
**Village of Dundee
Monroe County, Michigan**

Zoning Ordinance

**Recommended by Planning Commission
on: March 16, 2022**

**Approved by the Village Council
on: November 1, 2022**

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Appendix I 1

ARTICLE 1

TITLE, PURPOSES, AND LEGAL CLAUSES

Section 1.01 Title

This Ordinance shall be known and may be cited as "The Zoning Ordinance of the Village of Dundee, Ordinance No. 03-2022.

Section 1.02 Repeal of Ordinance

The Village of Dundee Ordinance No. 2-2003 and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of the above ordinances and amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 1.03 Purposes

This Ordinance is based on the adopted Village of Dundee Master Plan and any similar adopted plans addressing development patterns and goals. It is intended to regulate the use of land, buildings, and structures to promote the public health, safety, and general welfare by accomplishing the following:

- A. Protecting the historic, distinctive character, and walkable scale of the Village of Dundee.
- B. Promoting the orderly development of the Village by regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures.
- C. Lessening and avoiding congestion and traffic conflicts in the public highways and streets.
- D. Meeting the needs of residents of the Village and surrounding areas, for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- E. Facilitating adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs.
- F. Fixing reasonable standards to which buildings and structures shall conform.
- G. Preventing the inappropriate overcrowding of land, the congestion of population, and undue concentration of buildings, structures, transportation systems, and other public facilities 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.

Section 1.04 Validity and Severability Clause

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

Section 1.05 Conflict with Other Laws

In the interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements necessary for the promotion of the public health, morals, safety, comfort, convenience, and general welfare.

- A. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive, or which imposes a higher standard or requirement shall govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

Section 1.06 Vested Right

- A. Nothing in this Ordinance shall 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 such are hereby declared to be subject to subsequent amendment, change or modifications as may be necessary to ensure protection of the public health, safety, and welfare.
- B. If a lot has an approved site plan, special land use or has been approved as a planned unit development (PUD) within six months prior to the effective date of this chapter, such site plan, special land use or PUD shall remain valid if construction is begun within one year and completed within two years of the effective date of this chapter. If such construction has not commenced in such a time period, the approval is void.

Section 1.07 Legal Authority

This Ordinance is enacted pursuant to Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*

ARTICLE 2 DEFINITIONS

Section 2.01 Interpretations

For the purpose of this Ordinance, certain term or word uses shall be interpreted as follows:

- A. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular, unless the context clearly indicates the contrary.
- B. The word “shall” is always mandatory, the word “may” is permissive. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied". The word “building” includes the word “structure” and any part thereof. The word “dwelling” includes the word “residence”; the word “lot” includes the words “plot” and “parcel”.
- C. The term “such as” shall be interpreted as “such as but not limited to.”
- D. Any word or term not defined herein shall have the meaning of common or standard use which is reasonable for the context in which used herein.
- E. Questions of interpretation arising hereunder shall be decided by the Zoning Enforcement Officer whose decision may be appealed to the Board of Appeals.
- F. The particular shall take priority over the general.
- G. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- H. 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:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or").
 - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- I. The terms "abutting" or "adjacent to" include property "across from", such as across a street or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.

Section 2.02 Definitions

Accessory Building: A supplementary or subordinate building, whether attached or detached, the use of which is clearly incidental to that of the principal building. Where an accessory building is attached to a principal building in a substantial manner, such as a wall or roof, the accessory building shall be considered part of the principal building.

Accessory Use: A use that is incidental and subordinate and devoted exclusively to the main use of the premises.

Adult Entertainment Uses: Shall include, but not be limited to, the following:

- A. **Adult motion picture theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a "significant portion" of any motion picture or other display depicting or relating to "specified sexual activities" or "specified anatomical areas", as defined in this ordinance, for observation by patrons therein.
- B. **Adult mini-motion picture theater:** An enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a "significant portion" of any motion picture or other display depicting, describing, or presenting "specified sexual activities" or "specified anatomical areas."
- C. **Adult motion picture arcade:** Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a "significant portion" of images so displayed depict, describe, or relate to "specified sexual activities" or "specified anatomical areas."
- D. **Adult Bookstore:** A use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a "significant portion" of content or exhibit matter or actions depicting, describing, or relating to a specified activity or a specified anatomical areas or an establishment with a substantial segment or section devoted to the sale or display of such material.
- E. **Adult cabaret:** A nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a "significant portion" of such performances show, depict, or describe "specified sexual activities" or "specified anatomical areas."
- F. **Adult motel/hotel:** A building in which lodging is provided or offered to the public for compensation and which is open to transient guests where the room charge is made by the hour, and/or in which books, magazines, and other periodicals or materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", are sold or rented, or where motion pictures with an emphasis on "specified sexual activities" or "specified anatomical areas", are available for viewing on an in-room television monitor.
- G. **Adult massage parlor:** Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation, or service related thereto exposes "specified anatomical areas." This definition does not include "therapeutic massage."

- H. **Adult model studio:** Any place where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.
- I. **Adult sexual encounter center:** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."
- J. **Display:** As used in the above definitions, this term shall mean any single motion or still picture, presentation, dance, exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
- K. **Significant Portion:** As used in the above definitions, this phrase shall mean and include: 1) any one or more portions of the display having continuous duration in excess of five (5) minutes; and/or, 2) the aggregate of portions of the display having a duration equal to ten (10%) percent or more of the display; and/or, 3) the aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10%) percent or more of the display.
- L. **Specific Anatomical Areas:** As used in the above definitions, this phrase shall mean the following: 1) any less than completely and opaquely covered human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- M. **Specific Sexual Activities:** As used in the above definitions, this phrase shall include the following: 1) human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse, or sodomy; and/or, 3) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Adult Care Facilities: A facility for the care of adults, over 18 years of age, as licensed and regulated by the state under Public Act 218 of 1979, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:

- A. **Adult Foster Care Facility:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- B. **Adult Foster Care Large Group Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- C. **Adult Foster Care Small Group Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- D. **Adult Foster Care Family Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.

- E. **Adult Foster Care Congregate Facility:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.

Alley: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

Alterations: Any change, addition, or modification in construction or type of occupancy, and 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".

Animal:

- A. **Animal, Exotic:** Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained, or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.
- B. **Animal, Livestock:** Any of various bird or animal breeds, long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, sheep, goats, llama, ostriches, chickens, ducks, geese turkeys and swine.
- C. **Animal, Pet:** An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: dog, cat (domesticated), bird, fish, rodent (such as a gerbil, rabbit, hamster, or guinea pig), and lizard (non-poisonous). Wild, vicious, or exotic animals shall not be considered domesticated.

Ashes: Residue from the burning of wood, coal, coke, or other combustible materials.

Assisted Living Facility: See "Housing for the Elderly"

Automobile: Any licensed motorized vehicle intended to be driven on roads or trails, such as cars, trucks, vans, and motorcycles.

Automobile Gasoline Station: An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An automobile gasoline station may also include an area devoted to sales of automotive items and convenience goods (mini mart) primarily sold to patrons purchasing gasoline. An establishment providing vehicle maintenance or repair is not included within this definition.

Automobile Service/Repair Establishments: Building and premises intended to provide general maintenance on automobiles such as, oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work or painting. Convenience items and groceries may be sold when secondary to the maintenance and repair operations. An automobile maintenance/service establishment may also sell gasoline but is distinct from an automobile gasoline station.

Automobile Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing and cleaning automobiles and shall also include coin and attendant operated drive-through, hand washing operations, automatic self-serve, track mounted units and similar high volume washing establishments.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. A basement will not be counted as a story, except in the instance of a split-level dwelling unit.

Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door and accessible to a bathroom.

Bed and Breakfast: A use which is subordinate to the principal use of a dwelling unit in which transient guests are provided a sleeping room and board in return for payment.

Billboard: See definition of Sign, Outdoor Advertising, herein.

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, or barrier to the continuity of development.

Board of Appeals: The Zoning Board of Appeals for the Village of Dundee as established under the Zoning Act.

Buildable Area: The space remaining after the minimum setback and open space requirements of the Ordinance have been met.

Building: Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattel, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building, Principal: A building in which the main use of the lot is conducted.

Building, Unenclosed: A building having no enclosure, either by screening or otherwise, other than its roof and necessary supporting structure as will present the minimum obstruction to light, air, and view. The term shall include such carports, porches, soffits, cornices, awnings, and similar structures.

Building Height: The vertical distance measured from the established grade 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. Where a building is located on a terrace, the height may be measured from the average grade.

Building Line: A horizontal line generally parallel to a front, side, or rear lot line, which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building Official: The Village of Dundee Building Official, or designee, responsible for enforcement of applicable sections of this ordinance.

Building Permit: Written authority issued by the Building Official permitting the construction, removal, repair, moving, alteration, or use of a building in conformity with the provisions of this Ordinance and the Village's building code.

Building Setback: The area pertaining to the minimum setback distance established from the front street right-of-way or property line for a building, thus defining an area of the lot adjacent to the front, side, or rear lot line in which no part of a building shall project or be located, except as otherwise provided for in this Article.

Business Center: A business center shall be considered a group of two (2) or more stores, offices, research facilities or manufacturing facilities which collectively have a name different than any individual establishment. A business center may also be considered a nonresidential platted subdivision or site condominium development, such as an industrial or office park.

Child Care Organizations: A governmental or non-governmental organization having as its principal function the receiving of minor children for care, maintenance training and supervision, not withstanding, that educational instructional may be given. Such organizations shall be defined as follows:

- A. **Child Care Center (or Day Care Center):** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- B. **Foster Family Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- C. **Foster Family Group Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- D. **Family Day Care Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- E. **Group Day Care Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- F. **Child Caring Institution:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.

Clinic, Medical or Dental: An establishment where human patients who are not lodged overnight are examined and treated by a group of more than one (1) physicians, dentists, or similar professionals.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or the like, but not for profit.

Cluster Development: A type of residential development that accommodates smaller lots sizes than permitted in the zoning district in exchange for open space and other benefits in accordance with the regulations of this Ordinance.

Commercial Use: The use of property in connection with the purchase, sale, barter, display, or exchange of goods, ware, merchandise, or personal services or the maintenance of offices, or recreational or amusement enterprises.

Commercial Establishment: Examples of a "commercial establishment" in various contexts would include, without limiting, the following: a business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls with a door which may regularly be used by the public for exclusive ingress and egress to that business; and, in an office building, a business holding itself out to the public as a single entity, independent of other businesses.

Commercial Vehicle: Any vehicle used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares, or merchandise and/or motor vehicles designed and used for drawing other vehicles.

Common Open Space: A parcel or parcels of land within a site designed and intended for the use and enjoyment of residents of a development. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the benefits and enjoyment of residents.

Condominium (also site condominium): A type of residential home ownership that is different than fee simple land and home ownership and is regulated and approved in accordance with the Condominium Act, P.A. 59 of 1978.

Construction Facility: A structure situated on a construction site for a period of time not to exceed the duration of the construction project and to be used only as an office or headquarters and/or other related use, but not to be used as living quarters.

Court: An open space, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such buildings or building. A court shall be unoccupied.

Density: The number of dwelling units developed per the total lot area. As it is applied in this Article, density is calculated in terms of number of units per acre.

District: A portion of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

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

Drive-Through Establishment: A drive-through establishment that furnishes the patron with a product, such as food, in a state which may be picked up from a drive-through window or other similar arrangement to be utilized or consumed outside the building.

Driveway: Any extension of a driveway approach on private property that provides ingress and egress to vehicles for the purpose of parking. Circular driveways with multiple driveway approaches are permitted if curb cuts are provided for the driveway approach(es) on the same property.

Driveway Approach: Any extension of an approved curb cut located within the road right of way and used for approaching the driveway.

Dumpster (Waste Receptacle): A container used for the temporary storage of rubbish pending collection having the capacity of at least one (1) cubic yard.

Dwelling, Loft: A dwelling unit created from space previously used for commercial purposes and located above the ground floor.

Dwelling, Multiple-Family: A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. This definition does not include manufactured homes, single-family attached dwellings, or two-family dwellings.

Dwelling, One-Family Attached: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls, but not common floor and ceiling. Each unit has its own outside entrance. Also referred to as semi-detached, patio house, townhouses or rowhouses. One-family dwellings may also be referred to as single-family dwellings.

Dwelling, One-Family Detached: A building designed exclusively for occupancy by one-family that is entirely surrounded by open space or yards on the same lot. One-family dwellings may also be referred to as single-family dwellings.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, independent of each other, otherwise referred to as a duplex dwelling unit.

Dwelling Unit: A building, or a portion thereof, designed for occupancy by one-family for residential purposes and having cooking facilities.

Dwelling Unit, Efficiency: A unit for one (1) individual or one-family consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.

Dwelling Unit, Modular/Panelized: A manufactured dwelling unit designed to be attached to a permanent foundation and built to uniform building code standards.

Entertainment Establishments: An establishment which provides for activities such as: bowling alleys, billiard and pool halls, game and video arcades, and tag games. This definition does not include those uses defined as *Adult Regulated Uses*.

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

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collections, communications, supplies, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. This definition does not include “wireless communication towers” as an essential service.

Excavating: The removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest, but not including common household gardening.

Existing Building: A building existing in whole, or one whose foundations are complete and whose construction is being diligently undertaken on the effective date of this Ordinance.

Facade: The exterior wall of a building exposed to public view.

Family:

- A. A domestic family is one (1) or more persons living together and related by the bonds of blood, marriage, or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling; or
- B. The functional equivalent of the domestic family is persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Fence: A manmade, unroofed structure serving to enclose or divide all or part of a lot or to function as a boundary or barrier between two (2) or more lots. For the purposes of this Ordinance a fence is considered an accessory structure and shall be constructed of materials that are all weather, zero maintenance, and/or forty (40) grade treated lumber.

Fitness Center or Health Club: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors or specialists in sports medicine. As defined herein, "personal fitness center" shall not include spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Filling: The depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

Flood Insurance Study: The official report provided to the Village of Dundee, dated July 19, 1982, by the Federal Insurance Administration that includes flood profiles, flood boundary-floodway maps, and the water surface elevation of the base flood.

Flood Insurance Rate Map: The Flood Hazard Boundary Map for the Village of Dundee, dated July 19, 1982, as amended, as published by the Federal Emergency Management Agency.

Flood, 100-Year: A flood having an average frequency or occurrence in the order of once in one hundred (100) years, although the flood may occur in any year. Also known as a base flood.

Floodplain: The area or lowlands adjoining the channel of a watercourse or a body of standing water, which has been or may be covered by floodwater.

Floodway: The channel of any watercourse and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge flood water.

Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed courtyards or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes, such as the outdoor sale of merchandise.

Floor Area, Useable: The area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors. Floor area used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of usable floor area. Where usable floor area is not established it shall be considered to be eighty-five (85%) percent of the gross floor area.

Floor Area Ratio (FAR): The ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number.

Frontage: The linear dimension of a lot measured along the public street right-of-way line or along a private road access easement.

Funeral Home or Mortuary Establishment: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. A funeral home or mortuary establishment shall not include crematoria.

Garage, Private or Public: An accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garden Center or Nursery: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

Grade, Average: The arithmetic average of the lowest and highest-grade elevations in an area within six (6) feet of the foundation line of a building or structure.

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state before construction begins.

Hazardous Substances: Hazardous Chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; Hazardous Materials as defined by the U. S. Department of Transportation; Critical Materials and Polluting Materials as defined by the Michigan Department of Natural Resources; Hazardous Waste as defined by the Michigan Department of Environmental Quality; and, Hazardous Materials as defined in the Natural Resources Environmental Protection Act, Act 451 of 1994.

Historic Site: Areas usually limited in size, such as a building, structure, or parcel of land, established primarily to preserve objects of local, regional, state, and/or national significance commemorating important persons, historic events, or superlative examples of a particular style of construction or art form as listed in the National Register of Historic Sites, State of Michigan Historic Register and/or the Monroe County Museum Register of Historic Sites.

Home Occupation: An occupation that is a secondary use, which is clearly subservient or incidental to the residential use.

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms. This definition shall include 'extended stay' establishments.

Housing for the elderly: A building or group of buildings containing dwellings intended to be occupied by elderly persons as defined by the Federal Fair Housing Act, as amended. Housing for the elderly may include independent and/or assisted living arrangements but shall not include convalescent homes or homes for the aged regulated by the state. The following additional definitions shall apply in the application of this Ordinance:

- A. **Assisted living for the elderly:** Housing that provides twenty-four (24) hour supervision and is designed and operated for elderly people who require some level of support for daily living. Residents shall receive support services for daily living based on individual needs. Such support shall include daily personal care, meals, transportation, security, and housekeeping. Individual dwellings may contain kitchen facilities.
- B. **Independent living for the elderly:** Housing that is designed and operated for elderly people in good health who desire and are capable of maintaining independent households, and do not require assistance to meet daily needs. Such housing may provide certain services such as meals, linkage to health care, transportation, security, housekeeping, and recreational and social activities. Project sites shall be designed to accommodate an active and mobile resident population. Individual dwellings are designed to promote independent living and shall contain kitchen facilities.

Junkyard, Salvage Yard: An enclosed lot and any accessory buildings where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and wood. A junkyard or salvage yard also includes automobile wrecking yards and 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.

Kenel: Any building or buildings and/or land used, designed, or arranged for the boarding, breeding, or care of three (3) or more dogs, cats, pets, fowl, or other domestic animals for profit, but shall not include those animals raised for agricultural purposes.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping if provided in combination with live plant material. The following are applicable definitions related to landscaping:

- A. **Buffer Zone:** A strip of land required between certain zoning districts reserved for plant material, berms, walls or fencing singularly or in combination to serve as a visual and noise barrier.
- B. **Caliper:** The diameter of a tree trunk measured six (6) inches above ground level up to and including four (4) inch caliper size and twelve (12) inches above ground level for larger sizes.
- C. **Diameter breast height (D.B.H.):** The diameter in inches of a tree measured in inches at four and one-half (4.5) feet above the existing grade.
- D. **Drip line:** An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.
- E. **Grass:** Any family of plants with narrow leaves normally grown as permanent lawns in southern Michigan.
- F. **Greenbelt:** A landscaped area, established at a depth equivalent to the minimum required front yard setback within a zoning district, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use.

- G. **Ground cover:** Low-growing plants, including grass that becomes dense after one (1) complete growing season and tends to prevent weeds and soil erosion.
- H. **Mulch:** A processed pervious organic (e.g., shredded bark, wood chips, etc.) and inorganic (e.g., pea gravel, larger stones, and rocks, etc.) materials utilized in planting areas to prevent weeds and soil erosion and retain soil moisture.
- I. **Plant Schedule:** A listing of the plants proposed as part of a landscape design which is keyed to the landscape plan as includes the following information: quantity (i.e., number of plants), common name, botanical name (i.e., genus, species, and variety (if applicable)) type (as defined in this chapter), size (at time of installation), and root ball (i.e., ball and burlap (B&B), bare root, or container). Please see the plant schedule example.
- J. **Shrub:** A woody plant of one (1) to thirteen (13) feet in height with several erect, spreading, or prostrate stems and having a general bushy appearance.
- K. **Tree.** A woody plant which at maturity is thirteen (13) feet or more in height with an erect perennial trunk and having a definite crown of foliage.

Lighting, Exterior: The following words, terms and phrases related to lighting, when used in this Article, shall have the following meanings ascribed, except where the context clearly indicates a different meaning:

- A. **Canopy Structure:** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- B. **Flood or Spotlight:** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- C. **Glare:** Direct light emitted by a lamp, luminous tube lighting or other light source.
- D. **Lamp:** The component of the luminaire that produces the actual light including luminous tube lighting.
- E. **Light Fixture:** The assembly that holds a lamp and may include an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- F. **Light Pollution:** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties or uses.
- G. **Light Trespass:** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- H. **Luminaire:** The complete lighting system including the lamp and light fixture.
- I. **Luminous Tube Lighting:** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- J. **Outdoor Light Fixtures:** Outdoor artificial illuminating devices, outdoor fixtures, lamps, and other similar devices, permanently installed or portable, used for flood lighting, general illumination, or advertisement.

K. **Shielded Fixture:** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g., shoebox-type fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Article.

Livestock: Horses, cattle, sheep, swine, and goats.

Loading\Unloading Space: An off-street space on the same or adjacent lot with a building or group of buildings for temporary parking of a commercial vehicle while loading/unloading merchandise or materials.

Lot: A parcel of land, excluding any street or other right-of-way, with at least sufficient size to meet the minimum requirements for use, coverage, and lot area, and to provide such yards under the provisions of this Article. A lot shall have frontage on an improved public street, or an approved private road, and may consist of either a single lot of record, a portion of a lot of record, or a parcel of land described by metes and bounds, or a lot created through site condominium approval.

Lot, Corner: A lot located at the intersection of two (2) or more streets. A lot abutting a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135) degrees.

Lot, Flag: A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, Interior: A lot other than a corner lot, with only one (1) frontage on a street.

Lot, Through (Double Frontage): A lot other than a corner lot with frontage on more than one (1) street. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

Lot, Zoning: A single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

Lot Area: The total horizontal area within the lot lines of a lot. Submerged land below the ordinary high-water mark of the River Raisin shall not be considered in lot area calculations. In terms of this Article, lot area is measured in square feet or acres.

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

Lot Depth: The mean horizontal distance from the front street line to the rear lot line, or in the case of an acreage lot, from the front right-of-way line to the rear property line.

Lot Line: The lines bordering a lot, as defined herein, shall be as follows:

A. **Front Lot Line:** In a case of an interior lot, the front lot line is that line separating the lot from the street right-of-way. In the case of a corner lot or double frontage lot, the front lot line is that line separating the lot from either street right-of-way.

- B. **Rear Lot Line:** That line opposite the front lot line. In a case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long, farthest from the front lot line and located wholly within the lot. In cases where none of these definitions are applicable, the Zoning Enforcement Officer shall designate the rear lot line.
- C. **Side Lot Line:** Any lot line other than the front lot line and rear lot line.

Lot of Record: A lot that is part of a platted subdivision or a site condominium shown on a map thereof which has been recorded in the office of the Register of Deeds of Monroe County or a lot described by metes and bounds, the description of which has been recorded in said office prior to the adoption of this Article. Along with these records shall include duly approved variances.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the required front yard setback intersects the side lot lines.

Master Plan: A comprehensive statement including written and graphic proposals for the development of the Village stating proposed policies for development and graphically presenting location and overall design of public facilities, allocation of space for public and private activities, and indicating all proposed physical development within the Village.

Manufactured Housing Commission Act: Act 96, Public Acts of 1987, as amended.

Manufactured Home: A structure transportable in one (1) or more sections and designed to be used as a one-family dwelling unit with or without permanent foundation, when connected to required utilities, and include the plumbing, heating, air conditioning and electrical systems contained in the structure.

Manufactured Housing Community: A parcel or tract of land which is under the control of one (1) person, group, or firm upon which three (3) or more manufactured homes have been located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change 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. Manufactured housing developments are regulated by the Michigan Manufactured Housing Commission.

Motel: A group of attached, semi-attached or detached rooming units with at least eighty (80%) percent of the rooming units having individual entrances leading directly to the outside of the building, with not more than two (2) dwelling units for occupancy by management staff only with all required parking provided on the premises, and with no building or part thereof exceeding two (2) stories in building height.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended only for recreational activities and temporary occupancy as a part of such activities.

Municipal Building: Structures relating to the internal affairs of a political unit of self-government and including, but not limited to, such buildings as fire stations, Village halls, and libraries.

Municipality: The Village of Dundee, Michigan.

Non-Conformities: Existing lots, buildings, structures, sites and uses of land were lawful prior to the effective date of this Article, but which have become non-conforming under the terms of this Article and its amendments.

Non-Conforming Building, or Structure: A building which lawfully occupied land at the time this Article or amendments thereto became effective, but that does not conform to the current minimum size, setbacks, height, or other building regulations of the district in which it is located.

Non-Conforming Lot: A lot, the area, dimensions, or location of which lawfully existed at the time this Article, or amendments thereto became effective, but that does not conform to the lot area or other lot dimensional regulations of the district in which it is located.

Non-Conforming Site: Development improvements on a site which met this Article's requirements for site development at the time the site was developed, such as the amount of parking, parking lot pavement, landscaping, signs, or tree preservation; but which do not meet the current site design standards of the Village.

Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or recurrent invasion of any physical characteristics or activity or use across a property line which affects or can be perceived by a human being. The generation of an excessive or concentrated amount of noise, dust, smoke, odor, glare, fumes, vibration, flashes, shockwaves, heat, electronic or atomic radiation, objectionable effluent; crowd noise, excessive pedestrian and vehicular traffic, unwarranted occupancy, or trespass.

Nursing Home (or Convalescent): A state licensed long-term facility providing room and board and supervised personal care by facility staff on a twenty-four (24) hour basis for seven (7) or more aged, infirm or persons recovering from illness which is regulated under Act 368 of 1978. A State Licensed Sub-Acute Care Facility, State Licensed Home for the Aged, a State Licensed Nursing Home or State Licensed Hospice Facility providing twenty-four (24) hour nursing care shall mean the same.

Occupied: The act of using a parcel of land or the buildings, structures, or dwellings situated thereon for any use whatsoever.

Off-Street Parking Lot: A facility providing vehicular parking that includes adequate drives and aisles for maneuvering so as to provide entrances and exits for the parking of more than two (2) automobiles.

Open Air Business Uses: Open air business uses shall include the following:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Retail sale of fruit and vegetables.
- C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, and/or similar recreation uses.
- D. Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sale, rental, or repair services.
- E. Outdoor display and sale of garages, swimming pools, motor homes, modular buildings, snowmobiles, farm implements, and similar products.
- F. Outdoor sale and storage of building materials, lumber and contractor's equipment, and similar materials.

Open Space: Any area (open to the sky) on a lot not covered by a principal or accessory building.

Outdoor Storage: All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Parking Space: An area of definite length and width for the parking of one (1) vehicle only, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the parking of a permitted vehicle.

Planned Unit Development: A development that is under unified control and is planned and developed as a whole or in a series of phases. The development plan need not compile with lot area, lot coverage, density, or setback regulations required by this Ordinance.

Place of Worship: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, along with all accessory buildings and uses customarily associated with such primary use.

Planned Unit Development Agreement: An agreement, prepared by the landowner in conjunction with the village attorney and approved by the Village Board of Trustees, which specifically details the development plans of a planned unit development, the covenants and restrictions proposed for a such development, the staging of such development, and the improvements to be placed in such development.

Planning Commission: The Planning Commission of the Village of Dundee as established under Act 33, Public Acts of 2008, as amended and its predecessor act, Act 285, Public Acts of 1931, as amended.

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

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

Public Utility: Any person, firm, or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under state or municipal regulations to the public, gas, steam, electricity, wastewater treatment, communication, telephone, transportation, water, storm water treatment, or cable. A public utility does not include "wireless communication towers."

Recreational Equipment and Vehicles: Portable structures, machines, or devices, self-propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed, or modified to provide temporary living quarters or for recreational camping, or travel use, and such trailers and other devices as shall be primarily intended for such transporting of all such structures, machines, or devices. Motorcycles, bicycles, mini-bikes, and such vehicles as jeeps, four (4)-wheel drives and pickup trucks with attached cabs which do not exceed the roofline of the vehicle are specifically excluded from this definition. This definition does not include a temporary building, structure, or use, permitted to exist during periods of construction of the principal building, structure or use. Various types of recreational equipment and vehicles include:

- A. **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
- B. **Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

- C. **Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class B recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarters. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.
- D. **Van/camper:** A recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra head room. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.
- E. **Folding Tent Trailer:** A folding structure mounted on wheels and designed for travel and vacation use.
- F. **Boats and Boat Trailers:** Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- G. Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recycling Facility: A facility dedicated to the collection and/or processing of recyclable materials for conversion into raw materials or new products. This definition does not include landfills, junk yards or incinerators.

Refuse: Solid wastes, except body wastes, and include garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and solid industrial wastes.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- A. **Restaurant, Carry-Out:** A business establishment whose method of operation involves the sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. **Restaurant, Drive-In:** A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- C. **Restaurant, Drive-Through:** A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- D. **Restaurant, Fast-Food:** A business establishment whose primary method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- E. **Restaurant, Open Front Window:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure.

- F. **Restaurant, Standard:** A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- G. **Bar/Lounge/Tavern:** A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be provided. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated. The hours of operation may be later; thereby differentiating it from a standard restaurant, including a brewpub or microbrewery.

Road: See definition of Street, herein.

Rooming House: A building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Rowhouse: A two (2) story row of four (4) or more attached, one-family dwellings, not more than two (2) rooms deep, each unit which extends from the basement to the roof. Otherwise to herein as a one-family attached dwelling unit.

Rubbish: Non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that will be a detriment to the public health and safety.

Setback: The minimum horizontal distance required by this Article between a building line (excluding steps or unenclosed porches) and a lot line. Setbacks from a public street shall be measured from the existing right-of-way lines.

Shopping Center: A group (more than one) of primary retail and/or service commercial establishments constructed as one (1) development.

Shoreline (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 marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation and is established by applicable federal agencies.

Signs: A display or object which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, right-of-way, sidewalk, alley, park, or other public place.

- A. **Awning:** A sign affixed flat against the surface of an awning or inscribed on an awning. An awning is a retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. **Billboard:** A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located.
- C. **Business Center:** A freestanding sign that serves a business center.

- D. **Construction (Residential and Non-Residential):** A temporary sign erected on a site to serve a particular construction site.
- E. **Flags, Banners, Balloons, Pennants, Spinners, or Streamers:** Considered part of a sites signage and shall include all removable fabric, cloth, paper, or other non-rigid material suspended or hung from light poles, buildings, or other site amenities. These signs may or may not include a business logo or symbol.
- F. **Gas Station Canopy:** A corporate identification sign located at a gas station attached directly to the canopy that covers pump islands.
- G. **Government:** Any sign that is required to be maintained by law or government order, rule, or regulation.
- H. **Historical:** A sign identifying and/or providing information for a site, building or other features that is recognized as having historical significant by the state historical commission or local governmental body or agency.
- I. **Incidental:** A small sign, emblem, or decal informing the public of goods, hours of operation, address information, safety information or warnings, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating hours of operation, memorial tablets, dates of erection, model home and sales office signage, no smoking signs, signs used to designate bathrooms, and signs providing information on business affiliations.
- J. **Individual Property Sale or Rent:** A temporary sign advertising the sale, rent or lease of the property upon which it is located.
- K. **Mural:** Painting or similar graphic medium on a wall not containing direct advertisement.
- L. **Monument (Ground):** A sign attached to a permanent foundation of equal length to the sign structure and not attached to a building, pole, posts, or similar uprights.
- M. **Off Premises:** A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located.
- N. **Pole:** A sign supported by one (1) or more poles, posts, braces, or pylons located in or upon the ground and not attached to a building.
- O. **Political Campaign:** A sign or poster announcing candidates seeking political office and/or political issues and data pertinent thereto.
- P. **Portable:** A free-standing sign not permanently anchored or secured to the ground or to a building.
- Q. **Private Traffic Direction:** A sign directing traffic movement onto or within a premise, located entirely thereupon, and containing no advertising message or symbol.
- R. **Public Directional:** Incidental signs displayed for the direction, way finding, or convenience of the public, including signs which identify rest rooms, location of public telephones, direction of shopping and downtown areas, location of community facilities, public entrances, freight entrances, or the like.
- S. **Projecting:** A sign which projects from and is supported by a building wall, any part of which extends more than fifteen (15) inches beyond the building face or ends of the building wall.

- T. **Reader Board, Message Board, or Changeable Message:** The portion of a sign on which copy is changed manually or digitally.
- U. **Residential Community:** A sign identifying a residential development such as subdivisions, site condominiums, condominiums, apartment complexes, senior housing, manufactured housing communities, and similar uses.
- V. **Sandwich Board:** A temporary sign that has a freestanding, a-frame design intended to display information about a particular business.
- W. **Temporary Grand Opening:** Sign announcing the opening of a new business.
- X. **Temporary Community Event:** Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations. These are typically banner style signs that are displayed over a street or other prominent public location.
- Y. **Three Dimensional Signs:** A three (3) dimensional sign, including a monument sign, in which more than one (1) face is visible from any place, or in which the least cross-sectional dimension is greater than eighteen (18) inches, shall be measured from its three (3) principal elevations in computing total sign area.
- Z. **Traffic Control:** A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- AA. **Wall:** A sign attached to, painted on, or otherwise placed upon an exterior building wall.
- BB. **Warning:** A Sign which provide a message of warning for situations such as ‘no trespassing’, a warning of an electrical current, or of animals.
- CC. **Window:** Signs painted on or affixed to the glass surfaces of windows or doors and identifying the name of or graphically depicting the type of lawful business conducted therein.
- DD. **Yard:** A small temporary sign, typically on a wire frame and similar to a political sign, that is intended to advertise a garage sale, yard sale, home improvement company, mortgage company, or other similar incidental elements.

Site Condominium: A development of condominium units on an unplatted tract of land, in which each individual lot conforms with the requirements of the zoning district in which it is established and is regulated under the Condominium Act, Public Act 59 of 1978.

Soil Removal: Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, or similar materials, or combination thereof, except common household gardening and general farm care.

Special Use: A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in the chapter and to any special conditions imposed by the Planning Commission to protect uses by right of other properties in the neighborhood.

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

- A. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath the mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- B. For the purpose of this chapter, a basement or cellar shall be counted as a story only if over fifty (50%) percent of its height is above the level from which the height of the building is measured and the finished surface of the floor above the basement is more than six (6) feet above grade plane, or, if it is used for a permitted business purpose.

Street: A public thoroughfare, including right-of-way, which affords the principal means of access to abutting property, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined below.

- A. **Arterial:** A street or roadway which carries high volumes of traffic at relatively high speeds and serves as an avenue for circulation of traffic onto, out of, or around the Dundee area. An arterial may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.
- B. **Collector Street:** A street or road whose principal function is to carry traffic between minor and local roads and arterial streets but may also provide direct access to abutting properties.
- C. **Cul-de-sac:** A street or road that terminates in a vehicular turnaround.
- D. **Dead End Street:** A street that has one (1) terminus open for vehicular or pedestrian access and the other terminated on a temporary basis without a permanent vehicular turnaround.
- E. **Local or Minor Street:** A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local streets with collector or arterial roadways. Local streets are designed for low volumes and speeds, with numerous curb cuts and where on-street parking may be permitted.
- F. **Private Road:** A roadway contained within a private street easement which is privately owned and maintained, and which provides the principal means of access to one (1) or more abutting lots.
- G. **Public Street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the Village, Monroe County, State of Michigan, or the federal government.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision Plat: The proposed division of land in accordance with the Land Division Act of 1967, Act No. 288 of Public Acts of 1967, as amended.

Swimming Pool, Private: A water impoundment of man-made construction such as concrete or fiberglass for the purpose of total body contact, owned and operated by the landowner of the parcel on which it is situated, for use only by the residents of the parcel and their guests.

Swimming Pool, Public: An artificially contained body of water used collectively by a number of persons primarily for the purpose of swimming, recreational bathing, or wading, and includes any related equipment, structures, areas, and enclosures that are intended for the use of persons using or operating the swimming pool such as equipment, dressing, locker, shower, and toilet rooms. Public swimming pools include but are not limited to those which are for parks, schools, motels, camps, resorts, apartment, clubs, hotels, manufactured housing communities, subdivisions, and the like.

Temporary Building or Structure: A building or structure permitted by the Zoning Enforcement Officer to exist during periods of construction or for special events in accordance with the provisions of this Article.

Temporary Use: A use intended to exist for a limited duration and permitted by the Board of Appeals in accordance with Article 15.

Temporary Construction Facility: A temporary building or structure to be used as a construction facility for a contractor or builder for office or storage purposes but not for residential purposes.

Time Limits: Time limits stated in this Article shall mean calendar days, weeks, months, or years, whichever are applicable, unless otherwise specified herein.

Therapeutic Massage: The application of various techniques to the muscular structure and soft tissues of the human body performed by a massage practitioner. A massage practitioner must satisfy two (2) or more of the following requirements:

- A. The person is a member of the current Professional Level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF) or other recognized massage association with equivalent professional membership standards consisting of at least five hundred (500) hours of training including: theory, practice and techniques of massage with a minimum of three hundred (300) hours; human anatomy and physiology with a minimum of one hundred (100) hours; and professionalism with a minimum of one hundred (100) hours). Instruction in this area shall include training in contraindications, benefits, ethics, and legalities of massage, building and marketing a practice and other electives as appropriate.
- B. The person is a graduate of a school of massage licensed by the State of Michigan or holder of a current license from another state which requires, at a minimum, the training set forth in (a), above.
- C. The person has completed a massage training program at a community college, college, university, or technical school located in the United States, where such program requires at a minimum, the training set forth in (a), above.
- D. The person has passed the National Certification exam for Massage and Bodywork Practitioners.

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

Use, Accessory: A use which is clearly subordinate and incidental to the main use of the premises.

Use, Main: The use to which the premises is devoted and purposes for which the premises exist.

Variance, Dimensional: Permission to depart from the literal requirements relating to setbacks, building height, lot width, and/or lot area as regulated by this Article.

Variance, Use: Permission to establish a use of land that is otherwise not provided for in the zoning district as regulated by this Article.

Veterinary Clinic, Office, or Hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses, and livestock, where all activities are conducted within a completely enclosed building.

Village: The Village of Dundee, Michigan.

Village Board of Trustees: The Village of Dundee Board of Trustees.

Waste Disposal Facility: A facility for end-of-the-line storage or incineration of solid and/or liquid waste including but not limited to household garbage, yard waste and non-hazardous industrial by-products.

Wind Energy Conversion System (WECS): Any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.

- A. **Private WECS:** Any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.
- B. **Commercial WECS:** Any WECS that is designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise and/or profit.
- C. **Authorized Factory Representative:** An individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
- D. **Facility Abandonment:** An out of production WECS for a period of time not less than one (1) year.
- E. **Manual and Automatic Controls:** Give protection to power grids and limit rotation of WECS blades to below the designed limits of the conversion system.

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 towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this Ordinance. The following additional definitions will apply:

- A. **Attached Wireless Communication Facilities:** Wireless communication facilities affixed to existing structures, including, but shall not be limited to, existing buildings, towers, water tanks, or utility poles.
- B. **Wireless Communication Support Structures:** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- C. **Co-location:** Location by two (2) 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.

Wireless Communication Towers: A structure of lattice or monopole framework to which an antenna may be attached for the transmission and/or reception of radio, television, satellite, or microwave signals that facilitates wireless communications including cellular, enhanced specialized mobile radio (ESMR), personal communication or similar services.

Wireless Communication Antenna: The device for radiating or collecting electromagnetic waves in the form of radio, television, satellite, cellular, enhanced specialized mobile radio, personal communication, microwave, or similar wireless transmissions, not including the tower or other support structure.

Watercourse: Any waterway or other body of water having reasonably well-defined banks including rivers, streams, creeks, and brooks, whether continually or intermittently flowing, and lakes and ponds, as shown on the Official Maps on file with the Monroe County Planning Commission.

Yard: A required open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed by a structure or portion of a structure from the ground upward, except as provided otherwise in this Article.

- A. **Front Yard:** A yard extending the full width of a lot and situated between a street line and a front building line parallel to the street line. The depth of the front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines in the case of rounded property corners at street intersections. Where the radius of the curve is thirty (30) feet or less, the foremost point of the side lot line shall be assumed to be the point at which the side and front lot lines would have met without such rounding. If the radius of such curve exceeds thirty (30) feet, the yard shall be parallel to the street line. The front and rear yard lines shall be parallel.
- B. **Addressed Front Yard:** Excluding corner and through lots, all front yards shall be considered the addressed (primary) front yards of the lot.
- C. **Non-Addressed Front Yard:** For corner and through lots, the non-addressed front yard shall be considered the secondary front yard and regulated accordingly.
- D. **Rear Yard:** A yard extending the full width of the lot between the interior side yard lines and situated between the rear lot line and the rear building line and parallel to the rear lot line. In the case of corner and through lots, there shall be no rear yards but only front and side yards.
- E. **Side Yard:** A yard situated between the side building line and adjacent side lot line and situated between the rear yard and front yard. In the case of corner lots and through lots it is the yard situated between the side building line and adjacent lot line situated between the front yards.

Zoning Enforcement Officer: The Village Manager or his/her designee responsible for enforcement of this Ordinance.

Zoning Act: The Michigan Zoning Enabling Act, Public Act 110 of 2006, M.C.L. 125.1301 *et seq.*

ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

Section 3.01 Zoning Enforcement Officer Appointment

The provisions of this Ordinance shall be administered and enforced by the Zoning Enforcement Officer (Village Manager) or designee.

Section 3.02 Zoning Enforcement Officer Duties

The following are the duties of the Zoning Enforcement Officer shall include the following:

- A. Interpret the provisions of this Ordinance, but at all times retains the right to forward that right to the Zoning Board of Appeals.
- B. Receive and review for completeness all applications for site plan review, special land uses, planned unit developments, or other matters that the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission, and where applicable, the Village Board of Trustees for determination.
- C. Receive and review for completeness all applications for appeals, variances, or other matters that the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
- D. Receive and review for completeness all applications for text or map (rezoning) amendments to this Ordinance and refer such applications to the Planning Commission and Village Board of Trustees for determination.
- E. Make periodic site inspections to determine compliance with this Ordinance.
- F. Implement the decisions of the Planning Commission, Zoning Board of Appeals, and Village Board of Trustees.
- G. Investigate complaints regarding violations of the Zoning Ordinance.
- H. Grant certificates of zoning compliance and to make inspections of buildings or premises necessary to carry out duties in the enforcement of this Ordinance; and to interpret the provisions of this Ordinance.

Section 3.03 Zoning Compliance Permit

- A. **Permits Required:** It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural alteration, or repairs in any existing building, without first obtaining a zoning compliance permit, and building permit as applicable, from the Zoning Enforcement Officer. No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance showing that the construction proposed is in compliance with the provisions of this Ordinance, with the Building Code, and with other applicable ordinances.
- B. **Applicability:** The types of buildings, structures, and uses subject to a zoning compliance permit include, but are not limited to the following: external modifications/additions that require a building permit (including temporary dwellings), change of use, landscape modifications (excluding stand-alone single family structures located outside of a subdivision), one-story detached accessory structures of less than two hundred (200) sq. ft., fences/walls/protective barriers, sidewalks, driveways, and off-street parking/loading areas, lighting, signs, and home occupations.
- C. **Zoning Compliance Permit:** The zoning compliance permit signifies that, in the opinion of the Zoning Enforcement Officer, the intended use, building, or structure complies with all provisions of this ordinance. When a building permit is required, such permit shall not be issued unless the zoning compliance permit has been issued. In all other cases in which a building permit is not required, the application for a zoning compliance permit shall be made prior to the date when construction or installation is intended to begin. The Building Official shall not issue a certificate of occupancy for any lot, building, or structure without a zoning compliance permit.
- D. **Validity and Expiration:** All zoning compliance permits, when issued, shall be valid for the duration of the building permit providing no changes have been made which would invalidate the original approval. If a building permit is not required, the zoning compliance permit shall be valid for a period of one (1) year but may be extended for a further period of not to exceed one (1) year, if the Zoning Enforcement Officer shall find good cause shown for failure to complete work for which said permit was issued.

Should the holder of a zoning compliance permit fail to complete the work for which the permit was issued within the time limit as set forth above, any unfinished structure is hereby declared a nuisance, per se, and the same may be abated by appropriate action before the Circuit Court of the County. The Board of Appeals, the Village Board of Trustees, any person designated by the Village Board of Trustees or any aggrieved person may institute an action to have the nuisance abated.

- E. **Submittal Requirements:** An application for a zoning compliance permit shall be accompanied by a development plan as required in this section, unless a site plan is required under Article 8 Site Plan Review, herein, in which case the provisions of this Section shall not apply. When required, such development plan shall be drawn to scale, submitted in two (2) copies and shall provide the following listed information. One (1) copy will be returned to the applicant that is signed by the Zoning Enforcement Officer and marked either as approved, approved with conditions, or disapproved.
1. Scale, date, and north point.
 2. Location, shape, and dimensions of the lot.
 3. Dimensioned location, outline, and dimensions of all existing and proposed structures.

4. A clear description of existing and intended uses of all structures.
5. Additional information as required by the Zoning Enforcement Officer for the purpose of determining compliance with the provisions of this ordinance.

Section 3.04 Certificate of Occupancy

- A. **Certificate Required.** It shall be unlawful to use, occupy, or permit the use of any building or premise, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy is issued by the Building Official. However, it shall not be issued until the Zoning Enforcement Officer issues a zoning compliance permit. Site inspection may be necessary prior to issuance of this permit. Any person who uses, occupies, or permits the use of a building without a certificate of occupancy, when applicable, shall be a violation of this Ordinance and punishable under Section 3.12, herein.
- B. **Use of Lot Without Structure.** Any lot vacant at the effective date of this Ordinance shall not be used, nor may any use of a lot without a structure existing at the effective date of this Ordinance be changed to any other use unless a certificate of occupancy shall first have been issued for the new or different use.
- C. **Change in Building Use.** A structure or part thereof shall not be changed to or occupied by a use different from the existing use at the effective date of this Ordinance unless a certificate of occupancy is first issued for the different use.
- D. **New or Altered Building.** Any structure, or part thereof, which is erected or altered after the effective date of this Ordinance, shall not be occupied, or used until a certificate of occupancy is issued for such structure.
- E. **Existing Structure and Use.** A certificate of occupancy shall be issued, upon request of the owner, for an existing structure or part thereof, or for an existing use of land, including legal non-conforming uses and structures if after inspection of the premises, it is found that such structure or use complies with all provisions of this Ordinance. All legal nonconformities shall be clearly described on the certificate of occupancy.
- F. **Accessory Structures for Residences.** An accessory structure for a residence shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the residential structure, when such accessory structure is completed at the same time as the residence structure.
- G. **Application.** Application for certificates of occupancy shall be made in writing to the Building Official on forms therefore furnished.
- H. **Certificates to Include Zoning.** Certificates of occupancy as required by the Village Building Code for new buildings or structures, or parts thereof, or for alterations to existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

Section 3.05 Inspection

The applicant for a certificate of occupancy or building permit shall notify the Building Official when inspection is desired. Certificates and permits shall be issued within ten (10) days after receipt of such application if the building or structure, or part thereof, or the use of land, complies with the provisions of this Ordinance. If issuance of such certificate is refused, the applicant therefore shall be notified of such refusal and cause thereof, within the ten (10) day period.

Section 3.06 Records

The Zoning Enforcement Officer shall maintain a record of all certificates and permits and said record shall be open for public inspection.

Section 3.07 Fees

The Village Board of Trustees shall establish by resolution a schedule of fees for administering this Article. The schedule of fees shall be posted on public display in the office of the Zoning Enforcement Officer and may be changed only by the Village Board of Trustees. No certificate or permit shall be issued unless required fees have been paid in full.

Section 3.08 Compliance with Plans

Zoning compliance permits issued on the basis of plans and applications approved by the Zoning Enforcement Officer authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction which deviates with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Section 3.12, herein.

Section 3.09 Withholding of Approval

The Village Planning Commission, Village Board of Trustees, or Zoning Board of Appeals may withhold granting of approval of any use, site plan, Planned Unit Development or other approval required by this Ordinance pending approvals required by state, county or federal agencies or departments.

Section 3.10 Completion of Construction

- A. **Construction Has Begun.** Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance or later amendment which may apply.
- B. **Construction, Defined.** Actual construction is defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Excavation, demolition, or the removal of materials shall be defined as construction.

- C. **Building Permit Issued.** Where a building permit has been issued, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed. Approved construction must be diligently pursued to completion within three hundred sixty-five (365) days of the permit's effective date.

Section 3.11 Performance Guarantee

- A. Purpose and Intent. In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the Village and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Village may require the applicant to deposit a performance guarantee for any or all site improvements required by this Ordinance.
1. Guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond shall be provided in a form acceptable to the Village. The amount of such guarantee shall cover all improvements not normally covered in the building permit, i.e., berms, walls, landscaping, lighting, surfacing of drives, parking, service drives, acceleration/deceleration lanes, bypass lanes and other traffic control devices, etc. The guarantee shall include a schedule of costs assigned to the different improvements based upon an estimate submitted by the applicant and verified by the Village. The Village shall be authorized to employ the Village Engineer and/or other Village consultants to review cost estimates and conduct periodic inspection of the progress of improvements. Monies may be released to the applicant in proportion of work completed on the different elements after inspection of work and approval of the Building Official. Any partial release of funds shall be less than ten (10%) percent which shall be retained by the Village until all work has been completed and subsequently inspected and approved by the Building Official.
 2. If more than one bond or guarantee is involved in construction of the improvements required in this section, each such assurance shall be treated as a separate agreement and the ten (10%) percent holdback may be released upon satisfactory completion of such phase of construction and approval of the Building Official.
 3. In instances where all improvements, as required in this section, are not completed, and a temporary certificate of occupancy is requested, the estimated cost of such improvement shall be verified by the Building Official, particularly with respect to any delay to another construction season. In those instances where the estimated cost has changed, then a revised guarantee, acceptable to the Village, shall be filed with the clerk covering such improvements.
- B. **Procedure.**
1. When a performance guarantee is required, said performance guarantee shall be deposited with the Village prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee, the Village shall issue the appropriate building permit, and the Village shall thereafter deposit the performance guarantee, in the form of a cash deposit or certified check.
 2. At the time the performance guarantee is deposited with the Village and prior to the issuance of a building permit, the applicant shall enter into an agreement with the Village incorporating the performance guarantee provisions.

3. The agreement shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
 4. In the event the performance guarantee deposited is a cash deposit or a certified check, the Village shall rebate to the applicant, upon request from the applicant, fifty (50%) percent of the deposited funds when the applicant has completed seventy-five (75%) percent of the required improvements as confirmed by the Village. The remaining fifty (50%) percent of the deposited funds shall be returned when the applicant completed one hundred (100%) percent of the required improvements and there is compliance with the Ordinance as confirmed by the Village.
 5. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Village, the Village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
 6. If the performance guarantee is not sufficient to allow the Village to complete the improvements for which such guarantee was posted, the applicant shall be required to pay the Village the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Village's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.
- C. ***Guarantee with Other Agencies.*** If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Village to ensure completion of an improvement associated with the site, the applicant shall not be required to deposit with the Village a performance guarantee for that same improvement.

Section 3.12 Violations and Penalties

- A. **Violations.** If the Zoning Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, the person responsible shall be notified in writing for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. Discontinuance shall be ordered of illegal use(s) of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or to prevent violation of its provisions. Violations shall be issued by the Zoning Enforcement Officer. Violations of the provisions of this Ordinance, or failure to comply with any of its requirements and provisions of permits and certificates granted in accordance with this Ordinance shall constitute a municipal civil infraction for which the fine shall be no less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars for the first offense. Subsequent offenses shall be not less than five hundred (\$500) dollars or more than one thousand (\$1,000) dollars for each offense. Each day such violation continues shall be considered a separate offense. The owner of record or tenant of any building, structure, premise, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties provided by law.

- B. Compliance Required. The imposition of any fine, or jail sentence, or both shall not exempt the violator from compliance with the provisions of this Ordinance.
- C. Public Nuisance Per Se. A use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered, razed, or converted in violation of this Ordinance or a regulation adopted under the authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, is a nuisance per se, and may be abated by order of any court of competent jurisdiction.

ARTICLE 4 ESTABLISHMENT OF ZONING DISTRICTS

Section 4.01 Establishment of Districts

- A. The Village of Dundee is hereby divided into the following zoning districts to be known as, and having the following names and symbols:

| Districts |
|--|
| RA, One Family Residential |
| RA-1, One-Family Residential |
| RA-2, One-Family Residential |
| RA-3, One Family Residential |
| RM-1, Medium Density Multiple-Family Residential |
| RM-2, High Density Multiple-Family Residential |
| MHC, Manufactured Housing Community |
| LC, Limited Commercial |
| B-1, Central Business District |
| B-2, General Business |
| B-4, Interchange Business District |
| M-1, Manufacturing |
| M-2, Heavy Manufacturing |

Section 4.02 Official Zoning Map

For the purpose of this Ordinance, zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of the Village of Dundee." The Official Zoning Map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

- A. Rules for interpretation. Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules for interpretation shall govern:
1. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following the centerline.
 2. A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following the line.
 3. A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following the line.
 4. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
 5. A boundary indicated as following a shoreline shall be construed as following the shoreline, and in the event of change in the shoreline, shall be construed as following the shoreline existing at the time the interpretation is made.

6. The boundary indicated as following the centerline of a stream or river, canal, lake, or other body of water shall be construed as following the centerline.
 7. A boundary indicated as parallel to, or an extension of, features in paragraphs (1) - (6) proceeding shall be so construed.
 8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
 9. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map or any other circumstances not covered by paragraphs (1) - (8) proceeding, the Board of Appeals shall interpret the location of the zoning district boundary.
 10. Where a district boundary line divides a lot, which is in single ownership at the time of adoption of this Ordinance, the Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
 11. A boundary indicated for a commercial or industrial district shall be made in writing and witnessed by the signature of the President of the Village Board of Trustees and Village Clerk.
- B. Authority of Official Zoning Map. Regardless of the existence of purported copies of the Official Zoning Map which, from time to time, may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Village. The Official Zoning Map shall be located in the office of the Village Clerk and shall be open to public inspection.
- C. Changes to Official Zoning Map. If, in accordance with the procedures of this Article and the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, M.C.L. 125.3101 *et seq.*, a change is made in a zoning district boundary, such change shall be entered onto the Official Zoning Map by outlining the area or parcel of land that was rezoned, along with the new zoning district symbol and local amendment number. There shall also be recorded in the box labeled "REVISIONS" the following information:
1. Date when the amendment was made;
 2. The local zoning amendment identification number; and
 3. The initials of the amending person.
 4. For the purposes of this Section only the Village President or Village Clerk may make such change(s).
- D. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and the number of changes made thereto, the Village Council may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the Official Zoning Map, but such corrections shall not have the effect of amending this Ordinance or the Official Zoning Map.

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the poor map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

- E. Whenever any street, alley or other public right-of-way is vacated, such street, alley, or other public right-of-way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.
- F. When Village boundary alterations are made or there are land transfers to the Village, one (1) of the following conditions shall apply:
 - 1. Land zoned prior to boundary alterations or land transfers shall be classified as being in whichever district provided in this Ordinance that most clearly conforms to the zoning that existed prior to the alteration or transfer. This classification may be recommended by the Planning Commission to the Village Board of Trustees for their approval.
 - 2. The existing zoning regulations for the subject area shall remain in effect for a period of two (2) years after the alteration or transfer unless the Village Board of Trustees lawfully adopts other zoning regulations or ordinances.
 - 3. Land not zoned prior to the alteration or transfer shall be automatically classified as being in the RA, One-Family Residential District until a zoning map for said area has been adopted by the Village Board of Trustees. The Planning Commission shall recommend the appropriate zoning district(s) for such area within three (3) months of the alteration or transfer.
 - 4. Final zoning changes to land involved in boundary alterations or land transfers shall be consistent with the Village of Dundee Master Plan designations for the property unless conditions have changed to warrant deviation from the plan.

Section 4.03 Determination of "Similar Uses"

- A. **Evaluation Criteria.** Since every type of potential use cannot be addressed in this Ordinance, each district provides for "similar uses", referencing this Section. All applications shall be submitted to the Planning Commission for review and approval, based on the following standards.
 - 1. A finding the proposed use is not listed as a Permitted or Special Land Use in any zoning district.
 - 2. If the use is not addressed in this Ordinance, the Planning Commission shall select the use listed in this Ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, nature of use, aesthetics, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety, and welfare in the Village.
 - 3. Once a similar use is determined, the proposed use shall comply with any special land use standards that apply to the similar use.
 - 4. Where the Planning Commission determines a proposed use is not similar to a use addressed in this Ordinance, the applicant may petition for an amendment to this Article, as described in Article 22.

ARTICLE 5 RESIDENTIAL DISTRICTS

Section 5.01 Intent and Purpose

- A. The RA, RA-1, RA-2 and RA-3, One-Family Residential Districts are established to provide for residential areas at an urban density of development. These districts are designed to promote a traditional small-town character and will aid in protecting and preserving the existing character of the Village.

In pursuit of the above stated purpose, lot sizes are dependent on urban services, such as sewer and water, are provided. This will encourage the maintenance of a suitable environment for residential and supportive uses.

- B. The RM-1 and RM-2, Multiple-Family Residential Districts are established to provide for a more intensive residential use of land. A variety of dwelling types are accommodated including duplexes, townhouses, row houses, terrace, and garden apartments. By providing for higher intensity development through a multiple family residential district, open space and natural features can be preserved for visual relief and enhancement.
- C. The MHC, Manufactured Housing Community District is established to allow a suitable environment for persons and families that choose to live in a manufactured home rather than a site-built one-family residence. Development is limited to manufactured homes when located with a subdivision or site condominium designed and approved for that purpose or a Manufactured Housing Community with recreation and support facilities.
- D. The following regulations shall apply to the RA, RA-1, RA-2 and RA-3, One-Family Residential Districts, MHC Manufactured Housing Community District and the RM-1, and RM-2 Multiple Family Residential Districts.

Section 5.02 Uses Permitted

- A. The following uses of land and structures shall be permitted by right in the RA, RA-1, RA-2 and RA-3, One-Family Residential Districts. Land and/or buildings in the districts indicated at the top of Table 5.02 may be used for the purposes denoted by a "P" in the column below by right. Land and/or buildings in the districts indicated at the top of Table 5.02 may be used for the purposes denoted by "S" after special land use approval by the Planning Commission in accordance with the procedures and requirements of Article 8, Site Plan Review and Article 9, Special Land Use Review. A notation of "-" indicates that the use is not permitted within the district. The final column includes additional conditions that apply to the use by either referencing a footnote to Table 5.02 or referring to an applicable Section in this Ordinance:

| Table 5.02 Schedule of Residential Uses | | | | | | | | |
|---|-----|------|------|------|------|------|-----|--------------------|
| District Uses | RA | RA-1 | RA-2 | RA-3 | RM-1 | RM-2 | MHC | Specific Standards |
| Residential | | | | | | | | |
| One-family detached dwellings | P | P | P | P | P | P | | Sec. 17.07 |
| One-family attached dwellings | -- | P | P | P | -- | -- | | Sec. 17.07 |
| Two-family dwellings | -- | -- | -- | -- | P | P | | Sec. 17.07 |
| One-family cluster option | S | S | S | S | -- | -- | | Sec. 12.03 |
| Multiple-family dwellings | -- | -- | -- | -- | P | P | | - |
| Manufactured home when developed on individual lots | P | P | P | P | -- | -- | | Sec. 17.07 |
| Manufactured housing community | -- | -- | -- | -- | -- | -- | P | Sec. 12.04 |
| Institutional/Other | | | | | | | | |
| Adult foster care family home (6 or fewer adults) | P | P | P | P | P | P | | Sec. 12.02 |
| Adult foster care small group home (12 or fewer adults) | S | S | S | S | S | S | | Sec. 12.02 |
| Adult foster care large group home (13 to 20 adults) | -- | -- | -- | -- | S | S | | Sec. 12.02 |
| Foster family group home (6 or fewer children 24 hours per day) | P | P | P | P | P | P | | Sec. 12.02 |
| Family day care home (6 or fewer children less than 24 hrs. per day) | P | P | P | P | P | P | | Sec. 13.07 |
| Group day care home (7 to 12 children less than 24 hours per day) | S | S | S | S | S | S | | Sec. 13.07 |
| Child day care centers | S | S | S | S | S | S | | Sec. 13.07 |
| Housing for the Elderly | -- | -- | -- | -- | S | S | | Sec. 12.05 |
| Temporary uses, buildings, and structures | P | P | P | P | P | P | | Sec. 11.06 |
| Recreational/Public | | | | | | | | |
| Private parks, country clubs, golf courses and recreational areas | S | S | S | S | S | S | | Sec. 13.23 |
| Publicly owned and operated municipal buildings, libraries, parks and recreation facilities | P | P | P | P | P | P | | - |
| Public telephone buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations when operation requirements necessitate the location within the District in order to serve the immediate vicinity | S | S | S | S | S | S | | Sec. 13.01 |
| Bed and breakfast inns | -- | -- | -- | -- | S | S | | Sec. 12.01 |
| Places of worship and other facilities normally incidental | S | S | S | S | S | S | | Sec. 13.02 |
| Schools, private | S | S | S | S | S | S | | Sec. 13.03 |
| Cemeteries | | | | | | | | - |
| Rental offices as accessory to a multiple dwelling unit project | -- | -- | -- | -- | S | S | | - |
| Similar Uses in accordance with Section 4.03 | P/S | P/S | P/S | P/S | P/S | P/S | | Sec. 4.03 |

Section 5.03 Area and Size Requirements

- A. Residential Schedule of Area and Bulk Requirements: No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

| Table 5.03 Residential Schedule of Area and Bulk Requirements | | | | | | | | | | |
|--|----------------------------------|----------------------|-------------------------|---------|----------------------|-----------|-----------------------|-----------|-----------------------|--------------------------|
| Zoning Districts | Lot Requirements | | Maximum Building Height | | Setback Requirements | | | | Max. Lot Coverage (%) | See Footnote Sec. 5.03 B |
| | Min. Lot area/max. density | Min. Lot Width (ft.) | In Stories | In Feet | Front Yard (2 – 5) | Side Yard | Total Both Side Yards | Rear Yard | | |
| RA One-Family | 12,000 sq. ft. per dwelling unit | 90 | 2 1/2 | 30 | 35 | 10 | 30 | 35 | 40% | 1 – 7, 9 – 11 |
| RA-1 One-Family | 9,600 sq. ft. per dwelling unit | 80 | 2 1/2 | 30 | 25 | 8 | 20 | 35 | 40% | 1 – 7, 9 – 12 |
| RA-2 One-Family | 6,000 sq. ft. per dwelling unit | 60 | 2 1/2 | 30 | 25 | 5 | 15 | 35 | 50% | 1 – 7, 9 – 12 |
| RA-3 One-Family | 7,200 sq. ft. per dwelling unit | 60 | 2 1/2 | 30 | 25 | 5 | 15 | 35 | 50% | 1 – 7, 9 – 12 |
| RM-1 Multiple Family & Attached One-Family | 16 units per acre | 50 | 3 | 40 | 40 | 20 | 60 | 25 | 30% | 1 – 5, 8, 11 |
| RM-2 Multiple Family and Attached One-Family | 20 units per acre | 50 | 3 | 40 | 40 | 20 | 60 | 25 | 30% | 1 – 5, 8, 9, 11 |

B. Footnotes: The following footnotes apply to Table 5.03:

1. Lot depth to width ratio. A lot depth to lot width ration of three (3) to one (1) shall be the maximum permitted in residential zoning districts, except where site constraints such as natural features do not allow for lots to meet the depth to width ratio requirement.
2. Front yard. In all residential districts, the required front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, vehicle access drives or fences where provided for in Section 11.12.D.
3. Corner lot setbacks. Corner lots shall provide the required front yard setback from both street frontages, provided the setback from side street upon which the house does not face may be reduced to ten (10) feet where other adjacent residential lots on the side street do not front on that side street.
4. Front yard setback for built-up streets. Where an existing front setback has been established by existing buildings occupying forty (40%) percent or more of the frontage within the same block, such established setback shall apply.
5. Access drives in yards. Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered structural violations of the required front or side yards. Further, any walk, terrace or other pavement serving a like function, and not in excess of nine (9) inches above the grade upon which it is placed, shall not be considered a structure, and shall be permitted within any required yard.
6. Architectural projections into yards. Architectural features, not including vertical projections, may extend or project into a required yard as permitted in Section 11.15. Projections into Yards.
7. Accessory building setbacks. Setbacks shown are for principal buildings. Refer to Section 11.12 for setbacks for accessory buildings and structures.
8. Multiple Family Standards.
 - a. Multiple family setbacks. Every lot on which a multiple-family dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof by which length the multiple dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line.
 - b. Multiple-family dwelling floor area. The required minimum floor area for multiple-family dwelling units shall be as follows:

| Unit Type | RM-1 District | RM-2 District |
|---------------------|-------------------|-----------------|
| One-bedroom unit | 700 square feet | 600 square feet |
| Two-bedroom unit | 900 square feet | 750 square feet |
| Three-bedroom unit | 1,100 square feet | 900 square feet |
| Additional bedrooms | 150 square feet | 150 square feet |

9. Height exceptions. Refer to Section 11.14 for exceptions to the maximum height requirements.
10. Floor area per dwelling unit.
 - a. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages or attached sheds.
 - b. The minimum floor area per dwelling unit shall be as follows:

| District | 1-Story | 2-Story |
|-----------------|-------------------|-------------------|
| RA One Family | 1,500 square feet | 1,800 square feet |
| RA-1 One Family | 1,300 square feet | 1,300 square feet |
| RA-2 One Family | 950 square feet | 1,200 square feet |
| RA-3 One Family | 950 square feet | 1,200 square feet |

- c. One and two-family dwellings located within an RM-1 or RM-2 District shall meet the requirements of the RA-3 District.
11. Common Open Space Requirement.
 - a. Any residential subdivision, condominium or multiple-family development comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area which shall contain an area equal in size to one thousand-two hundred (1,200) square feet for each lot or dwelling unit in the subdivision or condominium project or multiple family development.
 - b. If recreational area is well drained, graded, seeded, or sodded, safe from hazard, accessible to all dwellings, the Planning Commission may approve the location. Generally, common open space must be visible and accessible from the public right-of-way and shall be of a size and configuration that will be conducive to recreational benefits.
 - c. Reservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision or condominium association.

- d. Submerged land along the shoreline of the River Raisin shall not count towards the common open space requirement. A maximum twenty-five (25%) percent of regulated wetlands and stormwater retention/detention areas shall be counted towards the common open space requirement.
 - e. This regulation does not apply to proposed developments that are within one thousand (1,000) feet, measured from property line to property line, of an existing public park owned and operated by the Village of Dundee. The existing park must be accessible from the proposed development site for vehicles and pedestrians. Improved connections to the park are required.
12. Attached one-family dwelling standards.
- a. Buffers. No more than two (2) lots containing attached one-family dwellings shall be permitted within three hundred (300) feet of each other, as measured from the minimum distance between the boundaries of the lots. This section shall not apply to attached one-family dwellings within a cluster development.
 - b. Minimum Lot Area. On lots where two (2) attached one-family dwellings are proposed, the total minimum required lot area shall be one and one half (1.5) times the minimum lot area per dwelling unit for the zoning district as listed in Table 5.03. This section does not apply to cluster development lots or units.

ARTICLE 6

BUSINESS DISTRICTS

Section 6.01 Statement of Purpose

- A. LC, Limited Commercial District: The LC, Limited Commercial District is designed to accommodate low-intensity commercial, office type professional and administrative services necessary for the normal conduct of community activities. A limited range of convenience and service businesses are permitted to serve nearby residents. The districts may serve as a transition between residential and nonresidential districts and provide transitions between major thoroughfares and residential districts.

- B. B-1, Central Business District: The B-1, Central Business District is designed to promote continuation and enhancement of the historic, small-scale, pedestrian oriented, low vehicular traffic generating, retail environment of Downtown Dundee and the Tecumseh Street corridor. Uses are intended to be limited to a size and scale that is compatible with the historic character of the downtown and the surrounding residential neighborhoods. The district allows for a mixture of uses with the intent of maintaining retail on the first floor, with residential and offices on upper floors. This mixture of uses is intended to create more vitality and strengthen both the downtown and Tecumseh Street as the gateway to downtown. As the downtown is on both the federal and state Register of Historic Places, this district is further intended to protect the significant historic, architectural, and cultural resources that are a major asset to the overall community.

- C. B-2, General Business District: The B-2, General Business District is intended to provide for a variety of commercial and service uses, including more intensive commercial uses not permitted in the B-1, Central Business District and B-3, Tecumseh Street District. The B-2 district is intended to permit commercial establishments that cater to the convenience and comparison-shopping needs of Village residents. Because of the variety of business types permitted in the district, special attention must be focused on site layout, building design, landscaping, vehicular circulation, and coordination of site features between adjoining sites to ensure compatibility with the overall historic and high-quality character of the Village. Furthermore, these uses are concentrated so as to avoid undue congestion to feeder streets by reducing the number of entrances and exits onto major thoroughfares to promote smooth traffic flow at freeway interchanges and major road intersections.

- D. B-4, Interchange Business District: The B-4, Interchange Business District is designed to accommodate a wide variety of expressway related uses to meet the needs of the citizens and businesses in the Dundee area, and the needs of motorists along U.S. 23. Uses permitted in the B-4 district are generally characterized by those not considered appropriate for the LC, Limited Commercial, B-1, Central Business District, or B-2, General Business District, or B-3, Tecumseh Street District, due to traffic generation, amount of parking required or areas and scale of buildings. Uses that are considered to generate particularly high traffic volumes or other external impacts are treated as uses permissible on special land use approval to ensure the requested locations are appropriate for those uses.

Section 6.02 Uses Permitted

- A. The following uses of land and structures shall be permitted in the various business districts as provided for in Table 6.02. A “P” in the table indicates that a use is permitted by right following approval by the Planning Commission in accordance with the procedures and requirements of Article 8, Site Plan Review Procedures and Requirements. An “S” in the table indicates that a use requires special land use approval by the Planning Commission in accordance with the procedures and requirements of Article 9, Special Land Uses along with those of Article 8, Site Plan Review Procedures and Requirements. A notation of “- -” indicates that the use is not permitted within the district. The final column includes additional conditions that apply to the use by either referencing a footnote to Table 6.02 or referring to an applicable Section in the Zoning Ordinance:

| Table 6.02 Business Districts Schedule of Uses | | | | | | |
|---|----|-----|-------|--|-----|--------------------|
| District Uses | LC | B-1 | B-2 | | B-4 | Specific Standards |
| OFFICE | | | | | | |
| Banks, credit unions, savings and loan associations, and similar uses | P | P | P | | P | - |
| Business service establishments, such as typing, copying, and printing | P | P | P | | P | - |
| Data processing and computer centers, including service and maintenance facilities | P | -- | P | | P | - |
| Hospitals, health care centers or 24-hour med stations | S | -- | S | | S | Sec. 13.11 |
| Medical and dental offices, including clinics and laboratories | P | S | P | | P | - |
| Office-type businesses related to executive, administrative, or professional occupations | P | P | P | | P | - |
| Veterinary hospitals and clinics, providing there is no on-site boarding of animals | S | -- | P | | P | Sec. 13.18 |
| RETAIL AND SERVICE | | | | | | |
| Bars, taverns and/or lounges | -- | P | S (d) | | S | - |
| Child and adult day care facilities | S | -- | S | | P | Sec. 13.07 |
| Establishments of plumbers, heating contractors, decorators, electricians, or similar tradesman provided outdoor storage is limited to vehicles | -- | -- | P | | P | - |
| Funeral homes and mortuaries | S | S | S | | -- | Sec. 13.09 |
| Garden centers and nurseries | -- | -- | S | | S | Sec. 13.10 |
| Hotels and motels | -- | S | S | | P | Sec. 13.12 |
| Kennels | -- | -- | S | | -- | Sec. 13.13 |
| Large scale retail and service uses (greater than 30,000 sq. ft. of gross floor area) | -- | -- | S | | S | Sec. 13.14 |
| Open air business uses - as accessory | -- | S | S | | S | |

| Table 6.02 Business Districts Schedule of Uses | | | | | | |
|--|-----------|------------|------------|--|------------|---------------------------|
| District Uses | LC | B-1 | B-2 | | B-4 | Specific Standards |
| Personal service establishments, such as, but not limited to: repair (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, barber shops, interior decorators, photographers, and drycleaners | P | P | P | | S | - |
| Pet day care facilities, providing there is no on-site boarding of animals | -- | -- | S | | S | - |
| Pet grooming facilities, providing there is no on-site boarding of animals | S | -- | S | | S | - |
| Restaurants: Sit Down | P | P | P | | P | - |
| Restaurants: Drive-in, Drive-through, Fast Food | -- | -- | S | | P | Sec. 13.15 |
| Restaurant: Carry-out, Open Front Window | -- | S | P | | P | |
| Retail businesses in an enclosed building which supply commodities on the premises in a building of up to 30,000 square feet in gross floor area, and whose principal activity is the sale of merchandise | S | P | P | | P | - |
| Tool and equipment rental establishments | -- | -- | S | | S | - |
| Video rental | -- | P | P | | P | - |
| AUTOMOTIVE | | | | | | |
| Auto sales (new) with used auto sales permitted only as accessory to new auto sales | -- | -- | S | | S | Sec. 13.06 |
| Automobile service stations for sale of gasoline, oil (including oil change facilities), and minor accessories only | -- | -- | P | | P | Sec. 13.05 |
| Automobile or truck rental | -- | -- | S | | S | - |
| Automobile washes, self-service and automatic | -- | -- | P | | P | Sec. 13.05 |
| RECREATIONAL | | | | | | |
| Artisan and farmers markets | -- | P | -- | | -- | Sec. 13.04 |
| Conference centers, banquet halls, assembly halls, dance halls, or similar places of assembly | S | S | S | | P | - |
| Health clubs and physical fitness centers | S | S | P | | P | - |
| Indoor recreation facilities such as a movie theater, skating rink, soccer complexes or bowling alley | -- | S | P | | P | Sec. 13.23 |
| Indoor shooting /archery ranges | -- | -- | S | | S | Sec. 13.23 |
| Private service clubs, fraternal organizations, lodge halls and other similar organizations | S | S | P | | S | Sec. 13.16 |
| Studios for professional work and/or teaching of music, dance, drama, photography or other similar activities | S | S | P | | -- | - |
| PUBLIC, INSTITUTIONAL AND UTILITY | | | | | | |
| Publicly owned buildings, governmental offices or other governmental uses, including public utility offices | P | P | P | | P | Sec. 13.01 |
| Places of Worship and other incidental facilities | P | | P | | -- | Sec. 13.02 |
| Transformer stations and pump stations for public utilities | P | S | P | | P | - |
| RESIDENTIAL | | | | | | |
| Housing for the elderly and nursing / convalescent homes | -- | S | S | | -- | Sec. 12.05 |
| Live / work units | P | P | -- | | -- | Sec. 12.06 |
| One-family dwellings located above the first floor within a building containing another permitted use | P | P | -- | | -- | Sec. 12.07 |
| MISCELLANEOUS | | | | | | |
| Hawkers and peddlers in accordance with General Ordinance Chapter 18, Article III, | -- | P | -- | | -- | - |
| Permitted principal uses with a drive-through | S | -- | S | | P | Sec. 13.15 |
| Sidewalk café service operated by a restaurant which sells food for immediate consumption | P | P | P | | P | Sec. 13.17 |

Section 6.03 Area and Size Requirements

- A. Business Districts Schedule of Area and Bulk Requirements: No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

| Table 6.03 Business Districts Schedule of Area and Bulk Requirements | | | | | | | |
|---|-------------------------|---------|---|-----------|-----------------------|-----------|-------------------------|
| Zoning Districts | Maximum Building Height | | Setback Requirements | | | | See Footnote Sec. 6.03B |
| | In Stories | In Feet | Front Yard | Side Yard | Total Both Side Yards | Rear Yard | |
| LC, Limited Commercial | 2 | 30 | 25 | 8 | 20 | 35 | 1 – 4 |
| B-1, Central Business District | 4 | 60 | -- | -- | -- | -- | 1 – 4 |
| B-2, General Business District | 3 | 45 | 20 | 20 | 40 | 20 | 1 – 5 |
| B-4, Interchange Business District | 6 | 90 | 25 10 w/no parking in front yard | 20 | 50 | 20 | 1 - 5 |

- B. Footnotes: The following footnotes apply to Table 6.03:

1. Access drives in yards. Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered structural violations of the required front or side yards.
2. Architectural projections into yards. Architectural features, not including vertical projections, may extend or project into a required yard as permitted by Section 11.15 Projections into Yards.
3. Interior ceiling height. The interior ceiling height of all usable space of each story shall be as follows:
 - a. B-1 Zoning Districts:

First Story of All Commercial Structures – between ten (10) and fourteen (14) feet.
Upper Stories and All Residential Structures – between nine (9) and twelve (12) feet.
 - b. B-2 and B-4 Zoning Districts:
 - (1) First Story of all Structures (excluding hotels and residential) – between ten (10) and fourteen (14) feet.

- (2) Upper Stories of all Structures (excluding hotels and residential) – between nine (9) and twelve (12) feet.
 - (3) First Story of Hotels and Residential Structures – between nine (9) and fourteen (14) feet.
 - (4) Upper Stories of Hotels and Residential Structures – between eight (8) and twelve (12) feet.
4. Parking in the front yard. No more than one (1) single row of parking is permitted between the building and the front property line within the B-2 and B-4 zoning districts. Parking in the front yard is prohibited in the B-1 zoning district.
5. U.S. 23 setback. A fifty (50) foot landscaped greenbelt/setback shall be provided along the U.S. 23 right-of-way in accordance with Article 14, provided such greenbelt may be reduced to thirty (30) feet where there is no loading or parking within that yard or where existing landscaping is extensive.

ARTICLE 7

M-1 MANUFACTURING AND M-2 HEAVY MANUFACTURING DISTRICTS

Section 7.01 Statement of Purpose

- A. M-1, Manufacturing District: The M-1, Manufacturing District is established to provide sites for research and high technology uses of a restricted, light industrial nature. The prime characteristics of this district are the low intensity of land coverage and the absence of nuisance factors. Permitted uses shall be performed or carried out entirely within a building that is so designed and constructed that the enclosed operations and uses do not cause or produce a nuisance to other lots or properties such as, but not limited to, vibration, sound, electromechanical disturbances, radiation, air or water pollution, dust, or emission of odorous toxic or nontoxic matter, nor create a potential for explosion or other hazard.

In certain limited locations medium intensity, industrial uses are permitted in locations that do not encroach into areas or districts where they would be incompatible. All activities within the M-1 Manufacturing District shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic, and industrial effluent which shall be produced as a result of that activity.

- B. M-2, Heavy Manufacturing District: The M-2, Heavy Manufacturing District is established to provide for higher intensity manufacturing, assembling, and fabricating uses, including large scale or specialized industrial operations requiring truck and/or railroad access and public utility services. Provision of this District ensures that these essential industrial facilities are kept from encroaching in areas or Districts where they would be incompatible. All activities carried on within the M-2 Heavy Manufacturing District shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic, and industrial effluent which shall be produced as a result of that activity.

Section 7.02 Uses Permitted

- A. Schedule of Uses: The following uses of land and structures shall be permitted in the various manufacturing districts as provided for in Table 7.01. Land and/or buildings in the districts indicated at the top of the table may be used for the purposes denoted by a "P" in the column below by right with approval by the Planning Commission in accordance with the procedures and requirements of Article 8, Site Plan Review Procedures and Requirements. Land and/or buildings in the districts indicated at the top of the table may be used for the purposes denoted by "S" by special land use approval by the Planning Commission in accordance with the procedures and requirements of Article 8, Site Plan Review Procedures and Requirements and Article 9, Special Land Uses. A notation of "--" indicates that the use is not permitted within the district. Where conditions apply to a use, the Section references containing such conditions are indicated in the right column.

| Table 7.02 Industrial Districts Schedule of Uses | | | |
|--|------------|------------|---------------------------|
| District Uses | M-1 | M-2 | Specific Standards |
| OFFICE AND R&D | | | |
| Headquarters of business offices for commercial and industrial uses which conduct the principal firm's activity outside of the district | P | P | - |
| Administrative and professional offices that include, but are not limited to, corporate offices, regional offices, general offices, and such professional offices as accountants, attorneys, engineers, architects, and planners | P | P | - |
| Pilot plant operations and testing activities | P | P | - |
| Blueprinting, photostating, photoengraving, printing, publishing, and bookbinding services | P | -- | - |
| Repair and maintenance of appliances or component parts, tooling, printers, testing shops, small machine shops, and shops engaged in the repair, maintenance, and servicing of such items | P | -- | - |
| Research activities, including research laboratories, developmental laboratories, and compatible light manufacturing such as, but not limited to, the following: biochemical, chemical, electronics, film, and photography, medical and dental, metallurgy, pharmaceutical, or x-ray | P | P | - |
| Laboratories including experimental, film, and testing | S | P | - |
| MANUFACTURING | | | |
| Manufacturing of electrical and computer equipment components, devices, and systems | P | P | - |
| Manufacturing of signs, light sheet metal products including heating, and ventilating equipment | P | P | - |
| Manufacturing of products from previously prepared materials | P | P | - |
| Food products production including meat, dairy, fruit, vegetable, grain, bakery, confectionery, beverage, and kindred foods | S | P | - |
| Automobile manufacturing; including automobile bodies, parts, and accessories; electrical fixtures, batteries, and other electrical apparatus and hardware; and general assembly operations similar to the above | S | P | - |
| Paper and allied products manufacturing | S | S | - |
| Metal planing, buffing, and polishing and tool, die, gauge and machine shops | S | S | - |
| Fabricating and stamping of metal shops using presses, rolls, and/or breaks | P | P | - |
| Primary metal industries and foundries | -- | S | - |
| Chemical products manufacturing such as plastics, synthetic fibers, and perfumes | S | P | - |
| Lumber and planing mills | S | P | - |
| Slaughterhouses | S | S | Sec. 13.19 |
| Production of fuels | S | P | - |
| STORAGE AND SHIPPING | | | |
| Uses involving industries engaged in the distribution and/or storage or warehousing of products relating to the permitted uses | P | P | - |
| Wholesale and retail outlets | S | P | - |
| Self-storage warehouses | P | P | Sec. 13.08 |
| Warehouses, cartage businesses | P | P | - |
| Truck or railroad terminals, including transfer and truck storage facilities | S | P | - |
| CONSTRUCTION CONTRACTORS AND PRODUCTS | | | |
| Contractor establishments without outdoor building materials storage | P | P | - |
| Outdoor storage yards for construction contractors' equipment and supplies, building materials, sand, gravel, or lumber | S | S | - |
| Asphalt plants and cement batch plants | -- | S | - |

| AUTOMOBILE REPAIR | | | |
|--|----|---|--------------|
| Automobile repair establishments including body shops, rust proofing, undercoating and painting shops | S | P | |
| Material Recovery Facilities | -- | S | Sec. 13.21 |
| UTILITIES | | | |
| Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, warehouses including storage yards, water and gas tanks and holders | P | P | - |
| Wind energy conversion system (WECS) | S | S | Sec. 13.25 |
| Wireless communication facilities | S | S | Sec. 13.24 |
| Heating and electric power generation plants and all accessory uses; coal, and fuel yards and water supply and waste treatment facilities, in accordance with applicable state and federal regulations | S | S | - |
| Power generating plants | -- | P | - |
| Conversion incineration and/or composting waste disposal operations | -- | S | - |
| EXTRACTION | | | |
| Mining, excavation or other removal of sand, earth, minerals, or other materials naturally found in the earth | -- | S | - |
| Petroleum or other inflammable liquid storage, including fuel storage tank farms | -- | S | - |
| MISCELLANEOUS | | | |
| Adult Entertainment Uses, | S | S | Sec. 13.22 |
| Commercial recreation | S | S | Sec. 13.23 |
| Billboards, off premise signs | S | S | Sec. 18.05.G |

Section 7.03 Area and Size Requirements

- A. **Manufacturing Districts Schedule of Area and Bulk Requirements:** No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

| Table 7.03 Manufacturing Districts Schedule of Area and Bulk Requirements | | | | | | | | | | |
|--|------------------|----------------------|-------------------------|---------|----------------------|---------------------------|-----------|---------|-----------------------|------------------------|
| Zoning Districts | Lot Requirements | | Maximum Building Height | | Setback Requirements | | | | Max. Lot Coverage (%) | See Footnote Sec. 7.03 |
| | Min. Lot Area | Min. Lot Width (ft.) | In Stories | In Feet | Front Yard | Side Yard | Rear Yard | Parking | | |
| M-1 | 30,000 sq. ft. | 150 | 2 | 30 | 40 | One Side: 20 Total: 40 | 40 | 10 | 85% | 1 - 3 |
| M-2 | 30,000 sq. ft. | 150 | 3 | 50 | 100 | One Side: 25 Total: 50 | 50 | 10 | 85% | 1 - 3 |

B. **Footnotes:** The following footnotes apply to Table 7.03:

1. **Front yard setback for built-up streets.** Where an existing front setback has been established by existing buildings occupying forty (40%) percent or more of the frontage within the same block, such established setback shall apply.
2. **Access drives in yards.** Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered structural violations of the required front or side yards.
3. **Increased building height.** The Planning Commission may approve a building which exceeds the maximum permitted height; however, under no circumstance shall the height exceed fifty (50) feet within the M-1 district and eighty (80) feet within the M-2 district. The Planning Commission shall apply one or more of the following standards in approving a building of greater height.
 - a. No less than fifty (50%) percent of the site is retained as open space with a permeable/landscaped coverage.
 - b. The building materials are brick, stone, or comparable product.
 - c. The structure demonstrates enhanced energy efficiency through the application of alternative energy sources, utilization of less energy consumptive materials, and the employment of construction techniques which result in a demonstratable reduction in the level of waste.

ARTICLE 8 SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS

Section 8.01 Intent and Scope

- A. The site plan review procedures and standards set forth herein provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the standards contained in this Ordinance, other applicable Village ordinances, standard engineering practices and county, state, and Federal rules, and laws. The procedures set forth herein are further intended to:
1. achieve efficient use of the land;
 2. protect the traditional character of the Village;
 3. minimize adverse impacts on adjoining or nearby properties;
 4. provide a mechanism for review of new development and redevelopment or reuse of existing site to ensure compliance with current standards; and,
 5. encourage cooperation and consultation between the Village and the applicant to facilitate development in accordance with the Village's land use objectives.
- B. Prior to the creation of a use, erection of a building, and those conditions cited below, a full site plan for Planning Commission review or a full site or plot site plan for administrative review shall be submitted for approval, in accordance with this Article. The extent of the reviews are described below.
1. Planning commission review (PCR). Select developments require a full site plan (FSP) under Section 8.02 of this Article, full site plan submittal and review procedures. The following buildings, structures, and uses require site plan review:
 - a. All proposed or permitted uses and related buildings, except single-family dwellings;
 - b. All proposed special uses and related buildings;
 - c. Any alteration, addition, or expansion of an existing permitted or conditional use and/or related building.
 - d. Any building or use for which site plan review is required by this Ordinance; and
 - e. Any parking lot or addition thereto.
 2. Administrative Plan Review: Select projects and expansions or changes in use to existing sites may be permitted to provide less detailed information than a full site plan. The level of information is intended to be proportionate to the extent of the change and yet insure adequate review for compliance with applicable requirements. Administrative plans shall undergo a

review and approval process by the Zoning Enforcement Officer, Village Manager (or designee), and any others deemed necessary. The Zoning Enforcement Officer or Village Manager (or designee) always reserves the right to send any administratively reviewed plans to the Planning Commission for final determination, especially when it relates to aesthetics and architecture. Administrative review of a site plan may be conducted for the following projects or under the following circumstances:

- a. Minor changes, as determined by the Zoning Administrator, during construction required by outside governmental agencies.
 - b. Increase in parking or loading area of up to twenty-five (25%) percent or six thousand (6,000) square feet of pavement area without any building changes.
 - c. Changes to the building height that do not add additional floor area nor exceed the maximum height requirements of the district.
 - d. An increase in floor area of up to twenty-five (25%) percent of the existing floor area, provided the site will not require any significant change to existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.
 - e. Accessory buildings associated with a non-residential use, provided the site will not require any significant changes to the existing site improvements such as parking, landscaping, lighting, signs, or sidewalks.
3. Plot site plan. Select projects, such as one-family and two-family dwellings on an individual lot, only require the submission of a plot plan (PP) given their relatively low level of impact on adjacent land uses and given that compliance with applicable zoning regulations can be addressed during the building permit review process. Other applicable approvals are still required such as zoning compliance permits, building permits and inspections.

Section 8.02 Full Site Plan Submittal and Review Procedures

When a full site plan is required for planning commission review, in accordance with Section 8.01, the following procedure shall apply unless otherwise noted in the table of required review processes.

- A. **Pre-Application Meeting:** For the purposes of identifying major issues related to a project and to discuss questions related to the Ordinance, the applicant shall attend a pre-application meeting with the Zoning Enforcement Officer, Village Manager (or designee) and any others deemed necessary. Sufficient information shall be submitted prior to the meeting that describes the proposed project. Discussion at this meeting is in no way a formal approval or decision on any aspect of a proposed project.
- B. **Application:** Any person with legal interest in a lot or parcel may apply for Planning Commission preliminary review of a full site plan by filing a completed application form, review fee and fifteen (15) copies of the required full site plan contents with the Village at least ten (10) days prior to the meeting at which the Planning Commission will consider the full site plan. Required site plan contents are listed in Section 8.03.

- C. Preliminary Approval: The Planning Commission and staff shall review the preliminary full site plan for compliance with the standards of this Ordinance and other appropriate ordinances and statutes. Based upon this review the Planning Commission shall either:
1. Approve the preliminary full site plan.
 2. Approve the preliminary full site plan with conditions which the Planning Commission determines are reasonable and necessary to ensure conformance with the applicable ordinances and statutes. These conditions shall be listed in the motion and noted on the preliminary full site plan, with the Planning Commission Chairpersons signature.
 3. Postpone the preliminary full site plan based upon a determination that the preliminary full site plan does not meet the standards, spirit and intent of this zoning ordinance and other appropriate ordinances and statutes. The Planning Commission shall direct the applicant to make modifications and resubmit the preliminary full site plan. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes with a certification, by the applicant's design professional that no other changes have been made.
 4. Deny the preliminary full site plan upon determining that the preliminary full site plan does not meet the standards, spirit and intent of this zoning ordinance and other appropriate ordinances and statutes.
- D. Implementation: The adopted minutes of the Planning Commission shall serve as the official record of the Planning Commission's decision on a preliminary full site plan, including any conditions of approval. The applicant shall be responsible for obtaining a copy of the adopted minutes, and submittal of revised plans and documents that demonstrate compliance with any conditions. Any question on the decision may be made in writing to the Planning Commission prior to adoption of the minutes.
- E. Administrative Final Approval: Upon receipt of a preliminary full site plan approval, the applicant shall have one (1) year from the date of preliminary full site plan approval to submit a final full site plan to the Village. However, the Zoning Enforcement Officer and Village Manager (or designee) may grant the applicant one (1), one (1) year extension provided the request is received in writing prior to the expiration date and presents reasonable evidence to the effect that the development has encountered unforeseen non-self-created difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or the one (1) year extension has expired without construction activity underway, the preliminary site plan shall be considered null and void.
- F. The Zoning Enforcement Officer or Village Manager (or designee) shall review the final full site plan for compliance with the standards of this Ordinance, other appropriate ordinances, and statutes, if applicable, all conditions issued by the Planning Commission listed in the adopted meeting minutes, and the Village's engineering standards. Based upon this review the Zoning Enforcement Officer and Village Manager (or designee) shall either:
- G. Approve the final full site plan upon determining that the plans meet the standards of the Zoning Ordinance and other appropriate Ordinance and statutes or the Village's engineering standards.
- H. Refer the plans back to the applicant for revision because they do not meet the standards, this zoning ordinance, other appropriate ordinances and statutes, or the Village's engineering standards. The

applicant shall be required to prepare revised plans accompanied by a complete list of all changes with a certification, by the applicant's design professional, that no other changes have been made.

- I. Deny the final full site plan upon determining that the plans do not meet the standards, of this zoning ordinance, other appropriate ordinances and statutes, or the Village's engineering standards.
- J. Prior to the final full site plan taking effect, an electronic copy of the site plan CADD file shall be provided to the Village.
- K. A zoning compliance permit shall also be required following final full site plan approval.
- L. Prior to the issuance of a Certificate of Occupancy as per Section 3.04, site as-built information shall be provided to the Village as specified by the Village Engineer (or designee).
- M. Changes to the Approved Final Site Plan: The holder of an approved site plan shall notify the Zoning Enforcement Officer or Village Manager (or designee) of any proposed change to an approved final site plan. Documentation outlying conditions necessitating the changes shall be provided. Changes to the approved site plan shall be permitted only under the following circumstances:
 - 1. Minor Amendments: Minor changes may be approved by the Zoning Enforcement Officer or Village Manager (or designee) upon determining that the proposed revisions(s) will not alter the basic design, nor any specific conditions imposed as part of the original approval. Minor changes shall include the following:
 - A. Change in the building size, up to twenty- five (25%) percent in total floor area in the event of no impact to other approved site improvements.
 - B. Movement of buildings or other structures by not more than ten (10) feet, provide all Ordinances are met.
 - C. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - D. Changes in building materials to a comparable or higher quality.
 - E. Changes in floor plans which do not alter the character of the use.
 - F. Changes required by outside agencies such as the County, State or Federal departments.
 - 2. Major Amendments: A proposed change not determined by the Zoning Enforcement Officer or Village Manager (or designee) to be minor shall be submitted to the Planning Commission as a final site plan amendment and shall be reviewed in the same manner as the original application.

Section 8.03 Required Full Site Plan and Plot Site Plan Contents

The following data shall be included with, and as part of, all applications requiring site plan or plot site plan review:

| Table 8.03 Required Full Site Plan and Plot Site Plan Data | | |
|--|-----------------------|----------------|
| APPLICATION FORM: The application form shall contain the following information: | Plot Site Plan | Full Site Plan |
| name and address of the applicant and property owner; | X | X |
| address and common description of property and complete legal description; | X | X |
| dimensions of land and total acreage; | X | X |
| zoning on the site and all adjacent properties; | X | X |
| description of proposed project or use, type of building or structures, and name of proposed development, if applicable; | X | X |
| name and address of firm or individual who prepared site plan; and | X | X |
| proof of property ownership. | X | X |
| SITE PLAN DESCRIPTION AND IDENTIFICATION DATA | Plot Site Plan | Full Site Plan |
| Site plans (not to exceed 24 inch x 36 inch) shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than one (1) inch = twenty (20) feet for property less than three (3) acres, or one (1) inch = fifty (50) feet for property three (3) acres or more in size up to forty-nine (49) acres; for fifty (50) acres or more a scale of not less than one (1) inch = one hundred (100) feet; | X (1) | X |
| title block with sheet number/title; name, address, and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions; | | X |
| scale and north-point; | X (1) | X |
| location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning, and streets within a quarter mile; | | X |
| legal and common description of property; | | X |
| identification and seal of architect, engineer, or l and surveyor who prepared drawings; | | X |
| zoning classification of petitioner's parcel and all abutting parcels; | X | X |
| proximity to section corner and major thoroughfares; and | | X |
| net acreage (minus rights-of-way) and total acreage. | X | X |
| SITE DATA | Plot Site Plan | Full Site Plan |
| existing and proposed lot lines, building lines, structures, parking areas and other improvements on the site and within one hundred (100) feet of the site; | X on- site only | X |
| topography on the site and within one hundred (100) feet of the site at two (2) foot contour intervals, referenced to a U.S.G.S. benchmark; | - | X (2) |
| location of existing drainage courses, streams, and wetlands; | X | X |
| all existing and proposed easements; | X | X |

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|--|-----------------------|-----------------------|
| location of exterior lighting (site and building lighting); | X | X |
| location of trash receptacle(s) and transformer pad(s) and method of screening; | X | X |
| recent aerial of the site and surrounding area; and | - | X |
| extent of any outdoor sales or display area. | - | X |
| ACCESS AND CIRCULATION | Plot Site Plan | Full Site Plan |
| dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access agreements/easements; | X | X |
| opposing driveways and intersections within two hundred-fifty (250) feet of site; | X | X |
| cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness; | - | X |
| dimensions of acceleration, deceleration, and passing lanes; | - | X |
| dimensions of parking spaces, islands, circulation aisles and loading zones; | X | X |
| calculations for required number of parking and loading spaces; | X (3) | X (3) |
| designation of fire lanes; | - | X |
| traffic regulatory signs and pavement markings; | - | X |
| location of existing and proposed sidewalks/non-motorized pathways within the site or right-of-way; | X (4) | X |
| location, height, and outside dimensions of all storage areas and facilities. | X | X |
| LANDSCAPE PLANS | Plot Site Plan | Full Site Plan |
| general location of existing trees; | X | X |
| location, sizes, and types of existing trees six (6) inches or greater in diameter, with an identification of materials to be removed and materials to be preserved; | - | X |
| description of methods to preserve existing landscaping; | - | X |
| the location of existing and proposed lawns and landscaped areas; | X | X |
| landscape plan, including location and type of proposed shrubs, trees, and other plant material; | - | X |
| landscape irrigation plan; | - | X |
| planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity. | X | X |
| CONCEPTUAL DETAILS OF BUILDING AND STRUCTURE DETAILS | Plot Site Plan | Full Site Plan |
| location, height, and outside dimensions of all proposed buildings or structures; | X (4) | X |
| building floor plans and total floor area; | X (3) | X (3) |
| details on accessory structures and any screening; | X (4) | X |
| location, size, height, and material of construction for all obscuring wall(s) or berm(s) with cross-sections, where required; | - | X (4) |
| building facade elevations for all sides, drawn at an appropriate scale; | X (5) | X (5) |

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|--|-----------------------|-----------------------|
| description of exterior building materials and colors (details to be provided during the final site plan review process); | X (5) | X (5) |
| Location and material of construction for swimming pools; | X (4) | X (4) |
| Location, size, height, and material of construction for general fencing (see Sec. 11.12.D); and | X (4) | X (4) |
| information related to hazardous materials including containment, storage, use, location, and any level of involvement | X | X |
| CONCEPTUAL DETAILS CONCERNING UTILITIES, DRAINAGE AND RELATED ISSUES | Plot Site Plan | Full Site Plan |
| location of existing sanitary sewers or septic systems and preliminary location of proposed systems; | X (4) | X |
| location and size of existing water mains, well sites, water service, storm sewers loads, and fire hydrants and conceptual information for proposed water service; | X (4) | X |
| preliminary site grading, finished building grades, drainage patterns; | X | X |
| general location and size of stormwater retention and detention ponds; | X (4) | X |
| general location of underground storm sewers and drains; | X (4) | X |
| general location of above and below ground gas, electric and telephone lines; | X (4) | X |
| general location of transformers and utility boxes; | X (4) | X |
| size, height, and method of shielding for all site and building lighting (see Article 15) and | X (4)(6) | X (6) |
| location, size, height, and lighting of all proposed site and wall signs (see Article 18). | X (4)(6) | X (6) |
| ADDITIONAL INFORMATION FOR MULTI-FAMILY RESIDENTIAL | Plot Site Plan | Full Site Plan |
| the number and location of each type of residential unit (one-bedroom units, two-bedroom units); | X | X |
| density calculations by type of residential unit (dwelling units per acre); | X | X |
| garage and/or carport locations and details, if proposed; | X | X |
| mailbox clusters; | - | X |
| location, dimensions, floor plans and elevations of common building(s); | X (4) | X |
| swimming pool fencing detail, including height and type of fence, (see Sec. 11.12.C.3); | X (4) | X |
| location and size of recreation and open space areas; | - | X |
| indication of type of recreation facilities proposed for recreation areas. | - | X |

- (1) A plot plan may be drawn on the grid sheet contained in the application.
- (2) Only if required by the Zoning Enforcement Officer or Village Manager (or designee).
- (3) If needed to determine parking and loading requirements (see Article 16 – Off-Street Parking, Loading, and Access Design Standards).

- (4) If applicable.
- (5) If building design standards apply.
- (6) Requires a photometric study, to the satisfaction of the Zoning Enforcement Officer or Village Manager (or designee).

Section 8.04 Site Plan Review Criteria

In the process of reviewing a site plan, the Planning Commission, Zoning Enforcement Officer, or Village Manager (or designee) shall consider the following criteria and assure that these conditions are met to the extent practicable.

- A. **Adequacy of Information:** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses(s) and structures.
- B. **Site Design Characteristics:** All elements of site design 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 shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The site shall be designed to conform to all provisions of the Zoning Ordinance. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of the Zoning Ordinance which are relative to and proportionate to the extent of redevelopment, as determined by the Planning Commission, Zoning Enforcement Officer, or Village Manager (or designee).
- C. **Traditional Village Character/Historic Preservation:** The Village of Dundee is a small traditional community with many historic characteristics and features. All site plans within the Village must demonstrate that they are either emulating this character in new construction, preserving existing characteristics on the site, or carefully integrating both new and historic elements in a compatible manner.
- D. **Buildings:** Buildings and structures will meet or exceed setback standards, height, and other dimensional standards, and be consistent with applicable building design standards.
- E. **Emergency Vehicle Access:** All buildings or groups of buildings shall be arranged to permit emergency vehicle access by some practicable means to all vehicles. Emergency vehicle access and maneuvering design shall be approved by a representative of the Village Engineering Department.
- F. **Ingress and Egress:** Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets, private roads, and walkways.
- G. **Pedestrian and Vehicular Orientation:** The site plan shall provide a system for pedestrian circulation that allows pedestrians to safely access the site, circulate within the site, and access adjacent sites and development areas such as neighborhoods. The arrangement of vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or non-motorized pathways in the Village. The width of streets and drives shall be appropriate for the volume of traffic they will carry.
- H. **Drainage:** Stormwater management system and facilities shall preserve the natural drainage

characteristics and enhance the aesthetics of the site to the maximum extent possible. Measures must be taken to ensure stormwater management techniques follow safe practices to treat drainage before it enters the system.

- I. Soil Erosion: The proposed development shall include measures to prevent soil erosion and sedimentation.
- J. Exterior Lighting: Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets, adversely impact abutting properties or adversely impact the natural evening sky.
- K. Preservation of Natural Areas: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography, viewsheds, historical markers and environmental areas shall be incorporated into the proposed site design.
- L. Public Services: The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the Village or other public agency including, but not limited to, fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control and administrative services. All new utilities shall be installed underground.
- M. Traffic Impact: The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads and the circulation thereon. Driveways shall be located to minimize conflict with traffic operations on the adjoining road. The number of driveways shall be the minimum needed to provide reasonable access to the site. When deemed necessary by the Planning Commission, Zoning Enforcement Officer, or Village Manager (or designee) or Village Engineering Department, a traffic impact study shall be required.
- N. Compliance with all Ordinances and Laws. A site plan shall be in compliance with the Zoning Ordinance and all applicable Village, County, and State requirements. Evidence of receiving applicable permits shall be provided to the issuance of any construction permit.
- O. Master Plan: Sites shall be designed to be compatible with and in accordance with the goals and objectives of the Village of Dundee Master Plan. More specifically, sites located within the designated subareas (the US-23/M-50 Interchange, Tecumseh Street Mixed-Use Area, Downtown and Neighborhoods) must reflect the specific design guidelines and recommendation strategies of these plan sections.

Section 8.05 Administrative Submittal and Review Procedures

Those applications that qualify for Administrative Site Plan approval in accordance with Section 8.01 shall comply with the following procedure.

- A. Application: Any person with legal interest in a lot or parcel that qualifies for administrative review under the criteria set forth in Section 8.01 may apply by filing a completed application form, review fee and three (3) copies of the required administrative plan contents with the Village Zoning

Enforcement Officer or Village Manager (or designee). Required plan contents are listed in Section 8.03.

- B. Approval: Upon review of the application, the Zoning Enforcement Officer or Village Manager (or designee) shall either:
1. Request specific revisions and re-submittal of the application upon a finding the application does not meet information requirements or does not meet the intent and regulations of the zoning ordinance;
 2. Approve the administrative plan, with or without conditions;
 3. Upon determining that the administrative plan does not meet the standards, spirit and intent of this zoning ordinance and other appropriate ordinances and statutes, the Zoning Enforcement Officer or Village Manager (or designee) shall deny the administrative plan.
- C. Effectiveness: Upon administrative plan approval, each project shall be under construction within one (1) year after the date of final approval by the Zoning Enforcement Officer or Village Manager (or designee) and be diligently carried on towards completion. If the applicant does not fulfill this provision, the Zoning Enforcement Officer or Village Manager (or designee) may grant one (1) year extension provided the applicant makes application in writing prior to the expiration date and presents reasonable evidence to the effect that the development has encountered non-self-created unforeseen difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or the one (1) year extension has expired without construction activity underway, the administrative plan shall be considered null and void.
- D. Changes to the Approved Administrative Plan: The holder of an approved administrative plan shall notify the Zoning Enforcement Officer or Village Manager (or designee) of any proposed change to an approved administrative plan. Documentation outlying conditions necessitating the changes shall be provided. The Zoning Enforcement Officer or Village Manager (or designee) shall review and approve any changes.

Section 8.06 Condominium and Site Condominium Development Review Procedures and Standards

The intent of this Section is to provide regulatory standards for condominiums and site condominiums similar to those required for projects developed under other forms of ownership within a zoning district. This article is not intended to prohibit or treat a proposed or existing condominium project differently than a project or development under another form of ownership. All plans for all newly created condominium, expansions of existing condominiums and conversion of condominiums in accordance with the Condominium Act, Public Act 59 of 1978, as amended, shall be reviewed under the following procedure:

- A. Preliminary Approval: A full site plan meeting the information requirements of Section 8.03 and review criteria of Section 8.04, shall be submitted for preliminary condominium site plan approval by the Planning Commission. The Planning Commission shall review the site plan following the procedures of this Article and shall take action to approve, approve with conditions or deny. If a condominium site plan is incomplete, the Planning Commission may postpone action on the request and direct the applicant to prepare additional information or revise the plan. Within a phased project, the final plan shall constitute only that portion of the approved preliminary plan that the proprietor proposes to record

and develop at that time.

An application for final condominium site plan must be submitted within one (1) year after the date of preliminary condominium site plan approval by the Planning Commission, or such preliminary approval shall be deemed null and void. However, the applicant may be granted one (1) one (1) year extension by the Planning Commission provided the request is received in writing prior to the expiration date and presents reasonable evidence to the effect that the development has encountered unforeseen non-self-created difficulties but is then ready to proceed. Should neither of the provisions be fulfilled, or, the one (1) year extension has expired without construction activity underway, the preliminary condominium site plan shall be considered null and void.

No installation or construction of any improvements or land balancing or grading shall be made or begun until the final condominium site plan has been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.

- B. Agency Reviews: Upon receipt of preliminary site plan approval, the proprietor shall submit the preliminary condominium site plan to all authorities for necessary permits, as required by Village and state regulations, and shall deliver two (2) copies of the preliminary condominium site plan to the Superintendent of the school.
- C. Administrative Final Approval: The Zoning Enforcement Officer and Village Manager (or designee), shall review and approve the final site plan if in compliance with all applicable ordinances and regulations. The following information shall be submitted for final condominium site plan approval by the Planning Commission.
 - 1. A full site plan meeting the requirements of this Article.
 - 2. Necessary County permits.
 - 3. Condominium master deed, bylaws, and restrictive covenants.
- D. Design Standards. The design of a one-family detached condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this Ordinance. Streets shall conform to the design layout standards of this Article and applicable sections of this Ordinance.
 - 1. Area, Height and Bulk Requirements. The areas and setbacks required for condominium buildings, and lots shall be based on the density provisions contained in Article 5 of this Ordinance, Residential Districts.
 - 2. Location and Arrangement of Streets. The street layout shall provide for the continuation of collector streets in adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit adopted by the Planning Commission.

- a. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
- b. Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- c. Should a proposed condominium development border on or contain a railroad, expressway, or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
- d. Should a proposed condominium development border upon or contain an existing or proposed river, canal, channel, or drainage-way, the Planning Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.
- e. Maximum length for residential cul-de-sac streets shall be six hundred (600) feet, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
- f. For large scale residential projects that would potentially have average daily traffic volumes of over two thousand (2,000) trips during an average day or two hundred (200) trips during a peak hour, major entrances should be limited to the half (0.5) mile or quarter (1/4) mile points along major thoroughfares where there is potential for traffic signalization in the future. Deviations from this standard shall be permitted if needed to provide adequate sight distance or if a modification is supported by a traffic impact study provided by the proprietor.
- g. Spacing of intersections along Major Arterials and Collectors (as established by the Master Plan). Streets intersecting along major thoroughfares shall be spaced at least three hundred (300) feet from the intersection of another platted street on the same side of the street and spaced at least six hundred-sixty (660) feet where possible. In addition, streets crossing major thoroughfares shall cross in direct alignment. Where direct alignment is not possible, streets on opposite sides of a major thoroughfare shall be off-set no less than two hundred-fifty (250) feet to each other, unless the Planning Commission and Village Board of Trustees determine that a lesser offset is justified because of numerous existing streets or the difficulty of providing adequate site distance with a different alignment.
- h. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

- i. Streets shall be aligned to maximize the preservation of natural features and existing grades to the extent feasible. Streets should follow natural topography to minimize grading.
 - j. The proposed neighborhood shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major arterials and collector streets, and such part shall be dedicated Village right-of-way in the location and the width indicated on such plan.
 - k. Streets shall be designed to facilitate slow vehicle speeds and minimized cut-through traffic. Traffic calming techniques are encouraged in accordance with the objectives of the Village Master Plan.
3. Right-of-Way Widths. Refer to Village street design standards for road and right-of-way design requirements.
 4. Easements. The location of utility easement shall be provided in accordance with the standards of the applicable utility provider.
 5. Lot Design and Arrangement.
 - a. General Standards:
 - (1) Through lots are prohibited, except in the case of a reverse frontage lot that abuts a major thoroughfare where access to such major thoroughfare is prohibited.
 - (2) Corner lots in residential subdivisions shall be at least fifteen (15) feet wider than the minimum width permitted by the Zoning Ordinance and shall access the lesser traveled street where possible.
 - (3) Lots that abut an active rail line shall have minimum depth of two hundred-fifty (250) feet to provide a minimum seventy-five (75) foot setback from the railroad right-of-way line.
 - (4) The maximum length of blocks shall not exceed twelve hundred (1,200) feet. The Planning Commission may permit blocks of greater length based on topographic or other physical condition.
 - b. Lots Shape and Unit Orientation.
 - (1) A depth-to-width ratio of three (3) to one (1) shall not be exceeded. The Village may approve a greater ratio if the building site is limited due to natural features such as floodplain, wetlands, and submerged land.
 - (2) Every condominium unit shall front or abut on a street with direct access.

- (3) Side lot lines shall generally be at right angles or radial to the street centerlines. This requirement shall not apply where such lot lines would create irregularly shaped lots which would unreasonably limit construction, or where adjustments to the standard lot configuration would protect regulated wetlands or preserve other natural features, such as topography.
 - (4) Lot line configuration should avoid irregular shapes such as ‘dog leg lots’ that have irregular side lot lines and ‘triangular lots’ that have a very small or no rear lot line.
 - (5) Condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units, or with side condominium unit lines parallel to the major traffic streets.
 - (6) Condominium units shall have a front-to-front relationship across all streets where possible.
 - (7) Where condominium unit’s border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.
 - (8) Lots intended for purposes other than residential use shall be specifically designed for such purposes and shall have adequate provision for off-street parking and loading, setbacks, and other requirements in accordance with the Zoning Ordinance.
6. Open Space Design. In accordance with the Schedule of Regulations for all residential districts, open space is required. The design of this feature must comply with the following design standards:
- a. Common upland open space areas shall be provided ample road frontage for high visibility and easy access. Such open space shall be centrally located within the subdivision.
 - b. Projects that front on major roadways which possess a natural, or rural, character, shall provide a wider greenbelt to preserve the existing character along the roadway.
 - c. Where significant natural features are being preserved such as wetlands and creeks, every attempt shall be made to preserve views to the area. In particular, the terminus of key roadway intersections and entrances should be utilized as a viewshed and focal point for the open space.
 - d. Small pockets of useable parkland are also appropriate provided there is a feature that connects the areas creating one cohesive open space system.

- e. Connections to nearby community facilities and other open space areas should be considered in the design.
 - f. Where open space access points are provided between lots, they should be a minimum of twenty (20) feet wide and be clearly identified and delineated with physical elements such as fencing, pathways and signs.
7. **Natural Features.** The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all-natural features such as large, trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required. Refer to Article 19 for Environmental Protection Standards.
8. **Pedestrian Circulation.** Walkways shall be installed in all condominium development projects. Refer to Section 16.04 for design and construction requirements.
9. **Landscaping.** Landscaping is required in all condominium development projects in accordance with Article 14.
10. **Street Lighting.** Streetlights shall be provided along both sides of all streets and at all street intersections. They shall be spaced every four hundred (400) feet in between each intersection, or as otherwise determined by the Village Board of Trustees. Streetlights shall not exceed twenty (20) feet in height.
11. **Utilities.**
- a. All lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements dedicated to the utility provider or within dedicated public ways. Overhead lines may be permitted, upon written recommendation of the Village Engineer and the approval of the Planning Commission at the time of site plan approval, where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.
 - b. Sanitary sewer including all appurtenances shall be required for all condominium developments in accordance with Village Standards.
 - c. Public water supply including all appurtenances shall be required for all developments in accordance with Village Standards.

- d. A storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances shall be required for all developments in accordance with Village Standards.
- e. Adequate provisions shall be made for proper drainage of stormwater run-off from residential rear yards in accordance with Village Standards.

ARTICLE 9

SPECIAL LAND USES

Section 9.01 Statement of Purpose

This Article provides a set of procedures and standards for special uses of land or structures, which, because of their unique characteristics, require special consideration in relation to their compatibility with adjacent properties and the community as a whole.

The regulations and standards, herein, are designed to allow the Planning Commission to determine the appropriateness of a given special land use while considering factors that ensure the protection of the health, safety, convenience, and general welfare of surrounding properties and the community as a whole.

Section 9.02 Special Land Use Review and Approval Procedures

The application for a special land use shall be submitted and processed under the following procedures:

- A. Required Information: An application for a special land use permit shall include all of the following document and information:
 - 1. A special land use application form supplied by the Zoning Enforcement Officer, which has been completed in full by the applicant.
 - 2. A conceptual site plan with adequate information to depict the site operations intended for the proposed use. If deemed insufficient, the Planning Commission may request additional information, up to and including a full site plan as per Article 8.
 - 3. A statement with regard to compliance with the criteria required for approval in Section 9.03, Standards for Special Land Use Approval and the Special Land Use Specific Requirements listed in the district Articles.
- B. Public Hearing: Upon receipt of an application for a special land use, the Planning Commission shall schedule a public hearing for the purpose of receiving comments relative to the special land use application. Notice of the public hearing shall be in accordance with the requirements of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*
- C. Review and Approval: The Planning Commission shall review the application for a special land use, comments received at the public hearing, the conceptual site plan and other materials submitted in relation to the application, and make a determination on the special land use application in accordance with the criteria for approval stated in Section 9.03, Standards for Special Land Use approval and the specific requirements listed in each of the district Articles, and such standards contained in this Ordinance which relate to the special land use under consideration. The Commission shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision. Upon the approval or approval with conditions by the Planning Commission, if applicable, the applicant may apply for site plan consideration, or not applicable, shall apply for a building permit.

- D. Conditions of Approval: All special land use applications approved by the Planning Commission are subject to the following conditions:
1. Prior to granting any special land use approval, the Planning Commission may impose any additional conditions or limitations as may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of Section 9.03 and the applicable specific regulations are met.
 2. The approval of a special land use, including conditions are made as part of the approval, runs with the property described as part of the application and not to the owner of such property.
 3. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use approval is approved.
- E. Effectiveness: Upon special land use approval, a development may be considered for site plan, administrative and/or condominium approval. However, if the review process is not commenced within one (1) year after the date of special land use approval, the application shall be considered null and void. If the applicant is unable to fulfill this provision, the Planning Commission may grant one (1) one (1) year extension provided the applicant makes application in writing prior to the expiration date and presents reasonable evidence to the effect that the development has encountered unforeseen non-self-created difficulties but is then ready to proceed. Should neither of the aforementioned provisions be fulfilled or the one (1) year extension has expired without construction activity underway, the special land use shall be considered null and void.
- F. Resubmission: No petition for Special Land Use approval which has been disapproved shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which address the reasons for the initial disapproval.
- G. Revocation of Special Land Use Approval: The Planning Commission shall have the authority to revoke any Special Land Use approval after the applicant has failed to comply with any of the applicable requirements of this Article, other applicable sections of this Ordinance, or conditions of the special land use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification process for the original approval.
- H. Amendments, Expansions, or Change in Use: The following provisions apply when there is an amendment to an approved special land use application, when there is a proposed expansion to an existing special land use and when there is a proposed change from one (1) special land use to another.
1. Amendments: Any person or agency who has been granted special land use approval shall notify the Zoning Enforcement Officer of any impending proposed amendment to the approved plan. The Zoning Enforcement Office shall make a determination whether a proposed amendment requires new Special Land Use approval.
 2. Expansions: An expansion of any use requiring a special land use approval that results in an increase of ten (10%) percent or greater of the building, parking, paved areas, or site area used for the special land use beyond the approved area, shall require re-submittal in the manner described in this Article. A separate special land use approval shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use, which has not previously received special land use approval.

3. Change in Use: The landowner or occupant shall be responsible for informing the Zoning Enforcement Officer of any significant change in an approved use, operations, or activities prior to such change. In this case, 'significant' refers to any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operations, noise, additional outdoor storage, or display. The Zoning Enforcement Officer shall determine if a new special land use permit is required.

Section 9.03 Special Land Use Standards

Before formulating recommendations for a special land use application, the Planning Commission shall require that the following general standards be satisfied. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards.

- A. Compatibility with the Master Plan: The proposed special land use shall be compatible with and in accordance with the general goals and objectives of the Village of Dundee Master Plan, the Future Land Use Plan, and any associated sub-area and corridor plans.
- B. Compatibility with Adjacent Uses: The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area. In determining whether a special land use will be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected value to the Village.
- C. Impact of Traffic on the Street System: The location and design of the proposed special land use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e., volumes), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion.
- D. Impact on Public Services: The proposed special land use shall be located where it can be adequately served by essential public facilities and services, such as highways, streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities and schools. Such services shall be provided and accommodated without excessive additional requirements at a public cost.
- E. Compliance with Zoning Ordinance Standards: The proposed special land use shall be designed, constructed, operated, and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards.
- F. Impact on the Overall Environment: The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses.
- G. Compliance with Applicable Ordinance: The application shall comply with all applicable ordinances, requirements and standards of the Village, County and State.

- H. Additional Provisions: The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the granting of the special land use.

- I. Special Land Use Specific Requirements: The general standards and requirements of this Section are basic to all uses authorized by special land use. The specific and detailed requirements set forth in each of the district Articles relating to particular uses and area requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

ARTICLE 10

PLANNED UNIT DEVELOPMENT

Section 10.01 Statement of Purpose

The Planned Unit Development (PUD) development option is intended to permit development of areas throughout the Village that shall be substantially in accordance with the goals and objectives of the Village of Dundee Master Plan. It is the intent of this Article to offer an alternative to conventional development through the use of the Planned Unit Development, as authorized by the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et. seq.*, as amended, for the purpose of:

- A. Encouraging the use of land in accordance with its character and adaptability;
- B. Allowing innovation and greater flexibility in design;
- C. Assuring the permanent preservation of natural, social, cultural, and historic resources;
- D. Providing open space and recreational facilities for all residents of the development;
- E. Providing complete non-motorized circulation to, from, and within the development;
- F. Providing convenient vehicular access throughout the development and minimizing adverse traffic impacts;
- G. Utilizing clustered development as a means to more efficiently and cost effectively provide and maintain streets, utilities, and public services; and
- H. Ensuring various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

Section 10.02 Eligibility Criteria

A PUD may be applied for in any zoning district, provided the proposal satisfies the following criteria:

- A. Recognizable Benefits. A PUD shall result in a recognizable and substantial benefit, both to the ultimate users of the project and adds to the overall quality of life in the Village. The benefits can be provided through, but is not limited to, the following:
 - 1. Site design elements in excess of the requirements of this Ordinance, such as high-quality architectural design,
 - 2. traditional neighborhood design that is in keeping with the character of the Village,
 - 3. extensive landscaping,
 - 4. unique site design features,
 - 5. preservation of woodlands and open space,

6. buffering development from streams, wetlands, or the River Raisin,
 7. aesthetic improvements, and
 8. provision of buffers between incompatible uses.
- B. Qualification Requirements. The proposed development shall provide at least one (1) of the following open space benefits:
1. Preserving Significant Natural Assets. The site contains significant natural assets such as woodlands, significant views, natural drainage ways, wetlands, and River Raisin frontage, which would be in the best interest of the Village to preserve, and which might be negatively impacted by a conventional development.
 2. Recreation Facilities. If the site lacks natural features, it can qualify as a PUD if the development will preserve existing, or provide new, recreation facilities and open spaces to which will be reasonable access by the ultimate uses of the development. Such facilities include areas such as a neighborhood parks, plazas, passive recreational facilities, soccer fields, ball fields, pathways, or similar facilities, but exclude golf courses.
- C. Cohesive Development. The proposed development shall be designed to create a cohesive development pattern through a network of interconnected spaces such as parks and common open space areas for passive or active recreation and tenant/resident interaction.
- D. Unified Control. The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- E. Public Utilities. The development shall be adequately served by public water and sanitary sewer, or the applicant shall provide a means to extend these services to the site.
- F. Master Plan. The proposed development shall be consistent with, and further the implementation of, the Village Master Plan.

Section 10.03 Permitted Uses

- A. Single-Family Residential. Detached and attached single-family residential uses shall be permitted where the property is planned, and/or currently zoned, for single-family residential use (see future land use plan in Master Plan).
- B. Multiple-Family Residential. Multiple-family residential shall be permitted in any PUD as follows:
1. where the property is planned, and/or currently zoned, for multiple-family residential use (see future land use plan in Master Plan), multiple-family dwelling units shall be permitted meeting the density and design standards of this Ordinance; or
 2. where the property is planned, and/or zoned, for single-family residential use, up to forty (40%) percent of the dwelling units may be multiple-family housing.

- C. Non-residential. Non-residential uses shall be permitted in a PUD as follows:
1. where the property is planned, and/or currently zoned, for non-residential use, all commercial business, services, and professional offices listed as a principal permitted use in the existing zoning designation shall be permitted; or
 2. where the existing zoning is residential, a PUD with a gross area of twenty (20) acres or more may incorporate a commercial land use component, provided that all of the following are met:
 - a. the commercial component shall be located on sufficient land area to accommodate all requisite structures, parking, and landscape buffering; the total area occupied by the commercial land uses may not exceed ten (10%) percent of the gross area of the PUD or six (6) acres, whichever is less;
 - b. all commercial uses shall be compatible with the residential uses; the allowable commercial uses within such an area shall be limited to those permitted in the B- 1, Central Business District.
 - c. the Planning Commission finds that the architectural design of the structures is compatible with the balance of the PUD and/or surrounding developments,
 - d. all commercial structures are connected to a pedestrian access system servicing the PUD; and
 - e. the Planning Commission finds that the overall site layout and the vehicular circulation pattern will not have a detrimental effect on the residential uses and associated streets.

Section 10.04 Dwelling Density

- A. Density Determination by Parallel Plan: The number of dwelling units allowable within a PUD shall be determined through preparation of a “parallel plan.” The applicant shall prepare, and present to the Village for review, a parallel plan for the project that is consistent with State, County, and Village requirements. The parallel plan shall meet all standards for lot size, lot width and setbacks as normally required by the existing zoning district, public roadway improvements and contain an area that conceptually would provide sufficient area for storm water detention.
- B. Density Determination: The Village shall review the design and determine the number of lots that could be feasibly constructed with the existing zoning following the parallel plan. This number, as determined by the Village, shall be the number of dwelling units allowable for the PUD. The regulatory flexibility of a PUD may allow smaller lots or a mix of housing types, provided the overall density shall not exceed that determined in the parallel plan, unless a density bonus is provided under Section 10.04.D, Density Bonus.
- C. Open Space: A minimum of twenty (20%) percent of the site shall be set aside as common open space meeting the requirements of Section 10.06.

- D. **Density Bonus:** A density bonus of not more than twenty (20%) percent of the dwelling units allowed in the parallel plan may be allowed by the Village where at least thirty (30%) percent of the site area is dedicated common open space. At least fifty (50%) percent of the required open space (i.e., fifteen (15%) percent of the total site) shall be developed with active recreational areas such as a park, common green, recreational facility, community building, or similar facility that provides a gathering place and/or a focal point for the development. The remaining common open space areas may be nature preserves, passive recreational areas, landscape buffers, or ponds.

The proposed density shall not result in an unreasonable increase in the need for or impact on public services, facilities, roads, and utilities in relation to the density otherwise permitted by the parallel plan and shall not place an unreasonable impact on the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Village may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic, or socio-economic impact resulting from the additional density. An unreasonable impact shall be considered an un-mitigatable, significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.

Section 10.05 Area and Bulk Regulations

- A. **Lot sizes:** Lot areas and width may be reduced below the minimum requirement of the underlying zoning district, provided the lot size reduction is used to provide the required common open space.
- B. **Regulatory Flexibility:** The setback requirements of the underlying zoning district shall be used as guidelines for the PUD plan. To encourage flexibility and creativity consistent with the intent of the PUD regulations, the Village may permit specific departures from the requirements of the Zoning Ordinance. A table shall be provided on the site plan that lists all deviations and regulatory modifications. Deviations shall only be approved through a finding by the Village that the deviation will result in a higher quality of development than would be possible using conventional zoning standards. Only those deviations consistent with the intent of this Ordinance shall be considered.

Section 10.06 Open Space Requirements

- A. **Common Open Space:** All land within a development that is not devoted to a residential unit, commercial use, accessory uses/structures, or road right-of-way/infrastructure shall be set aside as common land for neighborhood/tenant use, recreation, or conservation.
- B. **Amount of Open Space:** A PUD shall maintain a minimum of twenty (20%) percent of the gross area of the site as dedicated open space held in common ownership. Additional open space may be required by Article 10.03.D, Density Bonus.
- C. **Areas Not Considered Open Space.** The following land areas are not included as dedicated open space for the purposes of meeting the requirements of Section 10.06.B:
1. Area proposed as single-family residential lots or site condominiums;
 2. Areas proposed to be occupied by multiple-family dwellings;
 3. Areas proposed for commercial use;

4. Area of any road right-of-way or private road easement;
5. Submerged land area of an existing pond, river, or stream (including up to fifty (50%) percent of all MDEQ regulated wetlands); and
6. Stormwater detention basin, however, a stormwater retention basin designed to appear and function similar to a natural wetland or pond and when at least fifty (50%) percent of the minimum required open space is in the form of usable recreation area or upland nature preserves.

D. **Open Space Location:** Common open space shall be planned in locations visible and accessible to all in the PUD. The common open space may either be centrally located, along the road frontage of the development, located to preserve woodlands and other natural features, or located to connect open spaces throughout the development. A minimum one hundred (100) foot wide undisturbed open space setback shall be maintained from the edge of any stream, river, or wetland. However, the Village may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback. Where adjacent land includes open space, public land, or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between developments/neighborhoods.

E. **Open Space Protection:** The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement or other instrument acceptable to the Village. The conservation easement or other instrument shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The conservation easement or other instrument shall provide the following:

1. Allowable use(s) of the dedicated open space shall be indicated. The Village may require the inclusion of open space restrictions that prohibit the following:
 - A. Dumping or storing of any material or refuse;
 - B. Activity that may cause risk of soil erosion or threaten any living plant material;
 - C. Cutting or removal of live plant material except for removal of dying or diseased vegetation;
 - D. Use of motorized off road vehicles;
 - E. Cutting, filling or removal of vegetation from wetland areas; and
 - F. Use of pesticides, herbicides, or fertilizers within or adjacent to wetlands.
2. Require that the dedicated open space shall be maintained by parties who have an ownership interest in the open space. Standards for scheduled maintenance of the open space shall be provided. The conservation easement or other instrument shall provide for maintenance to be undertaken by the Village in the event that the open space is not adequately maintained or is determined by the Village to be a public nuisance, with the assessment of costs upon the owners of the open space.

3. Further subdivision of open space land or its use for other than recreation or conservation purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall be considered a major amendment as per Section 10.09.G.
4. Nothing herein shall prevent the conveyance of open space to a public agency for recreational or conservation use.

Section 10.07 Design Standards

- A. Residential Facades: Dwellings shall be designed in keeping with the recommendation of the Dundee Village Master Plan and the requirements of Article 17, Building Design Standards to create a traditional small-town environment with complementary housing types and recreational open space integrated into a small scale, compact, pedestrian oriented neighborhood. The applicant shall present typical building elevations and a set of architectural design guidelines for approval by the Village. The design guidelines shall be included as an Exhibit to the PUD Agreement and the project's Master Deed, Bylaws, or Covenant of Deed Restrictions, as applicable.
- B. Non-residential Architecture. Non-residential buildings (including residential development club houses and maintenance facilities) shall provide distinct and prominent architectural features that result in a positive visual landmark and exceed the minimum standards set forth in Article 17. Walls facing the street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing, or other decorative finish materials. Blank walls shall not face the street. Single story buildings shall have pitched roofs.
- C. Site Elements: Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area. The Village may require a consistent type of pedestrian scale ornamental lighting along all streets, sidewalks, and within any off-street parking lots. Residential entrance signs and commercial signs shall be approved as part of the final PUD.
- D. Pedestrian Circulation: A continuous sidewalk system shall be provided throughout the development, including along both sides of all internal streets as per the requirements of Article 16.04, Non-Motorized Circulation.

Section 10.08 Planned Unit Development (PUD) Agreement

The applicant shall submit to the Village Attorney an Agreement stating the conditions upon which approval is based. The Agreement shall be reviewed by the Planning Commission before being approved by the Village Board of Trustees. Execution of the Agreement shall require signed approval by the Village and the applicant, and then the document shall be recorded with the County Register of Deeds. Approval shall be effective upon recording. Said agreement shall provide:

- A. A survey of the acreage comprising the proposed development.
- B. The manner of ownership of the developed land.

- C. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
- D. Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Village may require conveyances or other documents to be placed in escrow to accomplish this.
- E. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development, and that maintenance of such improvements is assured by a means satisfactory to the Village Board of Trustees.
- F. The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the Village Board of Trustees.
- G. Provisions to ensure adequate protection of natural features.
- H. The preliminary site plan shall be incorporated by reference and attached as an exhibit.

Section 10.09 Approval Process

- A. Review Process: A PUD may be approved following the review procedures and approval standards of this Section.
 - 1. Planning Commission public hearing and recommendation to Village Board of Trustees on the preliminary PUD site plan and PUD Agreement.
 - 2. Village Board of Trustees action on the preliminary PUD site plan and PUD Agreement.
 - 3. Planning Commission action on the final PUD site plan. Final approval may be granted for the overall PUD or for individual phases in a larger PUD project.
- B. Preliminary PUD Site Plan Submittal. The Preliminary PUD Site Plan submittal shall include all of the following information required for a site plan set forth in Section 8.03 and the following additional information:
 - 1. An overall area map at a scale of not less than one (1) inch equals two thousand (2,000) feet showing the relationship of the PUD to its surroundings such as section lines and/or major streets or collector streets.
 - 2. Parallel plan consistent with State, County, and Village requirements that show the number of dwelling unit and/or non-residential structures that could be developed on the site using conventional development standards.
 - 3. Total site acreage and percent of total project in various uses, including developed and undeveloped open space and roadway right-of-way.
 - 4. Total site density, density of one-family and multiple-family dwellings, and percent of ground area covered by buildings.

5. Acreage and numbers of one-family lots, multiple-family dwellings, and non- residential structures to be included in each development phase.
 6. Draft of the Development Agreement required by Section 10.08.
 7. Statement of developer's interest in the land proposed for development.
 8. Statement regarding the manner in which open space is to be maintained.
 9. Statement regarding the developers, intentions regarding sale and/or lease of all or portions of the PUD, including land areas, units, and recreational facilities.
 10. Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the use of the land and structures.
 11. Statement of required ordinance deviations that are otherwise applicable to the site.
 12. Schedule indicating the time within which applications for final approval of each phase of the PUD are intended to be filed.
- C. Public Hearing: The Commission shall conduct at least one (1) public hearing for the purpose of receiving public comments on the proposed preliminary PUD site plan. Notice of the public hearing shall be in accordance with notice requirements set forth in the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et. seq.*, as amended.
- D. Preliminary PUD Site Plan Action:
1. Planning Commission: Following the public hearing the Commission shall review both the preliminary PUD site plan and the Development Agreement and take action to recommend approval, deny or recommend approval with conditions, (see Section 10.09.C), based upon the following:
 - a. The PUD shall satisfy the eligibility criteria of Section 10.02.
 - b. The PUD shall comply with the requirements of this Article and any other applicable sections of this ordinance.
 - c. The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area.
 - d. The proposed PUD shall be adequately served by essential public facilities and services, such as roads, pedestrian or bicycle facilities, police and fire protection, drainage systems, water supply, sewage facilities, and schools. The design shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, traffic operations at proposed access points, and nearby intersections.
 - e. The proposed PUD shall not have an unacceptably significant adverse effect on the quality of the natural and built environment in comparison to the impacts associated with a conventional development.

2. Village Board of Trustees: Following the recommendation of the Planning Commission the Village Board of Trustees shall approve, deny, or approve with conditions (see Section 10.09.C) the preliminary PUD site plan and the Development Agreement based upon the criteria outlined in Section 10.02. Preliminary approval shall be valid for one (1) year. If a final site plan for at least a phase of the project is not submitted within that year, the right to development under the approved preliminary PUD site plan shall terminate and a new application must then be filed and processed.
- E. Conditions. Reasonable conditions may be required with the approval of a preliminary PUD site plan, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Village of Dundee Master Plan.
- F. Final Approvals: Following approval of the preliminary PUD site plan, the application shall follow the procedures and requirements for the final site plan review process. All final site plans subsequently submitted shall conform with the preliminary PUD plan, all conditions attached to preliminary approval and the requirements of this ordinance. Approval of the final site plan shall be effective for a period of one (1) year. The one (1) year period for final approval may be extended for an additional one (1) year, if applied for, by the petitioner and granted by the Planning Commission.
- G. Modifications of an Approved Final PUD Plan:
1. Minor modifications may be approved by the administration subject to the findings that:
 - a. Such changes will not adversely or substantially affect the initial basis for granting approval;
 - b. Such changes will not adversely or substantially affect the overall PUD in light of the intent and purpose of such development.
 - c. For residential buildings, the size of the structures may be decreased, or increased by up to five (5%) percent provided the overall density of units does not increase; and
 - d. Square footage of non-residential buildings may be decreased or increased by up to five (5%) percent or ten thousand (10,000) square feet, whichever is less.

The administration always reserves the right to seek guidance from the Planning Commission prior to a determination on the effect of the modifications.
 2. Major modifications shall be subject to the preliminary PUD plan review process noted in Section 10.09, including a new public hearing.

ARTICLE 11 GENERAL PROVISIONS

Section 11.01 Voting Place

The provisions of this Article shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with Village, school, or other public election.

Section 11.02 Calculation of (Buildable) Lot Area

In the calculation of areas required to maintain specific densities, common open space requirements, and similar requirements, no lot or parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlots or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel.

Section 11.03 Changes in Tenancy/Ownership

All structures or uses which are conforming uses, nonconforming uses, or approved special land uses, planned unit developments or site plans with conditions attached for approval, shall comply with these regulations, approvals, or conditions regardless of change of tenancy or ownership of the property or use. Regulations in this Ordinance pertaining to the discontinuance of nonconforming uses, as provided for in Article 20, shall continue to be met.

Section 11.04 Essential Services

It is the intent of the Ordinance to regulate essential services and property owned, leased, or operated by public agencies, including local, state, federal, or any other public or governmental body or agency, as follows:

- A. Essential services shall be permitted in any district.
- B. Buildings constructed in conjunction with an essential service shall require a plot plan approved by the Zoning Administrator, in accordance with the requirements set forth in Article 8, Site Plan Review.
- C. Property owned, leased, or operated by the state or the United States shall be exempted from the provisions of this article, only to the extent that said property may not be constitutionally regulated by the Village.

Section 11.05 Principal Building, Structures, and Uses of a Lot

- A. **Single-Family Residential Dwellings:** Unless otherwise specified by this Ordinance, only one (1) detached one-family dwelling may be permitted on a lot in a residential zoning district. Two (2) one-family dwellings may be permitted on a lot if they are constructed as attached one-family dwellings. This section shall not apply to two-family dwellings, multi-family dwellings, or other types of dwellings.

- B. **Principal Uses.** No lot may contain more than one (1) principal building, structure, or use, except groups of multiple-family dwellings, under the same ownership, site condominium projects, manufactured housing communities, farm worker housing, unified retail/business centers, auto dealerships, office complexes or other groups of buildings the Zoning Enforcement Officer deems to be a main use collectively.
- C. **Use of Structures for Dwellings.** The use of any portion of the basement of a partially completed building, or any garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.

Section 11.06 Temporary Uses, Buildings, and Structures

- A. **Temporary Uses Permitted with Village Board of Trustees Approval.** The following uses and associated structures and buildings, which are clearly temporary in nature, may be permitted by the Village Board of Trustees provided it meets the review standards of Section 11.07.F.
 - 1. Fund raising events to support non-profit organizations.
 - 2. Tent sales or sidewalk sales of retail goods.
 - 3. Temporary dwellings in accordance with Section 11.06.G.
 - 4. Carnivals and fairs.
 - 5. Festivals sponsored by non-profit organizations.
 - 6. Golf tournaments.
 - 7. Temporary rental/sales offices.
 - 8. Temporary land uses and activities intended for seven (7) consecutive days or less or no more than two (2) consecutive weekends.
- B. **Temporary Uses Permitted with Zoning Enforcement Officer Approval.** The following structures and buildings, which are clearly temporary in nature, may be permitted by the Zoning Enforcement Officer, provided it meets the standards of the Section 11.06.F.
 - 1. Facilities at athletic events including portable toilets, tents, and signs.
 - 2. Facilities for temporary storage of materials or equipment related to large construction projects.
 - 3. Temporary construction structures including contractor's portable office or toilet facilities.
 - 4. Construction equipment and other apparatus when used on a construction site stored other than during times of active construction.

5. Temporary dwelling while building a permanent dwelling unit in accordance with Section 11.06 G.

C. **Application Procedure.** Application for approval of any temporary use, building, or structure shall be filed by the owner of the property or his designated representative with the Zoning Enforcement Officer. The applicant shall submit a written request on such forms as provided by the Village. The request shall be accompanied by the required fee(s) as established by the Village Board of Trustees. The request should include, at a minimum, the following information:

1. The name, address, and telephone number of the applicant.
2. The location of the property.
3. A complete explanation of the proposed temporary use, building or structure.
4. A plot plan in sufficient detail to allow review of the items listed in subsection 11.07.F.
5. Any other information requested by the Zoning Enforcement Officer and deemed necessary to make the necessary findings for approval.

D. **Application Approval.**

1. The Village Board of Trustees or Zoning Enforcement Officer, as provided by this Section, may approve, approve with conditions, or deny a temporary use, building or structure based upon review of the items required pursuant to the requirements of this Section and 11.07.F.
2. The approving authority may set forth conditions for approval of the temporary use, building or structure, may set a time limit for the expiration of the temporary use, building or structure permit, and may require the posting of a performance bond or insurance to ensure prompt termination and removal of the use, building or structure, and clean-up.
3. The Zoning Enforcement Officer shall notify the Planning Commission in writing of each temporary use granted under this Section.

E. **Reconsideration of Permit.** The body that originally issued a temporary use, building or structure permit has the authority to revoke or reconsider that permit based upon a finding that the conditions of the approval have been violated, or that the use, building, or structure is adversely affecting the surrounding area. For permits that were issued by the Village Board of Trustees, a temporary use, building or structure permit may be suspended by the Zoning Enforcement Officer until they can act, if the Zoning Enforcement Officer determines that public health or safety is jeopardized.

F. **Review Standards.** Prior to approval of any temporary use the reviewing body shall consider both the on-site and off-site impacts of the temporary use including the following issues

1. Adequacy of parking and access.
2. Adequacy of drainage.

3. Compatibility with surrounding land uses.
4. Size, height, and type of construction of proposed buildings and structures in relation to surrounding sites.
5. Sufficient setbacks from street and lot lines.
6. Adequacy of utilities.
7. Trash disposal and site clean-up.
8. Adequacy of sanitary facilities.
9. Hours of operation.
10. Outdoor lighting and signs.
11. Other licenses or permits required.
12. Potential noise, odors, dust, and glare.
13. Fire lanes, fire protection, and security.
14. Off-site impacts of traffic volumes and circulation.
15. Necessity of a performance bond or insurance to ensure prompt termination and removal of the use, clean-up, or compensation for impacts of the temporary use, building or structure.
16. Other concerns which may affect the public health, safety, or general welfare.

G. Standards for Temporary Dwellings: Temporary dwellings, as permitted in this Section, shall be subject to the following additional requirements:

1. No cabin, garage, cellar, or basement, or any temporary structure whether of a fixed or movable nature may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever except as provided in this Section.
2. During the period of construction of a new residential dwelling, or if a dwelling is destroyed or is damaged by a natural or manmade event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling, including a manufactured home, approved by the Zoning Enforcement Officer, may be moved onto the lot, after obtaining a permit therefore from the Zoning Enforcement Officer for use as a temporary dwelling during construction, replacement or repair of a permanent dwelling. Occupancy of the temporary dwelling shall be limited to the owner or potential occupant of the new permanent dwelling under construction. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located and shall be connected to a private water supply and sewage disposal systems approved by the County Health Department or to public water supply and sewage disposal systems.

3. The Zoning Enforcement Officer shall establish a reasonable date for removal of the temporary dwelling, not-to-exceed six (6) months from the period for reasonable cause. The temporary dwelling shall be removed from the lot within two (2) weeks of the date of completion of the replaced or repaired dwelling, with the date of completion to be as listed on the certificate of occupancy. A performance bond in the amount of one thousand dollars (\$1,000) shall be provided to ensure removal of the temporary dwelling in accordance with the permit.
4. The Zoning Enforcement Officer shall provide a written statement setting forth the conditions of permission granted under this Section to the proposed occupant and shall retain a copy in the file.

Section 11.07 Residential Occupancy by Unrelated Individuals

The collective number of unrelated individuals domiciled together in a single-family dwelling unit, whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit shall not exceed six (6) persons. This requirement is intended to avoid the occupation of single-family dwelling units by any society, coterie, club, fraternity, sorority, association, or other assembly of persons that may impact the character of surrounding landuses.

Section 11.08 Storage of Recreational Vehicles and Equipment

A. **Standards in Residential Districts.** The following standards shall apply in all residential districts:

1. Recreational vehicles and equipment may be parked and stored in the side yard, behind the front building line, on any lot or parcel in any residential district, and/or parcel used for residential purposes, providing the following is satisfied:
 - a. No less than a five (5) foot side yard setback is maintained.
 - b. No less than a ten (10) foot setback is maintained from the adjacent home unless abutting the garage in which case only the five (5) foot side yard setback shall apply.
 - c. On a corner lot, vehicles and equipment shall be stored behind the established front building line as defined in Section 2.02.
2. No more than two (2) units shall be parked outside of a garage or similar structure. For purpose of this limitation, a unit shall be recreational equipment used in conjunction with other recreational equipment (i.e., a boat mounted on a boat trailer shall be considered one (1) unit).
3. If the side or rear yard are inaccessible (i.e., grade or proximity to permanent structure), one (1) unit may be parked in the driveway provided no less than a ten (10) foot setback is maintained from the public sidewalk and it does not obstruct pedestrian or vehicular visibility.

4. For the purposes of loading and unloading, recreational vehicles and equipment may be parked anywhere in a driveway or parking area on a residential, premises for a period not to exceed forty-eight (48) hours.
 5. Such equipment shall not be used for living or sleeping purposes when parked or stored on a residential lot, or in any location not approved for such use, other than as follows:
 - a. The location shall be in accordance with the above noted provisions and shall never be within the public right-of-way.
 - b. Duration shall not exceed two (2) weeks, no more than four (4) times per year.
 6. Recreational vehicles and equipment shall not be parked or stored on any public right-of-way.
 7. Stored recreational vehicles must have a current license plate and registered to an occupant of the dwelling unit on the parcel(s) on which it is stored.
- B. **Standards in Multiple-Family Districts and Manufactured Housing Communities.** In any multiple family residential district or manufactured housing community, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store recreational vehicles and equipment. Parking spaces required to meet parking requirements shall not be used for the parking and storage of recreational vehicles and equipment.
- C. **Repairs in Residential Districts.** Recreational vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs (i.e., engine rebuilding, reconditioning of motor vehicles, body work, etc.), refurbishing, or reconstruction of the recreational vehicle or equipment.
- D. **Non-Residential Districts.** The storage of recreational vehicles and equipment in non-residential districts when it is not associated with the business of the property, shall provide proper screening (i.e., no less than eight (8) foot evergreens and/or a solid fence) so that it is not visible from the street and abutting residential areas.

Section 11.09 Home Occupations

- A. **Intent.** It is the intent of this Section to allow for and regulate the establishment of home occupations that are compatible with the neighborhood in which they are located, and which will preserve the peace, quiet, and domestic tranquility within all residential districts of the Village of Dundee.
- B. **General Provisions.** Home occupations may be permitted subject to the following conditions:
1. No more than one (1) employee other than members of the family residing on the premises shall be engaged in such operation.
 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than fifteen (15%) percent of the habitable floor area of the dwelling unit may be used for the purposes of the home occupation.

3. The use of a single-family residence by an occupant of that residence to give instruction in a craft or fine art within the residence, shall be deemed to be a home occupation.
 4. A home occupation, including storage of materials and goods, shall be conducted within the confines of the dwelling unit or within a building accessory thereto. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and there shall be no external or internal alterations that are not customary in residential areas.
 5. Unless specifically otherwise provided herein, no article shall be sold or offered for sale on the premises except as prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein. A retail showroom, sales area, outlet, or similar facility is prohibited.
 6. Traffic generated by such operation shall not be greater than that for normal residential purposes, and generally no more than ten (10) vehicular trips per day.
 7. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to persons off the lot. Any electrical equipment or process which creates visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
 8. Signs for the home occupation shall be limited to one (1) non-illuminated, non-protruding name plate, not more than two (2) square feet in area, attached to the building, located near the front entrance, and which sign shall contain only the name, occupation, and/or address of the premises.
 9. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
 10. Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided on the site in a normal driveway or where on-street parking is permitted.
- C. **Application Procedures.** An application shall be submitted through the Zoning Enforcement Officer for review and consideration by the Planning Commission. The Zoning Enforcement Officer may require any information necessary for a complete review of the application. Each application shall be accompanied by the payment of a fee established by the Village Board of Trustees.
- D. **Reconsideration of Home Occupation.** The Planning Commission shall have the authority to revoke any home occupation permit after the applicant has failed to comply with any of the applicable requirements of this Section or any other applicable sections of this Ordinance.
- E. **Non-Conforming Home Occupations.** Non-conforming home occupations that have been granted approval prior to the effective date of this Ordinance may be allowed to continue as long as the home occupation remains in conformance with the requirements and provisions of the Ordinance in effect at the time of approval.

Section 11.11 Keeping of Animals

- A. Household Pets. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, and other animals generally regarded as household pets is permitted in any zoning district that allows residential uses with the following listed limitations, unless the site is approved as a commercial kennel.
1. No more than three (3) dogs or cats, six (6) months of age or older, in any combination; and
 2. No more than a total of five (5) animals six (6) months of age or older.
- B. Horses: The keeping of horses, ponies and other equine on a residential lot is only permitted in the RA-1 Single-Family Residential District on residential lots of at least five (5) acres in size. There shall be five (5) acres for the first horse or pony kept on a lot and one and one half (1.5) acres for each thereafter. All keeping of horses shall meet the following standards:
1. All grazing areas shall be fenced.
 2. An accessory structure shall be provided to house such animals.
 3. Any barn or stable structure and any outdoor feed (non-grazing) area training or exercising corrals shall be setback at least one hundred (100) feet from any occupied dwelling or any adjacent building used by the public.
 4. All stables shall be enclosed by a suitable fence and shall be maintained so that odor, dust, noise, or water drainage shall not constitute a nuisance or hazard to adjoining premises.
- C. Other Livestock and Exotic Animals. The keeping of livestock (other than horses, ponies, and other equine) and exotic animals is prohibited, except as otherwise permitted herein.
- D. Poultry.
1. Raising poultry shall be permitted in any residential zoning district but shall be limited to no more than six (6) poultry at any one-time.
 2. No roosters may be kept on the premises.
 3. Poultry shall be confined to a rear yard and confined in an enclosure that does not exceed thirty-six (36) square feet from any adjacent property line.
 4. All feed associated with the keeping of poultry shall be secured and protected to avoid attracting vermin.

Section 11.12 Accessory Buildings, Structures and Uses: General

- A. General Standards.
1. Accessory buildings, structures and uses are permitted only in connection with and incidental to a principal building or structure that is permitted in the same zoning district.

2. No accessory building, structure or use shall be constructed or established on any lot or parcel without a principal building, structure, or use. No accessory building, structure, or use shall be occupied or in operation unless the principal structure, building, or main use to which it is accessory is occupied or in operation.
3. An accessory building, structure, or use must be in the same zoning district as the principal building or structure on a lot.
4. Where an accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this Ordinance, applicable to principal buildings.
5. Detached accessory buildings and structures shall be permitted only in the rear yard, behind the rear building line.
6. No detached accessory building shall be located closer than ten (10) feet to any principal building nor shall it be located closer than two (2) feet to any side or rear lot line. The Village may reduce the spacing requirement from the principal building if a two (2) hour firewall is provided on the accessory building.
7. When an accessory building is located on a corner lot the accessory building shall not project into the required front yard unless such building is structurally attached to the principal building and required setbacks are met.
8. Accessory buildings and structures may occupy not more than thirty-five (35%) percent of the rear yard, provided that in no instance shall the accessory building exceed the requirements of Section 11.12.09.
9. The maximum cumulative square footage of all accessory buildings and structures shall be as follows:
 - a. On lots up to two (2) acres in size, the cumulative square footage of all detached accessory buildings and structures shall not exceed one-half (0.5) the total gross floor area of the principal building.
 - b. On lots over two (2) acres in size, the cumulative square footage of the detached accessory buildings and structures shall not exceed two (2) times the gross floor area of the principal building.
 - c. In no case shall accessory buildings and structures, occupy more than thirty-five (35%) percent of the rear yard.
10. The maximum building height for any detached accessory building is fifteen (15) feet.
11. The design, color, building materials and roof pitch of any accessory building must be compatible with the principal building.
12. No more than two (2) detached accessory buildings shall be permitted on any lot in a Residential District.
13. Accessory buildings and structures shall not be occupied for dwelling purposes.

B. Decks, Patios and Porches

1. **Minimum Setback:** Uncovered and unenclosed decks, patios, terraces, and porches elevated six (6) inches or more above grade in any Residential District shall meet the front yard setback of the district and be set back a minimum of three (3) feet from any side or rear lot line.
2. **Allowable Coverage:** A deck, patio, terrace, or porch may be covered with an open-type canopy or sunscreen not to exceed fifty (50%) percent of the area of the deck, patio, terrace, or porch.

C. Private Swimming Pools

1. **Permit Required:** No private swimming pool (excluding a children's swimming pool), shall be hereafter erected or constructed unless a building permit shall have been first issued for such work by the Zoning Enforcement Officer.
2. **Required setbacks.**
 - a. There shall be a minimum distance of not less than ten (10) feet between adjoining property lines, or alley rights-of-way and the outside of the swimming pool wall. Side yard setback shall apply if the side yard setback requirement for the district is greater than ten (10) feet.
 - b. No swimming pool wall shall be located less than fifty (50) feet from any street right-of-way line or private road easement.
 - c. No swimming pool shall be located in an easement including a utility or drainage easement.
3. **Barrier Required.** Swimming pool barriers shall be provided in accordance with the applicable Building Code requirement.
4. **Electrical Considerations:** All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the State of Michigan's Electrical Code.
5. **Permit:** Upon compliance with all requirements of this Section and upon determination by the Zoning Enforcement Officer that the proposed swimming pool will not be injurious to the general public health, safety, and welfare of the Village and its citizens, Zoning Enforcement Officer shall issue a permit conditioned upon compliance with the requirements of this Section and the Building Code.
6. **Sanitation:** The current standards set by the State Department of Public Health to protect public health in the use of such swimming pools are hereby adopted and made a part of this Article. Swimming pools shall conform to applicable of the Monroe County Sanitary Code requirements for isolation distances.
7. **Hot Tubs:** Hot tubs will be allowed adjacent to a dwelling in any Residential District. Hot tubs must have a locked lid or meet applicable Building Code barrier requirements.

D. Fences, Walls, and Other Protective Barriers.

1. Approval Required: The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Zoning Enforcement Officer as to conformance with the requirements of the zoning district and this section.
2. Fence Height Measurement: The height of a fence shall be measured using the following method:
 - a. The permitted height of all fences shall be measured from the ground elevation adjacent to the fence line, as determined by the Zoning Enforcement Officer.
 - b. The permitted height of fences shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a taller fence than permitted by this Article (e.g., the height of fences erected on a berm shall be measured from the finished grade adjacent to the edge of the berm).
3. Visibility at Intersections: All fences in the front yards must comply with the requirements of Section 16.03, Visibility at Intersections.
4. Decorative Fences and Landscape Features: Decorative fences (i.e., wrought iron, brick, stone, etc.) and landscape features which are less than thirty (30) inches in height may be considered a landscape element and may be located within a front, side, or rear yard without a permit.
5. Fences in Residential Districts.
 - a. Fences located in the required and addressed front yard shall be setback from the property line no less than four (4) feet for fences up to three (3) feet in height and are intended to be decorative.
 - b. Fences located in the required and non-addressed (secondary) front yard of a corner or through-lot shall be setback from the property line as follows:
 - (1) No less than four (4) feet for fences up to three (3) feet in height and are intended to be decorative.
 - (2) No less than ten (10) feet for fences up to four (4) feet in height and shall comply with the definition of a non-privacy fence.
 - (3) No less than fifteen (15) feet for fences up to five (5) feet in height and shall comply with the definition of a non-privacy fence.
 - (4) No less than the front yard setback required within the zoning district for fences up to six (6) feet in height and shall comply with the definition of a privacy fence.
 - c. Fences located in the side and rear yards shall have a maximum height of six (6) feet and may be located on the property line assuming the front yard fencing requirements are satisfied.

- d. Fencing materials shall be all weather, zero maintenance, and/or no less than forty (40) grade treated wood.
 - e. Chain link or similar fencing is permitted everywhere except within the front yard.
 - f. The finished side shall face outward toward adjacent property or right-of-way.
6. Fences in Business and Manufacturing Districts:
- a. No fences may be located within the required front yard.
 - b. On a lot occupied by a principal structure, no fence may be located within the required front yard.
 - c. No fence may exceed eight (8) feet in height.
 - d. All fences should attempt to be decorative in nature and should be wrought iron, wood, brick, stone, and similar replications of these materials. However, when abutting residentially zoned and/or used property, and when used to screen parking or outdoor storage areas, the fence shall be constructed of an opaque material.
 - e. Chain link or similar fencing is permitted everywhere except within the front yard and when abutting residentially zoned and/or used property.
7. Prohibited Fences. The following fences are prohibited:
- a. A fence consisting in whole or part of coils of barbed wire, concertina wire or razor wire;
 - b. A fence with razored edges, broken glass, affixed spikes, projecting nails or other pointed instruments of any kind or description attached; fence gates shall not be constructed so as to create a hazard to the public by the projection of any pointed instrument or member when open or partially open;
 - c. A fence charged or connected with an electrical current, provided however, this provision shall not be construed to apply to electrical fences installed below ground as elements of an animal control or security system;
 - d. A standard barbed wire fence except upon essential service sites or industrial properties which do not abut property zoned or used for residential purposes; in such locations standards barbed wire may be installed on the top of a fence on arms or cradles extending inward over the owner's property provided that the fence has a minimum height of six (6) feet above the adjacent grade and the combined height of the fence and barbed wire and arms or creates does not exceed eight (8) feet above the adjacent grade;
 - e. A chain link or similar fencing, unless noted in this Section.
 - f. A fence which consists in whole, or part of woven plastic or other similar materials utilized within a chain link fence; and

g. A fence with all metal (i.e., barn siding, roof material, etc.), opaque paneling.

E. Reception Antennas

1. In all districts, the installation and/or use of a reception antenna having a diameter in excess of one (1) meter (3.28 feet) shall be an accessory use subject to approval by the Zoning Enforcement Officer.
2. A ground-mounted reception antenna shall be located in the rear yard only and shall be located no closer than six (6) feet from a side or rear lot line.
3. A roof-mounted reception antenna shall be located on that side of the roof adjacent to the rear yard of the property and a structure-mounted antenna shall be located in the rear yard only.
4. All reception antennas shall be of mesh or rod and/or pole construction and shall not be of solid sheet or panel construction and shall be black in color.
5. Excluded from the regulations of this section are conventional VHF and UHF television antennae and satellite dishes less than one (1) meter in diameter.
6. Residential radio towers, citizen band radios, ham operations, and attendant facilities shall be permitted as accessory uses and/or structures to a residential use.

Section 11.13 Waste Receptacles and Screening

Waste receptacles shall comply with the following requirements:

- A. A space for the location of a waste receptacle, including a dumpster or compactor, paved with a concrete pad, shall be provided for each zoning lot in all non-residential districts regardless of whether or not use of a waste receptacle is intended.
- B. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- C. The waste receptacle shall be located in a rear yard or interior side yard and shall be clearly accessible to servicing vehicles. It shall be located as far as possible from any adjoining residential district or use.
- D. Waste receptacles shall be screened from view on all sides. Such screening shall consist of an obscuring wall constructed of brick or decorative concrete material which is not less than six (6) feet in height or at least one (1) foot above the height of the enclosed waste receptacle, whichever is greater. Gates providing access shall also provide screening. Enclosure materials are required to match the materials of the principal structure.

Section 11.14 Supplementary Height Regulations

The following kinds of structural appurtenances may be permitted to exceed the height limitations for an authorized use.

- A. Schools, churches, hospitals, and other institutional buildings may be erected to a height not exceeding sixty (60) feet provided the front, side and rear yards shall not be less than the height of the building wall abutting that yard.
- B. Chimneys, church spires, cupolas, domes, towers, penthouses, water tanks, monuments may be erected to a height up to sixty (60); flag poles may be up to forty (40) feet tall. The Village shall be provided sufficient evidence to assure that adjacent uses and structures are not threatened due to a collapse of the structure for any reason.
- C. Mechanical equipment such as blowers, ventilating fans, and air conditioning units, shall be placed no closer than three (3) feet to any lot line in commercial districts and no closer than twelve (12) feet to any lot line in residential districts. Mechanical equipment in industrial districts shall comply with all yard setbacks.
- D. Any mechanical equipment, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar equipment, located on the roof of any building shall comply with the following standards:
 - 1. All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is constructed of the same material and compatible in appearance with the principal building.
 - 2. Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface and shall occupy no more than fifteen (15%) percent of the total roof area. When roof-mounted equipment is located on a building that is adjacent to a residential use or is in view from the adjacent roadway, appropriate architectural screening shall be required.
- E. Structural extensions appropriate to the building design, such as cornices, shall be limited to five (5) feet above the stated height limit.
- F. Silos and other similar farm structures shall be limited to fifteen (15) feet above the stated height limit.

Section 11.15 Projections into Yards

The following table outlines instances where projections into the required yard of the district is permissible.

| Projection | All Yards | Rear Yard | Side Yard |
|--|-----------|-----------|-----------|
| Air conditioning equipment shelters | -- | X | X |
| Air conditioning units, window mounted | X | -- | -- |
| Access drives | X | -- | -- |
| Architectural entrance features (1) | X | -- | -- |
| Awnings and canopies | X | -- | -- |
| Bay windows (1) | X | -- | -- |
| Decks, open or enclosed | -- | X | X |
| Eaves, overhanging (1) | X | -- | -- |
| Fences | X | -- | -- |
| Flagpoles | X | -- | -- |
| Gutters (1) | X | -- | -- |
| Paved terraces and open porches | X | -- | -- |
| Privacy walls | -- | X | -- |
| Signs | X | -- | -- |
| Stairways, open unroofed | X | -- | -- |
| Steps and stoops | X | -- | -- |

x = Permitted in any area of yard

Notes related to table:

1. Architectural Features: Bay windows, windowsills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend into any front or rear yard not more than twenty-four (24) inches.

Section 11.16 Lot Measurement along a Cul-de-Sac

For lots located on a cul-de-sac, calculations of the minimum dimensional standards shall be according to this Section.

- A. Minimum frontage shall be no less than twenty (20%) percent of the lot width required for the district, or sixteen (16) feet, whichever is greater and shall be measured along the curved front lot line.
- B. Minimum required front yard setback shall be defined along a curve parallel to the front lot line.
- C. Minimum lot width shall be measured along the curve that defines the minimum front yard setback.

Section 11.17 Repair of Vehicles in Residential Districts

Repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

- A. Procedures exceeding forty-eight (48) hours in duration, or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within an enclosed building.
- B. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.

ARTICLE 12
SPECIFIC USE STANDARDS
RESIDENTIAL USES

Section 12.01 Bed and Breakfast

- A. Required parking areas shall be located off-street and shall not be located in any required front yard.
- B. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests.
- C. The dwelling unit in which the establishment is located shall be the principal residence of the operator and said operator shall live on the premises while the establishment is active.
- D. The dwelling shall maintain an appearance which is non-intrusive and consistent in color, materials, roofline, and architecture with the Residential District in which it is located, as determined by the Planning Commission.
- E. Signage shall require a permit from the Village and may only be in the form of a wall sign located near the front entrance of the facility and shall not exceed nine (9) square feet.

Section 12.02 Adult Foster Care Facilities

- A. Adult foster care family homes serving six (6) persons or less. A state-licensed adult foster care home, foster family home or foster family group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
- B. Adult foster care small group homes serving between seven (7) and twelve (12) persons.
 - 1. A site plan, prepared in accordance with Article 8 shall be required to be submitted.
 - 2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of four thousand (4,000) square feet per adult, excluding employees and/or caregivers.
 - 3. The property is maintained in a manner that is consistent with the character of the neighborhood.
 - 4. One (1) off-street parking space per employee and/or caregiver shall be provided.
 - 5. Appropriate licenses with the State of Michigan shall be maintained.
- C. Adult foster care large group homes serving between thirteen (13) and twenty (20) persons.
 - 1. Frontage on either a major or minor arterial street shall be required.
 - 2. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

3. A site plan, prepared in accordance with Article 8 shall be required to be submitted.
 4. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of four thousand (4,000) square feet per adult, excluding employees and/or caregivers.
 5. The property is maintained in a manner that is consistent with the character of the neighborhood.
 6. One (1) off-street parking space per employee and/or caregiver shall be provided.
 7. Appropriate licenses with the State of Michigan shall be maintained.
- D. Adult foster care congregate facilities serving more than twenty (20) persons, shall be subject to the requirements of Section 12.05.

Section 12.03 Single-Family Cluster Option

The single-family cluster option may be permitted in the RA, RA-1, and RA-3 Districts in accordance with the following:

- A. A cluster development may be approved as Special Land Use in accordance with Article 9, in addition to the review and approval procedures for subdivision plats and site condominiums.
- B. To be eligible for cluster development consideration, the applicant must present a proposal for a single-family residential (attached or detached) development that meets each of the following:
 1. A cluster development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Village.
 2. The site shall preserve significant natural features such as woodlands, significant views, natural drainage ways, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Village to preserve, and which might be negatively impacted by conventional residential development.
 3. The proposed development shall be designed to create a cohesive neighborhood that connects and is compatible with existing neighborhoods through a network of spaces such as parks and common open space areas for recreation and resident interaction. All open space areas shall be equally available to all residents of the development.
 4. The site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project.
 5. The clustered development shall be served by public sewer and water.
 6. The proposed development shall be consistent with and further the implementation of the Village Master Plan.

7. The Planning Commission shall find that the proposed cluster development meets all of the approval standards for special land uses contained in Article 9, Special Land Uses.

C. Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision with the underlying zoning district, meeting all applicable Village zoning and subdivision requirements. The parallel plan shall be submitted with the cluster development, which shall contain all information required for a preliminary plat or preliminary site condominium. The Village shall review the design and determine the number of lots that could be feasibly constructed. This number shall be the maximum number of dwelling units allowable for the cluster development. Where attached single-family units are proposed, such units shall comprise not more than thirty (30%) percent of the total number of units within the development.

D. All lots shall comply with the dimensional standards of the underlying zoning district, provided lot area and width may be reduced in accordance with the following table in order to preserve a minimum of twenty (20%) percent of the total site area as common open space meeting the requirements of paragraph 5 below. All setback and other dimensional standards of the underlying zoning district, including minimum floor area, shall be complied with.

| | Min. Lot Area | Min. Lot Width |
|------|---------------|----------------|
| RA | 9,600 | 80 |
| RA-1 | 8,400 | 70 |
| RA-3 | 6,000 | 50 |

E. Roads and driveways shall comply with the Village street standards. The site shall provide for inter-connection of roads and the future integration of circulation between adjacent sites.

F. A minimum of twenty (20%) percent of the total site area shall be preserved as common open space for recreation or conservation and shall be exclusive of residential lots, road rights-of-way or other improvements. Where attached single-family units are proposed, thirty (30%) percent of the total site area shall be preserved as open space. Such open space shall be arranged on the site to meet all of the following requirements, provided the Planning Commission may modify these standards where it is demonstrated that additional natural features will be preserved elsewhere on the site:

1. A landscape buffer with a minimum fifty (50) foot depth shall be preserved along road frontages bordering the open space cluster development and adjacent to existing residential lots.
2. All wetlands and areas within fifty (50) feet of a wetland or shoreline shall be preserved as open space.
3. Open space shall be located to minimize removal of woodlands.
4. Open space may include recreational trails, picnic areas, parks, and greenways, but shall not include a golf course. The Planning Commission may permit recreational buildings within the open space.
5. The recreational area shall be well drained, graded, covered with grass, safe from hazard, accessible to all dwellings, and the Planning Commission shall approve the location. Generally, common open space must be visible and accessible from the public right-of-way and shall be of a size and configuration that will be conducive to recreational benefits.

6. Submerged land along the shoreline of the River Raisin shall not count towards the common open space requirement. A maximum twenty-five (25%) percent of regulated wetlands and stormwater retention/detention areas shall be counted towards the common open space requirement.
- G. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Village, such as recorded deed restrictions, covenants that run-in perpetuity with the land, or conservation easements. Such conveyance shall assure that the open space will be protected from all forms of development and shall never be changed to another use. Where deed restrictions are utilized for the protection of open space, the Village shall be made a party to the deed restrictions and such restrictions applicable to the open space shall not be amended. Building permits for home construction shall not be granted until of such deed restrictions are recorded with the County Register of Deeds and copies are filed with the Village. The developer may dedicate the open space to a conservation organization or the Village, provided such dedication shall be subject to approval by the Village Board of Trustees.
- H. A preservation and maintenance plan for the open space shall be submitted with the final preliminary plat or final site condominium plan and shall include mechanisms for the long-term funding of open space preservation. The Village may require bonds or other funding mechanisms to ensure long term maintenance of open space.
- I. Reasonable conditions may be required with the special land use approval of an cluster development for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Village Master Plan.

Section 12.04 Manufactured Housing Community

The regulations contained within this Article are those approved by the Manufactured Housing Commission and adopted as part of this Ordinance. No substantive changes have been made to the approved regulations; however, references to other applicable laws, ordinances, and certain terminology have been updated.

A. Principal Uses Permitted

The following uses of land and structures shall be permitted by right in the MHC, Manufactured Housing Community District:

1. Manufactured housing community is subject to the requirements of the Manufactured Housing Commission Act, Act 96 of the Public Acts of 1987, as amended, and rules of the Manufactured Housing Commission.
2. Foster family day care homes.
3. Adult foster care family homes.

B. Manufactured Housing Community Regulations

1. General Requirements

- a. Each manufactured home within a Manufactured Housing Community shall contain a complete bathroom, kitchen facilities, sleeping accommodations and plumbing and electrical connections. Travel trailers, motor homes and other recreational vehicles shall not be occupied in a Manufactured Housing Community.
- b. Manufactured home skirting shall be vented. Louvered or similar vents shall be at least a minimum of six hundred (600) square inches per one thousand (1,000) square feet of living space. A minimum of one (1) vent shall be placed at the front and rear of the manufactured home and to each exposed side. An access panel of sufficient size to allow full access to utility hookups located beneath the manufactured home shall be installed. All skirtings shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and frost, wind, snow, and rain.
- c. Storage of dangerous or combustible goods and articles underneath any manufactured home or outdoors at any manufactured home site shall be prohibited except in an approved, enclosed, storage facility.
- d. Canopies and awnings may be attached to any manufactured home and may be enclosed, subject to manufactured home site regulations, herein. When enclosed, such shall be considered a structure and part of the manufactured home and building, and occupancy permits issued by the Zoning Enforcement Officer shall be required.
- e. All garbage and rubbish shall be stored and transferred in accordance with the procedures outlined in Part 5, Garbage and Rubbish Storage and Disposal, of the Manufactured Housing Commission Rules. Garbage and trash removal shall be made at least once per week, except during the summer when health conditions may warrant additional pickups. Incineration of garbage or rubbish on the site shall be prohibited.
- f. A commercial sales lot activity is prohibited within a Manufactured Housing Community except that manufactured homes placed on manufactured home sites under the "model home" concept may be sold on site by a licensed manufactured home dealer or broker. This subsection does not prohibit the sale of a manufactured home on site by the manufactured homeowner.
- g. Entry and exit fees shall be prohibited.
- h. All structures and utilities to be constructed, altered, or repaired in a Manufactured Housing Community shall comply with all applicable codes of the Village, the State of Michigan, the U.S. Department of Housing and Urban Development and the Manufactured Housing Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall be constructed to the State of Michigan Standards in effect at that time. All structures and improvements to be constructed or made under the Village Building Code shall have a building permit issued by the Zoning Enforcement Officer. Such structures or improvements shall have a minimum of two (2) inspections prior to a final inspection by the Zoning Enforcement Officer.

- i. A Manufactured Housing Community shall have a public water and sewer system and/or on-site water and wastewater treatment system acceptable by the Michigan Department of Public Health and Michigan Department of Environmental Quality.
- j. The site and surrounding area shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noises, subsidence, or the probability of flooding or erosion. The soil, groundwater level, drainage, rock formation, and topography shall not create hazards to the property or to the health and safety of occupants.
- k. All land in a Manufactured Housing Community shall comprise a single parcel. Public thoroughfares, except extensions of local and collector streets proposed as part of a Manufactured Housing Community site plan, shall not bisect, or divide a Manufactured Housing Community to avoid unwarranted public traffic from traveling through the community.
- l. A Manufactured Housing Community shall not be occupied unless at least twenty-five (25) manufactured home sites, or fifty (50%) percent of the expected total of manufactured home sites, whichever is less, are available for occupancy at the time of opening of the community.
- m. A Manufactured Housing Community shall not be developed on less than ten (10) acres with a minimum of two hundred fifty (250) feet of public road frontage. Individual sites within the community shall be developed with sites having five thousand-five hundred (5,500) square feet per manufactured home unit being served. The five thousand-five hundred (5,500) square feet requirement may be reduced by twenty (20%) percent provided that the individual site shall be equal to at least four thousand-four hundred (4,400) square feet. For each square foot of land gained through the reduction of the site below five thousand-five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space requirements be less than that required under R125, 1946, Rule 946 of the Michigan Administrative Code.
- n. The minimum setback for a community shall be fifty (50) feet from a public right-of-way.
- o. The maximum building height shall be two (2) stories and twenty-five (25) feet.
- p. The Manufactured Housing Community shall be constructed pursuant to P.A. 96 of 1987, being MCL 125.1 101 *et seq.*, and the rules promulgated there under.
- q. Landscaping and/or greenbelts shall be in conformance with the provisions of Article 14, Landscape Standards. Common laundry, drying yards, trash collection stations, surface mounted transformers, and similar equipment and facilities shall be screened from view by plant materials or by man-made screens. Required landscape strips shall not be included in the calculation of required recreational areas. Parking shall not be permitted in any required buffer area.

2. Manufactured Housing Site Regulations

The Manufactured Housing Code, as established by the Manufactured Housing Commission and the Michigan Department of Public Health Rules under the authority of Act 96 of the Public Acts of 1987, regulates Manufactured Housing Community density, design, construction, licensing, and individual manufactured home installation (anchoring) and health aspects. All Manufactured Housing Communities shall be constructed according to the standards of the Code and the Michigan Department of Public Health Rules.

3. Utilities. Each home shall be suitably connected to sanitary sewer, water and other available utility lines and such connections shall meet the following regulations:

- a. A public water system or water system approved by the Michigan Department of Public Health, and in accordance with Act 399, P.A. 1976, the Safe Drinking Water Act shall be provided within a Manufactured Housing Community. The water supply shall be adequate for firefighting purposes.
- b. A public sewer system or wastewater treatment system approved by the Michigan Department of Public Health and the Michigan Department of Environmental Quality, shall be provided within a Manufactured Housing Community.
- c. Each manufactured home space shall be provided with at least a four (4) inch sanitary sewer connection. The sewer shall be enclosed when not connected to a manufactured home and shall be capped so as to prevent any escape of odors.
- d. The plumbing connections to each manufactured home site shall be constructed so that all lines are protected from freezing, from accidental bumping, or from creating any type of nuisance or health hazard.
- e. All electrical lines to each manufactured home site shall be underground. Separate meters shall be installed for each site. All cable television and telephone lines shall be underground. Above ground lines are not allowed for the connection between the manufactured home unit and the individual site utility pedestals.
- f. If central television antenna systems, cable television, or other such services are provided, the distribution system shall be underground and shall be constructed and installed pursuant to state and local codes and ordinances.
- g. An electrical service adequate for one-family residence needs shall be provided for each manufactured home space. The installation shall comply with all state electrical regulations.
- h. All fuel oil and liquefied gas supplies shall be installed in a manner consistent with the requirements contained in the General Rules of the Michigan Manufactured Housing Commission as provided for in Act 96 of the Public Acts of 1987.

4. Access and Parking

- a. All internal streets, driveways, motor vehicle parking spaces and walkways within the community shall be hard surfaced and shall comply with dimensional requirements of the Manufactured Housing Commission Rules.

- b. All entrances and exits from a Manufactured Housing Community shall abut a hard surfaced public road (cement and/or bituminous construction). Improvements to said hard surfaced roads, such as acceleration/deceleration lanes, shall be made in accordance with Village of Dundee street design standards.
 - c. Cul-de-sac streets, where proposed, shall have a turnaround with a minimum radius of forty-five (45) feet, in accordance with current Village of Dundee street design standards, and shall have a maximum length of three hundred (300) feet.
 - d. Entrances and exits for a Manufactured Housing Community from county or state highways shall have written approval of the highway authority having jurisdiction before the final site plan for all or any phase of the Manufactured Housing Community shall be approved by the Manufactured Housing Commission.
 - e. Where a proposed manufactured home development is adjacent to properties that have existing public sidewalks on them and the sidewalk abuts the Manufactured Housing Community parcel, the developer shall also construct a sidewalk of equal width to act as a connection between, or an extension of the existing public sidewalk(s). Sidewalk(s) shall be necessary for only those portions of a Manufactured Housing Community fronting upon a public thoroughfare in accordance with Village specifications.
5. Storage Areas. The on-site, outdoor storage of boat trailers, boats, camping units, horse trailers, and similar equipment shall be prohibited. The Manufactured Housing Community may provide, within the confines of the community, a common outdoor storage area for the storage of the above-mentioned equipment. Said storage area shall be surfaced with gravel, asphalt or other suitable substances and shall be screened from view with plant materials or man-made screening devices.

C. Procedures and Permits

Application for permit to construct a Manufactured Housing Community shall be submitted to the Michigan Department of Consumer and Industry Services (MDCIS). The MDCIS is the agency charged with the licensing of Manufactured Housing Communities. Preparation of the application, support data, and local agency review of the Manufactured Housing Community shall conform to the requirements of Act 96 of 1987, as amended.

D. Site Plan Review

All principal uses listed above are subject further to the requirements and provisions of Article 8, Site Plan Review Procedures and Requirements and any other applicable regulations included in this Ordinance.

Section 12.05 Housing for the Elderly

A. Housing for the elderly shall comply with the following standards:

- 1. Independent Living for the Elderly. Dwellings may be provided for as single-family detached, two-family, or multiple-family units. The minimum site area requirements for purpose of calculating density shall be as follows:

| <u>Dwelling Unit Size</u> | <u>Site Area/Unit (sq. ft.)</u> |
|---------------------------|---------------------------------|
| Efficiency/One Bedroom | 2,000 |
| Two Bedroom | 2,500 |
| Each additional bedroom | 500 |

2. Assisted Living for the Elderly. Where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in subsection 12.05A.1 shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be two hundred (200) square feet.

3. Both Independent and Assisted Living facilities shall be contained within a building which does not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and natural and topographic features ensure that the building is in scale with the site and surrounding areas.

4. Building setbacks shall comply with the following:
 - a. Perimeter setbacks shall be no less than fifty (50) feet from all other property lines.
 - b. Internal setbacks for single- and two-family dwellings located on an individual lot shall be as follows:

| | |
|--------------------------------|----------|
| Front | 25 feet |
| Rear | 35 feet |
| Least Side | 7.5 feet |
| Total Side / Between Buildings | 20 feet |

- c. Internal setbacks for single- and two-family dwellings not located on an individual lot shall be as follows:

| | Multiple Family | Single/Two-Family |
|------------------------------------|-----------------|-------------------|
| Internal Drives/Streets | 25 | 25 |
| Side/Side Orientation | 30 | 20 |
| Side/Front, Side/Rear | 30 | 35 |
| Front/Front, Front/Rear, Rear/Rear | 50 | 50 |

- d. Minimum Floor Area. Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

| <u>Dwelling Type</u> | Floor Area (sq. ft.) | |
|----------------------|-----------------------------|--------------------------------|
| | <u>Assisted Living Unit</u> | <u>Independent Living Unit</u> |
| Efficiency | 250 | 500 |
| One-Bedroom | 400 | 650 |
| Two-Bedroom | 650 | 800 |
| Additional bedroom | 150 per/ bedroom | 150 per |

- e. Building Height. The maximum height of a building shall comply with that of the zoning district.

- f. Open Space/Recreation. Open space and recreation shall be provided in accordance with the following requirements:

- (1) Total open space required shall be a minimum of fifteen (15%) percent of the site.
- (2) Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.

- g. Accessory Uses. Support uses offered solely to residents may be permitted provided they are contained within the principal building and are strictly accessory to the principal use as an elderly residential facility. Such support may include congregate dining; health care; personal services; and social, recreational, and educational facilities and programs.

Section 12.06 Live/Work Units

- A. Design and Development Standards. Live/work units shall be subject to the following criteria:
1. At the time of application approval and for the reasonable foreseeable future the commercial site and surrounding area are suitable for joint residential and commercial use.
 2. The project is designed to provide flexible workspace in conjunction with living areas that are conducive to work environment.
 3. Residential and commercial uses are integrated in such a manner as to address noise, hazardous materials, and other health and safety issues onsite as well as offsite.
 4. The project site must remain primarily in commercial use. At no time shall more than fifty (50%) percent of the combined floor area of buildings identified for re-use or new buildings constructed on a project site be dedicated or used for non-commercial use.

5. All designated workspaces shall be designed to accommodate commercial uses as evidenced by the provision of flooring, interior storage, ventilation, storefront windows, roll-up doors and/or other physical improvements of the type commonly found in exclusively commercial facilities used for the same work activity.
 6. The living area of the live/work unit shall be at least five hundred (500) square feet and shall not be occupied so that each person residing therein shall have less than two hundred (200) square feet of living space.
 7. The living area of the live/work unit shall be attached to or part of the primary building in which a business is normally operated.
- B. Integration of Commercial and Living Space. The commercial use shall be the primary focus of the front of the building. Living space shall be physically integrated into the commercial space and shall not be separately rented, leased, or sold. Mezzanines and lofts within the unit may be used as living space subject to compliance, with the other provisions of this Section.
- C. Parking Requirements. Live/work units shall comply with the parking standards set forth in Article 16. However, the Planning Commission may modify this requirement as appropriate to allow for the re-use of existing structures with limited parking or to accommodate authorized employees and/or customer or client visits.
- D. Operating Requirements.
1. A live/work unit shall be occupied and used only by the owner of the business within the unit and his/her immediate family.
 2. Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial uses at higher levels than would be expected in more typical residential areas.
 3. An ongoing business must exist to allow residential occupancy of the live/work unit. If the business ceases to operate, the special land use permit shall end, and the living area must be vacated within six (6) months of the last day of business.
 4. The business and residential areas must be maintained separately and no business activity inclusive of but not limited to storage of any inventory or servicing or maintenance of any product shall be allowed in the residential area.

Section 12.07 Single-Family Dwellings Located Above the First Floor

- A. All such dwelling shall comply with the accessory use provisions of the ordinance.
- B. The minimum floor area requirements for multiple-family dwellings set forth in subsection 5.03.B.8 shall be met.
- C. The Planning Commission may impose reasonable conditions to ensure the health, safety, and welfare of the occupants.

ARTICLE 13

SPECIFIC USE STANDARDS

NON-RESIDENTIAL USES

Section 13.01 Municipal and Utility Uses

Municipal buildings, uses and utility substations shall not include storage yards.

Section 13.02 Places of Worship

- A. All activities shall primarily take place in a fully enclosed building. Areas designated for outdoor social, recreational, and/or worship activities shall be designated on the site plan.
- B. There shall be no outdoor loudspeakers or amplified sound outside of a totally enclosed building, except for church bells, call to prayer, or other similar purposes.
- C. Facilities incidental to religious institutions, when located in residential districts, must be used for worship or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. No buildings shall be used, leased, or rented for commercial purposes.
- D. All front, side and rear yard space shall be a minimum of fifty (50) feet each from adjoining lot lines.

Section 13.03 Public and Private Schools

- A. *General Standards.* It is the intent of this Section to establish standards for schools that will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- B. *Pre-Schools.* All nursery, kindergarten, and pre-schools are subject to the same regulations as day care centers, as set forth in Section 13.07.
- C. *Elementary Schools.*
 - 1. The minimum lot width shall be two hundred (200) feet.
 - 2. All buildings shall be set back a minimum of fifty (50) feet from any perimeter property boundary.
- D. *Middle and High Schools.*
 - 1. The minimal lot width shall be four hundred (400) feet.
 - 2. All buildings shall be set back a minimum of seventy-five (75) feet from any perimeter property boundary.

Section 13.04 Artisan and Farmers Markets

- A. The following are the types of vendors and/or products permitted at an artisan and/or farmers' market include the following:
1. Agricultural products (i.e., fruits, vegetables, herbs, flowers, or nursery crops from seed or purchased "starters") that are personally cared for, cultivated, and harvested.
 2. Agricultural products that are processed for pre-packaged sale (i.e., milk, cheese, oils, vinegars, meats, poultry, eggs, honey, soap, and herbal preparations).
 3. Sale of fresh food products that have been personally prepared (i.e., juice, baked goods, jams, etc.)
 4. Produce purchased from local farmers and resold directly to the customer.
 5. Craft objects made by hand from "raw" materials (i.e., wax, clay, wood, metal, leather, etc.)
 6. Food trucks operating in support of a market or as a special event.
- B. The hours of operation, parking, dimensional requirements, signage, lighting, etc. shall be evaluated as a part of the special land use request.

Section 13.05 Automobile Filling Stations, Repair Garages, Service Stations and Washes

- A. Filling Stations and Repair Garages
1. All activities related to automobile service and repair equipment shall be entirely enclosed within a building located not less than forty (40) feet from any street lot line, and not less than ten (10) feet from any side lot line.
 2. The curb cuts for ingress and egress to a filling or service station shall not be permitted at any location that create congestion and/or traffic hazards on the streets immediately adjacent thereto. Entrances shall conform to specifications of the Village of Dundee engineering standards.
 3. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure located within the rear of the property.
 4. Motorized vehicle sales shall not be permitted on the premises when the principal use is an automobile filling station, repair garage, service station, and automobile wash.
 5. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.

6. All coverings of the service or filling station gasoline pumps shall be no taller than the principal structure and constructed of compatible materials. Such canopies shall not be lit internally for signage purposes. All proposed lighting shall be fully recessed.
7. Gasoline pumps shall be located not less than fifteen (15) feet from any lot line and shall be arranged so that motor vehicles do not park upon or overhang any public sidewalk, street or right-of-way while waiting for or receiving fuel service.
8. A filling or service station shall have no more than eight (8) pump stations and two (2) enclosed stalls for servicing, lubricating, greasing and/or washing motor vehicles. An additional two (2) pump stations and/or one (1) enclosed stall may be included for each additional two thousand (2,000) square feet of lot area above the minimum twenty thousand (20,000) square feet.
9. A convenience store or restaurant, with or without a drive-through may be located within the station providing it complies with parking standards set forth in Article 16.

B. Automobile Wash Facilities

1. Coin-operated/Self-Service Establishments.
 - a. All buildings shall have a front yard setback of not less than thirty (30) feet.
 - b. All washing facilities shall be within an enclosed shelter.
 - c. Vacuuming and drying areas may be located outside the building but shall not be closer than fifteen (15) feet to any residential district.
 - d. All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
 - e. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
 - f. A five (5) foot completely obscuring brick, stone, or similar material wall shall be provided along the property line were abutting a residential district.
2. Full-Service Establishments.
 - a. All buildings shall have a front yard setback of not less than sixty (60) feet.
 - b. All washing facilities shall be within a completely enclosed building.
 - c. Vacuuming and drying areas may be located outside the building but shall not be closer than twenty-five (25) feet to any residential district.
 - d. All cars required to wait for access to the facilities shall be provided space off the street right-of-way.

- e. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
- f. A five (5) foot completely obscuring brick, stone, or similar material wall shall be provided along the property line were abutting a residential district.

Section 13.06 Automobile Dealerships

- A. No vehicle shall be parked within twenty (20) feet of any street right-of-way.
- B. All repair and maintenance activities shall meet the standards set forth in Section 13.05.

Section 13.07 Child Care Facilities

- A. General:
 - 1. The property is maintained in a manner that is consistent with the character of the area.
 - 2. A state licensed family day care home of six (6) or fewer children shall be considered a residential use of property.
- B. Child day-care centers are subject to the following standards:
 - 1. The property is maintained in a manner that is consistent with the character of the area.
 - 2. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 - 3. There shall be an on-site outdoor play area of the greater of one thousand five hundred (1,500) square feet or seventy-five (75) square feet for each child. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
 - 4. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height, but no higher than six (6) feet.
 - 5. For each child, a center shall have a minimum of fifty (50) square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the following: hallways, storage areas and cloakrooms, kitchens and reception and office areas.
 - 6. Appropriate licenses with the State of Michigan shall be maintained.
- C. Child Group Day Care Homes.
 - 1. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located;

2. The property is maintained in a manner that is consistent with the character of the neighborhood;
3. There is provision of an outdoor play area that is at least five hundred (500) square feet, and which is not part of the front yard setback. This requirement may be waived by the Planning Commission if a public open space is within five hundred (500) feet of the subject parcel;
4. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and it at least four (4) feet in height, but no higher than six (6) feet.
5. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period, with a limitation on activity between the hours of 10:00 p.m. and 6:00 a.m.;
6. One (1) off-street parking space per employee not a member of the group day care home family shall be provided.

Section 13.08 Self-Storage Facilities

- A. All storage shall be contained within a building.
- B. Other than the rental of storage units, no commercial, wholesale, retail, industrial, or business use shall be permitted on or operated from the premises.
- C. The storage of any toxic, explosive, corrosive, or hazardous material shall be prohibited.
- D. On-site management and/or controlled access shall be provided during hours of operation.
- E. All storage units shall be served by paved access drives between buildings. Access drives shall also provide for continuous traffic circulation around all storage buildings. The minimum width of access drives serving storage units shall be twenty-four (24) feet when storage units open onto one (1) side of the access drive and thirty-six (36) feet with storage units open onto both sides of the access drive.

Section 13.09 Funeral Homes and Mortuaries

- A. The funeral home shall be a licensed facility by the State of Michigan.
- B. A funeral home may contain a dwelling unit for the owner and/or caretaker.

Section 13.10 Garden Centers and Nurseries

- A. Storage shall not be located within the required front yard. Stored materials shall not be located in any required parking or loading space(s). Storage of any kind shall not interfere with ingress and egress of fire and emergency vehicles and apparatus.
- B. Open storage of building materials, sand, gravel, stone, lumber, open storage or construction contractor's equipment and supplies shall be permitted, provided such storage is screened on those sides abutting any residential district or public thoroughfare in accordance with the requirements of Section 14.05.C.

- C. The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including a description of materials, height, and typical elevation of the enclosure, shall be provided as part of the information submitted under Article 8, Site Plan Review.
- D. The loading and unloading of equipment shall be conducted entirely within the site and shall not be permitted within a public right-of-way.

Section 13.11 Hospitals, Nursing Homes and Convalescent Centers

- A. Minimum lot area shall be no less than two thousand (2,000) square feet per bed.
- B. Perimeter setbacks shall be no less than fifty (50) feet from a property line.
- C. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or primary thoroughfare. More than one (1) point of vehicle ingress and egress shall be provided directly from said thoroughfare.
- D. Ambulance entrances shall be screened from adjacent residentially areas in accordance with the standards set forth in Section 14.05.C.

Section 13.12 Hotels and Motels

Shall be subject to the following:

- A. Hotels and motels may be permitted in the B-1 Central Business District as a special land use provided that lodging rooms are not located on the ground floor level of the building.
- B. Hotels and motels that include a restaurant, bar/lounge, exhibition, or meeting space shall provide parking to accommodate all uses in accordance with the standards set forth in Article 16 Parking.

Section 13.13 Kennels

- A. The minimum lot size shall be one and one-half (1.5) acres.
- B. Structures or pens shall not be located less than two hundred (200) feet from a public right-of-way or less than fifty (50) feet from a side or rear lot line.
- C. Kennels shall not be located less than three hundred (300) feet from any residential dwelling or Residential District.
- D. The kennel shall be established and maintained in accordance with the applicable County licensing regulations.

Section 13.14 Large Scale Retail and Service Uses

These provisions are intended to regulate retail establishments of greater than thirty thousand (30,000) square feet of floor area, whether located as an individual use on a single site or as part of a shopping center with a grouping of attached and/or detached buildings. Such stores are primarily focused on attracting consumers from a market area larger than the Village. Specific standards are required to ensure that large scale retail stores can be adequately served by, and do not create an inordinate impact upon roads, utilities, storm drainage and police and fire services, and are subject to the following standards:

A. Building Design Standards.

1. Façades and exterior walls:

- a. Façades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses extending at least twenty (20%) percent of the length of the facade. No uninterrupted length of facade shall exceed one hundred (100) horizontal feet.
- b. Ground floor façades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty (50%) percent of their horizontal length.
- c. Building façades must include a repeating pattern that includes no less than two (2) of the following elements: color change; texture change; and an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, including, but not limited to an offset, reveal or projecting rib.

2. Roofs. Roofs shall have no less than two (2) of the following features:

- a. Parapets concealing flat roofs and rooftop equipment including, but not limited to HVAC units from public view are required. Parapets shall not exceed one-third (1/3) of the height of the supporting wall at any point. Such parapets shall feature three-dimensional cornice treatment.
- b. Overhanging eaves, extending no less than three (3) feet past the supporting walls.
- c. Sloping roofs with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run; and
- d. Three (3) or more roof slope planes.

3. Materials and Colors.

- a. Predominant exterior building materials shall be high quality material, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.
- b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

- c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- d. Exterior building materials shall provide texture to at least fifty (50%) percent of the facade and shall not be completely made up of smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.
- 4. Entryways. Each principal building on a site shall have clearly defined, highly visible customer entrances.

B. Site Design Standards.

- 1. Parking lot location. No more than fifty (50%) percent of the off- street parking area devoted to the large-scale retail establishment shall be located between the front facade of the principal building and the abutting streets.
- 2. Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at drive crossings should be installed where possible to better define pedestrian crosswalks.

C. Pedestrian circulation.

- 1. Internal pedestrian walkways, no less than six (6) feet in width, shall be provided connecting the public sidewalk to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity including, but not limited to transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flowerbeds, ground covers or other such materials for no less than fifty (50%) percent of the length of the walkway.
- 2. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least ten (10) feet from the facade of the building to provide planting beds for foundation landscaping, except where features including, but not limited to arcades or entryways are part of the facade.
- 3. All internal pedestrian walkways which cross or are incorporated with vehicular driving surfaces shall be distinguished from such driving surfaces through the use of durable, low maintenance surface materials including, but not limited to pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Surface materials used for internal pedestrian walkway shall be designed to accommodate shopping carts.

- D. Central features and community space. Each large scale retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Village, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network, and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

- E. Outdoor storage areas shall be prohibited.

Section 13.15 Drive-Through Facilities

- A. All drive through facilities for permitted and special land uses including, but not limited to restaurants, banks, etc. are restricted to the side or rear elevations of all structures that provide drive through services.
- B. A setback of at least sixty (60) feet shall be maintained from an existing or proposed right-of-way.
- C. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets measured from the road right-of-way lines.
- D. A five (5) foot high completely obscuring wall, fence, berm, landscaping, or combination thereof, compatible with the surrounding area shall be provided where abutting residential zoning districts.

Section 13.16 Private Service Clubs, Fraternal Organizations, and Lodge Halls

Sites for private service clubs, fraternal organizations and lodge halls shall have at least one property line abutting a major thoroughfare.

Section 13.17 Sidewalk Café Service

A sidewalk cafe service operated by a restaurant or other food establishment that sells food for immediate consumption may be permitted in the B-1, B-2, and B-4 District, subject to the following standards, except where such standards may be modified in relationship to a Social District established by the Village:

- A. An outdoor cafe shall be allowed only during normal operating hours of the establishment.
- B. If a sidewalk cafe is located on a public sidewalk (only permitted in the B-1 zoning district), a minimum of five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Otherwise, all sidewalk cafes shall be located outside of the public sidewalk.
- C. All food preparation shall be inside the establishment.
- D. No music, intercom or other noise shall be permitted that impacts adjacent properties.
- E. Appropriate screening and/or fencing shall be provided as determined to be necessary and advisable by the Planning Commission in the course of its site plan review process.
- F. Cafe service areas shall comply with all regulations and provisions required for the establishment/building.
- G. The exterior of the premises, including the sidewalks, shall be kept clean, orderly, and maintained or the permit may be revoked. All food preparation shall be inside of the premises.
- H. The Village shall not be held liable or responsible for any type of damage, theft or personal injury that may occur as a result of a sidewalk cafe operation.

Section 13.18 Veterinary Hospitals and Clinics

- A. All activities (such as injections, examinations, surgeries, and other similar activities) must take place inside of a building.
- A. Front, side and rear setbacks for veterinary hospitals or clinics serving Class II or Class III animals are as follows:
 - 1. Front Yard: No less than twenty-five (25) feet unless specific district require more.
 - 2. Side Yards: Each side twenty (20) feet unless specific district requires more.
 - 3. Rear Yard: Thirty-five (35) feet unless the specific district requires more.

Section 13.19 Slaughterhouse

Slaughterhouses shall only be permitted when operating in accordance with the provisions of the Michigan Department of Agriculture and the Monroe County Health Department for on-site waste treatment and water supply.

Section 13.20 Production of Fuels

Production of fuels shall only be permitted subject to the Crude Oil Windfall Profit Tax Act of 1980 (P.L. 96-233), which regulates and encourages the production of alcohol fuel through the Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, and in accordance with applicable state and/or national fire code regulations.

Section 13.21 Material Recovery Facilities

Facilities for the dismantling, wrecking, and disposing of junk and/or refuse material and agricultural and automotive vehicles, subject to the standards set forth below.

- A. Such facilities shall be located on a public arterial street, or equivalent major public street as defined in the adopted Village of Dundee Master Plan.
- B. Travel routes for trucks entering and leaving the shall not pass-through residential areas.
- C. The site plan shall contain a description of the location and nature of any materials processing operations to be conducted within the junkyard, and the location and nature of equipment for such operations.
- D. Material shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
- E. Material shall not be stored in piles higher than the top of the fence surrounding the junkyard. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection and to protect safety of visitors.
- F. The facilities shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.

- G. The facility, when established and located within one thousand (1,000) feet of any existing residential district, as measured on a straight-line distance between lot lines, shall not be open for business and shall not be operated at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays, and shall not be open for business or otherwise operate on Sundays or legal federal holidays.
- H. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Village Fire Marshal or other designated fire official, the Zoning Enforcement Officer, and the County Health Department.
- I. All flammable liquids contained in automobiles and other vehicles shall be drained immediately after such vehicles are brought to the junkyard. Such liquids are to be stored in containers approved by the Fire Chief or other designated fire officials.
- J. All drives, parking areas, and loading/unloading areas shall be paved, oiled, watered or chemically treated so as to limit nuisances caused by windborne dust on neighboring properties and on public roads.
- K. There shall be not more than one (1) entrance way from each public street which adjoins the facility.
- L. Fencing shall be required as follows:
 - 1. A solid, opaque fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) feet intervals in the case of a wall, shall be provided along each public street frontage. The fence or wall shall be located at the required front setback line. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.
 - 2. Where the junkyard is adjacent to a rural or urban residence, or commercial district, a solid, screen type fence or wall seven (7) feet high shall be provided on any side or rear property line or portion thereby, adjoining such lots.
 - 3. The fence or wall shall be continuously maintained in such a manner that breakages, decay, etc., are repaired within an appropriate period of time and routine maintenance, such as painting, etc., will also be performed within an appropriate period of time.
 - 4. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted for any fence enclosing a junk yard.
- M. Wrecking and processing operations are permitted in material recovery facilities but shall be described in the application for the special land use approval.

Section 13.22 Adult Entertainment Uses

- A. Intent and Rationale. In the development and execution of this Article, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable, operations characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. Special regulations of these uses are necessary to ensure that these adverse effects will not contribute to the blighting, deteriorating and/or downgrading of the area, and that area adjacent thereto. These special regulations are itemized in this subsection. The Village believes that control or regulation is for the purpose of preventing a concentration of these uses in any one area, i.e., not more than one (1) such use within three thousand (3,000) feet of another such use.

It is further recognized in the development of this subsection that the prohibition against the establishment of more than one (1) adult entertainment use within three thousand (3,000) feet of each other serves to avoid the clustering of a blighted or deteriorated area frequented by vagrants, and the like; such prohibition further serves to avoid the deleterious effects of blight and devaluation of both business and residential property values resulting from the establishment of Adult Entertainment Uses (as defined in this Article) immediately adjacent to residential neighborhoods; such prohibition further serves to prevent the deleterious effect of blight and devaluation of recreational, educational and/or religious uses.

It is further recognized in the development of this Ordinance and this Section that concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.

- B. Prohibition. Unless and until approval is first sought and obtained hereunder, it shall be unlawful to hereafter establish any Adult Entertainment Use (as defined herein). Such application for approval shall be reviewed in accordance with the provisions and standards of this section and Article 13, Special Land Uses, provided that the Special Land Use approval shall be granted by the Village Board of Trustees based upon a recommendation by the Planning Commission following a public hearing.
- C. Requirements:
1. The nearest point of any adult entertainment use building shall be at least three thousand (3,000) feet from the nearest property line of any of the following, except as provided in Section 13.22.D.2 below:
 - a. public, private, or parochial school;
 - b. library;
 - c. park, playground, or other recreational facility which admits minors;
 - d. day-care center, or nursery schools;
 - e. church, convent, monastery, synagogue, or other similar place of worship;
 - f. "any "Class C" establishment licensed by the Michigan Liquor Control Commission;
 - g. specially designated dealers or specially designated merchant's establishments;
 - h. pool or billiard halls;
 - i. arcades;
 - j. pawn shops;
 - k. hotels, motels or bed and breakfast inns;
 - l. dance clubs catering primarily to teenagers, ice or roller-skating rinks, movie theaters and other similar uses which typically cater to or admit minors;

- m. another existing or approved Adult Entertainment Use except as provided in Section 13.22.D.2 below; and
 - n. any residential zoning district.
2. Such distance shall be measured along the centerline of the street between the two (2) fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed use nearest to the contemplated location of the structure containing the Adult Entertainment Use and from the contemplated location of the structure containing the Adult Entertainment Use nearest to a use listed in Section 13.22.C.1 above.
3. The site and building of any Adult Entertainment Use shall be designed to meet the following standards:
- a. Maximum size of the building shall be five thousand (5,000) square feet of gross floor area.
 - b. Building Architectural Design: Architectural design and materials must be compatible with the character of the surrounding area. Design compatibility includes complementary building style, form, size, color, and materials. The erection of new structures shall not be grossly dissimilar (obviously different) to the exterior design and appearance of existing structures in the district or those found in the M-1 or M-2 District and surrounding area.
 - c. Exterior Finish Material. Exterior finish material of all building facades, exclusive of window areas, shall consist of high-quality building materials consistent with buildings in traditional urban environment, including brick or stone. Concrete masonry units may be permitted on the rear of the building upon approval by the Planning Commission.
 - d. The building and site shall be designed, constructed, and maintained so material such as a display, decoration or sign depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this ordinance) cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
 - e. Adult entertainment uses shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
 - f. The building shall provide sufficient sound-adsorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way.
 - g. The Planning Commission shall determine the type of buffer zone to be required and maintained along the side and rear lot lines, based on the site conditions, views from public streets, and distance and type of surrounding land uses.
 - h. The sign(s) and exterior building color(s) shall be reviewed and approved by the Village Board of Trustees.

- i. The hours of operation shall be approved by the Village Board of Trustees.
 - j. Access to the site shall be from a major thoroughfare.
 - k. Any Adult Entertainment Use which allows customers to remain on the premises while viewing live, filmed, or recorded entertainment, or while using or consuming the products or services supplied on the premises shall provide at least one (1) security guard on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is in operation.
- D. Application and Review. Any person desiring to establish an Adult Entertainment Use shall submit an application for special land use approval in accordance with Article 9.
- 1. The Planning Commission shall conduct a public hearing and thereafter make a recommendation to the Village Board of Trustees based on the following criteria:
 - a. All locational and design requirements of this Section are met.
 - b. The site layout and its relation to streets giving access to it, shall be such that vehicular and pedestrian traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be clearly hazardous, endangered, or inconvenient to the neighborhood. In applying this standard, the Village shall consider, among other things: convenient routes for pedestrian traffic, the relationship of the proposed use to main vehicular traffic thoroughfares and to streets and road intersections, and the general intensity of the existing and potential development of the neighborhood. The Village Board of Trustees shall determine that the proposed use will not have a clear detrimental effect.
 - c. The proposed use will not clearly cause a nuisance, and/or harm the public health, safety, and general welfare and/or an unreasonable diminution to the value of other property in the immediate area.
 - d. The application meets all standards for Special Land Uses contained in Article 9.
 - 2. The Village Board of Trustees may waive the location provision requiring minimum distances between Adult Entertainment Uses and those uses identified in Section 13.22.C.1 above, in accordance with the following:
 - a. Location provisions may not be waived from any Residential District, public, private, or parochial school or church, convent, monastery, synagogue, or other similar place of worship.
 - b. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Article will be observed;
 - c. The proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area;
 - d. That all applicable regulations of this Article will be observed; and,

- e. There is no other reasonable location in the Village at which the use is suited.
- 3. In accordance with Section 13.22.C, it shall be unlawful to hereafter establish any entertainment use if the proposed entertainment use will be within a three thousand (3,000) foot radius of any single-family residential zoning district, public, private, or parochial school or church, convent, monastery, synagogue, or other similar place of worship.
- 4. Prior to granting a permit for any Adult Entertainment Use, the Village Board of Trustees may impose any such conditions or limitations authorized by law in connection with the grant of special uses.

Section 13.23 Recreation Uses

A. Commercial Recreation:

- 1. Indoor uses shall include but not be limited to the following: batting cages, bowling alleys, courts and fields for activities including football, baseball, soccer, tennis, and basketball, driving ranges, go-carts, archery ranges, paint ball, laser tag, skating rinks and arenas, swimming pools, athletic fitness clubs, dance studios and other similar uses as approved by the Planning Commission.
- 2. Outdoor uses shall be limited to non-motorized recreational activities such as football, baseball, soccer, tennis, and basketball, driving ranges, skating rinks, swimming pools, and other similar uses as approved by the Planning Commission.
- 3. The expected traffic generated by such uses and proposed circulation pattern shall not impede the traffic flow of the surrounding uses.
- 4. The use must be located within eight hundred (800) feet of a public arterial street, or equivalent major public street as defined in the adopted Village of Dundee Master Plan.
- 5. The front, side and rear yard minimum building setbacks shall be fifty (50) feet.
- 6. Maximum height shall be thirty (30) feet. However, additional height may be allowed for inflatable or domed recreational facilities as approved by the Planning Commission.
- 7. No less than a one hundred (100) foot setback for buildings or parking areas shall be retained along all parcel perimeters abutting a residentially zoned or used parcel.
- 8. Building design and materials must be compatible with the existing or intended character of the surrounding area, as determined by the Planning Commission.
- 9. The hours of operations shall be limited to between 9:00 a.m. and midnight.
- 10. Outside storage shall be prohibited.

B. Private Recreation Uses: Private parks, country clubs, golf courses and recreational areas shall meet the following requirements:

1. Private parks, country clubs, golf courses and recreational areas shall be located on a contiguous parcel of five (5) or more acres of land.
2. Structures associated with uses such as private parks, country clubs, golf courses, golf driving ranges, and other similar recreational facilities operated for a profit shall be located at least two hundred fifty (250) feet from a lot line or any adjacent residence or residential district, and all ingress and egress from the parcel shall be directly onto a major thoroughfare. Structures associated with gun clubs shall be situated a minimum of one thousand (1,000) feet from the edge of a public thoroughfare and/or residence or residential district.
3. All primary activities associated with these uses conducted out-of-doors or in a manner that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation of 7:00 a.m. to 10:00 p.m., unless approval for an extension of that period is obtained from the Board of Appeals.

Section 13.24 Wireless Communication Facilities

- A. **Purpose and Intent.** The regulations of this Section are intended to conform with federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within the Village of Dundee. It is the Village's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the Village. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the Village that all users co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures. Co-location is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the Village's concern that technological advances may render certain Wireless Communication Facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for their removal.
- B. **Zoning Districts and the Approval Process for Wireless Communication Facilities.** Wireless Communication Facilities may be located within the Village in accordance with the Table set forth below.

| Type/Location of Wireless Communication Facility | Districts Permitted | Approval Procedure |
|--|-------------------------------|---|
| 1. Attached to Existing Structures: | | |
| - Attached to an existing conforming structure that will not be materially altered or changed in appearance | All Non-Residential Districts | Administrative Sketch Plan approval by the Zoning Enforcement Officer |
| - Attached to an existing water tower or utility pole that will not be modified or materially alter the structure or impair sight lines or compromise safety | All Districts | Administrative Sketch Plan approval by the Zoning Enforcement Officer, provided letter of acceptance is provided by the utility company |
| - Co-location upon an attached wireless communication facility previously approved for co-location | All Districts | Administrative Sketch Plan approval by the Zoning Enforcement Officer |
| 2. New Structure: | | |
| - Monopole up to 150 feet in height ¹ | B-4, M-1, or M-2 | Special Land Use and Site Plan Approval |
| - Lattice tower where it can be demonstrated that a monopole is not feasible. | M-2 | Special Land Use and Site Plan Approval |

1 Height may be increased ten (10) feet were determined necessary to provide future co-location.

C. Application Requirements. The following information shall be provided with the application, in addition to other submittal requirements for sketch plan or site plan.

1. Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident, or injury (i.e., “fall zone”), and that the setback area provided accommodates the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
2. A description of performance guarantee to be posted at the time of receiving site plan or administrative sketch plan approval, as applicable, for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the Village for removal of any structure used for wireless communication in an amount that reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the Village’s administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timely manner.
3. The security shall, at the election of the Village Board of Trustees, be in the form of: (1) cash; (2) security bond; or (3) an agreement in a form approved by the Village Attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this Section. It shall further be provided that the applicant, owner, or successor, shall be responsible for payment of any costs or attorney fees incurred by the Village in securing removal.

4. A map that illustrates existing and known proposed wireless communication facilities within the Village of Dundee and Dundee Township, which are relevant in terms of potential co- location or to demonstrate the need for the proposed facility. To the extent the information in question is on file with the Village, the applicant shall be required only to provide an update as needed. Any such information that is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality (MCL 15.243(l)(g)). This Section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Village.
5. For all new facilities, in recognition of the Village policy to promote co-location, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for co-location.
6. The name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

D. Design Standards Applicable to All Facilities. In addition to the Criteria of Site Plan Review and Special Land Use Review, all wireless communication facilities shall be constructed and maintained in accordance with the following standards:

1. Facilities shall be located and designed to be harmonious with the surrounding areas. The Planning Commission may require a unique design for the structure to either diminish the visual impact or to create an architectural feature that will contribute to or enhance community character.
2. A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible co-location is not available for the coverage area and capacity needs.
3. All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location, with a written agreement in a format approved by the Village Attorney.
4. Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.
5. Elevations of the accessory buildings shall be provided. All accessory buildings shall be constructed of brick, provided the Planning Commission may waive this requirement for a building that is located in the M-1 Manufacturing or M-2 Heavy Manufacturing Districts and is not visible from a public right-of-way or all other zoning districts.
6. Fencing shall be provided for protection of the support structure and security from unauthorized person to prevent access to the facility.

7. Any non-conforming situations on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current standards of this Article, improvements shall be made to decrease the non-conformity or additional landscaping shall be provided to reduce the impact of the non-conformity and the wireless facility.
8. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
9. The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future co-location, where appropriate.
10. Minimum required setbacks for a new facility or support structure.
 - a. From any Residential District - The height of the structure, plus twenty-five (25) feet, provided the engineering information required is provided. The person or body with authority to approve the facility may decrease this setback to that provided in Section 13.24.D.10.c upon a finding that no residential use exists or is expected on the adjacent site.
 - b. From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways – one-half (0.5) the height of the structure, plus twenty-five (25) feet, provided the engineering information required is provided; otherwise, the setback shall be the height of the facility.
 - c. From Non-Residential Districts - one-half (0.5) the height of the structure, plus ten (10) feet, provided the engineering information required demonstrates such setback is adequate.
11. Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.
12. There shall be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to Residential Districts; minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
13. Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building. Antennas shall be concealed by means such as a radio-transparent shield, disguised, painted, or otherwise designed to blend into the façade or roof of the structure. The 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.

14. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geo-technical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
15. The requirements of the Federal Aviation Administration, Federal Communication Commission, Michigan Aeronautics Commission and Michigan Tall Structures Act shall be noted. Any aviation hazard lighting shall be detailed on the plans.
16. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

E. **Removal.** As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:

1. When the facility has not been used for one hundred-eighty (180) days or more. For purposes of this Section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
2. Six (6) months after new technology is available at reasonable cost, as determined by the Village Board of Trustees, which permits the operation of the communication system without the requirement of the support structure.
3. The situations in which removal of a facility is required, as set forth in paragraph (a) above, may be applied and limited to portions of a facility.
4. Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph (a) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Enforcement Officer.
5. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

F. **Co-Location**

1. **Statement of Policy.** It is the policy of the Village to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Village and to encourage the use of existing structures for Attached Wireless Communication Facilities. If a provider fails or refuses to permit co-location on a facility owned or controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with Village policy. Co-location shall be required where feasible, as determined by (b) below.

2. **Feasibility of Co-Location.** Co-location shall be deemed "feasible" for the purpose of this Section where all of the following are met:

- a. The wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for collocation and the wireless communication provider seeking the facility will pay such rates.
- b. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The co-location being considered is technically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas, and the like.

G. **Nonconforming Facilities and Penalties for Not Permitting Co-Location.** If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of this Section, and this action results in construction of a new tower, the Village may refuse to approve applications for a new wireless communication support structure from that party for a period of up to five (5) years. A party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

H. **Variances.** The Zoning Board of Appeals may consider a variance from the standards of this Section, based upon a finding that one (1) or more of the following factors exist, as appropriate for the type of variance requested:

1. For location, the applicant has demonstrated that a location within a district or location in accordance with the standards of this Section cannot reasonably meet the coverage or capacity needs of the applicant.
2. For variances from the co-location requirement, the applicant must demonstrate that a feasible co-location is not available for the coverage area and capacity needs because existing structures cannot support the facility, that co-location would result in unreasonable interference, or that reasonable financial terms are not available for co-location.
3. For setback variances, the applicant shall provide engineering information that documents that the tower is self-collapsing, and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
4. For height variances, the height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the Village.

5. For all variances, the applicant has proposed means to mitigate any negative impacts through provision for future co-location, if found to be appropriate by the Village, and special design of the facility and site.
6. For all variance requests, the wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood, and general area, such as a steeple, bell tower, or similar form.

Section 13.25 Use: Wind Energy Conversion System (WECS)

- A. **Intent:** It is the intent of Village of Dundee to promote the effective and efficient use of Wind Energy Conversion Systems (WESC) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee the wind rights or establish access to the wind.
- B. **Approval Required:** Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within the Village of Dundee unless approval for a special land use has been obtained pursuant to Article 9 and this Section.
- C. **General Standards:** The following standards shall apply to all private and commercial wind energy conversion systems in the Village of Dundee:
 1. Design Safety Certification. The safety of the design of all private and commercial WECS structures shall comply with all current applicable State of Michigan guidelines and standards.
 2. Fire Suppression, Controls and Brakes. All commercial WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. All commercial WESC structures shall also be installed with automatic fire suppression in the generator housing. The Professional Engineer must certify that the rotor and overspeed control design and fabrication and fire suppression system conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification. Brakes are not required on private WECS structures.
 3. Setbacks. All private and commercial WECS structures must be setback from property lines at a distance equal to or greater than one and one half (1.5) times the height of the structure, measured from the base of the structure to the highest reach of its blade.
 4. Climb Prevention. All commercial WECS structures must be protected by anti-climbing devices such as:
 - a. Fences with locking portals at least six (6) feet high;
 - b. Anti-climbing devices twelve (12) feet from base of pole; or
 - c. Anchor points for guy wires supporting tower shall be enclosed by a six (6) foot high fence or shall be located within the confines of a yard that is completely fenced.

5. Interference. All private or commercial WECS structures shall be designed and operated to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave, or television signals.
6. Noise Levels. The noise level for either a private or a commercial WECS structure shall comply with the standards set forth in Section 19.06.E Noise.

D. Additional Standards for Commercial WECS Structures: The following additional standards shall apply to all commercial wind energy conversion systems in the Village of Dundee:

1. Color. Towers and blades shall be painted a non-reflective neutral color that is approved by the Village of Dundee or otherwise required by law.
2. Compliance with FAA. It shall be the responsibility of the applicant to obtain the appropriate FAA permits for the WECS structure, or to obtain a determination of no significant impact to air navigation from the FAA.
3. Warnings. A visible warning sign of High Voltage may be required to be placed at the base of all commercial WECS structures. The sign must have at a minimum six (6) inch letters with three-fourths ($\frac{3}{4}$) inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.
4. Performance Bond. The Village shall have on file a performance bond for removal of a commercial structure. The value of the bond shall be in the amount given prior to construction for the cost of removal and any other costs deemed necessary by the Village for inspections.
5. Removal. A condition of every approval of a commercial WECS structure shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:
 - a. When the WESC structure has not been used for one hundred-eighty (180) days or more. For purposes of this section, the removal of equipment, or the cessation of operations shall be considered as the beginning of a period of non-use. The applicant shall notify the Village upon cessation of operations or removal of equipment.
 - b. The situations in which removal of a facility is required, as set forth in paragraph a. above, may be applied and limited to portions of a structure.
 - c. Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph a. above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Village.
 - d. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after written notice, the Village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

ARTICLE 14

LANDSCAPE STANDARDS

Section 14.01 Intent

Landscaping is necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Village. The intent of this Section is to promote the public health, safety, and welfare by establishing minimum standards for the design, installation, and maintenance of landscape improvement. The requirements of this article are intended to help achieve several functional and environmental objectives such as:

- A. To improve the local environment by controlling soil erosion, moderating harsh or unpleasant sounds, removing air pollutants, controlling light trespass and reflection, moderating winds, and the effects of climate, and promoting stormwater infiltration thereby helping to prevent flooding.
- B. To encourage the preservation of existing trees and vegetation;
- C. To provide visual buffering and enhance the beautification of the Village;
- D. To reduce the physical impact between adjacent land uses by requiring complementary landscape treatments and providing a transitional area adjacent to natural areas;

Section 14.02 Scope of Application

- A. The requirements set forth in this Article shall apply to all uses, lots, sites, and parcels that are subject to be reviewed in accordance with Article 8, Site Plan Review Procedures and Requirements.
- B. Where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, in accordance with the Article 8 Site Plan Review Procedures and Requirements. A certificate of occupancy shall not be issued unless provisions set forth in this Article have been met or a performance bond has been posted in accordance with the provisions set forth in this Article.
- C. The Planning Commission, Zoning Enforcement Officer, or Village Manager (or designee) may determine that there exist unique circumstances that would prevent the installation of all or a portion of the required site landscaping, greenbelts, buffer zones, and parking lot landscaping or detention/retention basin landscaping requirements.
 - 1. A determination to modify landscape requirements shall be made based upon the following:
 - a. Topography
 - b. Existing woodlands, wetland, floodplain, drainage conditions and poor soils
 - c. Types and distance to adjacent land uses
 - d. Dimensional conditions unique to the parcel

- e. Provision of adequate sight distances/clearance for motorists and pedestrians
 - f. Health, safety, and welfare of the Village
 - g. Clearance from overhead utility lines and separation from underground utilities
 - h. Accessibility to fire hydrants
2. In circumstances where landscape requirements result in a reduction in landscaping, the applicant shall be required to incorporate at least one (1) of the following elements in the landscape plan:
- a. Use of creative design (including reforestation plans, see Section 19.03)
 - b. Use of larger plant material (see Section 19.03)
 - c. Payment in lieu of installation (see Section 14.08)
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- D. In any case, where the building and/or parking area is being increased by at least twenty-five (25%) percent over the originally approved site plan, or is being changed to a more intense use, as determined by the Planning Commission, Zoning Enforcement Officer or Village Manager (or designee), the site shall be brought into full compliance with the landscape standards herein. The change in use intensity shall consider factors such as parking required, amount of traffic generated, maximum building occupancy or change to a different use category in the Building Code.

Section 14.03 Landscape Plan Specifications

- A. **Minimum Requirements.** The requirements contained in this Article are considered the minimum necessary to achieve the intent of this Article, but nothing herein shall preclude the use of more extensive landscaping to further improve the function, appearance, and value of the property.
- B. **Landscape Plan Review Required.** A separate detailed landscape plan shall be submitted as part of the preliminary site plan review, preliminary condominium/site condominium and final preliminary plat approval process.
- C. **Registered Landscape Architect Required.** Landscape plans shall be signed and sealed by a registered landscape architect.
- D. **Required Information.** The landscape plan shall demonstrate that all requirements of this Article are met and shall include the following information:
 - 1. Illustrate location, spacing, species, size, and root type of proposed plant material;
 - 2. Separately identify compliance with the minimum numeric requirements (rounded up) for site landscaping, greenbelts, buffer zones, parking lot landscaping, and detention/retention ponds;
 - 3. Provide typical cross sections to illustrate views from adjacent land uses, and the slope, height, and width of proposed berms or landscape elements;

4. Provide a tree survey which denotes all trees with a caliper of greater than four (4) inches or eight (8) feet tall and other landscape elements to be preserved;
5. Identification of existing wetlands, forested areas, trees, and vegetative cover;
6. Delineate the location of tree protection fencing at the perimeter of areas that are to be preserved. The protective fencing shall be located no closer than the drip line of the trees, and a detail of all such fencing shall be provided on the plans;
7. Provide construction details to resolve specific conditions such as limits of grading adjacent to areas with trees and vegetative cover to be preserved, tree wells to preserve existing trees or culverts to maintain natural drainage patterns;
8. Provide details to ensure proper installation and establishment of proposed plant material;
9. Identify grass areas, mulch areas and other methods of pervious ground cover; and
10. Identify a landscape maintenance program including statement that all diseased, damaged or dead materials shall be replaced in accordance with the requirements of this Article.

Section 14.04 Preserving Existing Vegetation

To the extent practical, preservation of existing vegetation shall be incorporated in landscape plans in accordance with Section 19.03.

Section 14.05 Landscape Standards

- A. *General site landscaping.* In addition to any required screening, front greenbelt, foundation landscaping and/or parking lot landscaping required by this section, twenty-five (25%) percent of the site area, excluding existing public road right-of-way, or private road easement shall be landscaped. Such site landscaping shall include preservation of existing plant material, grass, ground cover, trees, shrubs and/or other living plant material, but shall not be solely grass. When meeting general site landscaping requirements, particular attention shall be paid to such site elements as transformers, mechanical equipment, ground sign bases and entry ways.
- B. *Street Trees.* All parcels or lots with frontage on public streets shall be landscaped with the equivalent of one (1) tree for every forty (40) lineal feet, or fraction thereof. Such street trees shall be located within the street right-of-way, said trees shall meet the minimum size requirements set forth in subsection 14.06.B of this section and shall be an appropriate species for a street environment. The Planning Commission, Zoning Enforcement Officer, Village Manager (or designee) may determine that existing trees which are preserved within the road right-of-way or easement may meet all or a portion of the street tree requirement.

C. *Buffer Zones between land uses.*

1. A landscape buffer shall be required to create a visual screen at least six (6) feet in height along all adjoining boundaries whenever a nonresidential use or a residential use of higher density abuts residentially zoned property. A landscape buffer may consist of earthen berms and plant materials, or plant materials only, so as to maintain a minimum opacity of at least eighty (80%) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. Provided the minimum size of plant material as set forth in subsection 14.06.B of this Section at the time of installation, the opacity standard shall be met based upon reasonably anticipated growth over a period of three (3) years. At the time of the initial planting, the applicant shall agree in writing to install additional plantings after the expiration of three (3) years in the event that the landscaping has not screened the view of areas as required.
2. Where there is a need to provide a greater visual, noise or dust barrier or to screen more intense development, a solid wall, fence or berm or combination thereof may be required by the Planning Commission, Zoning Enforcement Officer or Village Manager (or designee). Such wall or fence shall be a minimum of six (6) feet in height, or up to an eight (8) foot berm and/or wall within the commercial and industrial districts, as measured on the side of the proposed wall having the higher grade and shall be constructed on both sides with textured concrete, split-face concrete block, wood, brick, or stone. Precast panels and formed concrete structures may be used if they provide surface detail and texture equal to or greater than, the materials just named. The location may be modified by the Planning Commission, Zoning Enforcement Officer or Village Manager (or designee) upon recommendation of the Village Engineer due to unique circumstances, such as conflicts with underground utilities and better screening provided at alternative locations. In addition, a minimum of one (1) tree and six (6) shrubs meeting the minimum size requirements set forth in subsection 14.06.B of this section shall be planted adjacent to and for each thirty (30) lineal feet of wall or fence.
3. Any zoning district or use adjacent to the US-23 right of way shall be required a buffer width of no less than fifty (50) feet along the property line. This buffer area shall include one (1) canopy tree per each thirty (30) linear feet, and two (2) evergreen trees per each twenty (20) linear feet. Furthermore, a berm and/or masonry wall may be required in place of the buffer when deemed necessary by Planning Commission, Zoning Enforcement Officer or Village Manager (or designee) to meet the intent of Section 14.05.C.

D. *Parking lot landscaping.*

1. *Interior areas.* Each separate landscaped area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following: divide and break up the expanse of pavement; define parking areas; designate vehicular circulation; and separate parking lots from off-street parking. The following specific standards shall apply:

- a. *Parking Islands.* Separate landscaped islands shall be required within parking lots of sixteen (16) spaces or greater. No more than a row of twenty-four (24) spaces, that range from a thirty (30) degree to a ninety (90) degree angle from a curb, the edge of parking surface, or vehicular access aisle are permitted without an island. In parking lots containing parking spaces parallel to a curb, the edge of parking surface, or vehicular access aisle, no more than a row or nine (9) spaces shall be permitted without an island. Where size and configuration of a parking lot would prevent maintenance or impede traffic flow as a result of requiring landscaped areas within parking lots, the Planning Commission, Zoning Enforcement Officer or Village Manager (or designee) may approve alternative landscaping along the perimeter of the parking lots.
 - b. There shall be one (1) canopy tree meeting the minimum size requirements set forth in subsection 14.06.B of this section for every eight (8) parking spaces, landscaped islands within a designated parking area shall be a minimum of one hundred-fifty (150) square feet in area and nine (9) feet in width; no branches shall remain within four (4) – six (6) feet above the grade of the parking lot.
 - c. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.
2. *Perimeter areas.* To reduce the visual impact, minimize conflicts between neighboring uses and reduce the effect of headlight glare and parking lot lighting on adjacent uses and public roadways, the perimeter of parking lots shall be screened in accordance with the following standards (see figure below):
- a. Parking lots which are adjacent to residentially zoned or used property, which serve a nonresidential use, or a residential use of higher density shall be screened from that residential use in accordance with the standards set forth in Section 14.05.C
 - b. Parking lots adjacent to like zoning districts shall provide a perimeter buffer area of no less than ten (10) feet wide from the edge of pavement and screened with a minimum of one (1) deciduous per each two thousand (2,000) square feet of paved surface, meeting the minimum size requirements set forth in subsection 14.06.B of this section.
 - c. Parking lots which are visible from a public road shall follow the requirements of Section 14.05.E – Front Greenbelt Landscaping.
 - d. The Planning Commission, Zoning Enforcement Officer or Village Manager (or designee), at its discretion, may approve alternative landscape plantings, such as a solid hedge, or a solid wall in lieu of a landscape berm. Decorative treatment may be incorporated into the perimeter parking lot landscaping such as the inclusion of tree clusters, or a two and half (2.5) foot tall wood fence, brick wall or wrought iron fencing with brick pilasters. Treatment provided must be compatible with, or a site improvement to, surrounding properties. This decorative treatment is encouraged on sites within the business districts and multiple-family developments near the downtown.

3. *Landscape strips.* Minimum of four (4) foot wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area. For locations abutting an exterior building wall where sidewalks are required; landscape stripe shall be placed between the sidewalk and building wall.

E. *Front greenbelt landscaping.*

1. A minimum of a twenty (20) foot wide greenbelt shall be required for any lot or any portion of an interior or corner lot fronting on a public or private road, and shall be landscaped with a minimum of one (1) deciduous tree or one (1) evergreen tree, plus six (6) deciduous and/or evergreen shrubs meeting the minimum size requirements set forth in subsection 14.06.B of this section for each forty (40) lineal feet, or major portion thereof, of frontage abutting said public right-of-way. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and/or other living plant material. (See figure below).
2. Access-ways from public rights-of-way through required landscape strips shall be permitted, but such access-ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a spacing arrangement which is detrimental to plant development.
3. Greenbelt plantings shall be arranged to emulate the landscape character of the surrounding areas. Subject to Planning Commission determination, the greenbelt plantings may be waived within the B-1, Central Business District providing the buildings are located at or near the property line.

F. *Subdivision and site condominium landscaping.* Landscaping for subdivisions and site condominiums, which shall include, but not be limited to, residential, office, commercial, and industrial development, shall be provided in accordance with the following requirements:

1. *Street trees.* The frontage of all internal public or private streets shall be landscaped on both sides with the equivalent of one (1) tree for every forty (40) lineal feet, or fraction thereof. Such street trees shall meet the minimum size requirements set forth in subsection 14.06.B of this Section and shall be an appropriate species for a street environment. The Planning Commission may determine that existing trees which are preserved within the road right-of-way or easement may meet all or part of the street tree requirement.
2. *Screening from public roads.* Where a subdivision or site condominium abuts a public right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in subsection (1) of this section shall be met.
3. *Other site improvements.* A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, cul-de-sac islands, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.

- G. *Foundation landscaping.* Foundation plantings shall be provided along the front or sides of any buildings which faces a public road and/or is adjacent to a parking lot or other area which provides access to the building by the general public. Foundation planting areas shall be integrated into the sidewalk system (between the front and sides of the building and the parking area and/or associated driveways) adjacent to the building. Foundation planting areas shall contain, at a minimum, one (1) ornamental tree and (6) six shrubs per thirty (30) lineal feet of applicable building frontage. Individual planting areas shall be a minimum of eight (8) feet in width.

- H. *Retention and detention areas.* The integration of stormwater retention and detention areas in the overall landscape concept is recommended. Retention and detention areas with a natural/free form design and appearance shall be encouraged. Fenced retention/detention areas within a front yard shall be strictly prohibited. Each retention or detention area shall have one (1) tree per each fifty (50) linear feet measured at the top bank of the pond and ten (10) shrubs per each fifty (50) linear feet measured at the top bank of the pond plus a native seed mix on the slopes to prevent erosion. The plantings shall be clustered in a natural pattern around the basin with trees above the freeboard line, and all other plantings must be tolerant of wet/moist soils. The location of plant material shall also be done in consideration of the need to provide access for and minimize disruption of plant material during routine pond maintenance.

Section 14.06 Specifications for Landscape Improvements and Plant Materials

- A. **Plant Material.** All plant material shall be hardy to the Village of Dundee, be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Nursery and Landscape Association.

- B. **Minimum Sizes and Spacing.** The minimum plant sizes shall be provided in accordance with the following:

| Plant Type | Minimum Plant Size (1) | Spacing Requirements (max. on center) |
|------------------------------|---|---------------------------------------|
| Large Deciduous Canopy Trees | Two and one half (2.5) inch caliper | Twenty-five (25) feet |
| Ornamental Trees | Two (2) inch caliper or Six (6) foot height | Fifteen (15) feet |
| Evergreen Trees | Six (6) foot height | Fifteen (15) feet |
| Large Deciduous Shrubs | Three (3) foot height | Four (4) - six (6) feet |
| Small Deciduous Shrubs | Two (2) foot height | Three (3) feet |
| Upright Evergreen Shrubs | Two (2) foot height | Three (3) - four (4) feet |
| Spreading Evergreen Shrubs | Two (2) foot spread | Three (3) – four (4) feet |

Footnotes:

- (1) Height of minimum plant size shall be the overall measured height from grade to crown at the time of installation.

- C. **Mixing of Species.** The overall landscape plan shall not contain more than thirty-three (33%) percent of any one (1) plant species. The use of native species and mixture of plants from the same plant community is strongly encouraged.
- D. **Trees Not Permitted.** The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers, and they are unusually susceptible to disease or insects. The Planning Commission may, however, allow trees from this list when associated with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Ash, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ginkgo (female), Mulberry, Catalpa, Cottonwood, Black Locust and Honey Locust (with thorns).
- E. **Planting Beds and Parking Lot Island.** Appropriate landscaping stone or bark mulch used as a pervious landscape bed cover shall be maintained at a minimum of two (2) inches deep. Non-curbed plantings beds shall be edged with either plastic or metal edging in all nonresidential uses in residential districts, and metal edging in all other zoning districts.
- F. **Topsoil.** Topsoil shall consist of a four (4) inch base for lawn areas and an eight (8) to twelve (12) inch base within planting beds. This also applies to berms.
- G. **Proximity to Utilities.** Plant material shall not be located in a manner that will interfere with or cause damage to underground or overhead utility lines, public roads, or other public facilities.
- H. **Lawn Grasses.** Lawn grasses shall be planted in species normally grown as permanent lawns in Monroe County. Grasses may be seeded or sodded. Only rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not possible, nurse grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.
- I. **Landscape Berms.** Where provided, landscape berms shall conform to the following standards.
1. The berm may be up to ten (10) feet shall be at least three (3) feet above the grade elevation, but in no case shall be maintained at a continuous height. All berms shall be undulating and include gaps were deemed necessary.
 2. Sides of the berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal.
 3. In measuring slope and height, grade elevation shall be the average ground elevation adjacent to the proposed berm.
 4. Side slopes shall be protected from erosion by sod, seed, or other living ground cover. If slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established.
 5. The Planning Commission has the ability to permit a deviation from the height and slope requirements noted above.

Section 14.07 Minimum Standards for Installation, Irrigation and Maintenance

- A. **Timing of Planting.** All required plant materials shall be planted prior to issuing a Certificate of Occupancy. In the event the project is completed during a time of year when planting is impractical, a written agreement shall be provided by the applicant guaranteeing the planting installation shall be completed during the immediately following growing season. Said guarantee shall be signed by the applicant and the Zoning Administrator or designee.
- B. **Completion of Improvements.** Tree stakes, guy wires, and tree wrap shall be removed after completion of the initial growing season.
- C. **Irrigation.** All landscaped areas shall be provided with a readily available and acceptable water supply, or at least one (1) outlet located within one hundred (100) feet of all plant material.
- D. **Maintenance.** The owner of the property shall be responsible for the regular maintenance of all landscaping. Landscaped areas and plant materials required by this Article shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance per the intent of the approved site plan. Additionally, all plantings approved as part of a site plan shall be maintained in perpetuity or an amended landscape plan shall be submitted for consideration by the Administration and/or Planning Commission. However, if any required plant material dies or becomes diseased, it shall be replaced. Replacement shall be within thirty (30) days unless an extended time period is necessary due to weather in which case a written request shall be submitted and reviewed by the Village Manager prior to its potential authorization.

Section 14.08 Payment In Lieu of Installation

- A. **Criteria.** The Planning Commission, in coordination with staff, may recommend to the administration that an applicant pay a fee-in-lieu of installing some of the required landscaping because it cannot be accommodated on the subject site and would be better suited elsewhere within the Village.
- B. **Quantity of Trees.** The quantity of trees to be used in calculating the payment-in-lieu shall be determined as follows: total caliper of all canopy and ornamental trees, total height of all evergreen trees and the total quantity of all shrubs (evergreen and deciduous).
- C. **Payment.** The applicant shall submit a payment to the Village Tree Fund in an amount determined by multiplying the total quantity of plantings by the cost per plant. The latter shall be derived by averaging the cost provided by local distributors. The Village shall utilize this fund to plant trees/shrubs in public places elsewhere within the community.

ARTICLE 15

LIGHTING STANDARDS

Section 15.01 Intent

The intent of this Article is to protect the health, safety, and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. This Article provides standards for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that contributes to the degradation of the nighttime visual environment.

Section 15.02 Applicability

Whenever a building permit, electrical permit for outdoor lighting or signage, a special land use approval, subdivision approval or site plan approval from the Village is required, the applicant shall submit information set forth in Section 15.03 to enable the Zoning Enforcement Officer and/or Planning Commission to determine whether the proposed lighting will comply with this Article.

Section 15.03 Submittal Requirements

The following information shall be submitted prior to lighting installation:

- A. Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations;
- B. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles);
- C. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding;
- D. Use of the fixture proposed; and
- E. Any other information deemed necessary by the Zoning Enforcement Officer to determine compliance with provisions of this Article.

Section 15.04 General Standards

- A. **Shielding and Light Trespass.** Lighting shall be placed, directed, and shielded so as to direct the light onto the site and away from adjoining properties through the use of full-cutoff luminaires. Lighting shall be shielded so that it does not cause glare for vehicles, bicycles, and pedestrians. Directional luminaires such as floodlights and wall-mounted luminaires shall be shielded and aimed so they do not create glare when viewed from neighboring property. The use of floodlights and wall-mounted luminaires to light parking areas shall be prohibited, unless there is a finding by the Planning Commission that no other acceptable means of lighting is possible. Lighting under canopies shall be recessed or full cutoff luminaires aimed straight down.

- B. The intensity of light within a site shall not exceed eight (8) footcandles within any site or one (1) footcandle at any property line, except where it abuts a residential district or use whereby a maximum of 0.5 footcandles is permitted.
- C. Light Color Standard. Correlated color temperature of any outdoor light source shall not exceed three thousand-five hundred (3,500) Kelvin unless introduced as part of a façade or landscape lighting scheme used exclusively for the decorative illumination through color of certain building façade or landscape features.
- D. The Planning Commission may require decorative light fixtures as an alternative to shielded fixtures where it will be compatible with the traditional Village character of the surrounding area. In this case, it must be proven that there will be no off-site glare.

Section 15.05 Freestanding Pole Lighting

- A. The maximum height of parking lot light fixtures shall be fifteen (15) feet, except that the Planning Commission may permit a maximum height of twenty-five (25) feet in a B-2, M-1, or M-2 District when the poles are no closer than one hundred fifty (150) feet to a residential district or use property line.
- B. Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial, industrial and office zoning districts shall be turned off between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly, and repair areas, where such use continues after 11:00 p.m. but only for so long as such use continues.

Section 15.06 Building-Mounted Lighting Standards

- A. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.
- B. Luminous tube and exposed bulb fluorescent lighting are prohibited as an architectural detail on all buildings, such as along the roofline and eaves, around windows, etc. The Planning Commission may approve internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.

Section 15.07 Window Lighting

- A. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
- B. Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of Article 18 Sign Standards.

Section 15.08 Other Lighting

- A. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety. Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.
- B. The internal illumination of building-mounted canopies is prohibited.
- C. The use of laser light source, searchlights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
- D. Lighting shall not be of a flashing, moving or intermittent type.
- E. Luminous tube and exposed bulb fluorescent lighting are permitted as part of a sign meeting the requirements of Article 18 Sign Standards.

Section 15.09 Exemptions

The following are exempt from the lighting requirements of this Article, except that the Zoning Enforcement Officer may take steps to eliminate the impact of the above exempted items when deemed necessary to protect the health, safety, and welfare of the public:

- A. Sports fields.
- B. Public Swimming pools.
- C. Holiday decorations.
- D. Window displays without glare.
- E. Shielded pedestrian walkway lighting.
- F. Soffit lighting.
- G. Residential lighting with no off-site glare.
- H. Streetlights.

Section 15.10 Lamp or Fixture Substitution

Should any light fixture regulated under this Article, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Zoning Enforcement Officer for his approval, together with adequate information to assure compliance with this Article, which must be received prior to substitution.

ARTICLE 16

PARKING, LOADING, NON-MOTORIZED AND ACCESS DESIGN STANDARDS

Section 16.01 Intent

The regulations of this Article shall be met in all districts whenever any uses are established or any building or structure is erected, enlarged, or increased in capacity.

Section 16.02 Access to Streets

- A. In any district, every use, building, or structure established after the date of this Article shall be on a lot or parcel which adjoins a public street, such street right-of-way to be at least sixty-six (66) feet in width unless a greater width has been established prior to commencement of such use or commencement of construction by the Village Board of Trustees or shall adjoin a private street which has been approved as to design and construction by the Village Board of Trustees. A parcel shall not be regarded as adjoining a street, public or private, merely because such street dead ends at the property line, where the common boundary between the street and the parcel is shorter than the full width of the street.
- B. Every building and structure constructed or relocated after the effective date of adoption or amendment of this Article shall be located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading areas.

Section 16.03 Visibility at Intersections

On a corner lot in any zoning district, no fence, wall, hedge, screen, structure, or planting shall be placed in such manner as to materially impede the vision between the height of two and one half (2.5) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and the line joining points along said street lines twenty (20) feet from their point of intersection as measured along the street right-of-way lines. The same shall apply for fencing abutting detached garages located the non-addressed side of a corner lot.

Section 16.04 Non-Motorized Circulation

- A. **Applicability:** The Village Master Plan includes the goal of pursuing complete streets where feasible. Complete Streets are roadways planned, designed, and constructed to provide access to all legal users. Sidewalks or bike paths shall be required for any site plan, sketch plan, site condominium plan, condominium plan or subdivision plat.
- B. **Non-Motorized Circulation in Residential Districts:** Sidewalks are required in all residential districts subject to the following:

1. For new residential neighborhoods and multiple-family developments, a five (5) foot wide sidewalk is required on both sides of the internal streets and along the site's frontage on existing roads. In some cases, the Planning Commission may require a wider dimension along the site's frontage to be consistent with the existing sidewalk or bike path network.
 2. For residential in-fill projects a five (5) foot wide sidewalk is required along the site's frontage.
 3. The Planning Commission may require a trail system within open space areas that shall link to the internal sidewalk system and/or public sidewalk.
 4. Where an approved subdivision plat or site plan contains sidewalks, a certificate of occupancy shall not be issued until the required sidewalk is installed along that individual lot's frontage.
- C. Non-Motorized Circulation in Non-Residential Districts: A six (6) foot wide sidewalk is required along the site's frontage. The Planning Commission may require a link to the sidewalk systems of adjoining residential neighborhoods in instances where the residents would benefit from a direct sidewalk connection to the subject site.
- D. Bike Path: In all zoning districts, for sites that have frontage on an 'Arterial' or 'Collector' as delineated on the Transportation Plan Map in the Village Master Plan, a ten (10) foot wide bike path is required in place of the required sidewalk. Where site constraints exist and where the bike path is not compatible with the improvements and character of adjoining properties, the Planning Commission may permit installation of a sidewalk in place of the bike path. Arterial and Collector routes include: M-50/Tecumseh/Monroe Street, Riley Street/Main/Stowell Road, Toledo Street, Ann Arbor Road, Wilcox Road, Dundee-Azalia Road, Oak Street, Rawson Street, Ypsilanti Street, and Adams Street.
- E. Walkways from the Sidewalk to Building Entrances:
1. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances, including multiple family buildings.
 2. Internal walkways shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least fifty (50%) percent of the length of the walkway.
 3. Walkways shall be connected to adjacent sites wherever practicable.
- F. Walkways from Parking Areas to Building Entrances
1. Internal pedestrian walkways shall be provided to the building(s) from internal parking areas, including multiple-family buildings.
 2. The walkways shall be designed to separate people from moving vehicles as much as possible.
 3. The walkways shall be distinguished from the parking and driving areas. This may be accomplished with a raised elevation or with the use special pavers, bricks, or scored/stamped concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the Village Board of Trustees, Planning Commission or Zoning Enforcement Officer.

- G. Construction standards: The following construction standards shall apply to all pedestrian facilities:
1. All sidewalks shall be concrete and constructed to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
 2. All bike paths shall be asphalt or concrete, as determined by the Planning Commission and constructed in accordance with the specifications of ASHTO.
 3. Walking trails, when provided, shall be six (6) foot wide crushed aggregate stone or asphalt, or wooden boardwalks in areas with sensitive environmental features. The path shall be linked to the internal sidewalks system.
 4. Sidewalks and bike paths shall be installed by the developer within the dedicated street right-of-way, private road access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement.
 5. Crosswalk pavement markings and signs may be required.
 6. An inclined approach shall be required where sidewalks and bike paths intersect curbs for barrier-free access to the sidewalk.
 7. A performance guarantee, in lieu of sidewalk/pathway construction, may be required by the Planning Commission in instances where significant site constraints, such as significant grade changes to adjacent undeveloped property or when utility and other infrastructure improvements are planned for the site. Under these circumstances, the sidewalk/pathway shall be constructed once the site constraints can be eliminated or reduced.

Section 16.05 Off-Street Parking

- A. General Provisions.
1. Plans and specifications showing required off-street parking spaces, including the means of access, ingress, egress, drainage, and circulation shall be submitted to the Zoning Enforcement Officer for review at the time of application for a building permit for the erection or enlargement of a building or at the time spaces are added or altered, or when a site plan is required under Article 8, Site Plan Review Procedures and Requirements.
 2. No parking area or parking space which exists at the time this Ordinance becomes effective, or which subsequently thereto is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished, or reduced in any manner below the requirements established by this Ordinance.
 3. Residential Parking.
 - a. Single-family residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.

- b. No parking shall be permitted on lawns or other unpaved areas on residential lots, with the exception of approved gravel parking areas.
 - c. Parking areas in a front yard shall be limited to a drive or driveway and shall not exceed thirty-five (35%) percent of the front yard area.
 - d. Parking and storage of recreational vehicles and equipment and commercial vehicles shall be regulated as provided in Section 11.08.
 - e. Carports and garages shall be calculated as parking spaces on a one-to-one basis. Carports shall be enclosed or obscured at least twenty-five (25%) percent along all sides visible from public streets, residential districts, or vehicular drives within the site.
4. Location of All Other Parking.
- a. The parking of vehicles shall not be permitted except in an area that has been designated and improved to provide for such vehicle parking in accordance with the provisions of this Article. Single-family residential uses located in the RM, RM-1, B-1, B-3 or LB Districts shall not be subject to the provisions of this section but shall comply with Section 16.02.C.
 - b. Off-street parking shall be located only in the side and rear yards and shall meet the setbacks of Section 16.05.A.6, Parking Lot Setbacks for Non-Single-Family Residential Uses. The Planning Commission may allow parking in the front yard in consideration of site characteristics such as lot size, configuration, site circulation, number of spaces required, topography, existing structures, parking arrangement on adjacent sites, views, uses across the street and similar features.
 - c. Off-street parking for uses other than one-family residential in the B-2, B-4, M-1, and M-2 zoning districts are permitted in the front, side, and rear yards and shall meet the setbacks of Section 16.05.A.6 Parking Lot Setbacks for Non-Single Family Residential Uses.
 - d. Off-street parking for all multiple-family and non-residential uses shall be either on the same lot or within lots under the same ownership and control as the lot or use being served, except where provided in (e), below.
 - e. Required parking may be provided off-site, on a lot or lots where there is a lease or shared parking agreement to accommodate parking, provided such arrangement is approved by the Planning Commission. Any lease or shared parking agreement shall include a provision that requires notification to the Zoning Enforcement Officer of any change in the terms or expiration. The Zoning Enforcement Office may allow modifications to parking agreements where parking compliance is achieved in some other manner, or the Zoning Board of Appeals grants a variance.

- f. All off-street parking required to meet the requirements of this article shall be provided within the same zoning district as the principal use and shall be within three hundred (300) feet of the building entrances, as determined by the Planning Commission, except that valet parking may be provided elsewhere.
 - g. Parking is prohibited in the curb-lawn or tree-lawn (between curb and sidewalk) sections along public rights-of-way, on lawn areas or outside of designated parking spaces.
- 5. Parking in the B-1, Central Business District. Buildings and uses in the B-1, Central Business District shall be exempt from providing off-street parking, with the exception of new residential uses. All off-street parking in existence at the time of adoption of this Ordinance shall remain.
- 6. Parking Lot Setbacks for Non-Single-Family Residential Uses. Parking lots, including drives, and maneuvering aisles but excluding driveways, shall meet the setback requirement as set forth in the schedule of regulations for that district. Required parking lot setback areas shall be landscaped according to the standards of Article 14, Landscape Standards. The Planning Commission may waive this requirement where a shared access driveway, connected parking lots, or rear service drive is provided, or where landscaping or a wall is provided to screen views and headlight glare.
- 7. Change in Use or Intensity.
 - a. Whenever the use of a building or lot is changed, parking facilities shall be provided as required by this Article for the new use.
 - b. When an existing use changes employment, operations or activities that may produce parking demand in excess of available spaces, the Village shall require documentation showing adequate parking is provided or will be expanded to meet the requirements of this Article.
 - c. If any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity or through other means, additional off- street parking shall be provided to bring the site into compliance with this Article.
 - d. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this article are provided elsewhere, or the parking requirements of the site change as determined by the Zoning Enforcement Official.
 - e. Off-street parking, existing at the effective date of this Article, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- 8. Storage and Repair. The use of required parking and loading areas for any other use shall be expressly prohibited.

9. Shared Parking. The shared provision of off-street parking for two (2) or more buildings or uses is permitted where the locational requirements of this article are met, and a written agreement is submitted as noted above. In such cases the total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the Planning Commission may reduce the total number of spaces by up to thirty (30%) percent if they determine that the operating hours of the buildings or uses do not overlap.
10. Additional Parking. In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of storm water runoff, the number of spaces provided shall not exceed ten (10%) percent beyond the number required by this article, except as approved by the Planning Commission. In granting additional parking spaces, the Planning Commission shall determine such parking will be required to accommodate the use on a typical day, based on documented evidence provided by the property owner or applicant.
11. Construction Parking. During construction, gravel surfacing may be permitted for such temporary parking as determined by the Zoning Enforcement Officer.
12. Deferred Parking Spaces.
 - a. The Planning Commission may approve a lesser amount of parking, based upon demonstration by the property owner or applicant that the required amount of parking is greater than the intended use will generate. An area, to meet the parking space requirements of this Article, shall be retained as open space in the event additional parking is required. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout. Any required landscaping placed within the “banked” parking area shall be replaced by the owner/applicant if the parking area is expanded. The owner shall agree to construct the additional parking, based on observed use, within six (6) months of being informed of such request from the Village.
 - b. Design of the storm water management facilities for the entire potential parking area (i.e., including the “banked” parking area) shall be carried out at the time of the planning commission’s approval of the lesser amount of parking. The construction of all storm water management facilities may not be required to serve the lesser amount of parking. In such cases, the property owner shall agree to construct the additional storm water management facilities when the additional parking is constructed. The site plan shall note the area where the deferred storm water management facilities will be constructed.

B. Rules for Calculating Required Number of Parking Spaces.

1. Usable Floor Area and Gross Floor Area.
 - a. Where useable floor area or gross floor area is the unit for determining the required number of off-street parking spaces, the floor area shall be determined based upon a floor plan submitted as part of the site plan application.

- b. Usable floor area (UFA) is defined as that area to be used for sale of merchandise or services, or for use to serve patrons, clients, or customers. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor for all floors. Floor area used or intended to be used principally for the incidental service, storage, installations of mechanical equipment, heating systems, sanitary facilities and similar uses shall be excluded from the computation.
 - c. Gross floor area (GFA) is defined as the sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed courtyards or patios shall not be considered part of the gross area, except where they are utilized for commercial purposes such as the outdoor sale of merchandise.
 - d. Where the usable floor area cannot be established at the time of plan review, it shall be considered to be eighty-five (85%) percent of the gross floor area.
- 2. Bench Seating. In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such seating shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
 - 3. Employees. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises at one (1) time and may include overlap of employees during shift changes.
 - 4. Capacity. For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest ratings by the local, county or state, building, fire, or health codes.
 - 5. Fractional Spaces. When the number of required parking spaces result in a fractional space, any fraction up to and including one-quarter (1/4) shall be disregarded and fractions over one-quarter (1/4) shall be counted as one (1) additional required space.
 - 6. Public Parking is Available. Where a common municipal parking area is in existence, the off-street parking requirements can be waived, or reduced, if sidewalks are provided between the parking area and the use and the lot is no more than a five hundred (500) foot distance measured along the sidewalks from the entrance of the establishment concerned. Any change in tenancy or use shall be judged as sufficient cause for review by the Planning Commission for the purpose of determining off-street parking requirements.
 - 7. Two (2) or More Uses Proposed. The number of parking spaces required for land or buildings used for two (2) or more purposes shall be the sum of the requirements for the various uses computed in accordance with this Article.

If a parking lot serves two (2) or more uses where the operating hours of the uses do not overlap, the total number of required spaces may be less than the sum of requirements for each use, to a limit of the sum of one-half (1/2) of the parking requirements of each use. In no case, however, shall the number of spaces required be less than the sum of the largest number of spaces required for one (1) use plus one-half (1/2) of the required spaces for each additional use. The Zoning Enforcement Officer shall determine the conditions of overlapping requirements and the amount of reductions in the required number of spaces which shall be permitted, in accordance with this subsection.

8. Similar Uses. Where a use is not specifically listed in the Schedule of Off-Street Parking Requirements below, the parking requirements of a similar use shall apply. The Zoning Enforcement Officer shall make the interpretation. The Zoning Enforcement Officer may also refer to national parking generation studies in determining the required parking calculation.
9. Reduction or Modification of Required Spaces. The required number of spaces in the tables that follow may be reduced or modified by the Planning Commission under the following circumstances:
 - a. A shared parking agreement or leased parking has been provided as noted in this Article.
 - b. Convenient municipal off-street parking is available to meet peak time parking demands of the use. The Village Board of Trustees may require payment to offset acquisition, construction, and maintenance costs.
 - c. The number of required spaces may be reduced in consideration of available curbside spaces within a convenient walking distance, but not those located fronting a residential use.
 - d. Where the applicant has provided a parking study, conducted by a qualified traffic engineer, that demonstrates that another standard would be more appropriate based on actual number of employees, expected level of customer traffic or actual counts at a similar establishment.
10. Schedule of Off-Street Parking Requirement. The minimum number of spaces shall be determined by the type of use found in Table 16.05.

| Table 16.05 | |
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| Use | Minimum Number of Parking Spaces |
| Residential | |
| Adult and Child Group Home Facilities | 1.0 space for each employee on site at any one time |
| Adult and Child Day Care Facilities | 2.0 spaces; plus 1.0 space and 1.0 drop-off space per eight adults or children of licensed authorized capacity |
| Assisted Living Facilities, Convalescent Homes and Nursing Homes, Children’s Homes | 1.0 space for each four beds; plus 1.0 space for each 2 employees |
| Bed and Breakfast Inns | 2.0 spaces for the owners of the bed and breakfast plus 1.0 space for each guest room |
| Dwellings, One and Two-Family | 2.0 spaces for each dwelling unit. |
| Dwellings, Manufactured Housing Community | 2.0 spaces per unit plus 1.0 space for each 2 employees of the park; plus 0.5 spaces per dwelling unit visitor parking |
| Dwellings, Multiple-Family | 1.5 spaces for each efficiency or 1 bedroom unit 2.0 spaces for each two (2) or three (3) bedroom dwelling unit; plus 0.5 spaces per dwelling unit for visitor parking |
| Dwellings, Elderly Housing Units | 1.0 space for each two dwelling units, plus 1.0 space per employee |
| Institutional | |
| Places of Worship and Related Establishments | 1.0 space for each 4 seats of capacity |
| Essential Public Services | 1.0 space per 100 square feet of UFA |
| Public and Quasi-Public Institutional Buildings, Structures and Uses with Fixed Seats | 1.0 space per 3 seats of permitted capacity; or 1.0 space per 6 feet of benches, whichever is greater |
| Public and Quasi-Public Institutional Buildings. Structures and Uses without Fixed Seats | 1.0 space per 100 square feet of UFA |
| Schools: Elementary and Middle | 1.0 space for each employee; plus 50% of the spaces required for any assembly, auditorium and/or outdoor arena areas; plus, a minimum of 10.0 pick-up/drop-off spaces and any necessary waiting or loading area for school buses |
| Schools: High Schools, Colleges, and Business/Vocational/Trade Schools | 1.0 space for each employee plus 1.0 space for each 10 students of the rated capacity; plus 50% of the requirements for any assembly, auditorium, and/or outdoor arena areas; plus, a minimum of 10.0 pick-up/drop-off spaces and any necessary waiting or loading area for school buses |

| Commercial | |
|---|---|
| Automobile: Gasoline Stations and Repair Establishments | 1.0 space for each gasoline pump, plus 2.0 spaces for each service bay plus 1.0 space for each employee; plus, any spaces required for any accessory use such as retail and restaurants |
| Automobile: Dealerships and Other Types of Vehicle Dealers, New and Used (other types may include vehicles such as recreational vehicles, tractors, or commercial trucks) | 2.5 spaces for each 1,000 square feet of interior sales area; plus 1.0 space for each service bay; plus 1.0 space for each 2 employees |
| Automobile: Wash Establishment (Automatic) | 1.0 space per employee during peak shift; plus 12.0 stacking spaces for free-standing car washes or 6.0 stacking spaces when accessory to a gas station |
| Automobile: Wash Establishment (Manual) | 2.0 spaces; plus 1.0 space per each employee on peak shift; plus 2 stacking spaces per bay |
| Automobile: Oil Change Establishment | 3.0 spaces; plus 2.0 stacking spaces per service bay |
| Banquet Facilities | 1.0 space per 2 persons of capacity authorized by the building code or 15.0 spaces per 1,000 feet of UFA, whichever is greater |
| Barber Shops and Beauty Salons ,including Day Spas | 2.0 spaces for each chair, plus 1.0 one (1) space for each employee |
| Conference Centers, Exhibit Halls and Similar Uses | 1.0 space per two persons of capacity authorized by the Building Code or 10.0 spaces per 1,000 square feet of UFA, whichever is greater |
| Convenience Store (with or without gasoline service) | 4.0 spaces per 1,000 square feet of UFA; plus, spaces required for automobile gasoline stations, and service establishments as applicable |
| Downtown Uses – reduced requirements in recognition of the opportunities for shared parking and trips, and the proximity to residential areas and public parking areas | General commercial/retail uses - 4.0 spaces per 1,000 square feet of UFA Restaurants and similar uses – 1.0 space per 100 square feet of UFA Personal service establishments – 60% of the parking required below. |
| Dry Cleaners | 2.0 spaces per 1,000 square feet of UFA; plus 2.0 stacking spaces for each drive-through lane |
| Funeral Homes and Mortuary Establishments | 1.0 space for each 50 square feet of UFA in service parlors, chapels, and receptions areas; plus 1.0 space for each fleet vehicle |
| Furniture, Appliance, Household Equipment Stores and Repair Shops | 1.0 space for each 400 feet of UFA; plus 1.0 space for each employee |

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| Garden Centers and Nurseries | 1.0 space per 500 square feet of GFA of outdoor display, sales, or storage area; plus 1.0 space per 200 square feet of GFA of indoor space; plus 1.0 space per employee |
| General Commercial and Retail Sales Establishments, not elsewhere classified, up to 25,000 square feet of gross floor area | 5.0 spaces per 1,000 square feet of UFA |
| General Commercial and Retail Sales Establishments Greater than 25,000 square feet of gross floor area such as shopping centers, discount stores, club warehouses, home improvements centers and grocery stores | 4.5 spaces for each 1,000 square feet of UFA |
| Hotels and Motels | 1.0 space per guest room; plus 1.0 space per 4 employees during the peak shift; plus 10.0 spaces per 1,000 square feet of UFA of lounge, restaurant, conference, banquet rooms or exhibit space, if the majority of the patrons are expected to be hotel/motel guests. If they are not, then individual standards apply |
| Kennels | 5.0 spaces plus 1.0 per employee |
| Lumber Stores | 3.0 spaces per 1,000 square feet of UFA |
| Mini-Self-Storage Warehouse | 3.0 spaces; plus 1.0 per employee |
| Private Clubs, Lodge Halls | 1.0 space for each 3 persons of maximum capacity |
| Restaurants: Bars, Taverns, Lounges | 1.0 space for every 2 seats plus 1.0 space for every 10 seats based on maximum seating capacity |
| Restaurants: Fast Food, Drive-Through, and Drive-In | 1.0 space for each 60 square feet of UFA |
| Restaurant: Standard | 1.0 space for every 2 seats plus 1.0 space for every 10 seats based on maximum seating capacity |
| Restaurant: Standard with Bars, Taverns, Lounges | 1.0 space for every 2 seats plus 1.0 space for every 10 seats based on maximum seating capacity |
| Restaurant: Carry-Out and Open Front Window | 6.0 spaces; plus 1.0 space for each employee |
| Self-Serve Laundry | 1.0 space for each 2 machines |
| Studios for Photography, Dance, Music, Art and Similar Uses | 3.0 spaces per 1,000 square feet of UFA; plus 1.0 space per employee |
| Theaters, Cinemas, and Auditoriums | 1.0 space per 3 seats; or 1.0 space per 6 feet of benches, whichever is greater |
| Video Arcade | 1.0 space per 100 square feet of UFA; or 6.0 spaces, whichever is greater |
| Video Rental Establishments | 10.0 spaces per 1,000 square feet of UFA |

| Office | |
|--|---|
| Banks, credit unions, and similar financial establishments | 1.0 space per 200 square feet of UFA; plus, 4 stacking spaces for each drive-up teller and each ATM |
| Banking centers separate from a financial establishment (including ATM's) | 4.0 parking spaces for walk-up banking centers; or 4.0 stacking spaces for drive-through banking centers |
| Hospitals | 1.75 spaces per bed; plus, spaces for per 1,000 square feet of UFA devoted to office, research or other related uses, plus spaces for outpatient care centers as required |
| Professional and Business Offices | 5.0 spaces per 1,000 square feet of UFA |
| Medical and Dental Offices, Clinics | 6.0 spaces per 1,000 square feet of UFA |
| Outpatient Care Centers, Urgent Care Facilities or Other Similar Uses | 2.0 spaces per exam or outpatient procedure/operating room; plus 1.0 space for laboratory or recovery room; plus 1.0 space for each 2 rooms for employee parking |
| Veterinary Offices, Clinics and Hospitals | 4.0 spaces per 1,000 square feet of UFA, excluding kennels or boarding areas |
| Manufacturing | |
| Light and General Manufacturing, Research Establishments, Testing Labs and Development Centers | 2.0 spaces per 1,000 square feet of UFA; plus 5.0 spaces; plus 1.0 space for each corporate vehicle; plus, spaces required for any office or sales area |
| Utility Substations | One (1) space for each employee |
| Warehousing and Wholesale Establishments | 1.0 space for each 2,000 square feet of UFA ; plus 5.0 spaces; plus 1.0 space for each vehicle to be stored on the premises |
| Recreation | |
| Batting Cages | 3.0 spaces per batting cage |
| Bowling Alleys | 5.0 spaces for each alley plus parking for accessory uses as provided herein |
| Fitness Centers and Health Clubs | 5.0 spaces per 1,000 square feet of UFA, plus required parking spaces for swimming pools, courts, restaurants, and other uses |
| Golf Driving Range | 1.0 space per 2 tees plus parking required for other uses on the site |
| Golf Course, Regulation (Public or Private) | 6.0 spaces for each golf hole; plus 1.0 space for each employee, plus spaces required for each accessory use, such as a restaurant |
| Golf Course, Miniature Golf and "Par 3" Courses | 2.0 spaces for each golf hole; plus 1.0 space for each employee, plus spaces required for each accessory use, such as a restaurant |

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| Municipal Recreation Centers | 5.0 spaces per 1,000 square feet of UFA; plus, spaces required for outdoor courts, field, and facilities |
| Racquetball/Tennis Courts | 1.0 space per 1,000 square feet of floor area; or 6.0 spaces per court, whichever is greater |
| Rolling or Ice-Skating Rinks | One (1) space per 3 persons of capacity authorized by the Building Code |
| Swimming Pools | 1.0 space per 3 persons of capacity authorized by the Building Code |
| Swimming Pool Clubs, Tennis Clubs, and similar uses privately operated | 1.0 space for each 2 member families; plus, spaces as required for each accessory use, such as restaurant |

C. Off-Street Parking Space Layout, Standards, Construction and Maintenance.

Wherever a parking lot is built, such parking lot shall be laid out, constructed, and maintained in accordance with the following standards:

1. Aisle Lane Widths, Parking Space Widths and Parking Space Length: Aisle’s lane widths, parking space widths and parking space lengths are to be provided as shown in the table below. All spaces shall have adequate access by means of aisles or lanes. Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way movement. Aisles for angle parking spaces shall have one-way movement only and shall be clearly marked for one-way movement.

| Table 16.05C | | | | |
|---------------------|--------------------|--|---|------------------------------|
| Parking Space Angle | Traffic Direction | Minimum Aisle Lane Width | Minimum Parking Space Width | Minimum Parking Space Length |
| 30 to 74 degrees | One-way | 18 feet | 9 feet | 21 feet |
| 75 to 90 degrees | Two-Way | 24 feet | 9 feet | 20 feet |
| Parallel | One-Way or Two-Way | 12 feet – one-way 24 feet – two-way | 9 feet with a minimum 4-foot-wide maneuvering area between each space | 25 feet |

2. Storm Water Drainage: All off-street parking areas shall drain into the appropriate facilities for handling storm water run-off and shall be directed to prevent direct drainage onto abutting properties, toward buildings, or onto public streets.
3. Surface Treatment and Pavement Marking. Surfaces of parking lots, including maneuvering lanes and driveways, containing four (4) or more parking spaces shall be constructed and maintained with concrete or asphalt surfaces and curb and gutters in accordance with Village standards. Pavement Markings. All parking and loading spaces shall be delineated with pavement markings. The visibility of pavement markings delineating parking and loading spaces and directional control shall be maintained.
4. Curbs. A raised or rolled concrete curb at least six (6) inches in height shall be installed with the construction of all driveways, parking lots, access lanes and other vehicle maneuvering areas to prevent motor vehicle conflicts with abutting landscape areas, sidewalks, streets, buildings, or adjoining property.
5. Maneuvering Lanes: All off-street parking areas that make it necessary or possible for vehicles to back directly into a public street are prohibited provided that this prohibition shall not apply to off-street parking areas of one-family or two-family dwellings.
6. Ingress and Egress Ingress and egress to parking lots shall be provided for all vehicles by means of clearly limited and defined drives. One-way driveways shall be a minimum of twelve (12) feet wide and two-way driveways shall be a minimum of twenty-four (24) feet wide.
7. Small Vehicles. Ten (10%) percent of spaces in each parking lot may be provided for parking of smaller vehicles. The spaces shall be clearly identified through the use of signs and/or pavement markings as being for small vehicles. Small vehicle parking spaces shall be a minimum of seven and a half (7.5) feet wide and a minimum of eight (8) feet long.
8. Overhang of Curbs and Sidewalks. If parking spaces on the outer edge of the lot abut a curb, a credit of one and one-half (1.5) feet shall be given toward the length of the space to account for vehicle overhang. If the spaces abut a sidewalk, the sidewalk must be a minimum of eight (8) feet wide.
9. Stacking Spaces. Stacking spaces shall be nine (9) feet wide and twenty-five (25) feet long. Stacking spaces shall be illustrated on the site plan and shall not block driveways, parking aisles or circulation around a building or restrict access to waste receptacles and loading areas.
10. Barrier Free Parking:

Off-street parking facilities are required to provide barrier-free parking located and designed in accordance with the provisions of the Americans with Disabilities Act of 1989, as amended and the Michigan Barrier Free Design manual.

Section 16.06 Off-Street Loading Facilities

- A. **Applicability:** In connection with every building or part thereof hereafter erected, except single-family and two-family dwellings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicles shall be provided on the same lot with such buildings. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.
- B. **Not Required Parking:** Required loading areas shall not be included in calculations for off- street parking space requirements.
- C. **Review Required.** Plans and specifications showing required loading and unloading spaces and the means of ingress and egress and internal circulation shall be submitted to the Zoning Enforcement Officer for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure or at the time such spaces are added or altered, or when a site plan is required in accordance with Article 8, Site Plan Review Procedures and Requirements.
- D. **Size of Spaces.** The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five hundred (500) square feet for office uses and at least ten (10) feet by seventy (70) feet or seven hundred (700) square feet in areas for commercial and industrial uses, with a clearance of at least fourteen (14) feet in height.
- E. **Number of Spaces.** The minimum number of loading spaces in all zoning districts shall be provided in accordance with the following table. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

| Table 16.06 | |
|---|--|
| Usable Floor Area in Square Feet | Loading and Unloading Space Required in Terms of Square Feet of Useable Floor Area |
| 0 – 5,000 | None |
| 5,001-20,000 | One (1) space |
| 20,001-100,000 | One (1) space; plus, one (1) additional space for each 20,000 square feet in excess of 20,001 square feet |
| 100,001-500,000 | Five (5) spaces; plus, one (1) additional space for each 40,000 square feet in excess of 100,001 square feet |
| 500,001- and over | Fifteen (15) spaces; plus, one (1) additional space for each 80,000 square feet in excess of 500,001 square feet |

- F. **Location.** Loading spaces shall meet the following location requirements:
 - 1. Loading spaces shall be provided off-street in the rear or side yard behind the front building line of the principal structure and shall not be permitted in the front yard or where visible from a street or residential district.

2. Loading spaces shall meet parking space setback requirements.
 3. For sites with frontage on U.S. 23 right-of-way, loading spaces are permitted in those areas. Additional landscaping is required for sites abutting the U.S. 23 right-of-way per Section 14.
 4. Loading spaces shall not be closer than fifty (50) feet to any residential district property line.
 5. Where the loading space requires an overhead door on the building elevation, the overhead doors shall not be visible from the street.
 6. In accordance with Article 14, the Planning Commission has the discretion to require additional screening beyond the requirements of Article 14 in order to provide adequate screening of loading areas from abutting properties.
- G. Access and Vehicular Movement. Site Plans shall illustrate expected vehicular path and turning radii of loading/unloading vehicles to demonstrate there are no conflicts with internal circulation, parking, and accessory structures. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.
- H. Surface. Loading dock approaches and loading spaces shall be surfaced with asphalt or concrete paving so as to provide permanent, durable, and dustless surface with a base sufficient to accommodate expected vehicle weight.
- I. Storm Water Drainage. Loading areas shall be graded and drained consistent with the storm water drainage standards for parking lot described in Section 16.05.C.2.
- J. Storage and Repair. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles or repair of vehicles is prohibited in required loading spaces.
- K. Change in Use or Intensity.
1. Whenever the use of a building or lot is changed, loading facilities shall be provided as required by this article for the new use.
 2. If any building, structure, or lot is increased in floor area or through other means, additional loading shall be provided to bring the site into compliance with this Article.
 3. Any area designated for required loading shall not be changed to any other use unless and until equal facilities meeting the standards of this article are provided elsewhere, or the loading requirements of the site change as determined by the Zoning Enforcement Officer.
 4. Loading facilities, existing at the effective date of this Article, in connections with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
 5. When changes in activity occur that may produce loading demand in excess of available loading facilities, the Village shall require documentation showing adequate loading facilities be provided or will be expanded to meet anticipated needs.

- L. Deferment of Off-Street Loading. The Planning Commission may approve a lesser amount of loading based upon demonstration by the property owner or applicant that the required amount of loading is greater than the intended use will generate. An area, to meet the loading space requirements of this Article, shall be retained as open space in the event additional loading is required. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout. Any required landscaping placed within the “banked” parking area shall be replaced by the owner/applicant if the parking area is expanded. The owner shall agree to construct the additional parking, based on observed use, within six (6) months of being informed of such request from the Village.
 - 1. Design of the storm water management facilities for the entire potential parking area (i.e., including the “banked” parking area) shall be carried out at the time of the Planning Commission’s approval of the lesser amount of parking. The construction of all storm water management facilities may not be required to serve the lesser amount of parking. In such cases, the property owner shall agree to construct the additional storm water management facilities when the additional parking is constructed. The site plan shall note the area where the deferred storm water management facilities will be constructed.

Section 16.07 Commercial Vehicle Parking and Storage

- A. Commercial vehicles shall not be considered as an accessory use to a single-family dwelling except as permitted below:
 - 1. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident’s employment or profession or is the resident’s sole means of motor vehicle transportation.
 - 2. The vehicle shall not be a utility trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor.
 - 3. No part of the vehicle may exceed seven (7) feet in overall height, measured from grade.
 - 4. The vehicle shall not have outside brackets or holders for ladders, tools, pipes, or other similar equipment.
 - 5. The vehicle shall not have more than four (4) rear wheels.
 - 6. The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.
- B. The parking or storage of essential public service vehicles, such as a police vehicle, fire department or vehicle of a public agency where the vehicle is operated by the homeowner, or the occupant is exempt from these provisions.
- C. Commercial vehicles which are employed in conjunction with the permitted use of a lot, parcel or any premises shall be parked or stored in compliance with the following provisions:
 - 1. For sites with a site plan approved subsequent to the effective date of this Section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan.

2. For situations not covered under (a) above, such vehicles shall not be parked while the commercial establishment is closed to the public or stored in any parking space adjacent to the public right-of-way except when the number of commercial vehicles under control of the owner and/or occupant exceeds the number of available parking spaces.
- D. Commercial vehicles intended to be used as signs are prohibited. No commercial vehicle may be parked on a business premises or an industrial lot for a time period exceeding forty-eight (48) hours for the intended purpose, as determined by the building official, of advertising a product or serving as a business sign.
- E. In any multiple-family residential district, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store commercial vehicles. Required parking spaces shall not be used for the parking or storage of commercial vehicles.
- F. The parking or storage of commercial vehicles for residential, office or storage purposes shall not be permitted.

Section 16.08 Site Access Location, Design and Access Management

- A. Intent. The standards of this section are intended to preserve the capacity of the street system and to minimize potential for traffic collisions, in balance with the need to provide reasonable access to properties.
- B. Location in General. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance and to provide the most favorable driveway grade. Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Village and upon written certification from the adjacent property owner agreeing to such encroachment.
- C. Number of Driveways. The number of commercial driveways (not including driveways for two-family dwelling units or unmanned public utility uses) shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along streets.
- D. Driveway Spacing from an Intersection. Minimum spacing requirements between a proposed driveway and an intersection either adjacent or on the opposite side of the street shall not be less than the distances listed in Table 16.08.D. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

| Table 16.08.D | | |
|---|--|---|
| MINIMUM COMMERCIAL DRIVEWAY SPACING FROM STREET INTERSECTIONS | | |
| Location of Driveway | Minimum Spacing for a Full Movement Driveway | Minimum Spacing for a Channelized Driveway Restricting Left Turns |
| Along Major Thoroughfare, intersecting street is a Major Thoroughfare | 250 feet | 125 feet |
| Along Major Thoroughfare, intersecting street is not a Major Thoroughfare | 200 feet | 125 feet |
| Along other Roads | 75 feet | 50 feet |

E. Minimum Spacing between Driveways. Minimum spacing between two (2) commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacings indicated in Table 16.08.E are measured from centerline to centerline.

| Table 16.08.E | |
|--------------------------|------------------------------------|
| Posted Speed Limit (MPH) | Minimum Driveway Spacing (in feet) |
| 25 | 130 |
| 30 | 185 |
| 35 | 245 |
| 40 | 300 |
| 45 | 350 |
| 50 and higher | 455 |

F. Offset. To reduce left-turn conflicts, commercial driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset based upon the posted speed limit along the parcel frontage. The minimum spacing indicate in Table 16.08.F are measured from centerline to centerline.

| Table 16.08.F | |
|--------------------------|------------------------------------|
| Posted Speed Limit (MPH) | Minimum Driveway Spacing (in feet) |
| 25 | 255 |
| 30 | 325 |
| 35 | 425 |
| 40 | 525 |
| 45 | 630 |
| 50 and higher | 750 |

- G. Access Management In the B-4 District. Sites in the B-4 district shall also be subject to the following regulations. Where these regulations conflict with other regulations in this section, the more restrictive standard shall apply.
1. Access shall be limited to planned entrances along M-50. Additional access points shall only be considered if spaced at least five hundred (500) feet apart and a traffic impact study demonstrates overall traffic operations and safety will be improved. The Village may require access points be shared or via a channelized design for right turns only via internal access roads.
 2. Stacking or queueing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation. Access points along internal streets shall be setback at least one hundred-fifty (150) feet from the M-50 curb line to promote good traffic operations at the intersections.
 3. Where possible, the interior drive system shall provide circulation between uses in order to minimize the need for traffic to access M-50 when traveling to an abutting or nearby site.
- H. Modification of Standards. Given the existing built conditions through much of the Village, the standards above may be modified by the Planning Commission based upon analysis of existing and expected traffic operations, and restrictions imposed by current development or site conditions. The Planning Commission may require preparation by the applicant of a traffic study and/or a review by the Village Engineer to assist in their decision. In no case, however, shall the minimum distance between driveways be less than sixty (60) feet.
- I. Shared Access System. The Planning Commission may require a shared access system where it is determined to have a beneficial impact on traffic operations and safety. This determination shall be based on the expected traffic patterns, existing traffic conditions and the feasibility for shared access. This shared access system could involve a shared driveway, connections of parking lots or a drive connecting two (2) or more lots or uses, access from a side street, a shared driveway or service road connecting two (2) or more properties or uses. In such cases a shared access agreement shall be provided to the Village.
- J. Changes in Use. When a use is proposed to change or expand, the Planning Commission may require the removal or redesign of access points to bring the site closer to conformity with this Section.

ARTICLE 17

BUILDING DESIGN STANDARDS

Section 17.01 Intent

The intent of these regulations is to provide specific design guidelines that achieve the following:

- A. Encourage development and redevelopment that protects and enhances the traditional small-town character, fits within the traditional urban form, and creates a character that reinforces a sense of community identity;
- B. Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of the various business districts, maintain the desired character of the Village, prevent the creation of blight, and protect property values;
- C. Promote the preservation and renovation of historic buildings and sites; and ensure new buildings are compatible with, and enhance the character of, the Village's cultural, social, economic, and architectural heritage;
- D. Implement recommendations of the Master Plan, and subarea plans.

Section 17.02 Applicability

All uses except one- and two-family residential shall comply with the design standards of Section 17.03, 17.04, 17.05, and 17.06 under the following circumstances.

- A. **New Buildings:** All uses, except one- and two-family residential, that receive site plan approval for construction of a new building after the effective date of this ordinance shall fully comply with the design standards of this Article. Refer to Section 17.07 for building design standards for one- and two-family dwellings.
- B. **Expansions to Buildings:** For buildings existing prior to the effective date of this ordinance, major building improvements or expansions that require site plan approval may be permitted by the Planning Commission without a complete upgrade to meet the standards of this Article, provided there are reasonable improvements to the building in relation to the scale and construction cost of the building improvements or expansion. Major exterior renovations shall be consistent with the building design standards herein to the extent deemed practical.
- C. **Minor Improvements to Buildings:** For buildings existing prior to the effective date of this ordinance, minor changes, improvements, and modifications that are approved administratively shall be permitted, provided the improvements shall not increase noncompliance with the requirements of this Article.

Section 17.03 Exterior Wall Design Standards

A. Wall materials. The use of exterior wall materials on walls that are visible from a public road or a parking lot shall be in compliance with the maximum percentages permitted in the “Schedule of Regulating Exterior Building Wall Materials.”

| Building Materials | Maximum Percent of Wall That May be Covered by Certain Building Materials by Zoning District (a,b) | | | | | |
|--------------------------|--|-----------|---------------|---------------|---------------|--------------------|
| | RM-1 RM-2 | RO | B-1(g) | B-2 | B-4 | M-1 M-2 |
| Brick or face brick(e) | 100 % | 100 % | 100% | 100% | 100% | 100 % |
| Stone | 100 % | 100 % | 10% | 50% | 50% | 100 % |
| Split face block | 50 % | 25 % | 25% | 50% | 50%(f) | 100 % |
| Cast stone | 100 % | 100 % | 10% | 50% | 25% | 100 % |
| Precast concrete | Not Permitted | 25 % | Not Permitted | 50% | 25% | 75 % |
| Concrete formed in place | Not Permitted | 25 % | Not Permitted | 50% | 25% | 75 % |
| Metal (c) | Not Permitted | 25 % | Not Permitted | 25% | 25% | 75 % |
| Reflective glass | Not Permitted | 50% | Not Permitted | Not Permitted | Not Permitted | 50 % |
| Glass block | 25 % | 25 % | 25 % | 25% | 25% | 25% |
| Wood siding | 75 % | 50 % | Not Permitted | 50% | 25% | Not Permitted |
| Vinyl siding | 50 % | 50 % | Not Permitted | Not Permitted | Not Permitted | Not Permitted |
| Finishes (d) | 25 % | 25 % | Not Permitted | 50% | 25% | 50% |

- a. Does not include areas of façade consisting of doors and windows.
- b. All walls exposed to public view from the street, or an adjacent residential area shall be constructed of not less than seventy-five (75%) percent brick, face brick, stone or cast stone.
- c. Flat sheets and seamed or ribbed panels, including aluminum, porcelain and stainless steel and similar material. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.
- d. Includes fiberglass, reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS), plaster, stucco, and similar materials. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.

- e. Concrete masonry is only permitted on the rear façade in the B-3 District and shall not exceed fifty (50%) percent coverage upon approval by the Planning Commission.
 - f. A maximum coverage of fifty (50%) percent split faced concrete block is permitted in the B-4 District only upon special approval from the Planning Commission where the applicant demonstrates special conditions that limit use of other materials and demonstration that other site and building design enhancements are provided.
 - g. Compliance with the Village of Dundee Façade Study is required.
- B. Allowance for other materials. The Planning Commission may waive strict compliance with the Section 17.03.A when the following qualities can be demonstrated. Review and consultation by the appropriate design professional is encouraged before a final determination is made. The proposed building design and materials schedule shall be accompanied by a written design statement which shall describe how the selected wall materials and material combinations will be consistent with and enhance the building design.
- 1. The design and materials are found to be in keeping with the character and history of the Village.
 - 2. The materials are found to be permanent and durable.
 - 3. The design and materials are compatible with the type of use and development proposed.
 - 4. The design and materials can easily be adapted to another use in the future.
 - 5. The design and materials meet the intent of this Article.
- C. Mixture of materials. The application of these standards should promote integration and mixture of materials where more than one (1) material is used on a building. If only one (1) material is used, architectural detailing and articulation, massing, texture, and form must be introduced into the building design. Building roof materials should be in harmony with the style and material used on the building walls.
- D. Long walls. When building walls are one hundred (100) feet or greater in length, design variations must be applied to assure that the building is not monotonous in appearance. Such variations include but are not limited to the following:
- 1. Recess and projections along the building façade. Variations in depth should be a minimum of ten (10) feet.
 - 2. Architectural details or features.
 - 3. Enhanced ornamentation around building entryways.
 - 4. Landscaping.
 - 5. Streetscape elements.
 - 6. Variations in building height.

- E. Colors. Information on building colors shall be submitted with the site plan and considered to be part of any site plan approval under Article 8. Colors shall be compatible with the surrounding area.

Section 17.04 Roof Design Standards

- A. Compatible Design Character. Roof design and materials are considered to be key elements to the Village character, and thus shall be consistent with the intent of the district. As a part of building design, roofs shall be designed in keeping with the overall architecture of the building.
- B. Roof Materials. The following regulations apply to roof materials:
 - 1. Asphalt, fiberglass, tile, slate, or cedar shingles may be used in all districts.
 - 2. Standing seam metal roof systems shall be permitted only in the RO, B-2, B-4, M-1, and M-2 districts.
 - 3. In the M-1 and M-2 Districts, asphalt, fiberglass, tile, slate, cedar or standing seam metal roofing is permitted.
 - 4. Asphalt shingles shall be heavily textured with colors that are compatible with the building architecture.
 - 5. When permitted, the color of standing metal seam roof systems shall be subtle and compatible with exterior building materials.
- C. Roof Style in the RM-1, RM-2, and B-3 Districts. These districts are intended to maintain a residential character in the Village and to be compatible with nearby single-family neighborhoods. To meet this intent the following roof style elements are required:
 - 1. Pitched roofs shall be required.
 - 2. All roofs shall be gambrel, hip, or gable roof styles.
 - 3. The slope of the roof shall not be less than nine (9) on twelve (12), provided the maximum building height requirement is met.
 - 4. Additional roofline treatments are encouraged and may be required by the Planning Commission in order to minimize the mass of the roof and in order to promote the residential character. These treatments include, but are not limited to offset rooflines, dormer windows, cupolas, additional accent gables and covered entryways.
- D. Roof Style in the B-1 District. New building construction shall blend with the existing established building line of the Central Business District. The buildings shall be a minimum of two-stories or have the appearance of multiple stories. Roofs shall be flat with decorative cornices, in keeping with the historic architecture of the Central Business District. An enclosure must be provided that is at least forty-two (42) inches high to screen rooftop mechanical equipment.

- E. Roof Style in the B-2, B-4, M-1, and M-2 Districts. New building construction in these districts should attempt to emulate the design character and history of the Village. At the same time, the buildings shall accommodate the types of uses and sites proposed. As such, the following roof styles are required:
1. A pitched roof is required.
 2. The slope of the roof shall be at least nine (9) on twelve (12).
 3. Additional roofline treatments are encouraged and may be required by the Planning Commission in order to minimize the mass of the roof and in order to promote the residential character. These treatments include, but are not limited to dormer windows, cupolas, additional accent gables and covered entryways.
 4. The Planning Commission may allow a flat roof if it is consistent with the design standards of Section 17.04.D.
- F. Screening Rooftop Equipment. Rooftop equipment shall be screened from view of adjacent properties and public rights-of-way. The method to screen rooftop equipment shall be compatible with the building through color, scale, materials, and architectural style. The Planning Commission may require cross-section details to confirm compliance.

Section 17.05 Fenestration in the RO, B-1, B-2, and B-4 Districts

- A. Windows and doors shall comprise at least forty (40%) percent of the first-floor front facade of a building.
- B. The window area of a facade above the first floor shall not exceed thirty-five (35%) percent of the total facade area of that floor.
- C. Windows above the first floor shall be vertical in proportion. Large windows shall be broken-up to maintain a vertical proportion.
- D. Window areas shall be non-reflective glass and clear or lightly tinted in color.
- E. Double or fixed hung windows shall be used in all retail applications.
- F. Sliding windows and doors shall not be permitted in the B-1 District.
- G. The window encasement shall not have exposed metal in the B-1 District.
- H. Window areas shall not be permanently blocked in a manner that obstructs views into the buildings, such as shelving, unless it is used as a display case for products sold on-site.

Section 17.06 General Building Design Accent Standards

- A. Front Facade. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. A prominent and usable public building entrance shall be provided at the front of the building. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale.
- B. Pedestrian Orientation. Buildings shall be designed at a pedestrian scale with relationship to the street and sidewalk. Buildings shall include windows that face the sidewalk and street. Convenient and safe pedestrian access shall be provided between the public sidewalk and the building entrance.
- C. Awnings. Awnings with straight sheds may supplement facades. Awnings shall not be cubed or curved except over doorways. Awnings shall be of an opaque material. Translucent or internally lit awnings shall not be permitted.
- D. Canopies. Canopies, such as over gasoline pumps or drive-through structures, shall be designed to be consistent with the approved building materials and colors. Support columns shall be brick or materials compatible with the principal structure. The Planning Commission or Village Manager may require a peaked roof to complement the principal building. Any canopy lighting shall be flush with the canopy.
- E. Non-essential lighting. In accordance with Section 15.08, non-essential lighting shall be prohibited.
- F. Quality and workmanship. This Article is not intended to regulate the quality, workmanship, and requirements for materials relative to strength and durability.

Section 17.07 Building Design Standards for One-Family and Two-Family Dwelling Units

The following are building design standards for one-family and two-family dwelling units.

- A. Applicability. The regulations of this Section apply to one-family and two-family dwelling unit construction under the following circumstances:
 - 1. New Dwellings: All new one-family and two-family dwelling construction that requires a building permit after the effective date of this ordinance shall fully comply with the design standards of this Section.
 - 2. Expansions to Dwellings: For dwellings existing prior to the effective date of this ordinance, major improvements or expansions that require a building permit may be permitted without a complete upgrade to meet the standards of this Section. Reasonable improvements are required in relation to the scale and construction cost of the project. Major exterior renovations shall be consistent with the building design standards herein to the extent deemed practical.
 - 3. Minor Improvements to Dwellings: For dwellings existing prior to the effective date of this ordinance, minor changes, improvements, and modifications that require a building permit shall not be required to comply with this Section, provided the improvements shall not increase noncompliance with the requirements of this Section.

- B. Intent. The purpose of this Section is to establish standards and regulations governing the location and appearance of one-family and two-family dwelling units in the Village of Dundee that are either developed as a new neighborhood or as in-fill housing in an existing neighborhood. It is the intent of these regulations to allow a mix of housing types and living styles in a manner that will not adversely affect existing neighborhoods. For this reason, standards have been set that will regulate the appearance of one-family and two-family dwellings, allowing only those that are compatibly similar in appearance to houses on individual lots in all zoning districts that allow one-family and two-family residences. These regulations shall not apply to one-family dwellings located within a state licensed manufacturing housing community.
- C. Permits: Prior to the construction or installation of a one-family or two-family dwelling unit on a residential lot, the individual shall obtain a building permit from the Building Official.
- D. General Appearance and Site Standards. To ensure the compatibility in appearance of one-family and two-family dwelling units, such units shall meet the following design and site standards:
1. Shall be constructed to the most current State or Federal Building Standards. These include the Michigan Construction Code Act of 1972 (Act 230, P.A. 1972, as amended) and the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
 2. Have a minimum dimension of twenty (20) feet.
 3. The gross floor area and lot coverage of any proposed one-family or two-family dwelling unit shall comply with the standards set forth in Table 5.03 Residential Schedule of Areas and Bulk Requirements. To ensure that neighboring dwellings are compatible in scale and mass, the Village may require units to be not less than ninety (90%) percent and no more than one-hundred and thirty-five (135%) percent of the average floor area and lot coverage of other one-family or two-family dwelling units within three hundred (300) feet of the subject lot, including dwelling units on both sides of the street of the same block.
 4. Have two (2) exterior doors (front and rear, or front and side), and where there is a difference in ground elevation, steps must be permanently attached, on a frost depth foundation, either to the perimeter wall, as outlined in (D.6) below, or to porches connected to the perimeter wall.
 5. Have a roof with a minimum 4:12 pitch and minimum eight (8) inch eave, and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt, or other acceptable shingles, and meet the snow load standards for this portion of the State of Michigan.
 6. Have an exterior finish architecturally compatible to that of other similar homes in the surrounding area.
 7. Shall be firmly attached to a permanent foundation constructed on the site in accordance with the Village Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for one-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.

8. The compatibility of design and appearance shall be determined by the Zoning Enforcement Officer upon review of the plans submitted for a particular dwelling. An aggrieved party may appeal the Zoning Enforcement Officers decision to the Board of Appeals as required by Section 21.02A.
9. Any determination of compatibility shall be based upon the standards set forth in the definition of dwelling as well as the character, design, and appearance of one (1) or more residential dwellings within two thousand (2,000) feet of the subject dwelling provided the surrounding existing dwellings considered are located outside of manufactured housing community. 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 design homes.
10. Be connected to a public sewer or water system and/or waste treatment or potable water supply system approved by the Village of Dundee, or other applicable agencies such as the Michigan Department of Environmental Quality.
11. All dwelling units shall be oriented toward the public right-of-way such that the facade that faces the street contains a door, windows, and other architectural features customary of the front facade of a residence.
12. Shall provide concrete sidewalks in accordance with the Village sidewalk policy within the dedicated right-of-way along the frontage length of all parcels. An inclined approach shall be required where sidewalks intersect curbs for barrier free access. The inclined approach shall comply with grades established by MDOT. Required sidewalks may be installed following the construction of the dwelling unit. However, a certificate of occupancy shall not be issued until the sidewalk is installed along the individual lot frontages. If the Zoning Enforcement Officer determines that due to weather conditions, sidewalk installation should be delayed, a certificate of occupancy may be issued. In which case, a performance guarantee shall be provided to the Village and the sidewalk shall be installed within six (6) months of issuance of the certificate of occupancy. The Zoning Enforcement Officer shall schedule a follow-up inspection.
13. All residential driveways must have a concrete approach and a hard-surfaced driveway of concrete or plant - mixed bituminous material in accordance with specifications of the Village. Approaches shall be six (6) inches thick, concrete, with the sidewalk floating separate from approaches. The minimum asphalt depth for driveways shall be three (3) inches. The minimum concrete depth for driveways shall be four (4) inches. Up to two (2) dwellings may be permitted to share a driveway provided it complies with these construction standards.
14. The provisions of this section shall not apply to manufactured homes situated in licensed manufactured housing communities.
15. Accessory structures shall comply with the standards of Section 11.12 and the building design shall match that of the dwelling on the site.

ARTICLE 18 SIGN STANDARDS

Section 18.01 Intent

These regulations establish rules and standards for the construction, location, maintenance, and removal of privately-owned signs. Directional, emergency, or traffic-related signs owned by the village, county, state, or federal government agencies are not regulated by this Article.

The execution of these regulations recognizes that the purpose of this Article is to protect the dual interest of the public health, safety, and welfare and to ensure the maintenance of an attractive physical environment while satisfying the needs of sign users for identification, communication, and advertising. In order that such purposes can be achieved, the following objectives shall be applied for this Article and any future additions, deletions, and amendments:

- A. General. Ensure that signs are located, designed, constructed, installed, and maintained in a way that protects life, health, morals, property, and the public welfare;
- B. Public Safety. Protect public safety by prohibiting signs that are structurally unsafe or poorly maintained; that cause unsafe traffic conditions through distraction of motorists, confusion with traffic signs, or hindrance of vision; and that impede safe movement of pedestrians or safe ingress and egress from buildings or sites;
- C. Protect Aesthetic Quality of Districts and Neighborhoods. Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views; preventing intrusion of commercial messages into non-commercial areas; and eliminating signs and sign structures on unused commercial properties. Also, to avoid glare, light trespass, and skyglow through selection of fixture type and location, lighting technology, and control of light levels;
- D. Free Speech. Ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication;
- E. Reduce Conflict. Reduce conflict among signs and light and between public and private information systems;
- F. Business Communication. Allow for adequate and effective signage for business communication and dissemination of public information, including but not limited to, public safety information and notification as may be required by law;
- G. Foster Economic Development. Ensure that signs are located in a manner that does not cause visual clutter, blight, and distraction, but rather promotes identification and communication necessary for sustaining and expanding economic development in the Village; and
- H. Recognize Unique Areas. Acknowledge the unique character of certain districts, e.g., the Central Business district, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas.

Section 18.02 General Requirements

A. Character.

1. All signs shall complement the building for which they are serving in terms of color, materials, and design.
2. Paper sheets, plastic, or similar materials shall not be applied in any manner to any sign or any building, except any allowed window signs as otherwise permitted in this Ordinance.

B. Location.

1. A clear vision zone meeting the standards set forth in Section 16.03 shall be free of all signs except public safety signs.
2. No sign shall interfere with, obstruct the view of, or cause confusion with any authorized public sign, signal, or device.
3. If a property line, easement, or right-of-way line is altered in a manner that affects the setbacks required by this Ordinance, a new sign permit or variance must be obtained.
4. No sign shall be located in or project into a public right-of-way or private road or dedicated easement, except governmental signs and signs installed by the applicable road agency or utility company, or as otherwise expressly permitted in this Section.
5. No sign, sign structure or sign support shall project over the roof of any building, nor obstruct or obscure any building windows or significant architectural elements. All signs shall be maintained in good condition.

C. Illumination:

1. Signs shall not have scrolling, blinking, flashing, animated or fluttering lights or other illuminating devices that have a changing light intensity, brightness, or color.
2. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign (i.e., front lit signs) or internal to it (i.e., back lit signs). No sign shall be illuminated by any open spark or flame, intermittent, or flashing illumination, except as otherwise permitted by this Ordinance.
 - a. Front Lit Signs: 'Front lit signs' are signs that are illuminated by an external light source. An example of a front lit sign is a monument sign that is illuminated by a spotlight that is located several feet in front of the sign. The background of front lit signs may be any color, provided they are not reflective at night. However, such signs may use light reflecting lettering and messaging.
 - b. Back Lit Signs: 'Back lit signs' are signs that are illuminated by an internal light source. An example of a back lit sign is a monument sign that is illuminated by several fluorescent bulbs that are located within the sign cabinet. It is encouraged that backlit signs utilize dark background and light lettering to allow the message to stand out.

- c. Illumination of signs shall be directed or shielded downward, so that no direct ray from such illumination shall interfere with the vision of persons on the adjacent streets or of adjacent property owners. The use of colored lights that might be confused with traffic signals will not be permitted. Underground wiring shall be required for all illuminated signs not attached to a building.

3. Sign illumination standard set forth in Section 18.05.H, shall be met.

D. Permits Required.

- 1. All signs shall comply with the requirements of the Village of Dundee Building Code. All letters, figures, characters, insignia, or representations upon any sign shall be safely and securely attached.
- 2. A sign requiring a permit may be relocated on the same premises provided that a new sign permit is obtained, and all requirements are met.

Section 18.03 Signs Subject to Permit or Other Approvals

Unless exempt from a permit as set forth in Section 18.06, all signs shall require a permit. Section 18.04 Requirements for each sign permitted by this Article are set forth in Tables 18.04 A-E.

Section 18.04 Signs Types Permitted by District

| 18.04.A | | | | |
|---|---|--|-------------|--|
| Sign Types Permitted by District | | | | |
| 1. Residential Districts (RA, RA-1, RA-2, RA-3, RM-1, RM-2, MHC). Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Sign Surface Display Area | Max. Height | Number |
| Residential community signs – Monument sign No permit required. | Vehicular entrance to subdivisions, apartment complexes, condominium communities, and the like. | Twenty (20) square feet per side, forty (40) square feet total and four (4) feet high if located within a boulevard entrance island; or Twenty (20) sq ft and six (6) ft high if integrally designed as part of an ornamental wall consisting of brick, stone, wrought iron or wood. | | One (1) per vehicular entrance located within a boulevard island Two (2) per vehicular entrance when part of an entry wall. |
| Other signs | See Section 18-05.I | | | |

| 18.04.B | | | | |
|---|---|--|-----------------|--|
| Sign Types Permitted by District | | | | |
| 2. Limited Commercial (LC). Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Sign Surface | Max. Height | Number |
| Principal Wall Signs See Sec. 18.05.A | Wall signs may be placed anywhere on a building or accessory structure (such as a gas station or drive-through window canopy) provided such signs do not cover windows or required means of egress. | One (1) sq ft of sign area for each lineal foot of building frontage., up to fifty (50) sq ft. The total allowable square footage may be increased by fifty (50) percent for buildings with more than one (1) building frontage. | Not applicable. | One (1) per street level business with building frontage. Buildings with more than one (1) frontage shall be permitted to have one (1) wall sign on each frontage. |
| Monument sign See Sec 18.05.B | Ten (10) ft front setback; twenty (20) ft side setback. | Thirty-two (32) square feet per side, sixty-four (64) square feet total | Six (6) feet | One (1) monument/ ground sign per lot in addition to permitted wall, awning, and window signage. |
| Other signs | See Section 18-05.I | | | |

| 18.04.C | | | | |
|---|--|--|------------------------|---|
| Sign Types Permitted by District | | | | |
| 3. Commercial Districts (B-2, B-4). Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Sign Surface Display Area | Max. Height | Number |
| <p>Principal Wall Signs See Sec. 18.05.A</p> | <p>Wall signs may be placed anywhere on a building or accessory structure (such as a gas station or drive-through window canopy) provided such signs do not cover windows or required means of egress.</p> | <p>One (1) square foot of sign area for each lineal foot of building frontage, up to a maximum of one hundred (100) sq ft in the B-3 District. One (1) square foot of sign area for each lined foot of building frontage, up to a maximum of one hundred-fifty (150) square feet in the B-2 and B-4 Districts.</p> <p>In all Districts, the total allowable square footage may be increased by fifty (50%) percent for buildings with more than one (1) building frontage.</p> <p>If placed on accessory structure, it shall not exceed ten (10%) percent of the total wall or façade area of the accessory structure.</p> | <p>Not applicable.</p> | <p>One (1) per street level business with building frontage. Buildings with more than one (1) frontage shall be permitted to have one (1) wall sign on each frontage.</p> |
| <p>Ancillary wall sign</p> | <p>See wall sign, above</p> | <p>Ten (10) sq ft.</p> | <p>See above.</p> | <p>One (1) per business</p> |

| 18.04.C | | | | |
|---|---|---|---|---|
| Sign Types Permitted by District | | | | |
| 3. Commercial Districts (B-2, B-4). Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Sign Surface Display Area | Max. Height | Number |
| <p>Monument sign See Sec. 18.05.B</p> | <p>Ten (10) ft front setback; twenty (20) ft side setback.</p> <p>For business centers, the sign shall only be located on an arterial road.</p> | <p>In the B-3 District, thirty-two (32) square feet per side, sixty-four (64) square feet total at the primary entrance and sixteen (16) square feet per side, thirty-two (32) square feet total at a secondary entrance.</p> <p>In the B-2 and B-4 Districts, fifty (50) square feet per side, one hundred (100) square feet total at the primary entrance and twenty-five (25) square feet per side, fifty (50) square feet total at a secondary entrance.</p> <p>For business centers, the maximum sign area is one hundred-ten (110) sq ft.</p> | <p>Six (6) feet</p> <p>Eight (8) feet for business center signs</p> | <p>One (1) monument/ground sign per lot at the primary entrance and one (1) at a secondary entrance not located on same street as primary entrance.</p> |
| <p>Pole sign (B-4 district only) See Sec. 18.05.D</p> | <p>Ten (10) ft front setback; twenty (20) ft side setback; two (2) ft building setback</p> | <p>Sixty-four (64) square feet per side, one hundred twenty-eight (128) square feet total.</p> | <p>Eighteen (18) ft. with a minimum vertical height of ten (10) ft between the bottom of the sign and the ground.</p> | <p>One (1) pole sign, in addition to a permitted wall sign. No pole signs are permitted with a ground sign.</p> |
| <p>Awning sign</p> | <p>On the awning face</p> | <p>Up to thirty-three (33%) percent of the awning face</p> | <p>Not applicable.</p> | <p>One (1) awning sign per business</p> |

| 18.04.C | | | | |
|--|---------------------|--------------------------------|-------------|--------|
| Sign Types Permitted by District | | | | |
| 3. Commercial Districts (B-2, B-3, B-4). Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Sign Surface Display Area | Max. Height | Number |
| Other signs | See Section 18.05.I | | | |

| 18.04.D | | | | |
|--|--|---|---|--|
| Sign Types Permitted by District | | | | |
| 4. Pedestrian-Oriented Business District (B-1, Central Business District). Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Area | Max. Height | Number |
| Wall Sign See Sec. 18.05.A | Wall signs shall be located anywhere on the building provided such signs do not cover windows or required means of egress. | One (1) sq ft of sign area for each lineal foot of building frontage, up to fifty (50) sq ft. The total allowable square footage may be increased by fifty (50%) percent for buildings with more than one (1) frontage. | Not applicable. | One (1) per street level business with building frontage. Buildings with more than one (1) frontage shall be permitted to have one (1) wall sign on each frontage. |
| Projecting Sign or Blade sign See also 18.05.F | On the front façade of the business | Eight (8) sq ft | Eight (8) ft clearance between bottom of sign to sidewalk | One (1) sign |
| Rear façade wall sign | Anywhere on the rear façade of the business, when there is a rear entry provided, such signs do not cover windows or required means of egress. | Twenty (20) sq ft. | Not applicable. | One (1) sign |
| Monument sign See Sec. 18.05.B | Ten (10) ft front setback; twenty (20) ft side setback. | Forty (40) square feet | Five (5) ft. | One (1) monument/ground sign per lot in addition to permitted wall, awning, and window signage. |

| 18.04.E | | | | |
|--|--|--|-----------------|------------------------------------|
| Sign Types Permitted by District | | | | |
| 4. Pedestrian-Oriented Business District (B-1, Central Business District). Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Area | Max. Height | Number |
| Pedestrian or A-Frame Sign — No permit required. See Sec. 18.05.E | At the public entrance to businesses, either on private property or on the public sidewalk | Six (6) square feet per side, twelve (12) square feet total. | Four (4) ft | One (1) per each customer entrance |
| Awning sign | On the awning face | Up to thirty-three (33%) percent of the awning face | Not applicable. | One (1) sign per awning |
| Other signs | See Section 18.05.I | | | |

| 18.04.E | | | | |
|---|---|---|-----------------|--|
| Sign Types Permitted by District | | | | |
| 5. Industrial Districts (M-1, M-2). Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Area | Max. Height | Number |
| Wall Sign See Sec. 18.05.A | Wall signs may be placed anywhere on a building or accessory structure (such as a gas station or drive-through window canopy) provided such signs do not cover windows or required means of egress. | One (1) sq ft of sign area for each lineal foot of building frontage, up to one hundred fifty (150) square feet. The total allowable square footage may be increased fifty (50%) percent for buildings with more than one (1) frontage. If placed on accessory structure, it shall not exceed ten (10%) percent of the total wall or façade area of the accessory structure | Not applicable. | No limit provided the one (1) per street level business with building frontage. Buildings with more than one (1) frontage shall be permitted to have one (1) wall sign on each frontage. |

| 18.04.E | | | | |
|---|---|---|--|--|
| Sign Types Permitted by District | | | | |
| 5. Industrial Districts (M-1, M-2). Permits required, unless otherwise noted | | | | |
| Sign Type | Location | Max. Area | Max. Height | Number |
| Monument sign See Sec. 18.05.B | Ten (10) ft front setback; twenty (20) ft side setback. | Fifty (50) square feet per side, one hundred (100) square feet total at the primary entrance and twenty-five (25) square feet per side, fifty (50) square feet total at a secondary entrance. | Six (6) feet | One (1) monument/ground sign per lot at the primary entrance and one (1) at a secondary entrance not located on the same street as a primary entrance. |
| Off-Premises sign See Section 18.05.G | See Section 18.05.G | Four hundred (400) sq ft per sign panel, with up to two (2) panels per side | i. Maximum sign face height twenty (20) ft; Maximum sign face length fifty (50) ft; ii. Total sign height may not exceed sixty (60) ft (including embellishments); and iii. Signs must maintain an eight (8) ft clearance between the sign face and the ground | One (1) per lot provided the one thousand (1,000) ft. spacing standard from another off-premises sign is met |
| Other signs | See Section 18.05.F | | | |

Section 18.05 Additional Requirements for Sign Types that Require a Permit

A. Wall Signs.

1. Wall Signs shall be flush-mounted, shall not be mounted on the roof of any building and shall not project above the roofline. Wall Signs shall not cover any portion of a wall opening. Wall Signs shall not project beyond the top or ends of the wall to which they are attached; however, letters may extend beyond the top and in front of the advertising structure. Wall Signs shall not protrude more than twelve (12) inches measured from the wall to which it is attached.
2. Wall Signs shall be safely and securely attached to structural members of a building by means of metal anchors, bolts, or expansion screws. All wall sign anchoring devices shall meet the standards of the Building Code. No nails, tacks, or wires shall be permitted to protrude from the front of any sign.
3. Wall Signs shall not exceed a width of more than two-thirds (2/3) of the subject building frontage.

4. Any building or sign damage created due to the removal or replacement of a wall sign must be repaired.

B. Monument Signs.

1. The supporting structure components for monument signs, shall be limited to no more than the permitted maximum area per side of the size of the sign surface display area of the sign.
2. Unless a monument sign is mounted on a natural feature, such as a boulder, the monument sign shall have a minimum twelve (12) inch high base, constructed of clay brick or integrally colored concrete brick, stone, marble or other similar masonry materials.
3. The street number must be affixed on the sign face or on the supporting structure of monument signs and must be kept visible from the adjacent street. Street numbers must use minimum eight (8)-inch tall letters or characters. The street number does not count toward the total sign display area.
4. The minimum height of all letters and numbers on a monument sign shall be as follows:

| Posted Roadway Speeds | Minimum Letter and Number Height |
|------------------------------|---|
| 45 mph or greater | 6 inches |
| 30-40 mph | 4.5 inches |
| 25 mph or less | 3 inches |

The height of letters and numbers on an incidental message or within an accessory logo may be less than stated above, provided the primary message meets the above standards. In no case shall letters or numbers fewer than the above standards comprise more than ten (10%) percent of the total sign area.

5. When a pole sign is permitted, a property may have either one (1) monument sign or one (1) pole sign but is not permitted to have both.
6. Up to twenty-five (25%) percent of a ground sign may be comprised of changeable message area.

C. When a business center sign is constructed, no additional monument or pole signs are permitted for individual businesses within the center. In addition:

1. Business center signs shall be constructed of masonry and metal products that complement the business center building materials as well as the standard sign details of the Village (see application packet).
2. The individual sign panels may be constructed of non-masonry or metal products, provided that the background is of a darker contrasting color to the letters/message.
3. Letters within the sign panels may be backlit or the entire sign may be lit from above. No ground-mounted lighting shall be permitted.

D. Pole signs.

1. When a pole sign is permitted, a property may have either one monument sign or one (1) pole sign but is not permitted to have both.
2. No pole sign shall be placed in such a manner as to prevent any traveler on a curve or at an intersection from obtaining a clear view of approaching vehicles for a distance of five hundred (500) ft.
3. Permitted support structures occurring within required setback yards may not exceed one (1) sq ft in horizontal cross-section, and multiple supports shall not be spaced closer than four (4) ft apart.
4. Permitted support structures shall not extend more than one (1) foot beyond the sign at any point.
5. Up to twenty-five (25%) percent of a pole sign may be comprised of changeable message area.
6. The minimum height of all letters and numbers on a pole sign shall be as follows:

| Posted Roadway Speeds | Minimum Letter and Number Height |
|-----------------------|----------------------------------|
| 45 mph or greater | 6 inches |
| 30-40 mph | 4.5 inches |
| 25 mph or less | 3 inches |

The height of letters and numbers on an incidental message or within a logo may be less than stated above, provided the primary message meets the above standards. In no case shall letters or numbers less than the above standards comprise more than ten (10%) percent of the total sign area.

E. Pedestrian or A-Frame Signs:

1. A-Frame Signs shall be permitted in the B-1 Central Business district.
2. One (1) such sign shall be permitted per customer entrance or per on-site business, whichever is less.
3. The sign area shall not exceed six (6) square feet per side, sign height of the sign structure shall be no greater than four (4) feet and the width shall be no greater than two (2) feet.
4. The sign shall not be illuminated in any manner.
5. The sign shall be located a minimum of three (3) feet from the back of street curb and it shall not be located in a manner as to interfere with vehicular or pedestrian traffic flow or visibility. A four (4) ft minimum pedestrian clearance area is required.

6. The sign is permitted only during operating business hours or from the hours of 6:00 am to 10:00 pm, whichever is less, and must be stored inside when the establishment is not open to the general public.
7. A-Frame signs shall be spaced a minimum of twenty (20) feet apart.
8. The sign must be professionally constructed of weather-proof, durable material, and kept in good repair.
9. Changeable message panels shall be either professionally printed or white changeable letters shall be used on a black or dark color background. A "blackboard-style" message area, similar to those used for daily restaurant specials, may all be used for all or a portion of the sign area.
10. The signs shall not be illuminated, nor shall they contain moving parts, or have balloons, windsocks, pinwheels, streamers, pennants, or similar adornment attached to them.

F. **Projecting Signs.** Projecting signs are for the primary benefit of pedestrians and are encouraged to be decorative in design. Such signs shall only be permitted under the following provisions:

1. Projecting signs shall be placed on the sign band, when provided, unless a wall sign prohibits placement there, and in no case higher than the bottom of second floor windows.
2. Projecting signs shall be a minimum of eight (8) feet above ground level, shall be placed no closer than twenty (20) feet from another projecting sign (measured center of sign to center of sign), shall be no taller than four (4) feet above the bottom edge of the projecting sign, and shall project no farther than four and a half (4.5) feet from the façade.
3. Projecting signs shall be placed no closer than ten (10) feet to the horizontal edge of the common wall with adjacent the establishment provided; however, that this subsection shall not apply to the corner portion of a corner building.
4. Projecting signs shall have a maximum depth (thickness) of two (2) feet; however, up to thirty-three (33%) percent of the sign may be up to four (4) feet thick in order to provide for creative sign design.
5. Support structures for projecting signs shall be constructed of a material and color to match the sign and complement the building.

G. **Off-premises signs.** The following regulations apply to off-premises signs:

1. Off-premises signs shall only be permitted on property zoned for industrial use, per Section 18.04.5.
2. An eight (8) ft clearance is required between the ground and the bottom edge of the sign face.
3. Off-premises signs shall be setback at least fifty (50) feet from the edge of the right-of-way of the Federal Highway System.

4. Off-premises signs shall be no closer than one thousand (1,000) feet from another such sign. Spacing shall be measured from the closest extremities of the two (2) signs.
5. Sign faces shall be perpendicular or at an angle no less than forty-five (45) degrees to the road upon which they front.
6. No off-premises sign shall be constructed in a V-shape in excess of a forty-five (45) degree angle.
7. When double-faced, both sides shall be of equal size and shape except for temporary embellishments so that no substantial portion of the back of the opposing sign shall be visible.
8. Embellishment may be added as a temporary extension comprising up to ten (10%) percent of the off-premises sign face. The limits of the embellishment shall not extend more than fifty (50) ft.
9. Each permitted off-premises sign shall have a permanently installed, weatherproof plaque mounted in a conspicuous place that lists the name and phone number of the sign's installer, manufacturer, and owner, as well as the voltage of any electrical apparatus used.
10. Off-premises signs shall meet the requirements of the adopted Building Code.
11. No off premises sign larger than sixty-four (64) square feet shall be built on wooden support poles. All other Off-premises signs shall be constructed on steel beams, metal pipes or similar material and painted with a neutral or subdued color.
12. Off-premises signs shall be externally illuminated. Internal illumination and electronic off-premises signs shall not be permitted.
13. The sign permit application for an off-premises sign shall include construction plans certified by a state registered engineer who shall certify that the structure complies with the adopted building code and shall submit sufficient data to enable the Building Official to determine whether the sign complies with Village zoning and construction requirements.

H. **Electronic message signs.** Such signs shall be permitted in the B-2, B-3, B-4, and Industrial districts as a portion of a wall sign, monument sign, or pole sign, subject to the following:

1. The sign must meet the requirements of Section 18.04 and 18.05 (above)
2. The sign must be a minimum of one hundred (100) feet from a residential district in the B-2 and B-4 Districts and twenty-five (25) feet in the B-3 District.
3. Any portion of the message must have a minimum duration of sixty (60) seconds. Such display must be a static display. No portion of the message may flash, scroll, twirl, change color, and fade in or out, or in any manner imitating movement. The change from message to message shall be instantaneous.
4. Audio speakers or any form of pyrotechnics are prohibited.

5. Sign illumination standards set forth in Section 18.02.C, shall be met. No sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. Maximum sign luminance shall not exceed 0.3 footcandles above ambient light measurement based upon the size of the sign (in square feet) and distance measured perpendicular to the sign face in accordance with the following table:

| Maximum Allowed Ambient Light Level | Area of Sign (sq. ft.) | Measurement of Distance (ft)* |
|---|------------------------|-------------------------------|
| 0.3 footcandles | 10 | 32 |
| 0.3 footcandles | 15 | 39 |
| 0.3 footcandles | 20 | 45 |
| 0.3 footcandles | 25 | 50 |
| 0.3 footcandles | 30 | 55 |
| 0.3 footcandles | 35 | 59 |
| 0.3 footcandles | 40 | 63 |
| 0.3 footcandles | 45 | 67 |
| 0.3 footcandles | 50 | 71 |
| 0.3 footcandles | 55 | 74 |
| 0.3 footcandles | 60 | 77 |
| Source: Model Code, Illuminating Engineering Society of North America | | |
| * Measured in feet, perpendicular to the face of the sign. | | |

6. Electronic message signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one (1) half-hour (0.5) before sunset and one (1) half-hour (0.5) after sunrise.
7. In case of malfunction, the sign must go dark.
8. No electronic display or electronic message sign shall be installed in place of a permitted sign. This shall require that the electronic display component serve as one (1) element of the permitted sign, not to exceed twenty-five (25%) percent of the total sign area proposed for the sign within which the electronic sign will be included.
9. A minimum of the upper twenty (20%) percent of a sign shall not include an electronic display component.

I. Other Signs.

1. Outline Tubing Sign: Outline tubing signs are limited to two (2) square feet and one (1) per business.
2. Special event signs in non-residential districts and for non-residential uses in residential districts.

- a. A temporary special event or community service sign may be erected in a non-residential district or for a non-residential use in a residential district for a period not to exceed two (2) weeks. Only one (1) special event sign may be placed on a lot and can only occur once every six (6) months. A special event sign shall be a temporary or movable sign, freestanding sign, or banner sign (affixed to a wall) and shall be no greater than twenty-five (25) square feet in area and no taller than six (6) feet. If building mounted, signs shall not exceed six (6) feet in height. Electrical permits are required if illuminated.
 - b. Special event signs shall have an appearance in keeping with permanent signs in the Village. Signs shall be professionally prepared and supported by wood or metal posts or similar support frames that are black, dark, or an otherwise solid neutral color. Signs on a chassis (e.g., movable signs) shall only be permitted if the wheels and chassis are fully screened by skirting that is black, dark, or an otherwise solid neutral color that matches or complements the color of the frame and is professionally fabricated.
 - c. The minimum height of all letters and numbers on a special event sign shall be six (6) inches. This shall be reduced to four and one half (4.5) inches on a road with a posted speed of forty (40) mph or less.
 - d. Street Banners Advertising Community/Special Events: Street banners over a public road advertising a community or special event must have the approval of the Monroe County Road Commission, the Michigan Department of Transportation, or any other responsible road agency.
3. Parking of Vehicles Displaying Signs. Mobile billboards are prohibited. Commercial vehicles and trucks 1) displaying signs that are typically found on said vehicles and 2) that have a primary function of carrying goods or people, not advertising, may be permitted to park on the site of the principal use provided parking shall be in a rear or interior side yard.
 4. Murals. Murals shall be permitted only in non-residential districts, subject to the approval of the Planning Commission, for the compliance with the design standards and intent of the zoning district in which it is proposed.

Section 18.06 Signs Not Requiring a Permit

- A. Changing messaging copy on an approved sign.
- B. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure.
- C. Traffic control signs on private property, such as "Stop," "Yield," restricted parking, and similar signs, the face and size of which meet traffic engineering standards.
- D. Historical signs. Provided the sign does not exceed twelve (12) square feet in area or six (6) feet in height. The sign may be a pole or monument sign.
- E. House number signs. A sign bearing the house number shall not exceed two (2) square feet in area and shall be illuminated only by the reflector method, placed behind the building line, and erected so that the light source is not visible from outside the premises.

- F. Incidental signs. Up to three (3) per nonresidential site, limited to two (2) square feet per sign and a maximum height of two and one-half (2.5) feet.
- G. Wall plate Signs. Wall plate Signs may not exceed two (2) square feet and are limited to one (1) for each occupant at each entrance and one (1) general sign at any location on the building.
- H. Window signs. Window signs shall be permitted for non-residential uses on the ground floor of a building only. Window signs on a building side shall not exceed twenty-five (25%) percent of the total glass area on that side of the building and on the ground floor where the sign will be located. Window signs shall include permanent and temporary decals and static vinyl clings that are visible from the exterior. Such signs shall be calculated on the full extent of the graphic representation, regardless of its opacity.
- I. Flags. Flags of any country, state, municipality, or similar entity shall be displayed on a flagpole or similar support, setback a minimum of five (5) ft from any property line. The maximum height shall not exceed fifty (50) feet. The total number of flags on any lot shall not exceed four (4).
- J. Temporary signs in all districts.
 - 1. Temporary signs shall be permitted provided they do not exceed three (3) feet in height and the total area of all temporary signs does not exceed six (6) square feet. Maximum display time for temporary signs under this subsection shall not exceed thirty (30) consecutive days in any given calendar year.
 - 2. Election season. During the period from thirty (30) days prior to an election until five (5) days past an election held in the Village, additional temporary signs shall be permitted in all districts subject to the following:
 - a. In residential districts, the maximum temporary sign area for a single sign shall be six (6) square feet and the maximum height shall be three (3) feet.
 - b. In non-residential districts, the maximum temporary sign area for a single sign shall be forty-eight (48) square feet and the maximum height shall be four (4) feet (provided sight distance requirements are met)
 - c. All signs permitted relative to this subsection i. shall be removed within five (5) days of an election date in the Village.
 - 3. Signs on Property for Sale or Lease. In addition to the temporary signs permitted above, one (1) additional temporary sign shall be permitted when a parcel, structure or unit is offered for sale or lease. The sign area shall be limited to nine (9) square feet in residential districts and thirty-six (36) square feet in non-residential districts, shall be no greater than five and a half (5.5) feet in height in residential districts and eight (8) feet in height in non-residential districts, and shall be attached to a wood post or similar support that is placed in the ground or the sign may be mounted to the façade of a structure. The sign shall be removed within five (5) days of completion of the sale, signing of a lease agreement or other similar action, as determined by the Building Official. Such signs shall be maintained in good condition.

4. Signs on Property Approved for Real Estate Development Signs: Temporary signs on sites where there has been an approved real estate development signs are limited to one (1) sign per exterior street frontage. The size shall not be more than thirty-two (32) square feet per side in all zoning districts. The sign shall not be erected until a building permit has been obtained for the project, if required, or until actual work has begun, whichever is later.

Section 18.07 Permitting - Sign Permit Application Requirements

- A. Sign permits shall be issued by the Zoning Enforcement Officer or his/her designee upon approval of a written application. Where electrical permits are required, they shall be obtained at the same time as the sign permit.
- B. The permit application shall identify the following:
 1. Name and address of the sign owner and the property owner
 2. Name and address of the person who will erect the sign
 3. Location of the sign
 4. Drawing in color showing design, size, height, materials
 5. Topography of land in the parcel
 6. Any other pertinent information the Administrator may require to ensure compliance with the ordinances of the Village.
 7. A sign permit shall expire if the sign for which the permit was issued has not been erected within six (6) months of issuance of the permit.
 8. All plans shall address the removal of all previously installed signage and repairs to mounting surfaces impacted by previous mountings.
- C. The Zoning Enforcement Officer or his/her designee shall consider and deny, approve, or approve with conditions, all sign applications for which an application is made, and a review fee is paid. A determination of approval or disapproval shall be made within thirty (30) days.
- D. Permit Fees. A fee shall be paid for the issuance of a sign permit or renewal in accordance with a schedule of fees, which shall be adopted by the Village Board of Trustees. Such schedule of fees shall be designed to reimburse the Village for all of its direct costs incurred in the inspection and regulation of signs and issuance of permits.

Section 18.08 Prohibited Signs

The following signs are prohibited:

- A. A sign which copies or imitates or in any way approximates an official highway sign or carries the words "stop," "look," or "danger;" or any word phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic; any sign which obscures a sign displayed by a public authority for the purpose of giving traffic instruction or direction or other public information; or any sign that is erected in such a manner as to interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device.
- B. Any sign that has been unlawfully erected, structurally altered, or relocated in violation of any of the provisions of this Ordinance or of any other Village Ordinance or laws shall be prohibited and removed in accordance with the provisions of the official building code of the Village of Dundee.
- C. A sign which displays flashing or intermittent lights or lights of changing degrees of intensity, or a sign that moves either by mechanical means or reaction to air currents, other than as noted in this Article.
- D. A sign that obstructs any window or door opening used as a means of egress or prevents free passage from one (1) part of a roof to any other part thereof, or a sign that interferes with an opening required for legal ventilation.
- E. A sign or illumination that causes any direct glare into or upon any building other than the building to which the sign is accessory.
- F. Signs which emit audible sound, odor, or visible matter.
- G. Non-regulatory signs in the public right-of-way.
- H. Exterior string lights including rope lights, fiber optics or other similar types of lights intended to draw attention to a sign used in connection with a commercial premise, other than holiday decorations or lighting used with outdoor dining areas.
- I. The following sign types are prohibited:
 - 1. Animated signs
 - 2. Beacon lights
 - 3. Banners (except street banners advertising community/special events)
 - 4. Feather and flutter signs
 - 5. Festoons
 - 6. Inflatable signs
 - 7. Mirrors or mirrored signs
 - 8. Moving signs

9. Obsolete signs
10. Painted Wall signs
11. Pennants
12. Portable signs, unless otherwise permitted
13. Roof signs
14. Snipe signs

Section 18.09 Non-conforming Signs

- A. A non-conforming sign may remain as long as the sign is properly maintained and not detrimental to the health, safety, and welfare.
- B. If the property upon which the sign is located is vacant and the previous use is abandoned, the entire sign (including above-ground base, height, poles, size, wires, panels, and any other element) shall be removed within thirty (30) days of the property becoming abandoned.
- C. A non-conforming sign shall not:
 1. Be relocated, expanded, or changed, except as to periodic message changes.
 2. Be structurally altered so as to prolong the life of the sign or to change the shape, size, type, placement, or design of the sign.
 3. Be altered or repaired after being damaged if the repair or the re-erection of the sign would cost more than fifty (50%) percent of the cost of a similar sign.
- D. For the purpose of this Section of the Ordinance, the terms “altered”, “repaired”, “changed” and “expanded” shall not include normal maintenance, reducing the copy area, changing copy, changing ornamental molding, frames or other such features or landscaping below the copy area, installing or changing electrical wiring.
- E. If a property line, easement, or right-of-way line is altered that affects the setbacks required by this Ordinance, the owner of the sign, building or property shall either (1) remove the non-conforming sign, (2) conform with this Ordinance, or (3) apply for a variance.

Section 18.10 Maintenance

- A. Damaged or Abandoned Signs.
 1. Signs which are broken, torn, bent or whose supports are broken, bent or damaged, and signs that are not reasonably level and plumb shall be repaired and installed in a manner prescribed by the Enforcement Officer and/or Building Official, but in no case shall repair requirements exceed building code requirements and the original condition of the sign and/or its supports.

2. Abandoned signs shall be removed or put into service. Removal of such signs shall include removal of the poles and/or supports.
- B. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code. Failure to comply with this section may result in action by the Enforcement Officer or Building Official to rescind the permit with subsequent removal of the entire structure.
 - C. A sign shall have no more than twenty (20%) percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than thirty (30) successive days.
 - D. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than fifteen (15) degrees from vertical for a period of more than thirty (30) successive days, unless determined by the Building Official to pose a safety hazard, in which case immediate action may be required.
 - E. A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than thirty (30) successive days.
 - F. An internally illuminated sign shall not be allowed to stand with only partial illumination for a period of more than thirty (30) successive days.

Section 18.11 Enforcement

- A. The Building Department, Police Department or agent(s) designated by the Village shall remove a sign immediately and without notice if the condition of the sign presents an immediate threat to public health, safety, or welfare, with all costs to remove assessed against the responsible person.
- B. The Building Department, Police Department or agent(s) designated by the Village shall remove a temporary or movable sign if it violates the terms of this ordinance.
- C. In addition, the enforcement and penalty provisions of the Zoning Ordinance apply to signs.

ARTICLE 19

ENVIRONMENTAL PROTECTION STANDARDS

Section 19.01 Intent

The intent of including environmental protection standards is to ensure that development in the Village of Dundee that is reviewed, approved, and completed under the regulations of this Ordinance is compatible with the natural systems of this Village including woodlands, wetlands, water bodies, drainage courses, soils, air, and the overall natural quality of life. These features are sensitive and can be negatively impacted by development. The following standards seek to minimize these impacts and are in addition to state regulations related to natural features such as the Natural Resources Environmental Protection Act, Act 451 of 1994.

Section 19.02 Soil Removal, Filling, and Grading Standards

- A. **Applicability:** No person shall do any grading, stripping, excavating, or filling, or undertake any earth change, unless the Zoning Enforcement Officer has issued a valid grading permit.

- B. **Exceptions to Applicability:** A grading permit is not required under the circumstances described below. Even though no permits are required for these instances, those operations and construction that is exempted from obtaining permits must still be in compliance with the rules and regulations concerning grading and erosion specified in this ordinance or other applicable laws and ordinances.
 - 1. The activity is associated with an approved site plan, subdivision plat, site condominium plan or private road approval.
 - 2. Plowing and tilling of land for purposes of crop production or harvesting.
 - 3. The activity is associated with a residential use and involves a volume of soil less than one hundred (100) cubic yards.
 - 4. The activity is associated with a non-residential use and involves a volume of soil less than fifty (50) cubic yards.
 - 5. The activity is associated with grading or excavating for a building or structure that was authorized by another valid permit.
 - 6. If the Zoning Enforcement Officer certifies in writing that the planned work and the final structure or topographical changes will not result in or contribute to soil erosion or sedimentation of the water of the state; will not interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the depositing of debris or sediment on any public way, will not create any hazard to any persons or property; and will have no detrimental influence upon the public welfare or upon the total development of the watershed.

- C. **Grading Permit Review and Approval Procedures:** A separate application shall be required for each grading permit and the following procedure shall apply:

1. Submission of a completed application as required in Section 19.02.D and the required fee to the Zoning Enforcement Officer.
2. The Zoning Enforcement Office shall review the application for conformance with Section 19.02 D and E. The Zoning Enforcement Officer may require a re-submittal, or additional information. If the Zoning Enforcement Officer determines the application complies with the ordinance, the permit shall be issued.
3. The Zoning Enforcement Officer shall inspect the work upon completion to confirm compliance with the approved plan.

D. Application Information Requirements: The plans shall be prepared or approved by a person who is trained and experienced in soil erosion and sedimentation control methods and techniques. The plans and specifications accompanying the grading permit application and required fee shall be submitted to the Zoning Enforcement Officer and contain the required data listed below.

1. A vicinity sketch indicating the site location as well as the adjacent properties within one hundred (100) feet of the site boundaries.
2. Scale and north arrow for the plan.
3. Name, address and telephone number of the landowner, developer, and petitioner.
4. The location of existing and proposed utility structures, ditches, culverts.
5. The location and distance of drainage structure to which the site will drain.
6. The location of existing and proposed buildings and structures.
7. A description and details of soil erosion control methods.
8. Existing spot elevations for the site and existing topographic contours at two (2) foot intervals.
9. Proposed topographical contours at two (2)foot intervals.
10. A timing schedule indicating the anticipated starting time and completion dates for the project.

E. Review Standards: All applications shall comply with the following standards:

1. New grades shall provide a sloping grade away from buildings and structures, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course.
2. New grades shall not be established that would permit an increase in the run-off of surface water onto adjacent properties and public roadways except through established drainage courses.
3. New grades shall not result in the creation of standing water; the erosion or filling of a roadside ditch and shall not result in the blockage of public water courses.

4. Any land development, dredging, filling, or other activity requiring a permit pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994 shall be required to obtain said permit prior to the issuance of a grading permit. The Zoning Enforcement Officer may require the applicant to submit a letter from the MDEQ to confirm non-jurisdiction.
 5. Any land development which disturbs the existing grade or more than one (1) acre(s) of land or lies within five hundred (500) feet of a river, stream lake or open drain, shall require a Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, prior to issuance of a grading permit.
- F. **Bond, Cash Deposit, or Instrument of Credit:** A grading permit shall not be issued unless the permittee shall first post with the Zoning Enforcement Officer a bond executed by the landowner and payable to the Village and in the amount stipulated below. The bond shall include penalty provisions for failure to complete the work on schedule as specific on the grading permit.
1. Residential: For activities associated with residential uses a bond of two hundred and fifty (\$250) dollars is required.
 2. Non-residential: For activities associated with non-residential uses a bond of one thousand (\$1,000) dollars is required.
- G. **Extension of Time:** If the permittee is unable to complete work within the specified time, he may, at least ten (10) days prior to the expiration of the permit, present in writing to the Zoning Enforcement Officer a request or extension of time setting forth the reasons for the requested extension. If such an extension is warranted, the Zoning Enforcement Officer may grant additional time for the completion of the work, but no such extension shall release the owner from the obligation of the required bond set forth in Section 19.02.F above.

Section 19.03 Preserving Existing Vegetation

- A. **Intent.** The intent of this Section is to preserve existing vegetation unless it can be demonstrated by the applicant that there are no other site design alternatives that would preserve existing vegetation. Where healthy plant material exists on a site prior to its development or redevelopment, as determined by the Zoning Enforcement Officer or the Planning Commission, variations from the landscape requirements contained in Article 14 may be approved to allow credit for such plant material if such adjustment is keeping with the intent of this Ordinance.
- B. **Inspection.** All existing vegetation shall be inspected by the Village to ensure the vegetation is high quality and will fulfill the requirements of this Article.
- C. **Credit for Trees.** Credit for tree preservation shall be applied at the following rate:
1. For preserved trees of equal to or greater than twelve (12) inches in caliper, a credit of three (3) trees is permitted.
 2. For preserved trees less than twelve (12) inches in caliper, a credit of two (2) trees is permitted.

- D. **Removed Credit Trees.** In the event that healthy plant material credited towards required plantings are removed, damaged, or destroyed, as determined by the Zoning Enforcement Officer, they shall be replaced with new plant material meeting the standards of this Article.
- E. **Mitigation.** Every attempt shall be made to preserve healthy mature existing vegetation. In the event that an existing tree with greater than a four (4) inch caliper or eight (8) feet tall is removed when there are obvious alternatives to their removal (as determined by the Director of Engineering and/or designee), all such trees shall be replaced at a ratio of two (2) for one (1). Each new tree shall have a caliper of no less than three (3) inches or six (6) feet tall.

Section 19.04 Natural Features Setback Standards

- A. **Required Setbacks.** All sites that are reviewed and approved under the regulations of this ordinance shall comply with the following minimum setback requirements from state regulated wetlands and from the shoreline of the River Raisin. These setback standards shall supersede the setbacks outlined in the Schedule of Regulations for sites where state regulated wetlands and water bodies are present, as set forth in Table 19.04.A.

| Table 19.04.A | | |
|---|---|---|
| Condition | Minimum Required Setback from State Regulated Wetland | Minimum Required Setback from the Shoreline of the River Raisin |
| sites lacking public sanitary sewer: | 25 feet | 75 feet |
| Principal Structure Accessory Structure | 25 feet | 50 feet |
| sites connected to public sewer: | 25 feet | 50 feet |
| Principal Structure Accessory Structure | 25 feet | 35 feet |
| paved parking areas | 25 feet | 35 feet |

- B. **Treatment of Setback Area.** The required setbacks as listed in Table 19.04.A shall be maintained as an undisturbed natural buffer. Permitted uses and activities within the setback area shall only include trails and recreation areas such as a boat dock/launch. Vegetation shall be undisturbed with the exception of regular maintenance and the installation of native vegetation.
- C. **Preservation of Regulated and Non-Regulated Wetlands:** Judicious effort shall be made through site plan design to preserve wetlands located on a site.
- D. **Variances:** In considering a variance from a natural features’ setback, the applicant must demonstrate to the Zoning Board of Appeals that all of the following conditions are met:

1. The setback is not necessary to preserve the wetland's ecological and aesthetic value.
2. The natural drainage pattern to the wetland will not be significantly affected;
3. The variance will not increase the potential for erosion, either during or after construction;
4. No feasible or prudent alternative exists, and the variance distance is the minimum necessary to allow the project to proceed; and
5. Permit requirements issued by the State of Michigan have been met and all possible avoidable impacts to wetlands have been addressed.

Section 19.05 Waterfront Regulations

- A. Waterfront structures and appurtenances are an accessory use to the principal use permitted in the zoning district of the waterfront property. The following requirements apply to all structures and appurtenances within the required waterfront yard (i.e., the minimum required setback from the ordinary highwater mark contained in Section 19.04) of all zoning districts.
- B. Only the following structures and appurtenances shall be permitted within the required waterfront yard:
 1. docks and mooring apparatus;
 2. decks; and
 3. not more than one (1) gazebo.
- C. Allowable accessory use of the waterfront in a single-family residential district shall be limited to not more than (1) dock per lot or per dwelling unit.
- D. No more than one (1) boat slip per dwelling unit shall be permitted for multiple-family dwellings.
- E. Commercial boat rental shall be prohibited in residential districts.

Section 19.06 Performance Standards

- A. Smoke: It shall be unlawful for any person, firm, or corporation to permit the emission of smoke from any source in an amount which shall be injurious or substantially annoying to persons residing in the affected area.
- B. Odor: The emission of odors that shall be found to be obnoxious to any considerable number of persons at their place of residence shall be prohibited.
- C. Gases: The emission or release of corrosive or toxic gases, in amounts which are injurious or substantially annoying to persons living or working in the affected area, shall be prohibited.

- D. Glare and Radioactive Materials: Glare from any process or operation shall be shielded so as to be invisible beyond the property line of the premises on which the process is performed. Radiation, including ionizing radiation from radioactive materials and x-ray process shall not be emitted to exceed quantities established as safe by Federal regulations. Non-ionizing radiation such as diathermy or other radio frequency emissions shall not exceed standards as set by the Federal Communications Commission under Title 47 U.S.C.
- E. Noise: The emission of measurable noises from the premises shall not exceed sixty (60) decibels as measured at the property lines, except that where normal street traffic noises exceed sixty (60) decibels, the measurable noise emanating from the premises may equal, but not exceed, traffic noise levels.
- F. Vibration: Machines or operations which causes vibrations shall be permitted in manufacturing districts, provided that vibrations shall not cause displacement exceeding .003 of one (1) inch as measured at the property line.

Section 19.07 Hazardous Materials

- A. Intent: Protection of groundwater and surface water quality is of paramount importance to the Village of Dundee. No uses or developments shall be permitted which threaten water quality or which violate standards of County, State, and Federal agencies.
- B. Storage of Hazardous Substances: Businesses that use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms (equal to about twenty-five (25) gallons or two hundred- twenty (220) pounds) must provide secondary containment (double enclosure) for all above ground storage containers.
- C. Outdoor Above Ground Storage: Secondary containment structures must be designed to protect containers from the effects of storms, wind, fire, and vandalism. Structures that are covered and protected from rain and precipitation must provide secondary containment for ten (10%) percent of the volume of all containers or the volume of the largest container, whichever is greatest. Structures that are not protected from rain and precipitation must provide secondary storage capacity to hold one hundred-fifty (150%) percent of the stored substances unless the Planning Commission approves a lesser quantity.
- D. Indoor Above Ground Storage: Hazardous substances should not be stored indoors in locations which are near a floor drain connecting to soils, groundwater, sanitary sewer lines, or nearby drains and rivers unless secondary containment is provided. Sump pumps and floor depressions to collect and hold leaks and spills are recommended.
- E. Loading/Unloading Areas: Areas used for the loading and/or unloading of hazardous substances shall be designed and constructed to trap hazardous materials spilled or leaked and designed to prevent discharge of hazardous substances to floor drains, sanitary sewer lines, rivers, or storm drains.
- F. Below Ground Storage.
 - 1. At a minimum, regulations of the Michigan Department of Environmental Quality, Michigan Fire Marshal Division, and the Village of Dundee for the installation, inspection, maintenance of a leak detection system, inventory and record keeping, emergency response, and closure must be met.

2. All underground storage tanks that have been out-of-service for nine (9) months or longer shall be removed from the site before a building permit is issued. The Dundee Township Fire Chief may adjust this requirement when a clear timetable for the safe use of the underground tank is established.
- G. County, State, and Federal Requirements: At a minimum, County, State and Federal requirements for storage, leak detection, record keeping, spill prevention, emergency responses, transport and disposal of hazardous substances must be met. It is the responsibility of the business facility owner to obtain any applicable County, State, or Federal permits or approvals.
- H. Site Plan Review and Approval: Site plans for facilities with hazardous substances shall also be reviewed by the Fire Chief or his/her designee prior to the approval by the Planning Commission.
- I. Enforcement and Penalties:
1. Any person violating any of the provisions of this Article shall be guilty of a misdemeanor and shall be subject to the provisions of this Chapter, in addition to any other penalties as may be prescribed herein.
 2. Transporters of hazardous materials in the Village of Dundee shall be strictly liable for the full amount and cost of any harm or damages that may result from such transport. Where it is determined that hazardous substances have leaked or spilled due to a violation of the provisions of this Ordinance, another village ordinance, negligence, or willful misconduct, the violator shall be required to abate the violation. In the case of an emergency, appropriate local, state, county, or federal emergency personnel may be called upon to assist in abatement and any other efforts necessary to remove hazardous materials and protect the health, safety, and welfare of the public. All costs, fees, and expenses in connection with such action shall be assessed as damages against the violator.
 3. Any judge or magistrate imposing a fine and costs which are not paid in full immediately or for which a bond is not immediately posted in double the amount of such fine and costs, shall order the driver or owner to move the vehicle at his own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and there keep the vehicle until the fine and costs are paid or sufficient bond furnished or until the judge or magistrate shall be satisfied that the fine and costs will be paid. The officer or agent investigating the accident may require the driver to proceed to a magistrate within the County. If the magistrate is satisfied that the probable fine and costs will be paid by the owner or lessee, he may allow the driver to proceed. If the magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable fine and costs, the magistrate may order the vehicle to be impounded until trial on the merits is completed after the fine and costs have been imposed. Removal of the vehicle shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to any prior valid bona fide lien of prior record in the amount of such fine and costs and if the same are not paid within ninety (90) days after such seizure, said judge or magistrate shall certify such unpaid judgment to the prosecuting attorney of Monroe County who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures.

Section 19.08 Storage of Flammable or Explosive Materials

- A. Intent. The location or storage of flammable or explosive materials shall be regulated as follows, except for automobile service and repair stations and junkyards, in which case the special land use standards apply. The storage of normal household chemicals is exempt from these regulations.
- B. On any parcel of land in any floodplain, office, commercial and manufacturing district, the owner, or tenant shall not store flammable materials closer than one hundred (100) feet from a residential district and/or three hundred (300) feet from a residential building. Furthermore, no residential building shall be constructed within three hundred (300) feet of an existing flammable storage facility.
- C. The storage of flammable materials shall be in containers or storage facilities as approved by the Dundee Township Fire Chief.
- D. Said containers or storage facilities shall be at least forty (40) feet from any side or rear lot line and one hundred fifty (150) feet from the front lot line as measured from the edge of the street right-of-way.
- E. The storage of explosive materials shall be in accordance with applicable State regulations.

Section 19.09. Floodplain Overlay

- A. Intent. Consistent with the letter and spirit of Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101 *et. seq.*, as amended, the Village Board of Trustees of the Village of Dundee finds that potential growth, the spreading of development, and increasing demands upon natural resources can have the effect of encroaching upon, despoiling, polluting, or eliminating many of its watercourses and wetlands, and other natural resources and processes associated therewith, which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets of existing and future residents of the Village.

This article recognizes the existence of uses and structures within the floodplain of the River Raisin. While this article allows for the continuation of these uses, it is the intent of this article to discourage the continuation of uses within the floodplain where floodwaters pose a danger to such uses or such uses have the potential to negatively impact the natural functions of the river's floodplain or the environmental quality of the river. It is further the intent of this article to discourage the establishment of new uses within the floodplain where floodwaters pose a danger to such uses or such uses have the potential to negatively impact the natural functions or the river's floodplain or the environmental quality of the river.

The Floodplain Overlay District shall be considered to overlay existing zoning districts and provide additional terms over and above those imposed by the underlying zoning districts. The location and boundaries of flood protection areas shall coincide with those locations and boundaries for flood protection and hazard areas as shown and identified in "The Flood Insurance Study, Village of Dundee, Monroe County, Michigan," prepared in 2002 with accompanying Flood Insurance Rate and Floodway Maps, and any other official revisions to the above-mentioned maps as published by the Federal Emergency Management Agency (FEMA). This document shall be adopted and hereby declared to be a part of this Article.

B. Rules and Regulations for Management of the Floodplain District.

The following rules and regulations shall apply to provide a clear understanding of the minimum requirements for the sound and proper use and development of land in the FP, Floodplain Overlay District. These rules and requirements shall include, but not be limited to the following:

1. A site plan approval under Article 8, Site Plan Review Procedures and Requirements shall be required for any use or development of land within the Floodplain District.
2. Prior to site plan approval, all necessary permits shall have been obtained from those federal, state, or local governmental agencies from which prior approval is required, such as: U.S. Army Corps of Engineers, Michigan Department of Natural Resources, Monroe County Drain Commission, or Monroe County Health Department.
3. All development shall be consistent with the standards of Section 60.3(d) and 60.6(o) of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59, etc.) and Ordinance 1-82, the Village of Dundee Floodplain Ordinance.
4. All uses shall comply with the dimensional standards of the underlying zoning district in addition to the requirements of this Article.
5. Projects under the control of the Village of Dundee or other use proposed on Village owned property within the Floodplain District shall require review and approval by the Village Board of Trustees, based upon a recommendation from the Planning Commission.

C. Principal Uses Permitted.

The following uses of land and structures shall be permitted by right in the FP, Floodplain Overlay District, provided that there shall be no permanent storage of materials in the floodplain.

1. Cultivation and harvesting of crops according to recognized soil conservation practices.
2. Pasture, grazing land, forestry, outdoor plant nursery, orchard, and harvesting of any wild crops.
3. Wildlife sanctuary, woodland preserves, and arboretums.
4. Outlet installations for sewage treatment plants, sealed public water supply wells, and watermains and storm sewers, and drains.
5. Recreational uses such as parks, pathways, boardwalks, pavilions, day camps, picnic groves, shooting ranges, golf courses, fishing, tennis clubs, and boating clubs, provided no enclosed building is located in the floodway.
6. Commercial uses such as parking lots, railroads, streets, utility lines, storage yards, for equipment and material not subject to major damage or displacement by flood and not including flammable liquids or hazardous materials and provided such use is accessory to a use permitted in an adjoining area.

D. Uses Permissible on Special Land Use Approval.

1. Uses permitted in the underlying zoning district, but not otherwise listed in Section 19.09C above as principal uses permitted may be allowed by special land use approval by the Planning Commission following the procedures and requirements of Article 8, Site Plan Review Procedures and Requirements and Article 9, Special Land Uses
2. In passing upon such application, in addition to the requirements of the underlying zoning district, Article 8, Site Plan Review Procedures and Requirements and Article 9, Special Land Use Review, the Planning Commission shall consider:
 - a. The danger to life and property by water which may be backed up or diverted by such obstruction.
 - b. The danger that the obstruction will be swept downstream to the injury of others.
 - c. The availability of alternate site design or layout that would minimize impact to the floodplain and minimize the hazard of floodwaters on the proposed use.
 - d. The construction or alteration of the obstruction in such a manner as to lessen the danger.
 - e. The permanence of the obstruction and its impact on the flow of floodwaters within the floodplain.
 - f. The anticipated development in the foreseeable future of the area which may be affected by the obstruction.
 - g. Compliance with the construction standards of Ordinance 1-82, the Village of Dundee Floodplain Ordinance.
3. Site Plan Review.

All principal and special land uses listed above are subject further to the requirements and provisions of Article 8, Site Plan Review Procedures and Requirements and any other applicable regulations included in this Ordinance.

ARTICLE 20

NON-CONFORMING LOTS, STRUCTURES, AND USES OF STRUCTURES AND LAND

Section 20.01 Statement of Purpose

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of lots and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Article to permit such legal non-conformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Non-conformities shall not be enlarged, expanded, or extended, except as provided here, and shall not be used as grounds for adding other structures and uses of lots and structures that are prohibited. Such non-conformities are declared by this Article to be incompatible with permitted uses in the districts involved and prevent the full realization of the goals and objectives of this Ordinance. The standards of this Article are intended to accomplish the following:

- A. Terminate and remove any use, building, accessory structure, or any combination thereof established after the effective date that is in violation of this Zoning Ordinance. Such uses, buildings accessory structures are classified as a nuisance and shall not receive any of the rights, privileges, or protection granted by this Article for legal non-conformities.
- B. Eliminate non-conforming uses that are considered to be incompatible with permitted uses or encourage redevelopment into a more conforming use.
- C. Permit legal non-conforming buildings, structures or uses to remain until they are discontinued or removed.
- D. Support the mixed residential character of the Village's neighborhoods through special provisions relating to non-conforming residential structures.
- E. Encourage gradual upgrading to a more conforming status of site landscaping, parking, paving, signage, or other features of a site which were developed in compliance with the standards at the time of their construction, but which do not meet the site standards of this Zoning Ordinance and its amendments.
- F. Encourage the combination of contiguous non-conforming lots of record to create lots that conform to current standard, are compatible with other lots in the zoning districts, to promote the public health, safety, and welfare, and to eliminate problems associated with the overcrowding of land.

Section 20.02 Non-Conforming Lots

- A. Use of a Non-Conforming Lot. In any district notwithstanding limitations imposed by other provisions of this Ordinance, where an existing lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the district, such lot may be used for the permitted uses of the zoning district, including permitted accessory uses. However, all yard dimensions and other requirements, not involving area or width of the lot, shall conform to the regulations for the district in which such lot is located.

- B. Use of Non-Conforming Lots under Single Ownership. If two (2) or more lots or combinations of lots of record with continuous frontage and in single ownership at the time of passage or amendment of this Ordinance, irrespective of whether all or part of the lots meets the Ordinance requirements, the lands involved shall be considered to be an undivided parcel. No portion of said parcel or lot shall be used or sold that does not meet lot width and area requirements, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.

Section 20.03 Non-Conforming Structures

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

- A. **Increasing Non-Conformity:** No such structure may be enlarged or altered in a way that increases its non-conformity. Such structures may be enlarged or altered in a way that does not increase its non-conformity.
- B. **Alteration or Modification:** Should such structure be altered or modified so as to eliminate, remove, or lessen any or all of its non-conforming characteristics, then such non-conforming characteristics shall not be later reestablished or increased.
- C. **Moving a Non-Conforming Structure:** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.
- D. **Expansion of a non-conforming residential building:** A non-conforming residential building may be expanded into a required side or rear yard in a manner that does not comply with the setback standards with approval from the Zoning Enforcement Officer. The Zoning Enforcement Officer shall utilize the following standards:
 - 1. The expansion does not extend closer to the lot line than any existing, non-conforming part of the structure;
 - 2. The addition does not extend beyond the predominant existing building line along the same block;
 - 3. The addition retains compliance with all other setback, lot coverage, and height requirements;
 - 4. The addition will meet all minimum building code requirements;
 - 5. The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood;
 - 6. The design of the addition must be compatible with the existing structure and not detract from the appearance of the site;

7. The expansion of a residential building with a non-conforming yard, not meeting the requirements above, shall be prohibited unless a variance is granted by the Zoning Board of Appeals.

Section 20.04 Non-Conforming Uses of Buildings and Structures

The use of any structure existing and lawful on the effective date of adoption or amendment of this Ordinance may be continued, even though such use does not conform to the provisions of this Ordinance, subject to the following provisions:

- A. **Structural Expansion:** No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. Increasing the non-conformity may also result in the need for site plan consideration (see Article 8) and thus an attempt to bring the site into greater conformity with the Ordinance.
- B. **Expansion of the Use:** Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. **Replacement with a Conforming Use:** If a non-conforming use of a structure is terminated and replaced with a new use, such use must be a permitted use and shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- D. **Discontinuance or Termination of Non-Conforming Use of Structure:** When a non-conforming use of a structure, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be exempted from this provision.
- E. **Moving a Non-Conforming Use:** No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- F. **Non-Conforming One-Family Uses:** Given the historical development pattern in the Village, one-family residential uses may exist in structures zoned for non-residential use. It is the intent of this Section to allow such uses to continue and be considered conforming uses, provided the standards and procedures outlined herein apply. A non-conforming one-family dwelling and its accessory structures within commercial and office districts may be continued, replaced, repaired, or remodeled if damaged by fire, vandalism, flood, or other force of nature, if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change. Replacement of such non-conforming one-family building shall commence within one (1) year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion or use of the building for a conforming non-residential use for any period of time, shall result in the loss of legal, non-conforming status unless good cause for the delay or temporary change in use is accepted at a hearing before the Zoning Board of Appeals.

- G. Change of Use. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use of the same or a more restrictive classification provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.

Section 20.05 Non-Conforming Uses of Land

The lawful use of any land not involving a building or structure, existing and lawful on the effective date of this ordinance or amendment thereto, may be continued even though such use does not conform to the provisions of this Ordinance or amendments, subject to the following provisions:

- A. Expansions: No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Ordinance, or amendment thereto.
- B. Relocations: No such non-conforming use shall be moved to any other portion of the lot occupied by such use on the effective date of this ordinance, or amendments thereto.
- C. Discontinuance or Abandonment: If any such non-conforming use of land, not involving a building or structure, is discontinued or ceases to exist for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Ordinance.

Section 20.06 Repairs and Maintenance

The following regulations apply to all non-conforming structures and structures devoted to non-conforming uses as regulated by this Article.

- A. Damage and Repairs Less than Half the Value: On any building or structure that is determined to be devoted to a non-conforming use or is itself a non-conforming structure, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50%) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
- B. Damage and Repairs Greater than Half the Value: In the event that any non-conforming structure or structure devoted to a non-conforming use require repairs or maintenance for any reason, and in any manner that exceeds fifty (50%) percent of the assessed value of the structure, such reconstruction or restoration shall be permitted only in conformity with the provisions of the Ordinance. However, when deemed unfeasible and/or impractical, a property owner may seek a variance from the Zoning Board of Appeals, assuming it can also be demonstrated that the original structure was consistent with the established character of the area.

- C. Assessed Value: For the purposes of enforcing the regulations contained in this Article, the assessed value of the structure will be determined by the most recent assessment of the market value of the structure for the purposes of taxation.
- D. On-Going Maintenance: Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof to be unsafe by an official charged with protecting the public safety, upon order of such official.
- E. A non-conforming structure, or portion of a structure, or a structure containing a non-conforming use that is physically unsafe or unlawful due to lack of repairs and maintenance, as determined by the Building Official, may be restored to a safe condition. Where enlargement or structural alteration is necessary to allow compliance with health and safety laws or ordinances, the cost of such work shall not exceed twenty-five (25%) percent of the structures fair market value, as determined by the Assessor at the time such work is done.

Section 20.07 Special Land Uses Are Not Non-Conforming Uses

Any use for which a special land use is permitted as provided in this Ordinance shall not be deemed a non-conforming use, but shall, without further action, be deemed a conforming use in such district.

Section 20.08 Change of Tenancy or Ownership

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

ARTICLE 21

ZONING BOARD OF APPEALS

Section 21.01 Creation and Membership of Zoning Board of Appeals

- A. Creation: There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*, in such a way that the objectives of this Ordinance shall be attained, public safety secured, and substantial justice done.
- B. Membership: The Zoning Board of Appeals shall consist of seven (7) members, five (5) at large, one (1) from the Planning Commission, and one (1) from Village Board of Trustees, all of whom shall be appointed by the Village Board of Trustees. Appointments for the members at large shall be as follows: one (1) member appointed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and two (2) members appointed for a period of three (3) years respectively; thereafter, each member to hold office for a full three (3) year term. The term of office for the latter two (2) members shall be limited to their term as a member of the Planning Commission or Board of Trustees, and neither may serve as a Chair. Should a vacancy occur among any of the seven (7) members, a successor shall be appointed not more than one (1) month after resignation or after the term of the preceding member has expired. The members selected shall be representative of the population distribution and of the various interests present within the Village to the extent practical.

The Village Board of Trustees may appoint two (2) alternate members for the same term as regular members, to be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings, or in a case where a regular member has abstained for reasons of a conflict of interest. The alternate member shall serve in the case until a final decision has been reached and shall have the same voting rights as a regular member.

- C. Residency Requirement: Each member of the Zoning Board of Appeals shall be a resident of the Village of Dundee prior to the date of his appointment and shall be a qualified and registered elector of the Village on such day and throughout the member's tenure of office.
- D. Elections of Officers: The Zoning Board of Appeals shall annually elect its own Chair, Vice Chair, and Secretary. The compensation of the appointed members of the Zoning Board of Appeals shall be fixed by the Village Board of Trustees.
- E. Removal of Members and Conflicts of Interest: A member of the Zoning Board of Appeals may be removed by the Village Board of Trustees for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 21.02 Powers of Zoning Board of Appeals – Appeals and Interpretations

- A. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcement of any provision of this Ordinance. The Zoning Board of Appeals shall also have the power to determine the precise location of the boundary lines between zoning districts and the interpretation of provisions within this Ordinance when there is a dissatisfaction or uncertainty with the administrative decisions of the Zoning Enforcement Officer or governing bodies.

- B. Standards: The Zoning Board of Appeals shall review the record and decision of the administrative body or official and determine whether the record supports the decision that was reached in accordance with the requirements of this ordinance. The Zoning Board of Appeals shall uphold the decision appealed from the administrative official unless the record clearly shows that the original decision was:
 - 1. arbitrary and capricious; or
 - 2. failed to ensure consistency with ordinance standards; or
 - 3. made in error, such as relying on false or inaccurate information; or
 - 4. constituted an abuse of discretion; or
 - 5. was based upon erroneous interpretation of the Zoning Ordinance or zoning law.

Section 21.03 Powers of Zoning Board of Appeals – Nonuse (dimensional) Variances

- A. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties, the Board of Appeals shall have the power upon appeal to authorize such variation or modifications of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured, and substantial justice done.

- B. Standards: The Board may grant a dimensional or non-use variance only upon a finding that practical difficulties exist. A dimensional variance is a variance from any dimensional standard or requirement of this Ordinance, such as, but not limited to, a deviation from density, height, bulk, setback, parking, landscaping, and signage standards and requirements. A finding of practical difficulty shall require demonstration by the applicant of all the following:
 - 1. That strict compliance with area, setbacks, frontage, height, bulk, density, or other non-use matters would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;
 - 2. That a variance would do substantial justice to the applicant, as well as to other property owners in the district,
 - 3. A lesser variance than requested would not give substantial relief to the applicant and/or be more consistent with justice to other property owners;

4. That the plight of the owner is due to the unique circumstances of the property and not generally applicable in the area or to the properties in the same zoning district such as exceptional narrowness, shallowness, topography or area;
5. That the problem and the resulting need for a variance is not self-created by the applicant;
6. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty; and,
7. The granting of the variance will not materially impair the intent and purpose of this ordinance.

Section 21.04 Powers of Zoning Board of Appeals – Use Variances

- A. Where owing to special conditions, a literal enforcement of the provisions of this Ordinance would cause unnecessary hardships, the Board of Appeals shall have the power upon appeal to authorize such variation or use provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured, and substantial justice done.
- B. Standards: The Zoning Board of Appeals may grant a use variance only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:
 1. The property cannot be reasonably used for any purpose permitted in the zoning district. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate;
 2. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must demonstrate that there are certain features that make it impossible to earn a reasonable return without some adjustment. In those situations where others share the difficulty, the Zoning Board of Appeals may find that relief should be accomplished by an amendment to the Zoning Ordinance, not a variance;
 3. The problem and resulting need for the variance has not been self-created by the applicant;
 4. The variance will not alter the essential character of the area. In determining whether this criteria has been met, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area shall be considered; and
 5. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

Section 21.05 Powers of Zoning Board of Appeals – Others

- A. Non-conforming Uses: An appeal may be taken to the Zoning Board of Appeals for the continuance of a non-conforming one-family use in a non-residential district, the change from one (1) non-conforming use to another of same or a more restrictive classification, and to allow reconstruction of a non-conforming structure when damaged beyond fifty (50%) percent of its value. Article 14 outlines the parameters for each type of appeal.

- B. Miscellaneous: They shall also hear and decide all matters referred to them or upon which they are authorized to consider under any Village Ordinance.

Section 21.06 Review Procedures

- A. Application: Variances, appeals, interpretations, or other petitions under the authority of the Zoning Board of Appeals as described in herein, may be taken to the Zoning Board of Appeals by any person aggrieved, or by any officer, department, board, or bureau of the state, a local unit of government or the Village. All such requests shall be submitted on an application form provided by the Village. Applications involving a specific site shall be accompanied by ten (10) copies of a plan drawing prepared in accordance with the requirements set forth below. If any of the items listed are not applicable to a particular plan drawing, the applicant shall specify on the plan drawing, which items do not apply, and furthermore, why the items are not applicable. Where an application for appeal involves a variance sought in conjunction with a regular site plan review, the applicable data requirements for site plan review as set forth in Article 8 shall be met. All requests shall be filed with the Village Clerk specifying the grounds thereof, signed by the applicant and including the required fees.
 - 1. Applicant’s name, address, and telephone number;
 - 2. Scale, north-point, and dates of submission and revisions;
 - 3. Zoning classification of petitioner’s parcel and all abutting parcels;
 - 4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within one hundred (100) feet of the site;
 - 5. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site;
 - 6. The Zoning Enforcement Officer or Zoning Board of Appeals has the authority to require additional information that will be applicable to the application such as:
 - a. Building elevations and floor plan drawings;
 - b. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys;
 - c. Location of existing drainage courses, floodplains, lakes, and streams, and woodlands;

- d. All existing and proposed easements;
 - e. Location of sanitary sewer or septic systems, existing and proposed;
 - f. Location and size of existing and proposed water mains, well sites, transformers, generators and building service;
- B. Filing Fee. An appeal to the Zoning Board of Appeals shall be in writing and shall be accompanied by a filing fee as established by the Village Board of Trustees, which shall be paid at the time the application for appeal is filed.
- C. Notification: The Zoning Enforcement Officer shall forthwith transmit to the Board of Appeals all of the documents constituting the record upon which the action appealed from were taken. In accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*, as amended, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, give notice thereof, and decide the appeal within a reasonable time.
- D. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certifies to the Zoning Board of Appeals after an application for appeal shall have been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed except by a restraining order granted by a court of competent jurisdiction.
- E. Public Hearing Required: The Zoning Board of Appeals shall make no decision except after a public hearing has been held.
- F. Final Decision: The decision of the Zoning Board of Appeals shall not become effective until the approval of the minutes of the meeting at which such decision was made, or until the Chair of the Zoning Board of Appeals submits written documentation of its decision with any associated conditions, whichever occurs first. Notification of the decision may be deferred to Village staff if deemed acceptable by the Board. Decisions of the Zoning Board of Appeals shall be final. Appeals of a Zoning Board of Appeals decision shall be to the Circuit Court and in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*
- G. Time for Filing and Duration of Validity.
- 1. Appeals and interpretations shall be filed within twenty-eight (28) (was thirty (30) days) days of the event giving rise to the appeal.
 - 2. Nonuse (dimensional) Variance: No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a valid building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

3. Use Variance: No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than two (2) years unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alterations are started and proceed to completion in accordance with the terms of such permit.
4. Resubmission: No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted except after the expiration of one (1) year from the date of the decision on the original application, unless based upon new evidence or changed conditions.

Section 21.07 Organization

- A. Meetings: All meetings of the Zoning Board of Appeals shall be held at the call of the Chair, and at such times as the Zoning Board of Appeals may determine. All meetings of the Zoning Board of Appeals shall be open to the public.
- B. Record of Proceedings and Action: The Zoning Board of Appeals shall maintain a record of its proceedings, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed with the office of the Village Clerk and shall be a public record. Such record shall include, at a minimum, the following items:
 1. The relevant administrative records and the administrative orders issued thereon relating to the request;
 2. The notice of the request;
 3. Such documents, exhibits, plans, photographs, or written reports as may be submitted to the Board for its consideration; and,
 4. The motion which contains the decisions, and the conditions imposed by the Zoning Board of Appeals in acting on the request, after being signed by the Secretary of the Board, thereby effectuating said decision(s) or conditions.
- C. Quorum: The presence of four (4) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business.
- D. Representative and Information Required: The applicant, or designated representative must be present at all scheduled review meetings or consideration of the appeal or variance will be postponed. Any need to re-advertise a public hearing due to absence or requested tabling shall be funded by the applicant. Absence of the applicant at two (2) consecutive meetings without prior notice to the Zoning Enforcement Officer shall result in denial of the application. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

- E. Majority Vote: The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such administrative decision or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to affect any variation in this Ordinance. The concurring vote of two-thirds (2/3) of the members of the Zoning Board of Appeals shall be necessary to grant a use variance.

ARTICLE 22
REZONING AND ZONING ORDINANCE
TEXT AMENDMENTS

Section 22.01 Initiation of Rezoning and Zoning Ordinance Text Amendments

An amendment to the zoning district boundaries contained on the official zoning map (rezoning) and to the text of this ordinance may be initiated by the Village Board of Trustees or the Planning Commission. An amendment to the zoning district boundaries may also be initiated by the owner or owners of property that is the subject of the proposed rezoning. An amendment to the text of this ordinance may also be initiated by the petition of one (1) or more residents or property owners of the Village.

Section 22.02 Rezoning and Zoning Ordinance Text Amendment Application Procedure

- A. Application Information for Amendments: An amendment to the official zoning map or this ordinance, except those initiated by the Village Board of Trustees or Planning Commission, shall be initiated by submission of a complete application on a form supplied by the Village, including an application fee, which shall be established from time to time by resolution of the Village Board of Trustees. Said application shall explicitly describe the proposed amendment and shall be signed by the applicant.
- B. Application Information for Zoning Map Amendment: In the case of an application for amendment to the official zoning map (rezoning), the following information shall accompany the application:
1. information to indicate the dimensions, location, and size of the subject property such as a sketch plan, property identification number, a legal description, street address of the subject property, a map identifying the subject property in relation to surrounding properties, or other method required by the Planning Commission;
 2. the name, signature, and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner;
 3. the existing and proposed zoning district designation of the subject property;
 4. a written description of how the requested rezoning meets Sec. 22.04 Criteria for Amendment of the Official Zoning Map (Rezoning); and
 5. at the Planning Commission's discretion, the following additional information may be required:
 - a. a site analysis site plan illustrating existing conditions on the site and adjacent properties, such as woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.

- b. a conceptual plot plan to scale demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors.
- c. a traffic impact analysis if any use permitted in the requested zoning district could generate one hundred (100) or more peak hour directional trips, or one thousand (1,000) or more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district; the determination of representative uses shall be made by the Planning Commission with input from Village staff and consultants.
- d. the site to be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.

Section 22.03 Rezoning and Zoning Ordinance Amendment Process

- A. Public Hearing: Upon initiation of a rezoning, zoning ordinance text amendment or master plan amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*, as amended.
- B. Planning Commission Review and Recommendation: Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Village Board of Trustees. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in Sec. 22.04 Criteria for Amendment of the Official Zoning Map (Rezoning), below, in making its finding and recommendation.
- C. Village Board of Trustees Review and Action: Following receipt of the findings and recommendation of the Planning Commission, the Village Board of Trustees shall consider the proposed ordinance map or text amendment. In the case of an amendment to the text of this zoning ordinance, the Village Board of Trustees may modify or revise the proposed amendment as recommended by the Planning Commission. In the case of an amendment to the official zoning map (rezoning), the Village Board of Trustees shall approve or deny the amendment, which may be based on consideration of the criteria contained in Sec.22.04 Criteria for Amendment of the official zoning map (Rezoning).
- D. Notice of Adoption: Following adoption of a zoning text or map amendment the Village Board of Trustees, a notice will be published in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*, as amended.
- E. Resubmittal: No petition for rezoning or zoning ordinance text amendment that has been denied by the Village Board of Trustees shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions.

Section 22.04 Criteria for Amendment of the Official Zoning Map (Rezoning)

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission and the Village Board of Trustees shall consider the following criteria in making its findings, recommendations, and decision:

- A. Consistency with the goals, policies, and Future Land Use Map of the Village of Dundee Master Plan, including all applicable subarea and corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;
- B. Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district;
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning;
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values;
- E. The capacity of Village infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Village;
- F. The apparent demand for the types of uses permitted in the requested zoning district in the Village in relation to the amount of land in the Village currently zoned to accommodate the demand; and
- G. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

Section 22.05 Criteria for Amendment of the Official Zoning Ordinance Text

The Planning Commission and Village Council shall, at minimum, consider the following before taking action on any proposed amendment:

- A. Compatibility with the basic intent and purpose of the Zoning Ordinance;
- B. Consistency with the goals and objectives and future land use map of the Village of Dundee Master Plan, including a sub-area or corridor studies;
- C. The requested amendment will correct an error in current appropriate documentation;
- D. The requested amendment will resolve an inequitable situation created by the Zoning Ordinance and does not grant special privileges;
- E. The requested amendment will not result in unlawful exclusionary zoning;
- F. There is documentation from Village staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance;

- G. The requested amendment will address changes in state legislation, other Village ordinances, or federal regulations;
- H. The requested amendment will resolve potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

Section 22.06 Conditional Rezoning of Land

As an alternative to a rezoning amendment as described in Section 22.01 of this Ordinance, the Village of Dundee may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Public Act No. 110 of Public Acts of Michigan of 2006, as amended. It is recognized that, in certain instances, it would be an advantage to both the Village and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Village, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- A. The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Article 22 of this Ordinance.
- B. In addition to the procedures as noted in Section 22.02 and 22.03, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
 - 1. A conditional rezoning request must be voluntarily offered by an owner of land within the Village. All offers must be made in writing and must provide the specific conditions to be considered by the Village as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Village and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
 - 2. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
 - 3. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e., parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezoning shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Article 15 of this Ordinance.
 - 4. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Article 9 of this Ordinance.
 - 5. All conditions offered by a landowner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.

6. In addition to the informational requirements provided for in Section 22.02.B of this ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features, including natural features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Village. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

C. Time Limits and Reversion of Land to Previous District.

1. If the proposed conditions of rezoning are acceptable to the Village, the Village may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 22.02 of the Zoning Ordinance.
2. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
3. Upon approval of a conditional rezoning, a copy of the written agreement between the property owner and Village shall be filed with the Monroe County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the Village.
4. The Village may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
5. The time limits specified and approved by the Village may be extended upon the application of the landowner and approval of the Village.

- D. Review Procedures. The factors found in Section 22.04 of this Ordinance must be considered in any conditional rezoning request.

Section 22.07 Amendments Required to Conform to Court Decree

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Village Board of Trustees and published, without necessity of a public hearing.

Appendix I

Figure A-1
Basement & Story

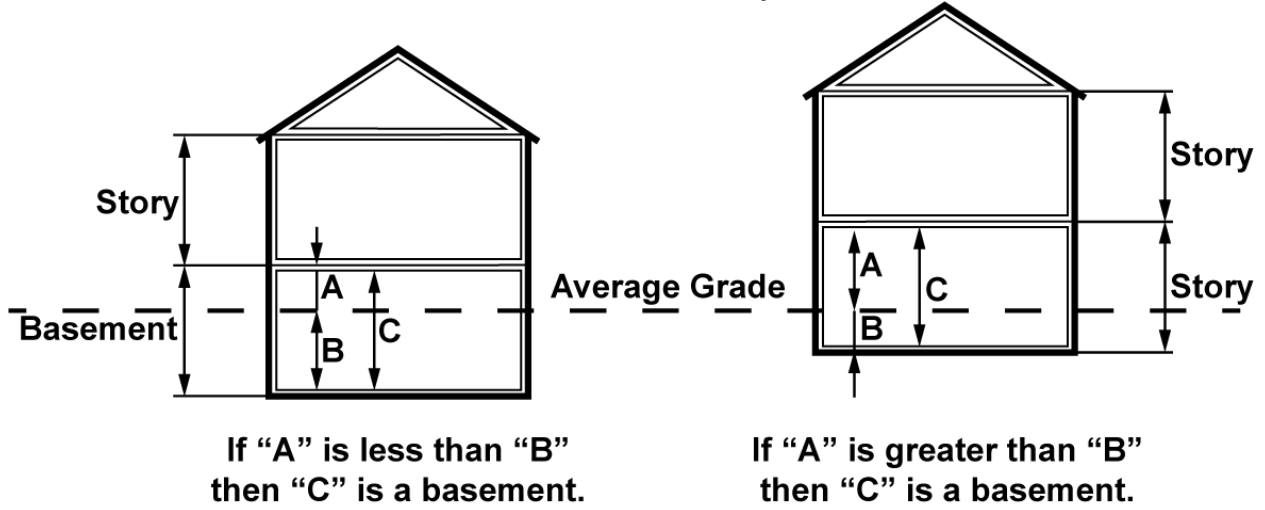
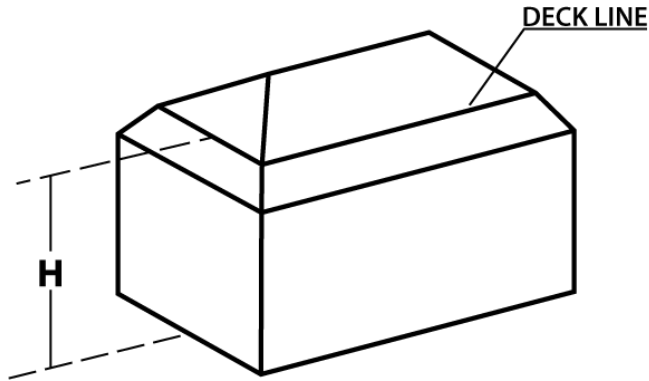
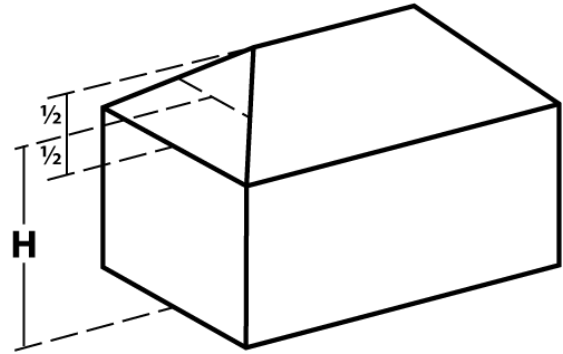


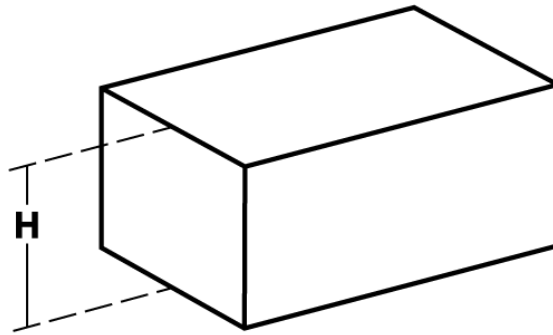
Figure A-2
Building Height Requirements
H = HEIGHT OF BUILDING



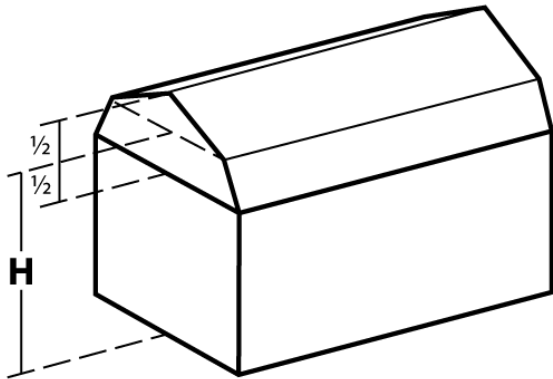
MANSARD ROOF



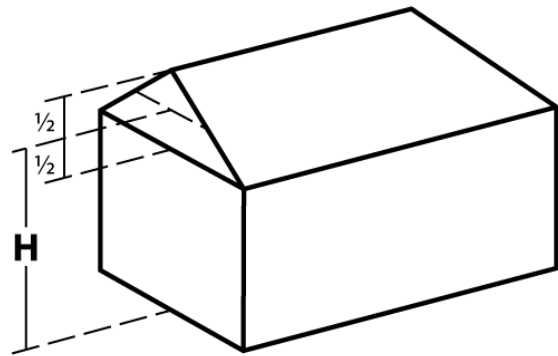
HIP ROOF



FLAT ROOF

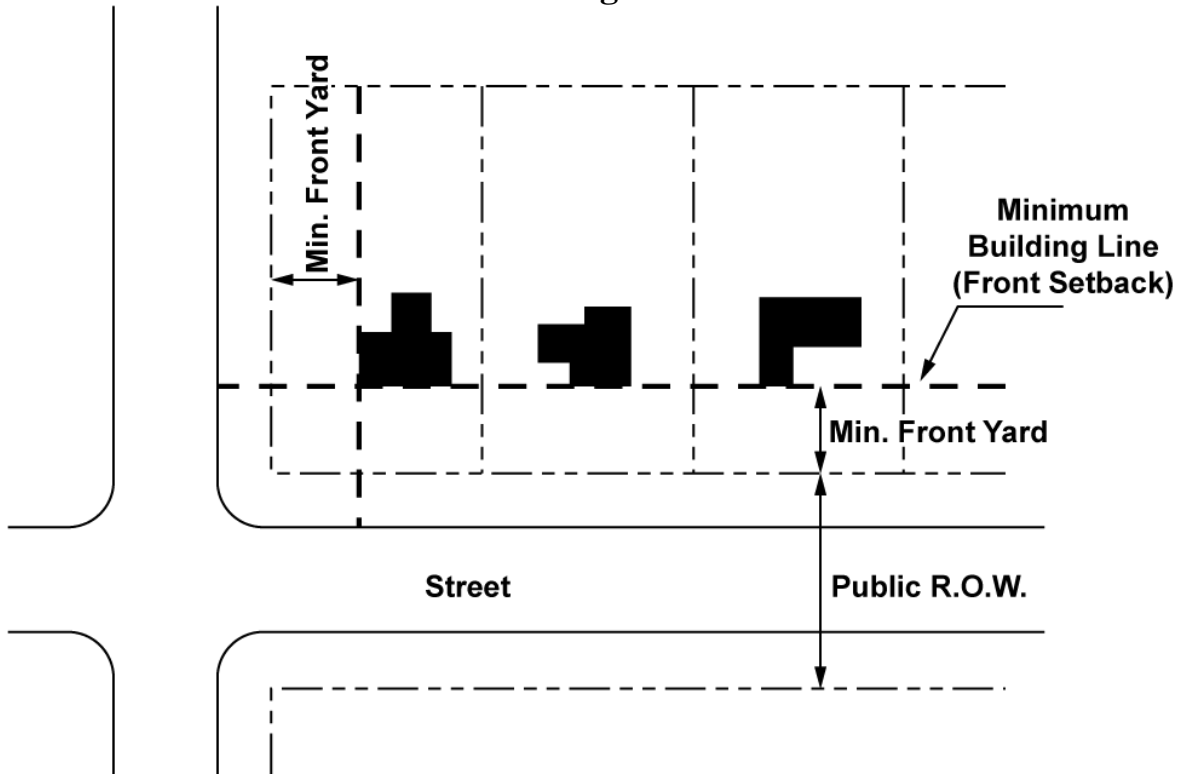


GAMBREL ROOF

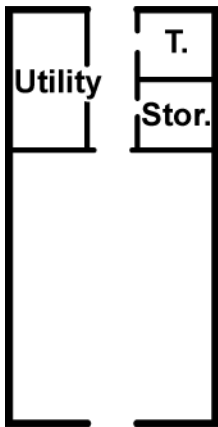


GABEL ROOF

**Figure A-3
Building Line**



**Figure A-4
Floor Area**



Total Floor Area



**Usable Floor Area
(For Purposes of
Computing Parking)**

**Figure A-5
Lot Types**

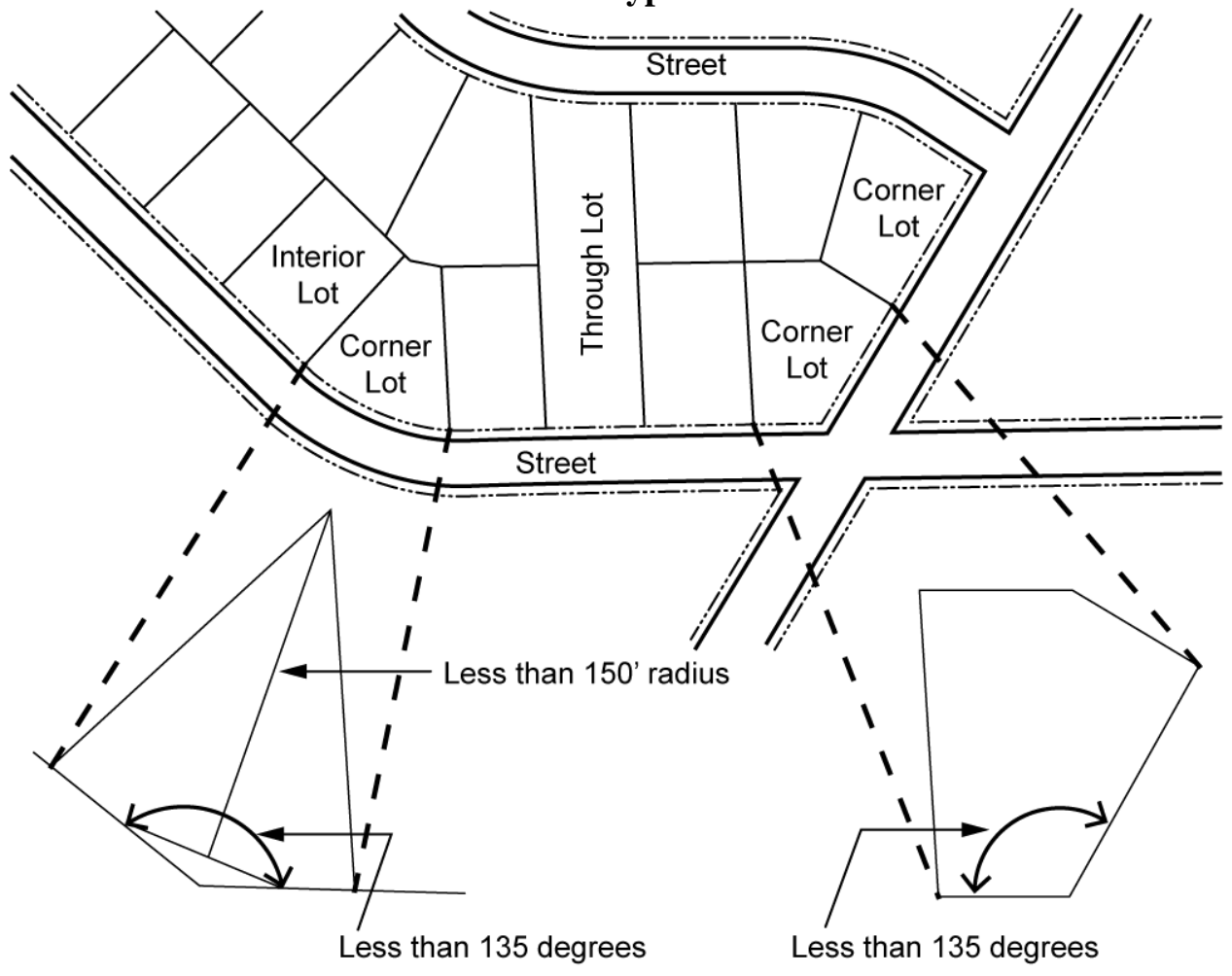
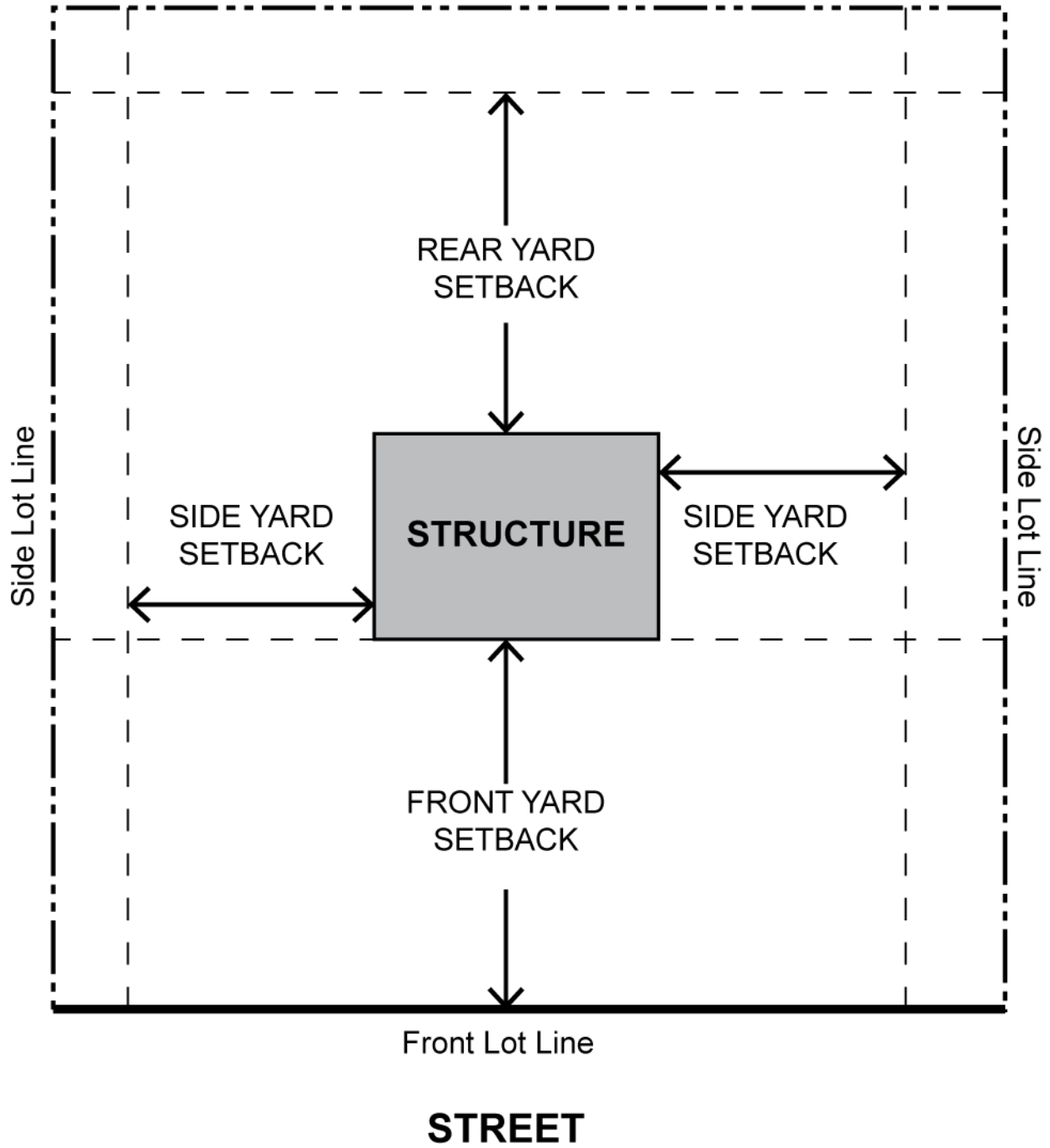


Figure A-6
Setbacks
Rear Lot Line



**Figure A-7
Visibility at Intersections**

