and cooling towers;
 - 3. Public utility structures; and,
 - 4. Agriculture related structures such as barns, silos, elevators and the like.
- B. No portion of the exempted structure may be used for human occupancy.
- C. All structures shall be properly secured and not placed in locations where the collapse of such a structure will occur on adjoining property.
- D. All structures exceeding 100 feet in height shall be required to obtain a Conditional Use Permit.
- E. Wireless communication facilities are not exempt from the height provisions.

Section 413 Off-Street Parking Requirements

- A. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.
 - 1. Off-street parking for other than residential uses shall be either on the same lot or within 400 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

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Uses	Minimum Parking Spaces
Dining, Entertainment, Assembly and Lodging	
Lodging: Boarding house, motel, hotel, tourist cabin	1.2 per lodging or rental unit
Restaurant	1 per every 2 capacity occupants, plus 4 stacking spaces for drive up/take out facility, if any
Industrial Uses	
Production and processing	1.2 times the maximum number of employees on premise at any one time
Warehousing and wholesaling	1.2 times maximum number of employees on premise at any one time
Residential Uses	
Single family, two-family, multiple family, and recreational structure	2 per dwelling unit
Retail Establishments	
Furniture, appliance, hardware and building supply store	1 per 800 square feet of usable floor area
Outdoor sales space	To be determined on case-by case basis by Zoning Board of Appeals
Other retail establishments	1 per 150 square feet of usable floor area, plus additional spaces required for outdoor sales space, if any
Service Establishments	
Barber and beauty shop	2.5 per chair
Business and professional office (non-medical)	1 per 200 square feet of usable floor area
Convalescent and nursing home	1 per every 2 beds
Financial institutions	1 per 150 square feet of floor area, plus 3 stacking spaces for each drive-up window
Hospital (in patient services)	2 per each bed
Funeral home	1.5 per each parlor room
Laundromat	1 per every 3 machines
Medical and dental office, out-patient services	4 per exam room or chair
Mini-storage warehouse	1 parking/loading space per unit, plus .5 per employee, if any
Other service establishments	1 per 150 square feet of usable floor area

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Uses	Minimum Parking Spaces
Repair shops for household equipment, shores, etc.; plumber, electrician, decorator, etc show-room	1 per 500 square feet of usable floor area
School, public or private (includes auditorium as accessory use)	1 per each employee plus 1 per every 5 driving age students

- C. Where the calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half space shall require one space.

Section 414 Off-Street Parking Space Layout, Standards, Construction and Maintenance

- A. Wherever the off-street parking requirements in Section 413 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a zoning compliance permit has been issued.
2. Adequate ingress and egress to the parking lot shall be provided and shall receive the review and approval of the Zoning Administrator in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as required shall be established and maintained by the owner or lessee of the parking lot.
3. The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space. Layouts requiring vehicles to back out into roads or streets or prohibited.

4.	PARKING ANGLE	STALL WIDTH	AISLE WIDTH	PARKING STALL LENGTH	CURB TO CURB
	0-15°	9 ft.	12 ft.	23 ft.	30 ft.
	16-37°	10 ft.	11 ft.	19 ft.	47 ft.
	38-57°	10 ft.	13 ft.	19 ft.	54 ft.
	58-74°	10 ft.	18 ft.	19 ft.	61 ft.
	75-90°	10 ft.	24 ft.	19 ft.	63 ft.

5. The plans shall indicate the location and number of handicapped parking spaces as established in the Uniform Federal Accessibility Standards.

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Section 415 Plant Materials and Spacing Requirements

A. Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within eight months from the date of issuance of a certificate of occupancy or conditional use permit. The greenbelt or planting shall be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Any Zoning Compliance Permit may be revoked after 30 days written notice to the person assessed for taxes on the affected lot to the occupant whenever the plants are not maintained as required by this Ordinance.

1. The plant materials listed below may be used or a resource professional may be employed by the applicant to determine alternative plant materials based on soil and drainage conditions.
2. Plant materials shall be spaced according to the following requirements:
 - a. Plant materials shall not be closer than four feet from the fence line or property line.
 - b. Where planting materials are planted in two or more rows, the plant materials should be staggered in rows.
 - c. Evergreen trees should be planted at 8'-10' spacing.
 - d. Narrow evergreens should be planted not more than three feet on centers.
 - e. Deciduous trees shall be planted at 10'-12' spacing.
 - f. Tree like shrubs should be planted not more than 8'-10' on centers.
 - g. Large deciduous shrubs should be planted 6'-8' on centers.
 - h. A planting scheme provided by a resource professional may be used in the alternative. The planting scheme must provide for adequate soil erosion control and adequate screening.

B. If a resource professional is not used, the following plant materials shall be used:

TREE LIKE SHRUBS:

Acer spicatum - Mountain maple
Cornus alternifolia - Alternate leaved dogwood
Sorbus americana - Mountain Ash
Sorbus decora - Mountain Ash
Prunus virginiana - Chokecherry
Prunus pensylvanica - Pincherry
Crataegus crus-galli - Cockspur torn
Crataegus chrysoarpa - Hawthorn
Coryllus cornuta - Beaked hazel
Alnus rugosa - Speckled alder
Amelanchier species - Juneberry

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LARGE DECIDUOUS SHRUBS

Nemopanthus mucronata - Mountain holly
Dirca palustris - Leatherwood
Shepherdia canadensis - Buffalo berry
Cornus rugosa - round-leaved dogwood
Cornus stolonifera - Red osier
Sambucus canadensis - American elderberry
Sambucus pubeas - Red Elderberry
Viburnum cassinoides - Wild raisin
Viburnum lentago - Nannyberry
Viburnum trilobum - High-bush cranberry
Ilex verticillata - Winterberry
Rhus typhina - Staghorn sumach
Rhus glabra - Smooth sumach
Physocarpus opulifolius - Ninebark
Myrica gale - Sweet gale

EVERGREEN TREES

Thuja occidentalis - Northern white-cedar
Picea glauca - White spruce
Pinus strobus - Eastern white pine; northern white pine
Pinus resinosa - Red pine
Larix laricina - Tamarack; Eastern larch

- C. It is the responsibility of the applicant to determine that the plant materials will survive in the soil and drainage conditions where planted.

Section 416 Required Planting Screens

- A. In any district where a nonresidential parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any residential dwelling, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. A six foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.
- B. Planting Screen Specifications: All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of six feet.
- C. Parking Lot Plantings: Where off-street parking of 50 or more vehicles is required, there shall be a minimum landscaped area of 18 square feet for each parking space within the parking area. No parking space shall be more than 120 feet from the landscaped open space. The landscaped open space shall be kept continuously planted with living

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vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. The trees shall be maintained in a healthy condition and pruned to maintain height to a maximum of 15 feet. The trees shall be pruned to remove dead wood. All plant materials shall be pruned so not to create a hazard to drivers or pedestrians.

Section 417 Fence Regulations

- A. The height of fences or hedges is subject to the following provisions:
1. No fence or hedge shall obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway. The Road Commission shall be consulted as to whether the placement of the fence will be located in a clear vision zone area.
 2. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abuts a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural fence or plant materials not less than six feet in height.
- B. Any person erecting any fence or hedge shall be fully responsible for the care and maintenance of the fence or hedge and shall assume full responsibility for any damage arising during the construction /installation of the fence or hedge. The boards, wire or other materials used in the construction of the fence shall be fixed to the side of the posts nearest to the property dividing line. The finished side of the fence shall be located as the exterior side of the fence.
- C. The required front, side and rear setbacks do not need to be met. The fence may be on the property line with written approval of the adjoining property owner.

Section 418 Minimum Mobile Home Requirements

- A. Mobile homes placed on private lands in the Village shall have skirting installed that meets the following standards:
1. Skirting shall have louvered or similar vents with a minimum of 600 square inches of open space per 1,000 square feet of living space.
 2. A minimum of one vent shall be placed at the front and rear of the mobile home and two at each exposed side.
 3. An access panel of sufficient size to allow full access to utility hookups located beneath the mobile home shall be installed.

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4. All skirting shall be manufactured of certified fire-resistant material.
- B. No crawl space or area under a mobile home shall be used for storage purposes.
- C. Mobile homes installed on private lands shall be installed at a minimum in compliance with rules established by the Mobile Home Commission.

Section 419 Garage Sales

- A. Garage sales at residences are allowed a maximum of six occurrences per calendar year in all zoning districts; each occurrence shall not exceed seven consecutive days. Garage sales are not considered to be a Home Occupation.

Section 420 Temporary Agricultural Products Stand

- A. An agricultural stand for the display and retail sale of farm products is permitted in all districts. The products stand is subject to the following regulations: one stand per parcel (a pick-up truck or similar vehicle is considered to be a stand), operated until 9:00 p.m., maximum total floor area is 320 square feet, and off-street parking for a minimum of four vehicles located a minimum of five feet from the road right-of-way. Agricultural products stands are permitted to be operated from May 1 until January 1. The stand must be removed within seven calendar days of ceasing operations.

Section 421 Wireless Communication Facilities and Attached Wireless Communication Facilities

- A. Village of Powers has a clear and identifiable interest in accommodating the communication needs of residents and businesses, and has an interest in regulating the location of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.
- B. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this section to:
 1. Facilitate adequate and efficient provisions for wireless communication facilities.
 2. Ensure that wireless communication facilities are situated in appropriate locations and relationship to other land uses, structures and buildings.
 3. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs.
 4. Promote the public health, safety and welfare.
 5. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.

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- C. It is the policy of Village of Powers to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Village and encourage the use of existing structures for Attached Wireless Communication Facilities. It is the Village's interest to the extent reasonable to encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
- D. The location of Wireless Communication Facilities and Attached Wireless Communication Facilities shall be subject to the following conditions and regulations:
1. A conditional use permit for a new wireless communication facility shall not be granted until the applicant demonstrates that feasible co-location is not available for the coverage area and capacity needs.
 2. Applicants shall demonstrate a justification for the proposed height of the structures and present an evaluation of alternative designs which might result in lower heights. No part of any wireless communication facility shall be constructed, located or maintained at any time on any required setback area for the district in which it is located.
 3. The site shall have legal documented access to a public road.
 4. All support structures must be set back from all property lines a distance equal to its height.
 5. Where an attached wireless communication facility is proposed on the roof of a building or if the equipment enclosure is proposed as a roof appliance or pent-house on the building it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
 6. One, 600 square foot maximum accessory building shall be permitted for each carrier using the facility.
 7. A wireless communication facility may be of design such as steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.
 8. All support structures must be certified by a professional engineer licensed in Michigan that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All metal support

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structures shall be constructed of or treated with corrosive resistant material. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, and State of Michigan and must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F.

9. Wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
10. There shall be no advertising displayed on the wireless communication facility. Identification on the facility is required for emergency purposes.
11. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities. A six foot high fence shall surround the base of the support structure and all wire supports.
12. The base of the support structure shall not be greater than 1,000 square feet.
13. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
14. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated so that it does not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
15. As a condition of every approval of a wireless communication facility, adequate provisions shall be made for the removal of all wireless communication facilities within six months of being abandoned by all users. A facility shall be considered abandoned when it has not been used for one year. For the purpose of this section, the removal of antennas or other equipment from the facility or cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. Following complete demolition and removal of the building and structure, the premises shall be restored with six inches of topsoil and seeded and mulched. The applicant shall provide a performance bond, issued by an acceptable bonding company authorized to do business in the State of Michigan, for the removal of the wireless communication facilities and restoration of the site.
16. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the conditional use permit. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly

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fashion and the facility is preserved in a safe condition. The applicant is responsible for preparing the maintenance plan and agreement for review by the Planning Commission.

17. Conditions and safeguards as identified in Section 805 will be applicable, to the extent allowable by federal law or regulation, to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

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ARTICLE V: PLANNED UNIT DEVELOPMENT

Section 501 Intent

- A. To permit greater flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. A Planned Unit Development (PUD) should result in development which maximizes the provision of open space, preserves natural features, and provides a harmonious arrangement of structures and uses. More than one principal use and/or structure per lot may be permitted.

Section 502 Eligibility

- A. In order to be approved by the Village of Powers Planning Commission, a proposed Planned Unit Development shall:
 - 1. On parcels of at least two acres in size:
 - a. Provide for open space and preservation of natural features; clustered development and similar design methods are encouraged.
 - b. Minimize the amount of impervious surfaces created.
 - c. Provide a harmonious and efficient arrangement of all structures and uses in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangements of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.
 - 2. On parcels over 10 acres in size where the existing structures will be an integral part of the new development:
 - a. Provide for open space and the preservation of natural features.
 - b. Minimize the amount of new impervious surfaces created. The developer shall take into consideration the impact of the size and location of existing impervious surfaces when proposing new impervious surfaces.
 - c. Demonstrate the efficient use of the existing structures in relation to the overall development plan. Arrangements of proposed buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

Section 503 Application and Modification Powers

- A. The applicant shall submit an application to the Planning Commission in accordance with the procedures in Section 504 through Section 506.

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- B. In acting upon the application, the Planning Commission may alter setback requirements, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. For developments on parcels of ten acres or less, uses not permitted in the district where the lot is located shall not be permitted to occupy more than 10 percent of the lot area nor more than 10 percent of the building floor area.
- C. The provisions of this Section shall be applied to the existing Zoning District, as defined on the zoning map, where the PUD is to be located.

Section 504 Preliminary Conference

- A. Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development and application procedures. No decision regarding any proposed PUD is to be reached at this conference.

Section 505 Preliminary Application

- A. Following the preliminary conference, the applicant shall prepare and submit eight copies of a preliminary application which consists of the following written and graphic documents, together with any fee(s) which have been imposed by the Village of Powers Board:
 - 1. A written description of the proposed PUD, including:
 - a. How the proposed PUD is consistent with the intent of the article, and with the eligibility criteria in Section 502.
 - b. A statement identifying all intended uses, including future sales or leasing arrangements of all or portions of the proposed PUD.
 - c. A legal description of the proposed PUD parcel.
 - d. A listing of all owners, holders of easements, and other interested parties.
 - e. A projected assessment of the proposed PUD demands on public services and utilities, including, but not limited to, water, sewer, electrical service, streets and roads, sidewalks, refuse disposal, and emergency services.

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2. Eight copies of the preliminary site plan shall be provided one or more sheets at a scale adequate to illustrate the proposed activity, and shall include the following information.
 - a. The legal description and street address of the lot(s).
 - b. The name, address and telephone number of the owner, developer, and/or designer.
 - c. The date the site plan was prepared.
 - d. North arrow and scale
 - e. The actual dimensions of the lot(s) as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with survey stakes visible. The requirement for a survey may be waived if building dimensions will not change as a result of the proposed activity.
 - f. The relationship of the subject lot(s) to abutting properties.
 - g. Depiction of all existing structures, including signs, on the subject lot(s) shown to scale.
 - h. The dimensions of all proposed structures on the subject lot(s), including height of proposed buildings.
 - i. Distances between existing structures and proposed structures on the subject lot(s) and distance between lot lines and proposed structures.
 - j. Use of all existing or proposed structures on the subject lot(s).
 - k. The location of all proposed fences and planting screens or other buffers.
 - l. The location and right-of-way widths of all streets, alleys, private road easements and/or railroads located within or abutting the subject lot(s). Named streets should be labeled.
 - m. The location of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject lot(s).
 - n. The locations of existing ingress/egress points, driveways, streets, alleys and/or railroads within 300 feet of the boundaries of the subject lot(s).
 - o. The size and location of all existing and proposed public and private utilities.
 - p. The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
 - q. The location of existing and proposed surface water impoundments and surface water drainage pattern.
 - r. The location and extent of all planned earth movement. Indicate status of any necessary permits, such as sedimentation and soil erosion permit, wetlands permit, etc.
 - s. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with this Ordinance or any other applicable ordinances.
3. A development schedule; a list of proposed covenants or deed restrictions; any proposed maintenance agreements on open space or common ownership areas;

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and a description of the type of financial guarantees to be utilized to insure PUD development.

4. Any other information the Planning Commission may reasonably require to show the applicant's intent for the development and viability of the proposal.
- B. All application materials must be received in the office of the Zoning Administrator before a public hearing notice can be submitted for publication.
 - C. The Planning Commission shall hold a public hearing in accordance with the requirements of Section 1003, to review the preliminary application. In making its review of any portion of the PUD preliminary application, the Planning Commission shall find that the proposed PUD is consistent with the standards outlined in Section 508 and Section 804 and other relevant provisions of this Ordinance. Following the review, the Planning Commission shall approve, approve with conditions or subject to modifications, or deny the preliminary application. Action taken on the preliminary application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.
 - D. Approval of the preliminary application does not constitute recording of the plan or plot nor authorize the issuance of building permits.
 - E. Within a maximum of 12 months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the Planning Commission may extend this time period for six months. If the applicant fails to apply for the final application for any reason, approval or conditional approval shall be revoked.

Section 506 Final Application

- A. Following approval or approval with conditions of the preliminary application, the applicant shall prepare and submit eight copies of a final application which shall include:
 1. All information as required by the Planning Commission for preliminary approval or conditional approval of the preliminary application, including modifications required to meet conditions imposed on the preliminary application, if any.
 2. Signed copies of any preliminary plats, in accordance with the Land Division Act, P.A. 288 of 1967, as amended.
 3. A detailed development time schedule.
 4. Deed restrictions or covenants of the parcel.

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5. Any other plans, documentation or specifications, as the Planning Commission may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.
- B. All the application materials must be received in the office of the Village of Powers Zoning Administrator before a public hearing notice can be submitted for publication.
- C. The Planning Commission shall hold a public hearing, and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and are in proper form for final recording. Action taken on the final application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

Section 507 Authorization and Issuance of Conditional Use Permit

- A. Where the Planning Commission determines that the final application is consistent with this article and other requirements thereof, and is in proper form for recording, it shall authorize a PUD Conditional Use Permit for development and use in accordance with the final accepted development plan. Authorizing the PUD Conditional Use Permit shall not obligate the Village of Powers Planning Commission or the Village of Powers Board to enforce any deed restrictions or covenants of the development parcel.
- B. The PUD Conditional Use Permit shall be issued following evidence of recording of the PUD final development plan with the Menominee County Register of Deeds.

Section 508 Planned Unit Development Standards

- A. All preliminary and final applications shall be evaluated with respect to the following standards:
 1. Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this article as defined in the intent statement, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this article.
 2. Access: Every structure or dwelling unit shall have access to a public street, or to a private roadway built to County specifications and dedicated to common use. A maintenance agreement shall be required for private roadways.

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3. Sidewalks: For areas of residential development and significant pedestrian use, all streets and roadways within the PUD shall have a sidewalk at least four feet in width on at least one side of the street or roadway, unless otherwise excluded by the Planning Commission.
4. Land Usage: Structures and uses shown on the development plan shall be arranged so as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
5. Privacy: Each development shall provide reasonable visual and acoustical privacy or provide for reasonable spatial separation for dwelling units. Fences, walks, barriers, and landscaping or open space shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
6. Off-Street Parking: Parking convenient to all dwelling units and other uses shall be provided pursuant to the requirements of Sections 413 and 414 of this Ordinance. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
7. Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
8. Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added where feasible for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
9. The PUD shall be consistent with the standards outlined in Section 804 and other relevant provisions of this Ordinance.

Section 509 Changes in Approved PUD

- A. Changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- B. Changes which cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the

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approved open space, off-street parking and loading space, or pavement width requirements may be authorized by the Planning Commission following a public hearing. The public hearing notice shall be published not less than 5 days nor more than 15 days prior to the public hearing, in accordance with Section 1003.

- C. Changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

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ARTICLE VI: SIGNS

Section 601 Intent

- A. It is determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 602 Regulations for Signs in Residential Areas

- A. Within all districts allowing residential uses as a permitted principal use, signs shall be permitted as follows:
1. Residential identification signs, which may which have an occupant's name and/or house number or emergency identification number, shall not exceed nine square feet.
 2. Churches shall be permitted a sign structure with a face on both sides, with each side having a maximum sign area of 40 square feet. The total sign area may be divided into one or more signs.
 3. One sign, not exceeding 36 square feet and eight feet in height, shall be permitted at each vehicle entrance to a platted subdivision development or mobile home park.
 4. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 36 square feet and eight feet in height.
 5. One sign, not to exceed 20 square feet, shall be permitted to advertise a home occupation. The sign shall not be illuminated or have working parts. The sign must be attractive and compatible with a neighborhood setting and designed so not to detract from the visual appearance of the neighborhood.
 6. Signs permitted by this section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

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Section 603 On-Premises Sign Regulations

- A. On-premises sign shall be permitted in all districts subject to the following regulations:
1. Free standing (ground) signs advertising an on-site business are permitted an area not to exceed 60 square feet.
 2. The setback requirements are:
 - a. A minimum of five feet when the right-of-way width from the centerline of the road to the property is less than 50 feet or, located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than 50 feet.
 - b. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade.
 3. The maximum height for on-premises signs shall be 30 feet.

Section 604 Off-Premises Sign Regulations

- A. Off-premises signs are permitted in areas zoned R-1, R-2 and C and subject to the following regulations:
1. The maximum sign area for any one face shall not exceed 50 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not be allowed.
 2. Signs may be back-to-back or V-type and shall be considered as one off-premises sign.
 3. The sign shall have a maximum height not to exceed 30 feet above road grade level. An off-premise shall maintain a minimum clearance of eight feet measured from the ground level at the base of the sign to the bottom of the sign face.
 4. Setback requirements are:
 - a. Front: A minimum setback of 10 feet from the road right of way.
 - b. Side: A minimum setback of 10 feet from the road right of way.
- B. No off-premises sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.

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Section 605 Agricultural Sign Regulation

- A. Where a farm or other agricultural operation is permitted within a zoning district, the total sign area shall not exceed 32 square feet to advertise agricultural goods or other items for sale at that location.
- B. Signs which identify the name of a farm or farming operation shall not exceed a total sign area of 32 square feet.
- C. Individual signs not exceeding 6 square feet are permitted to advertise seeds that are planted at a specific field.
- D. Signs permitted by this section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 606 Cluster Sign Regulations

- A. A sign that lists and identifies a number or group of institutions, residences, organizations, churches and/or businesses and which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in all zoning districts. A cluster sign at one location shall have a maximum sign area of 60 square feet. The cluster sign must be maintained by the owner or owners of the sign.
- B. Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 607 Signs for Conditional Use

- A. In granting a conditional use permit the Planning Commission shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or signs on the parcel.

Section 608 Temporary Signs

- A. Signs which are intended to identify or advertise a nonprofit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period not to exceed one month and shall not exceed 50 square feet. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.

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Section 609 Construction Signs

- A. One construction sign is permitted per project not exceeding 16 square feet in sign area for residential buildings and 32 square feet for non-residential buildings. Signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed no later than 30 days following occupancy or completion of the project.

Section 610 Miscellaneous Signs

- A. The following signs shall not exceed nine square feet and are exempt from other provisions of this Ordinance:
1. Public signs of a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.
 2. Political signs which are intended to advertise a public election, individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.
 3. Signs which announce no hunting or no trespassing.
 4. Signs which indicate a garage sale or directions to a garage sale.
- B. One sign, whose area shall not exceed six square feet, shall be permitted to announce the sale or rent of property.

Section 611 Lighting of Signs

- A. Strobe, blinking or other pulsating lights shall not be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such an intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.
- B. All outdoor illumination of signs shall be shielded, shaded, designed and/or directed away from adjacent residential districts and uses. It shall not glare upon or interfere with persons and vehicles using public streets.

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Section 612 Placement of Signs

- A. No signs shall be located on any street corner which would obscure the vision of drivers using the streets or conflict with traffic control signals at the intersections of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress and egress to any premises.
- B. No sign shall be located or designed to materially block or obstruct a passing motorist's view of an existing sign or business.
- C. An on-premises sign shall be located a minimum of 30 feet from the side lot line of a lot containing a residential dwelling.

Section 613 Maintenance of Signs

- A. Dilapidated sign structures such as those with which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. Dilapidated sign structures are those with but not limited to structural defects or supports with broken or rotten wood.
- B. The Planning Commission is authorized to have all dangerous or nuisance signs removed, the cost of which is to be borne by the sign owner and/or property owner. The owner of the sign and or property owner shall be notified and given two months to rectify the situation. The Planning Commission may grant a reasonable extension of time following a meeting with the property owner or sign owner.

Section 614 Nonconforming Signs

- A. It is the intent and purpose of this section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the Village permits. Signs may be designated as Class A Nonconforming.
- B. No nonconforming sign:
 - 1. Shall be structurally altered so as to prolong the life of the sign, nor shall the shape, size, type, or design of the sign structure be altered;
 - 2. Shall be continued after the activity, business, or usage to which it relates has been discontinued for one year; or
 - 3. Shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the original structure size.

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- C. A conforming sign shall not be changed to a nonconforming sign.
- D. Nonconforming signs may have their face or message updated but not structurally altered.

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ARTICLE VII: SITE PLAN REVIEW

Section 701 Intent

- A. It is the purpose of this article to require site plan review approval for all buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Village; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 702 Site Plan Required

- A. A site plan is required for and shall accompany the applications for:
1. Zoning Compliance Permits for:
 - a. Any proposed construction.
 - b. Any commencement of a new use.
 - c. Any proposed change in use.
 2. Conditional Use Permit
 3. Variances
 4. Class A Non-Conforming use designation
 5. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development
- B. The site plan shall be drawn on a separate sheet of paper as appropriate to the scale and amount of information shown.

Section 703 Site Plans for Single and Two-Family Dwellings, Residential Accessory Uses and Structures, Commercial, Industrial and Multiple Family Developments less than 2,500 square feet and Parking Lots

- A. The site plan for single and two-family dwellings, residential accessory uses and structures, commercial, industrial and multiple family developments less than 2,500 square feet and parking lots shall show the following information. Two copies shall be provided to the Zoning Administrator.
1. A legal description of the site and the property tax identification number.
 2. All lot lines and dimensions of the lot.

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3. All roads and easements.
4. All existing and proposed buildings shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings and all lot lines.
7. Building dimensions.
8. Natural features affecting development (rock, water, etc.).
9. Well and septic locations.
10. A north arrow.
11. For commercial, industrial and multiple family developments: location of all existing and proposed drives and parking areas, proposed planting screens, fencing, signs, and advertising features.

Section 704 Site Plans for Commercial, Industrial, and Multiple Family Developments Greater than 2,500 Square Feet

- A. Site plans meeting the following standards shall be required for commercial, industrial, and multiple family developments greater than 2,500 square feet. Two copies of the site plan shall be provided to the Zoning Administrator.
1. A scale adequate to illustrate the proposed activity.
 2. A legal description of the lot; the property tax identification number; the name, address and telephone number of the owner, developer and designer.
 3. Date, north arrow, and scale.
 4. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
 5. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 10 feet of the sites parcel lines.
 6. The location of all existing and proposed drives and parking areas.
 7. The location and right-of-way widths of all abutting streets, alleys, and private easements.
 8. The location of proposed planting and screening, fencing, signs and advertising features.
 9. The height and floor area of all proposed structures.
 10. The size and location of all existing and proposed public and private utilities and required landscaping.
 11. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
 12. Location of all existing and proposed surface water impoundments and surface water drainage pattern. Indicate whether local, state or federal permits have been applied for.

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13. The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.

Section 705 Review Procedures

- A. Upon receipt of any site plan the Zoning Administrator shall conduct a preliminary review to determine whether the site plan is in proper form, contains all of the required information of Section 703 or 704.
- B. The Zoning Administrator is responsible for reviewing and approving the site plans for those specified in Section 703. Such review shall be accomplished within a reasonable period of time.
- C. The Planning Commission is responsible for reviewing and approving site plans for those specified in Section 704. Such review shall be accomplished within a reasonable period of time.
- D. The Zoning Board of Appeals is responsible for reviewing and approving site plans associated with zoning variances.
- E. The Zoning Administrator, Planning Commission and Zoning Board of Appeals shall use appropriate provisions of this Ordinance and the standards in Section 706 in their review of site plans. Any denial of a site plan shall be in writing and specify inadequacies or deficiencies in the site plan, and may indicate changes which would result in approval.
- F. The proposer may appeal any denial to the Zoning Board of Appeals.

Section 706 Additional Standards for Site Plan Approval

- A. The proposed use shall conform to the uses permitted in that district.
- B. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters or melting accumulated snow will not adversely affect neighboring properties.
- D. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

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- E. All buildings or group of buildings shall be arranged as to permit emergency vehicle access to each building.
- F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- G. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six feet in height.
- H. All outdoor lighting, whether for illuminating parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Flashing or intermittent lights shall not be permitted.

Section 707 Changes in Approved Site Plan

- A. Changes for an approved site plan are to be made by the approving body in the same manner as originally applied for.

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ARTICLE VIII: CONDITIONAL USE PERMITS

Section 801 Intent

- A. Certain types of land uses require a flexible and equitable procedure for properly accommodating these activities within the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. The use of conditional use permits allows the Village to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.
- B. In order to accomplish such a dual objective, provisions are made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as **Conditional Uses** and may be authorized by the issuance of a **Conditional Use Permit** with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.
- C. Sections 309 through 316 designate what uses require a Conditional Use Permit. The procedures for obtaining a permit shall apply to all conditional uses of this Ordinance, unless otherwise provided for in this Ordinance.

Section 802 Application Procedure

- A. Any person having an interest in a property may file an application for a Conditional Use Permit.
- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the applicant and the property owner and accompanied by the payment of the appropriate. No part of any fee shall be refundable.
- C. An application shall consist of:
 - 1. Conditional use form signed by the applicant.
 - 2. Site plan drawn to a readable scale and containing that information specified in Section 703 or 704.

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D. A public hearing shall be scheduled with notification as required by Section 1003.

Section 803 Conditions and Approvals

- A. The Planning Commission shall approve, approve with conditions, or reject the application within 60 days of the public hearing. The Planning Commission's action shall be based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 804 and 1002.
- B. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, the permit shall automatically expire. Upon request of the applicant, the Planning Commission can approve an extension for one additional year. Unless otherwise specified by the Planning Commission, compliance with the conditions shall occur prior to the issuance of a zoning compliance permit.
- C. The Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- D. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of this Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.

Section 804 General Standards

- A. The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:
 - 1. Will be harmonious with and in accordance with the general policies of Village of Powers or with any specific objectives of any adopted development plans;
 - 2. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
 - 3. Will not be hazardous or disturbing to existing or future neighboring uses;
 - 4. Will not diminish the value of land, buildings, or structures in the District;

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5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, odors, or electrical or communication interferences;
 8. Will protect the public health, safety and general welfare of the community; and
 9. Will be consistent with the intent and purpose of the specific zoning district in which it is located.
- B. The Planning Commission shall also use the following standards when considering group child care facilities:
1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day-care home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, P.A. 218 of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, P.A. 368 of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Planning Commission.

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3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10:00 p.m. and 6:00 a.m.
5. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

Section 805 Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgement may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize 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; and be consistent with the general standards listed in Section 804 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. The Zoning Administrator shall make periodic investigations of developments authorized by a Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permits for a temporary use shall be renewed as originally applied for.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Village, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Village Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:

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1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 2. Violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this Ordinance.
- F. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the Planning Commission shall become part of the Conditional Use Permit issued by the Planning Commission.
- G. The standards in Section 804 are basic to all conditional uses identified in this Ordinance.

Section 806 Appeals

- A. Recourse for a person aggrieved by a decision of the Planning Commission in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals.

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ARTICLE IX: NONCONFORMING USES AND STRUCTURES

Section 901 Intent

- A. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property are not permitted to continue without restriction. Any previous Class A Nonconforming Use and Structure designation shall remain in effect.
- B. The zoning regulations established by this Ordinance are designed to guide the future use of land in Village of Powers by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.
- C. This Ordinance distinguishes by class the various nonconforming uses and structures. In general, Class A Nonconforming Uses and Structures have been found by the Planning Commission not to be contrary to the public health, safety, and general welfare, or the spirit of this Ordinance or other standard in this Ordinance and should either be encouraged or at a minimum not be discouraged to continue. In contrast, the Class B Nonconforming Uses and Structures are not consistent with the aforementioned, and should not be encouraged to exist. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.
- D. Any use or structure created in violation of any preceding Village of Powers Zoning Ordinance remains a violation, unless the use or structure is in compliance with this Ordinance.

Section 902 Class A Nonconforming Uses and Structures

- A. Class A Nonconforming Uses and Structures are those which have been designated by the Planning Commission, after application by any interested person or the Zoning Administrator. The Planning Commission shall find that the continuance would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 804 of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

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Section 903 Procedure For Obtaining Class A Designation

- A. A written application shall be filed with the Planning Commission which shall include:
1. Name and address of property owner and applicant, if not same;
 2. A legal description of the property or lot;
 3. A site plan pursuant to Section 703 or 704;
 4. An explanation describing the present nonconforming use or structure;
 5. An explanation of any proposed addition or alteration to the uses or structures.
- B. The Planning Commission shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 1003. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 804. Conditions may be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

Section 904 Provisions for Class A Nonconforming Uses and Structures

- A. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
1. Class A Nonconforming Use or Structure may be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, with the specific approval of the Planning Commission.
 2. Class A Nonconforming Use or Structure may be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, with the specific approval of the Planning Commission.
 3. Class A Nonconforming Use or Structure may be extended to displace a permitted (conforming) use, with the specific approval of the Planning Commission.
 4. Class A Nonconforming Use or Structure may be changed to another nonconforming use, with the specific approval of the Planning Commission. Before granting the approval, the Planning Commission shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
 5. Class A Nonconforming Use may be expanded to add another nonconforming use, with specific approval by the Planning Commission. The proposed nonconforming use shall satisfy the standards as set out in Section 804.
 6. A Class A Nonconforming Use is permitted to be reconstructed as a result of damage by fire or other casualty, without the approval of the Planning Commis-

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- sion. Any expansion of the original area would need the specific approval of the Planning Commission.
7. Structural alterations to the interior of the building are permitted without the approval of the Planning Commission.
 8. A Class A Nonconforming Use and Structure may be permitted to be resumed if it has been discontinued for an extended period of time with the specific approval of the Planning Commission. For the purposes of this section, an extended period of time is no more than 24 months.
 9. No Class A Structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 905 Revocation of Class A Nonconforming Uses and Structures

- A. Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall issue a notice of violation. Such notice shall be directed to each property owner of or a party in interest in whose name the property appears on the last local tax assessment records. All notices shall be in writing and shall be served in person or may be mailed by certified mail, addressed to the owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- B. All violations of Class A Nonconforming Uses and Structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing in accordance with the procedures set out in Section 1003 of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the Class A designation in writing and set forth the findings and reasons on which it is based.

Section 906 Class B Nonconforming Uses and Structures

- A. All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment of compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least six months or if it has been changed to a conforming use for a one month period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure.
- B. In the situation where two or more dwellings are located on one lot, if one dwelling is damaged by fire or other casualty to the extent that the cost of reconstruction or repair

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- exceeds 50 percent of the reproduction cost, such structure shall not be repaired or replaced. The damaged structure shall be removed.
- C. In the situation that two or more dwellings are located on one lot and one dwelling is removed, it shall not be replaced.
 - D. No Class B Nonconforming Structure shall be enlarged or structurally altered. No Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than was used at the time of becoming nonconforming. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

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ARTICLE X: ADMINISTRATION AND ENFORCEMENT

Section 1001 Administration

- A. The administration and enforcement of this Ordinance shall be the responsibility of the Village Board. The Village Board shall have the right to delegate responsibility to appropriate village officers, employees or designees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator.

Section 1002 Administrative Standards

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make an administrative decision, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. When a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and/or the Planning Commission shall base their decision upon facts presented at the public hearing.
- C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in this Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards.
- D. Consideration shall also be given by the reviewing body or official to the following:
1. Intent of the zoning district.
 2. Current use of the adjacent lands and neighborhoods.
 3. Physical appearance of existing or proposed structures (location, height, bulk of building, as well as construction materials).
 4. The suitability of the proposed landscaping in providing ground cover, screening and decoration of the site.

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5. The nature and intensity of operations involved in or conducted in connection with the proposed use.
6. The time of use and physical and economic relationship of one type of use to another.
7. The assembly of persons or employees, which may be hazardous to the neighborhood or incongruous or conflict with normal traffic in the vicinity.
8. Vehicular and pedestrian traffic volumes and patterns, particularly of children, as well as vehicular turning movements in relation to traffic flows, intersections and site distances.
9. The physical characteristics of the site such as: area drainage, topography, open space, landscaping, and access to minor and/or major streets.
10. Demands upon public services, such as electricity, police and fire protection, schools, and refuse disposal.
11. The type and amount of litter, waste, noise, dust, traffic, fumes, glare, and vibration which may generated by such use.
12. Area requirements for the proposed use and potential for the use or its area requirements to expand.
13. Other factors necessary to maintain property values in the neighborhood and guarantee safety, light, air and privacy to the principal uses in the district.

Section 1003 Administrative Procedures for Public Notifications

A. All administrative decisions of the Planning Commission and Zoning Board of Appeals which require a public hearing must have the notice published in a newspaper of general circulation within the Village.

1. Publication of notices shall be in accordance with the following:

Decision	Required Notice
Class A Non-Conforming Use	Notice published not less than 5 days nor more than 15 days prior to the public hearing
Hearing before the Zoning Board of Appeals	Notice published not less than 5 days nor more than 15 days prior to the public hearing
Conditional Use Permit	Notice published not less than 5 days nor more than 15 days prior to the public hearing
Ordinance Amendment (text or map)	Notice published not less than 15 days prior to the hearing
Planned Unit Development	Notice published not less than 5 days nor more than 15 days prior to the public hearing
Changes to an Approved Planned Unit Development	Notice published not less than 5 days nor more than 15 days prior to the public hearing

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- B. Notification for Conditional Use Permits, Zoning Map revisions and actions taken by the Zoning Board of Appeals shall be given by mail or personal service to all property owners to whom real property is assessed and to all occupants of structures within 300 feet of the boundary of the property in question. The current year's assessment role shall be used as prima facie evidence of record of ownership. 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 the 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, business 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. The notice shall be given not less than 5 days and not more than 15 days before the hearing.
- C. Notification for Amendments shall be given to registered utilities and to railroads within the zone affected not less than 15 days prior to the hearing.
- D. All hearing notices shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received and where and when the zoning ordinance and proposals may be examined.

Section 1004 Standards for Hearings and Zoning Administration

- A. Interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.
- B. The body conducting the hearing:
 - 1. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 - 2. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 - 3. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Village clerk, and maintain an affidavit of mailing for each mailing made under this section;
 - 4. Shall comply with all other requirements under the law; and
 - 5. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.

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- D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Village clerk and be open to public inspection.

Section 1005 Zoning Administrator

- A. The Office of Zoning Administrator is established. The Zoning Administrator shall be appointed by the Village Board and shall receive compensation as the Village Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed elected officer of the Village. The Zoning Administrator shall not be a member of the Planning Commission or Zoning Board of Appeals.
- B. The Zoning Administrator shall administer the provisions of this Ordinance and shall have all administrative powers which are not specifically assigned to some other office or body. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements.
- C. The Zoning Administrator shall have the power to issue a Zoning Compliance Permit and review Site Plans to determine whether they are in proper form, contain all of the required information and are in accordance with the provisions of this Ordinance.
- D. The Zoning Administrator shall review all requests for administrative and legislative action. He shall forward an analysis of site factors and other information pertaining to the request to the appropriate body. The analysis may include a recommendation for action.
- E. The Zoning Administrator shall keep the Official Zoning Orders Book, which shall contain all variances, conditional use permits, rezonings, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Official Zoning Map, on which shall be recorded the numbers in the Official Zoning Orders Book to indicate the locations affected by the items in the book. The Official Zoning Orders Book and Map shall be open to public inspection. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits which shall be open for public inspection.
- F. The Zoning Administrator shall have the power to make inspections of buildings and premises necessary to carry out his duties in the administration and enforcement of this Ordinance. The Zoning Administrator shall collect investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.
- G. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The notification shall be directed to each owner of or a party of interest whose name

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appears on the current year's tax assessment records. All notices shall be in writing and may either be served in person or mailed by certified mail, addressed to such owner or party of interest at the address shown in the tax records. An affidavit of mailing shall be maintained. If the violations are not corrected within a reasonable specified period of time, he shall take action as authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

Section 1006 Zoning Compliance Permit

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or any part which has been created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit has been issued by the Zoning Administrator. The Permit shall state that the building, structure, lot, and use conform to the requirements of this Ordinance.
- B. The following uses/structures are exempt from zoning compliance permit provisions:
 - 1. Accessory buildings less than 130 square feet.
 - 2. Decks and patios.
 - 3. Fences.

Section 1007 Fees

- A. The Village Board shall establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available at the Village hall. No activity shall commence nor any permit shall be issued unless the fee has been paid.
- B. Fees are waived for actions initiated by the Village Board or the Planning Commission.

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ARTICLE XI: AMENDMENTS TO THE ZONING ORDINANCE

Section 1101 Intent

- A. For the purpose of establishing and maintaining sound, stable and desirable development within the limits of the Village of Powers the zoning ordinance may be amended to correct an error in this Ordinance, to reflect a change in Village Board policy, to respond to changed or changing conditions in a particular area or the city in general, to rezone an area, to extend the boundaries of an existing zoning district or to change the regulations and restrictions of this Ordinance.
- B. Only the Village Board may amend this Ordinance. Proposals for amendment or changes may be initiated by the Village Board on its own motion, by the Planning Commission or by an individual.

Section 1102 Required Amendment Information

- A. If the amendment is to change the text of this Ordinance, the applicant shall transmit proposed language for consideration to the Planning Commission. The applicant shall explain the reasons for the change and any benefit or interest to be gained.
- B. When the amendment involves a change in the Zoning Map, the applicant shall submit the following information:
 - 1. A legal description of the property;
 - 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
 - 3. The name and address of the applicant;
 - 4. The applicant's interest in the property;
 - 5. Date of filing with the Zoning Administrator;
 - 6. Signatures of applicant and owner certifying the accuracy of the required information; and
 - 7. The desired change and reasons for such change.

Section 1103 Review of Amendment by Planning Commission

- A. In viewing any application for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the request. All findings of fact shall be made part of the Public Hearing.

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Section 1104 Changes and Amendments

- A. Each application for amendment shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 1003 of this Ordinance.
- B. The Planning Commission may refuse to schedule a hearing on a request for rezoning which includes any portion of a site considered for rezoning in the previous six months.
- C. Notification for a rezoning shall be given by mail or personal service to all property owners to whom real property is assessed and to all occupants of structures within 300 feet of the boundary of the property in question. The current year's assessment roll shall be used as prima facie evidence of record of ownership. 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 the 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, business 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. The notice shall be given at least 15 days before the hearing.
- D. Following the public hearing, the Planning Commission shall submit the proposed zoning ordinance amendment and applicable maps to the Village Board along with a summary of the comments received at the public hearing.
- E. Upon receipt of the recommended amendment, the Village Board at a regular meeting or at a special meeting called for that purpose, shall consider and vote upon the adoption of the amendment. An amendment shall be approved by a majority vote of the Village Board, except in the case of a protest petition. The Village Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission, unless the proposed change or departure is first submitted to the Planning Commission for its advice and suggestions. The Planning Commission shall have 30 days from the receipt of the proposed changes or departure to send its report to the Village Board.
- F. Upon presentation of a protest petition meeting the requirement of this subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed by a 2/3 vote of the Village Board. The protest petition shall be presented to the Village Clerk at or before the public hearing, and shall be signed by one of the following:
 - 1. The owners of at least 20% of the area of land, excluding publicly owned lands, included in the proposed change.

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2. The owners of at least 20% of the area of land, excluding publicly owned lands, included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
- G. No consideration for an amendment which has been disapproved by the Village Board for a period of six months from the date of disapproval, unless new and significant facts or conditions which would result in the favorable action upon resubmittal will be permitted. Resubmittal shall follow the same procedure as outlined in this Article.

Section 1105 Standards for the Review of Amendments

- A. The general standards to be considered by the Planning Commission shall include, but not limited to, the following:
1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
 2. Whether the requested zoning change is consistent with local plans and policies;
 3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
 4. The ability of the Village or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
 5. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change occurred and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
 6. Effect of approval of the petition on adopted development policies of the village or other governmental units.

Section 1106 Notice of Adoption

- A. Notice of adoption of the amendment shall be published in accordance with Section 4(7) of the City and Village Zoning Act, P.A. 207 of 1921, as amended.

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ARTICLE XII: ZONING BOARD OF APPEALS

Section 1201 Creation and Membership

- A. The Zoning Board of Appeals is hereby established in accordance with P.A. 207 of 1921, as amended. The Board of Appeals shall be the Village Board. The Village Board may appoint two alternate members for the same term as regular members of the Board of Appeals. The alternate members, if appointed, shall be called on a rotating basis to sit as regular members of the Board of Appeals in the absence of a regular member. An alternate member shall also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals.

Section 1202 Procedures

- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairman.
- B. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- C. A concurrent vote of 2/3 of the members of the Zoning Board of Appeals is necessary to grant a use variance.
- D. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Village Clerk.
- E. The Zoning Board of Appeals shall hold a hearing within 90 days of receipt of application. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 1003.

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Section 1203 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in P.A. 207 of 1921, as amended. The Board of Appeals shall have the power to act on those matters specifically provided for in this Ordinance.
- B. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property.
- C. The Zoning Board of Appeals shall have the power to:
 - 1. Hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with the enforcement of this Ordinance.
 - 2. Hear and decide matters referred to the Board or upon which the Board is required to pass under this Ordinance.
 - 3. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
 - 4. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.
 - 5. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 411 or by an analysis of the specific needs.
 - 6. Grant a variance from uses of lands permitted in the zoning ordinance.
 - 7. Vary or modify any of the rules or provisions of this Ordinance.

In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.

Section 1204 Variances

- A. If there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Board of Appeals may in passing upon appeals vary or modify any of its rules or provisions relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings, or

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structures, so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

- B. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- C. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
- D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 1002(C) of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.

Section 1205 Appeals

- A. Appeals concerning interpretation or the administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of thirty days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was taken from.
- B. A fee shall be paid to the Village of Powers at the time of filing the notice of appeal. The appeal fee shall be established by the Village Board.
- C. Any party or parties may appear at the hearing in person or by agent or attorney.
- D. The Zoning Board of Appeals shall hold a hearing within 90 days of receipt of application. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- E. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, that a stay would in his/her opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

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Section 1206 Duties on Matters of Appeal

- A. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Menominee County, as provided by law.

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ARTICLE XIII INTERPRETATION, SEVERABILITY, VESTED RIGHT,
PENALTIES, AND EFFECTIVE DATE

Section 1301 Interpretation and Conflict

- A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1302 Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses, thereof, are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of this Ordinance shall not be affected. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property, building, or structure, it is provided that the application of such portion of this Ordinance to other property, buildings, or structures shall not be affected. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1303 Vested Right

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

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Section 1304 Violations; Penalties and Nuisances

- A. The failure to comply with provisions of this Ordinance shall constitute a violation of this Ordinance. Every day on which a violation exists shall constitute a separate offense.
- B. Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans shall constitute a municipal civil infraction. Any person or entity who admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgement thereof, pay a civil fine of not less than fifty dollars nor more than five hundred dollars, plus costs and other sanctions, for each infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues.
- C. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- D. In addition to any other civil remedies provided for in this Ordinance, the Village Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with provisions of this Ordinance.

Section 1305 Repealing Clause

- A. The Village of Powers Zoning Ordinance adopted June 2, 1954 and subsequent amendments, are hereby repealed.

Section 1306 Effective Dates

- A. This Ordinance shall become effective seven days following publication of the notice of adoption in the (Escanaba) Daily Press.

