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CHAPTER 1

TITLE

SECTION 1.1 TITLE

This Ordinance shall be known, and may be cited as, the Village of Maybee Zoning Ordinance.

SECTION 1.2 INTENT

This Ordinance, enacted under the authority of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), is intended to ensure that uses of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

SECTION 1.3 SCOPE

- A. **Interpretation and Application.** In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or Ordinance. However, where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.
- B. **Vested Rights.** 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 all rights are hereby declared to be subject to such subsequent amendment, change or modification hereof as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 1.4 SEVERABILITY

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 1.5 EFFECTIVE DATE

Public hearing having been held hereon, the provisions of this Ordinance are hereby adopted, and this Ordinance shall take effect seven days after proper publication, pursuant to the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

CHAPTER 2 DEFINITIONS

SECTION 2.1 SHORT TITLE

This Ordinance shall be known and may be cited as the "Village of Maybee Zoning Ordinance."

SECTION 2.2 CONSTRUCTION OF LANGUAGE

The following rules apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes an individual, a corporation, a partnership, an incorporated association, government or any other similar entity.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H. Terms not herein defined shall have the meaning customarily assigned to them.
- I. When computing a period of days, the first day is not counted and the last day is counted.
- J. The word "lot" includes the words "plot"; "parcel"; and "condominium unit/building site".
- K. The word "erected" or "erection" as applied to any building or structure shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical

operation or work on the land on which the building or structure is to be built, constructed, reconstructed, or moved upon, such as excavation, filling, drainage or the like.

SECTION 2.3 DEFINITIONS: A-B

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

- A. **Accessory Building/Structure.** A building or structure detached from and located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use.
- B. **Accessory Use.** A use of land or of a building or portion of a building which is customarily and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or building and located on the same lot with the principal use.
- C. **Addition.** A structure added to the existing structure after the completion of the existing structure which extends or increases the floor area, or height of a building or structure.
- D. **Adult Foster Care Facility.** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979. These acts provide for the following types of residential structures:
 - 1. **Adult Foster Care Small Group Home.** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
 - 2. **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
 - 3. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
 - 4. **Adult Foster Care Congregate Facility.** Residence for more than twenty (20) adults.
- E. **Adult Entertainment Uses.** Includes adult bookstores, adult motion picture theaters, adult motels, adult nightclubs, and massage parlors. These terms and related terms shall have the following additional meanings:
 - 1. **Adult Bookstore.** An establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

2. **Adult Motion Picture Theater.** An enclosed building used for presenting material distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
 3. **Adult Motel.** A motel where material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.
 4. **Adult Nightclub.** A theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on sexual conduct or specified anatomical areas.
 5. **Massage Parlor.** Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct or where any person providing such treatment, manipulation or related services exposes specified anatomical areas.
 6. **Sexual Conduct.**
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
 7. **Specified Anatomical Areas.**
 - a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- F. **Agriculture.** The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.
- G. **Agricultural Building or Structure.** An accessory building or structure which is incidental to the use of the same parcel of land for agricultural purposes excluding the business of retail trade.
- H. **Agricultural Business.** A business of sales, service, repair, storage, and processing activities which are directly dependent upon the agricultural community and are necessary to support agricultural enterprise, such as commercial riding stables, greenhouses and nurseries with on-premise retail sales, farm implement dealers, seasonal farm markets, and veterinary clinic and offices
- I. **Alteration.** Any modification, remodeling, change or rearrangement in the structural or supporting members such as bearing walls, columns, or girders, as well as any change in the

doors or windows which affect the means of egress which is undertaken without adding to the floor area height or physical size of the building or structure.

J. **Animal:**

1. **Domestic (Pet).** An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Exotic animals and animals bred, raised or boarded for commercial purposes shall not be considered domestic animals.
2. **Exotic.** Any 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 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 including elephants, rhinoceroses, lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, badgers, bears, bobcats, coyotes, snakes, crocodiles, alligators, seals, sharks, wolves and primates such as baboons, orangutans, chimpanzees, monkeys and gorillas.
3. **Livestock.** Any of various bird or animal breeds, domesticated so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, sheep, goats, buffaloes, llama, ostriches, chickens, ducks, geese, turkeys and swine.

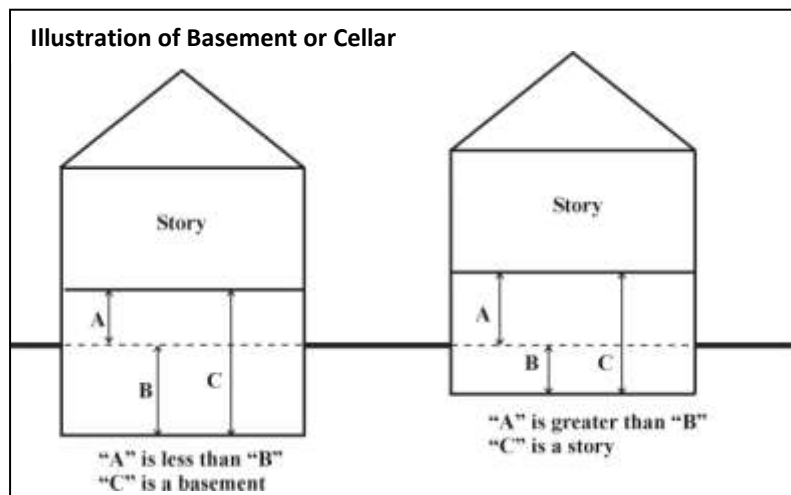
K. **Area of Shallow Flooding.** A designated AO zone on the Village's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

L. **Area of Special Flood Hazard.** Land in the floodplain within the Village subject to a one percent (1%) or greater chance of flooding in any given year.

M. **Base Flood Level.** The highest elevation of a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

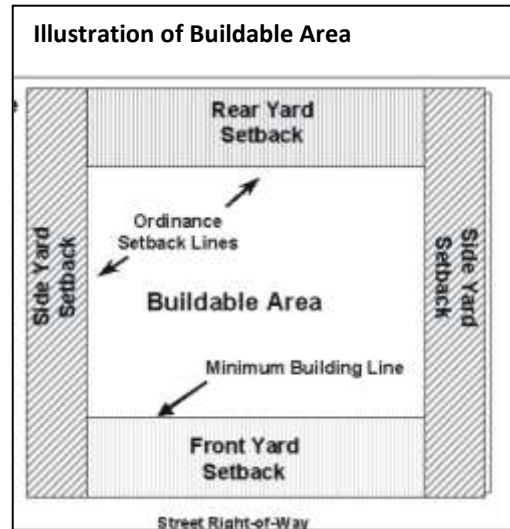
N. **Basement or Cellar.** That portion of a building which is partly below and partly above grade, and having at least half its height below grade.

O. **Bed and Breakfast.** A use within a detached single-family dwelling in which transient guests are provided



a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

- P. **Buffer.** A strip of land between potentially incompatible uses which provides visual separation and aesthetic relief through some combination of screen and greenbelt.
- Q. **Building.** See "structure"
- R. **Building Envelope.** The three-dimensional buildable area within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk.
- S. **Building Inspector.** The officer or other designated authority charged with the administration and enforcement of the Village building code, or his/her duly authorized representative.
- T. **Building Permit.** An authorization issued by the Building Inspector, to move, erect or alter a structure within the Village.
- U. **Buildable Area.** the space remaining within a lot after the minimum setback and open space requirements of this ordinance have been met.



SECTION 2.4 Definitions: C-D

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

- A. **Cemeteries.** A privately or publicly owned property which provides perpetual care of grounds used solely for the interment of human beings or customary household pets.
- B. **Change of Use.** A use of a building, structure or parcel of land, or portion of a building, structure or parcel of land, which is different from the previous use in the way it is classified in this ordinance.
- C. **Child Care Organization.** A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such care organizations are classified below:
 - 1. **Child Care Center or Day Care Center.** A facility other than a private home, receiving more than six (6) preschool or school age children for group Day-Care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, Day-Care center, day nursery, preschool, nursery school, parent cooperative preschool, play group, or drop-in center.

"Child care center" or "Day-Care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. **Child Caring Institution.** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
 3. **Foster Family Home.** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
 4. **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
 5. **Family Day-Care Home.** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.
 6. **Group Day-Care Home.** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- D. **Cluster Development.** A development where structures are arranged in closely related groups. Units are typically of the same type or design character, and built at higher densities in certain areas of a site while preserving the natural features in others on the same site.
- E. **Commercial Use.** An activity carried out as a use of property for financial gain including, but not limited to retail sales, repair service or salvage operators, business offices, food service, entertainment, and brokerages related to the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than twelve (12) days during any one (1) twelve (12) -month period.

- F. **Commercial Vehicles.** A vehicle having a gross vehicle weight greater than one (1) ton designed for transportation of commodities, merchandise, produce, freight, animals, or passengers, including buses.
- G. **Commercial Zoning District.** Commercial zoning districts are generally those that provide daily commercial services, goods, and personal needs to residents of the community. More specifically, as referred to in this ordinance, the term shall refer to the C-1, Local Commercial District, C-2, General Commercial District and O-1, Office District.
- H. **Condominium.** The ownership of a dwelling unit and the space enclosed by the description thereof as contained in the master deed for the complex or project, established in conformance with the provisions of the Condominium Act (MCL 559.101 et seq.,).
1. **General Common Area.**
 - a. **Land.** All land described in the site plan not identified as limited common area.
 - b. **Roads.** All internal roads and drives designated in the site plan.
 - c. **Easements.** All beneficial ingress, egress and utility easements.
 - d. **Mechanical and Electrical Equipment and Utilities.** The electrical transmission mains, telephone system, gas distribution, and telecommunications system throughout the site plan, up to the point of lateral connections for building envelope service.
 - e. **Retention Basis System and Storm Drainage System.** The retention basis system and storm drainage system throughout the site plan.
 - f. **Other.** Such other general common area of the site plan, not designated as a common element or limited common area, which are not enclosed within the boundaries of a building envelope, and which are intended for common use or are necessary to the existence, upkeep, appearance, utility or safety of the site plan.
 2. **Limited Common Area.** Subject to the exclusive use and enjoyment of the owner of the condominium unit to which the limited common areas are appurtenant and consist of, but are not limited to, the following:
 - a. **Yard Area.** Each limited common area immediately surrounding a building envelope, as designated on the site plan, is a yard area limited in use to the building envelope which it immediately surrounds.
 - b. **Electrical Transformer.** Each electrical transformer shall be a limited common area appurtenant to the building envelope(s) which it services.
 - c. **Water and Sewer.** Each water well and sanitary disposal system within the individual building envelope is limited in use to the building envelope served thereby.
 3. **Condominium, Detached.** A residential condominium project designed to be similar in appearance to a conventional single family subdivision, except that the limited common areas are arranged in a manner such that clearly defined condominium lots are not created.

4. **Condominium Documents.** The master deed, recorded pursuant to the Condominium Act, the association articles of incorporation, bylaws and any other instrument referenced in the master deed or bylaws which affect the rights and obligations of ownership of a co-owner in the condominium.
 5. **Condominium Lot or Unit Lot.** That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in this ordinance.
 6. **Condominium Master Deed.** The condominium document recording the condominium project, as approved by the Village attorney, to which is attached by-laws for the project and approved condominium subdivision plan for the project.
 7. **Condominium, Site.** A condominium project containing or designed to contain structures or other improvements for residential, commercial, office, business, or other uses permitted in the zoning district in which it is located and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed as a condominium unit as described in a master deed. A site condominium, when constructed as an alternative to a platted subdivision, may be also be referred to as a "condominium subdivision" and shall be considered as equivalent to a platted subdivision for the purpose of regulation by this ordinance and other ordinances of the Village.
 8. **Condominium Unit.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- I. **Construction.** The erection, alteration, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, and grading of a lot.
 - J. **Construction Contractors Establishment.** A parcel of land, building or structure, or a portion of a parcel of land, building or structure, used to store trucks, excavation equipment, supplies, tools or materials utilized by construction contractors, subcontractors, and builders.
 - K. **Customary Agricultural Operation.** A condition or activity which occurs on a parcel of land in connection with the commercial production of farm products and includes, but is not limited to, noise, odors, dust, fumes, operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, insecticides and herbicides and the employment of labor when such conditions or activities are conducted in a usually or generally accepted manner.
 - L. **Demolition.** The purposeful razing, destruction, or disassembly of a building or structure.
 - M. **Density.** The number of dwelling units per unit of lot area. *See "Lot Area."*
 1. **Gross.** A figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot.

2. **Net.** A figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot; excluding all open bodies of water, land within the 100 year floodplain, public rights-of-way and areas within overhead utility line easements.
- N. **Detention.** A system, which is designed to capture storm water and release it over a given period of time through an outlet structure at a controlled rate.
- O. **Detention Basin.** A designed (although may be a natural area) facility which stores and detains runoff and releases water at a controlled rate. Size will depend on the design storm event (10-, 25-, 100-year storm). These basins may be dry between runoff events or may be "wet bottom", where a base water level occurs below the elevation of the outlet structure.
- P. **Developed or Development.** The installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, the Village approval of a site plan, plat, site condominium, special land use, planned unit development, land division approval, private road approval or other approvals required for the development of land or the erection of buildings or structures; provided, however, that for purposes of this article only, developed or development shall not include the actual construction of, or an addition, extension or modification to, an individual single-family or a two-family detached dwelling.
- Q. **Development Permit.** A permit issued to a person proposing a development which is regulated by this ordinance, which indicates compliance with this ordinance and thereby grants permission to proceed.
- R. **Diameter at Breast Height (dbh).** The diameter measured at a height of four and one-half (4.5) feet above the natural grade.
- S. **Discharge.** The rate of flow or volume of water passing a given point. Expressed as cubic feet per second.
- T. **Driveway.** A private path of travel over which a vehicle may be driven which provides access from parcels of land to a public or private road.
- U. **District, Zoning.** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations.
- V. **Drive-Through Facilities.** A business establishment whose method of operation involves the delivery of a service or product directly to a patron inside a vehicle, typically through a service window or other appurtenance to a building, where vehicles are queued within a stacking area or approach to the service window or facility.
- W. **Dwelling.** A detached building or portion of a detached building designed or used exclusively as the home, residence or sleeping place of one (1) or more persons, not including accessory buildings or structures, either attached or detached. In the case of a mixed occupancy where a

building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this ordinance and shall comply with the ordinance provisions relative to dwellings.

1. **Duplex.** A detached building designed for or occupied by two (2) families living independently of each other.
2. **Dwelling Unit.** A building, or portion of a building, designed exclusively for human occupancy providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
3. **Multiple-Family.** A single building with abutting walls containing three (3) or more residential dwelling units.
 - a. **Townhouse.** An attached dwelling unit with common walls, its own front door which opens to the outdoors, and typically, with its own utility connections and front and rear yards. Townhouses are also commonly known as terrace dwellings or row houses.
 - b. **Apartment.** An apartment is an attached dwelling unit with common walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway.
4. **Single-Family.** A detached building designed for or occupied exclusively by one (1) family.

SECTION 2.5 Definitions: E-F

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

- A. **Educational Institution.** A public or private accredited kindergarten through 12th grade school, college, trade, or business school, nursery school, preschool, or day care center, and/or related administrative offices, excluding a maintenance garage.
- B. **Essential Public Services.** The erection, construction, alteration, or maintenance by public or quasi-public franchised utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems. These may include, but are not necessarily limited to: mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare. Essential services shall not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment. Cellular telephone or communications towers as defined by this article shall not be considered essential services.
- C. **Extractive Use.** A use involving on-site extraction of surface or subsurface mineral products or natural resources, such as mining and gravel operations. Excavation, including removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, barrow, shale,

limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged.

1. **Cut.** An earth change, which lowers topography or removes soil.
 2. **Fill.** Earth or other materials added to existing topography.
 3. **Grading.** Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.
- D. **Existing Use.** The use of a parcel of land or a structure at the time of the enactment of this ordinance.
- E. **Family:**
1. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
 2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.
- F. **Fence.** An unroofed structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure.
- G. **Fence, Decorative.** An open fence constructed of split rail, wooden pickets, wrought iron or similar material other than a chain link or barbed wire fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line, or to frame a driveway, walkway or planting bed.
- H. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters; or the unusual and rapid accumulation of runoff of surface waters from any source.
- I. **Flood Hazard Area.** Land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.
- J. **Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special hazards and the risk premium zones applicable to the community.

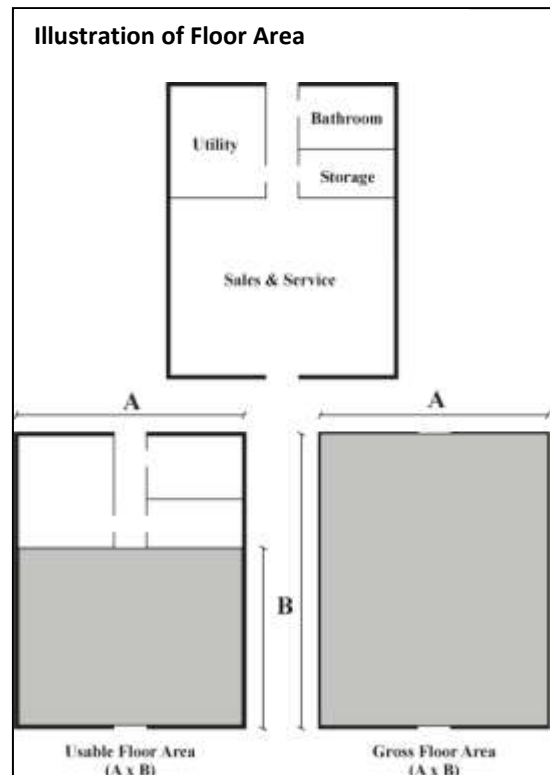
- K. **Flood Insurance Study.** The official report provided by the Federal Insurance Administration, containing flood profiles, as well as the flood hazard boundary/floodway map and the water surface elevation of the base flood.
- L. **Floodway.** The channel of a river or other watercourse and the adjacent land areas designated in the flood insurance study which must be reserved in order to discharge the base flood.
- M. **Floor Area.** The sum of all horizontal areas of the several floors of a building or dwelling unit, measured from the exterior faces of exterior walls, or from the centerline of walls separating dwelling units. Unenclosed porches, courtyards, patios and cellars shall not be considered as part of floor area, except when utilized for commercial or industrial purposes.

1. **Gross Floor Area (GFA).** The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets/storage rooms, thickness of walls, columns, or other features.

2. **Usable Floor Area (UFA).** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers.

a. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of usable floor area.

b. Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the internal faces of the exterior walls.



SECTION 2.6 Definitions: G-H.

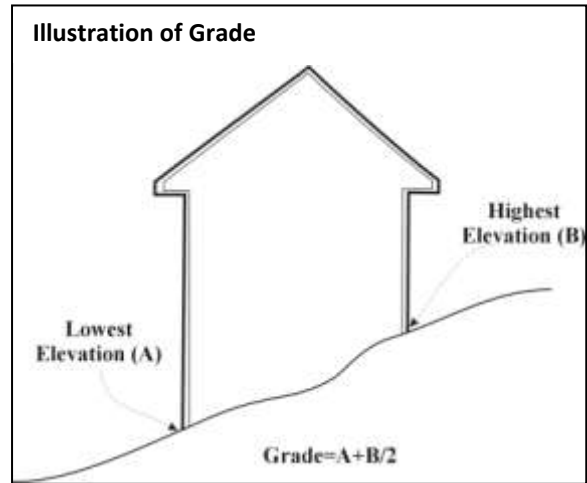
The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Government and Community Service Facility.** A facility under the operational control of a governmental unit, specifically a township, city, village, county, state, the United States Government, or some combination of governmental units, including, but not limited to, offices, libraries, museums, town halls, post offices, courts, and civic centers; excluding vehicle and equipment maintenance, garages and correctional institutions.

B. **Grade.** The average elevation of the finished surface of ground after the development, filling, or excavation of a parcel of land.

C. **Greenbelt.** A landscaped area between the property line and the front yard building or parking setback line.

D. **Greenhouse.** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. *See also "Nursery."*



E. **Groundwater.** The naturally existing water beneath the land surface. The uppermost elevation, or "water table", will fluctuate seasonally or in response to precipitation. Deeper aquifers are used to withdraw water for domestic wells or irrigation.

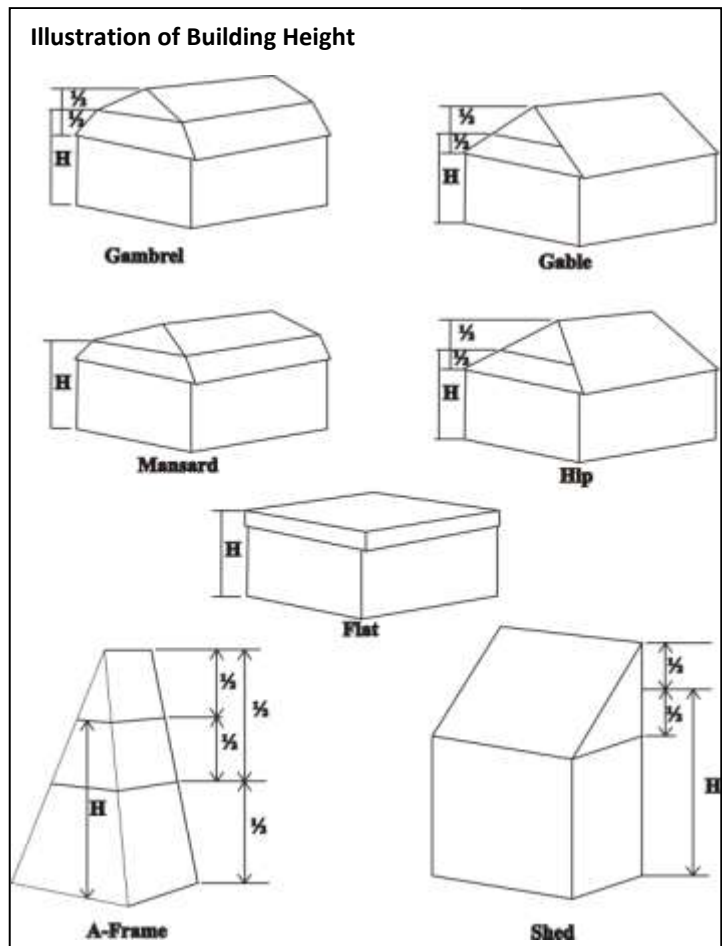
F. **Heavy Equipment.** Commercial vehicles with a gross vehicle weight in excess of ten thousand (10,000) pounds, and excavating, grading, road building, earth moving, demolition, loading and similar equipment.

G. **Height.** The vertical distance of a structure measured from finished grade to the highest point of the structure, or as otherwise provided in this ordinance.

H. **Height, Building.** The vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

I. **Home Occupation.** An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling.

Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home



occupation. A home occupation may also be commonly known as cottage industry, home based business, home marketing network, or home interactive distribution or marketing, but shall not be construed to include day care or state licensed residential care facilities.

- J. **Human Occupancy.** A building or portion of a building primarily used or intended to be used for individuals to congregate for any purpose and which is equipped with means of egress, light, and ventilation facilities in accordance with the state construction code, excluding a building or portion of a building incidental to the use for agricultural purposes of the land on which the building is located, or a building used exclusively for the purpose of storage in which there are no employees or occupants.

SECTION 2.7 Definitions: I-J

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

- A. **Impervious.** The ground condition (e.g. roads, parking lots, sidewalks, and rooftops) which does not allow percolation or infiltration of precipitation. The condition causes water to accumulate on the surface resulting in increased runoff.
- B. **Industrial Use.** A structure, building, or parcel of land, or portion thereof utilized or inherently designed to be utilized for the purpose of production, manufacturing, processing, cleaning, testing, rebuilding, assembly, distribution, finishing, constructing, or printing of goods or products, and related research and development facilities.
- C. **Junk Yard.** An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes automobile wrecking yards and includes any area of more than two thousand (2,000) square feet, but does not include uses established entirely within enclosed buildings.

SECTION 2.8 DEFINITIONS: K-L

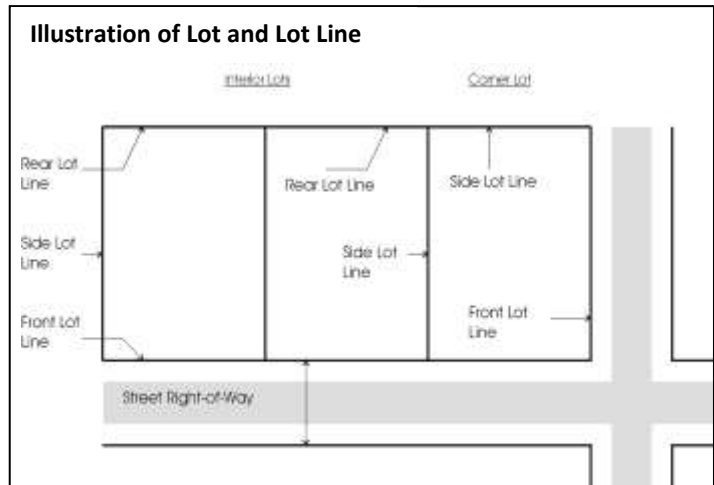
The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **Kenel.** Any lot or premises on which three (3) or more animals, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.
- B. **Land Use.** The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.
- C. **Lighting.** The following words, terms and phrases related to lighting, when used in this ordinance, shall have the meanings ascribed to them:
 - 1. **Canopy Structure.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

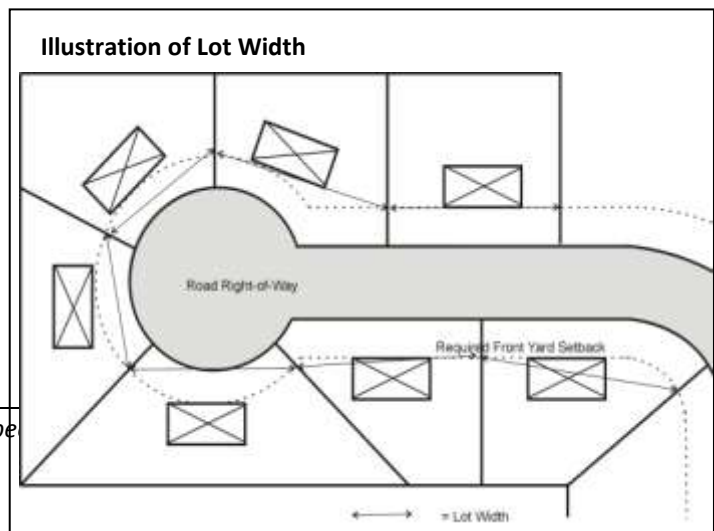
2. **Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
 3. **Glare.** A direct light emitted by a lamp, luminous tube lighting or other light source.
 4. **Lamp.** The component of the luminaire that produces the actual light including luminous tube lighting.
 5. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting
 6. **Light Pollution.** An 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.
 7. **Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
 8. **Luminaire.** The complete lighting system including the lamp and light fixture.
 9. **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.
 10. **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.
 11. **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.
- D. **Loading Space.** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- E. **Lot.** A parcel of land, or contiguous parcels of land, under one (1) ownership described within fixed boundaries, of sufficient size and configuration to meet the site development requirements of this ordinance and having access to a public road. The word "lot" shall include plot or parcel. A lot need not be a lot of record. A lot may also mean a portion of a condominium project, as regulated by Public Act No. 59 of 1978 (MCL 559.101 et seq.), designed and intended for separate or limited ownership and/or use.

1. **Lot, Corner.** A parcel of land abutting upon two (2) or more streets at their intersection, or upon parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
 2. **Lot, Interior.** A lot other than a corner lot.
- F. **Lot Area.** The total area within the described lot lines of a parcel of land, excluding road right-of-way or the submerged area of any river or lake at the shoreline or ordinary high water mark. Regulated wetlands may be included within the area of a lot, provided at least seventy-five percent (75%) of the minimum required lot area shall be buildable upland area.
- G. **Lot Frontage.** The dimension of a lot measured along the public road right-of-way line or easement.
- H. **Lot Coverage.** That portion of the area of lot that contains buildings and structures measured as a percent of the entire lot area.
- I. **Lot Depth.** The average distance from the front lot line to the rear lot line measured in the general direction of the side lines of the lot.
- J. **Lot Line.** The boundaries of a lot which divide one lot from another lot or from a public or existing private road or any other publicly owned parcel of land.

1. **Lot Line, Front.** A lot line of a length equal to or greater than the minimum lot width as required in this ordinance, which is also the road right-of-way line on interior lots which front a public or private road, in the case of a corner lot each of the lot lines abutting a road right-of-way shall be considered a front lot line.



2. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line twenty (20) feet entirely within the lot parallel to and at a maximum distance from the front lot line. In the case of a corner lot, the lot line opposite the shortest front lot line shall be considered the rear lot line.



3. **Lot Line, Side.** Any lot line other than a front or rear lot line.
- K. **Lot Width.** The horizontal distance between the side lot lines, as measured at the front yard setback line.

SECTION 2.9 DEFINITIONS: M-N

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

- A. **Manufactured Home.** A structure transportable in one (1) or more sections, eight (8) body feet or more in width and thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to required utilities and including plumbing, heating and electrical systems contained therein.
- B. **Manufactured Home Development or Park.** A parcel of land upon which are located two (2) or more manufactured homes whether attached or detached from each other or adjacent buildings which are occupied for residential purposes or are connected to a water supply or wastewater disposal system either on a temporary or permanent basis, regardless of whether or not the development offers rental lots or manufactured homes to the public.
- C. **Master Plan.** The statement of policy adopted by the planning commission. It is the officially adopted guidelines for future community development consisting of a series of maps, charts and written material prepared in accordance with the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended).
- D. **Non-Conformities.** Existing lots, buildings, structures, and uses of land that were lawful prior to the effective date of this Ordinance, but which have become non-conforming under the terms of this Ordinance and its amendments.
- E. **Non-Conforming Building.** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto but which does not conform to the provisions of the Ordinance in the district in which it is located.
- F. **Non-Conforming Site.** A development on a site which met Ordinance requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping; but which does not meet the current site standards of the Village.
- G. **Non-Conforming Structure.** A structure or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, which structure does not conform to the location, bulk and/or dimensional requirements of the zoning district in which the lot is located.
- H. **Non-Conforming Lot.** A lot that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, which lot does not meet the minimum area or lot dimensional requirements of the zoning district in which the lot is located.

- I. **Non-Conforming Use.** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendment thereto, but which does not conform to the use regulations of the district in which it is located.
- J. **Nursery.** A parcel of land utilized for the purpose of growing ornamental trees, shrubbery, house plants, flowers, or perennial ground covers from seed or seedlings for the purpose of retail or wholesale trade. *See also "open air business."*

SECTION 2.10 DEFINITIONS: O-P

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

- A. **Occupancy Certificate.** A written document received from the building inspector stating that the Village building code, as amended, and this ordinance have been complied with as they apply to the construction of a building or structure and the use of a lot and that the building may now be occupied for its previously declared purpose.
- B. **Occupy.** The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.
- C. **Ordinance Administrator.** The individual appointed by the Village Council to administer and enforce this Ordinance.
- D. **Outdoor Recreation and Entertainment Facilities.** Parks, playgrounds, athletic grounds, golf courses, country clubs, riding stables or horse boarding facilities available to the public, ski areas, campgrounds, race tracks (including harness racing and motor racing), music festivals and performances, historical festivals and celebrations, arts and crafts displays and festivals; including buildings and other structures used for recreation, entertainment and as gathering places, for and in connection with any of such outdoor recreation uses and activities, together with associated uses including but not limited to motor vehicle parking, the providing of refreshments and the sale of related merchandise and the providing of related services.
- E. **Parks and Recreation Facility, Commercial.** An indoor or outdoor recreational facility, operated for profit, located near a major travel corridor or a natural feature including but not limited to campgrounds, swimming beaches, boat rentals, athletic fields or courts, bowling alleys, skating rinks, and fitness clubs.
- F. **Parks and Recreation Facility, Noncommercial.** A parcel of land, building or structure used for public or private recreational purposes including, but not limited to, playgrounds, sport fields, game courts, beaches, trails, picnic areas, and leisure time activities.
- G. **Permit.** An official document or certificate issued by an authorized official, empowering the holder thereof to perform a specified activity which is not prohibited by law, but not allowed without such authorization.

- H. **Personal Service Establishment.** Establishments that perform services on the premises, such as, but not be limited to, tailors, beauty and barbershops, interior decorators, photographers, dry cleaners, physical therapy, massage therapists, or professional medical/mental counseling services.
- I. **Planned Unit Development (PUD).** The use of a parcel of land which is planned and developed as a single entity containing the various uses, structures, open spaces, and other elements and which is designated and developed under one owner or organized group.
- J. **Planning Commission.** Village of Maybee Planning Commission.
- K. **Principal Building/Structure.** The structure dedicated to, or the building within which is conducted the primary use of the lot.
- L. **Principal Use.** The primary or predominant purpose to which a parcel of land is devoted as distinguished from an accessory use.
- M. **Private Sanitary Sewage Disposal System.** An individual on-site sewage disposal system as defined in the Mid-Michigan District Health Department Sanitary Code.
- N. **Private Water Supply.** A well or other water supply system approved by the Mid-Michigan District Health Department pursuant to Part 127 of Public Act No. 368 of 1978, as amended, (MCL 333.12701 et seq.).
- O. **Property Owner.** The owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, or his/her duly authorized agent, sole proprietorship, partnership, association, limited liability company, or corporation directly or indirectly in control of a building, structure, or real property.
- P. **Public Assembly.** A building or structure for groups of people to gather for an event or regularly scheduled program. Places of public assembly include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.
- Q. **Public Sanitary Sewer.** A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of treatment or discharge.
- R. **Public Storm Sewer.** A system of pipe owned and maintained by a governmental unit, used to carry storm water collected from multiple sources including streets, downspouts, and parking lots to a discharge point. Discharge points include, but are not limited to, a lake, river or tributary, and retention or detention ponds.
- S. **Public Water Supply.** A waterworks system which provides water for drinking or household purposes to persons other than the supplier of water, except those waterworks systems which supply water to only one living unit, or as further defined in Public Act No. 399 of 1976, as amended, (MCL 325.1001 et seq.)

- T. **Public Watercourse.** A stream or creek which may or may not be serving as a drain as defined by Public Act No. 40 of 1956, as amended, being (MCL 280.1 et seq.) or any body of water which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

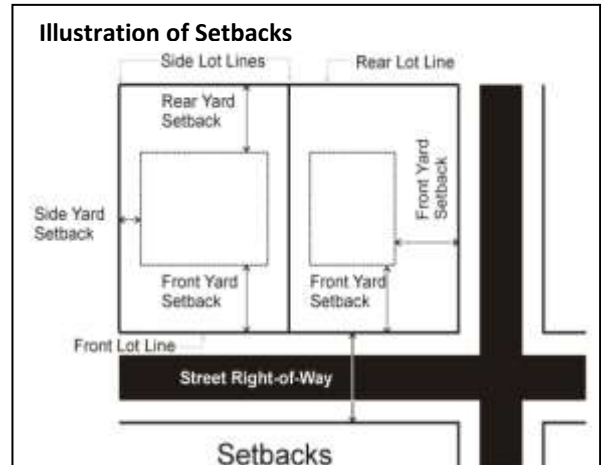
SECTION 2.11 DEFINITIONS: R-S

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

- A. **Recreational Vehicle.** A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.
- B. **Recycling Center.** A facility in which recyclable material only is collected, separated, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.
- C. **Rehabilitation.** The upgrading of an existing building or part of an existing building which is in a dilapidated or substandard condition.
- D. **Repair.** The reconstruction or renewal of any part of an existing building for the purpose of maintenance.
- E. **Research and Development Establishment.** A structure or group of structures used primarily for research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities or laboratories conducting educational or medical research or testing applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing
- F. **Residential Zoning District.** Residential zoning districts are those generally intended for single family or multiple family residential land uses. More specifically, as referred to in this ordinance, the term shall refer to the R-1, Single Family Residential; R-2, Single Family Residential; and M-F, Multiple Family districts.
- G. **Restaurant.** Any use that includes the sale of food and/or beverages to a customer in a ready-to-consume state.
1. **Carry-Out Restaurant.** A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises.
 2. **Drive-Up/In Restaurant.** A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

3. **Standard Restaurant.** A standard restaurant is a use that involves either of the following:
 - a. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.
 - b. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.
 4. **Lounge/Tavern.** A lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.
- H. **Restoration.** The reconstruction or replication of an existing building's original architectural features.
 - I. **Retail Store.** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.
 - J. **Retention.** A system, which is designed to capture storm water and contain it until it infiltrates the soil or evaporates.
 - K. **Retention Basin.** A storm water management facility, either natural or manmade, which does not have an outlet, which captures and holds runoff directed into it.
 - L. **Right-of-Way.** A public or private strip of land acquired or utilized by reservation, dedication, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, utility lines, and similar uses.
 - M. **Satellite Dish Antenna or Dish Antenna.** An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.
 - N. **Secondhand Store.** A building or portion of a building in which the public sale of previously owned goods, having no generally recognized cultural or historic value as antiques, is carried out for a period of time greater than seven consecutive days during a six (6) month period of time.
 - O. **Sediment.** Any solid particulate matter which has been moved from the site of origin by erosion, is being transported by water, is in suspension in water, or has been deposited in a water body, wetland or floodplain.
 - P. **Setback.** The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which setback describes an area termed the setback on a lot or parcel required by this ordinance for the district in which it is located.

1. **Front.** The minimum required horizontal distance measured from the front lot line which describes an area termed the front setback on a lot or parcel required by this ordinance for the district in which it is located.
2. **Rear.** The minimum required horizontal distance measured from the rear lot line which describes an area termed the rear setback on a lot or parcel required by this ordinance for the district in which it is located.
3. **Side.** The minimum required horizontal distance measured from the side lot lines which describes an area termed the side setback on a lot or parcel required by this ordinance for the district in which it is located.



- Q. **Shopping Center.** A group of retail and other commercial establishments that is planned, owned, and managed as a single property. On-site parking is typically provided.
- R. **Sign.** Every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person.
 1. **Sign, Canopy.** A sign mounted to a non-rigid fabric or awning-type structure that is attached to the building by supporting framework.
 2. **Sign, Ground or Monument.** A sign which is supported by one or more uprights in or upon the ground where parts of the display surface are less than eight feet above the grade to the bottom of the display area.
 3. **Sign, Home Occupation.** A sign containing only the name and occupation used for the purpose of advertising services in conjunction with a lawful home occupation.
 4. **Sign, Incidental.** A sign that identifies street addresses, entrances and exits, safety precautions, identifying logos without text, and other such incidental information, and which sets forth no other advertisement intended to be read from the street.
 5. **Sign, Off-Premises.** A sign located on a different parcel of land, lot or premise than where the business, product, service, event, or person or subject is being advertised.
 6. **Sign, On-Premises.** A sign located on the parcel of land or lot advertising a business, product, service, event, person or subject being offered on such parcel of land or lot.
 7. **Sign, Placard.** A sign not exceeding two square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.

8. **Sign, Portable or Temporary.** A sign not constructed or intended for long-term use or that is not permanently affixed to a building, structure or the ground, excluding signs supported on mobile or motor vehicle chassis.
9. **Sign, Wall.** A sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, and which does not have any part of such sign or sign supports extending above the uppermost building line not including chimneys, flagpoles, electrical or mechanical equipment, TV antennas or any other similar equipment and extensions.
- S. **Site.** Any tract, lot, or parcel of land or combination of tracts, lots, or parcels, which compose an area proposed for development and/or earth change.
- T. **Soil Erosion.** The stripping of soil and weathered rock from land creating sediment for transportation by water, wind or ice, and enabling formation of new sedimentary deposits.
- U. **Soil Erosion Control.** Structures, facilities, barriers, berms, vegetative cover, basins, and/or any other installation, temporary or permanent, which are designed to minimize and prevent erosion.
- V. **Stop Work Order.** An administrative order which is either posted on the property, or personally served on the owner or the owner's representative, or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this ordinance.
- W. **Storm Drain.** A system of open or enclosed conduits and appurtenant structures intended to convey or manage storm water runoff, ground water and drainage.
- X. **Story.** That portion of a building, other than a basement or mezzanine as defined herein, included between the surface of any floor and the floor next above it, or, if there is not a floor above, then the ceiling above. A mezzanine shall be deemed a full story when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is twenty-four (24) feet or more. A basement shall be deemed a full story when more than half the height is above ground.
- Y. **Street.** A public or privately owned thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley. A private street shall include any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to two or more existing parcels and/or main buildings.
- Z. **Structural Alterations.** Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or in the dimensions or configurations, or of the roof and exterior walls or means of egress.

- AA. **Structure.** A combination of materials whether fixed or portable, anything constructed, erected, or artificially built-up which requires a location on or below the surface of land or water, including a part or parts thereof and all equipment within the structure.
- BB. **Subdivision.** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, Public Act No. 288 of 1967, as amended. The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Act or the requirements of the Village land division ordinance.
- CC. **Subdivision Plat.** A map or chart depicting the subdivision of land as regulated by the Land Division Act of 1967, Public Act No. 288 of 1967, as amended.
- DD. **Substantial Improvement.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any compatible alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

- EE. **Swimming Pool.** A nonporous container, which may also include spas, hot tubs or similar devices, containing water having a depth of greater than twenty-four (24) inches or having a surface area of greater than two hundred fifty (250) square feet, or a pool permanently equipped with a water re-circulating system or constructed of structural materials, excepting retention or detention ponds.

SECTION 2.12 DEFINITIONS: T-U

- A. **Temporary Use.** A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure.
- B. **Travel Trailer.** A vehicular portable structure built on a chassis which is less than thirty-two (32) feet in length and is of such a width and weight as not to require special highway movement permits when drawn by a vehicle.
- C. **Use Group.** The classification of a building or structure based upon its purpose as contained in the state construction code.

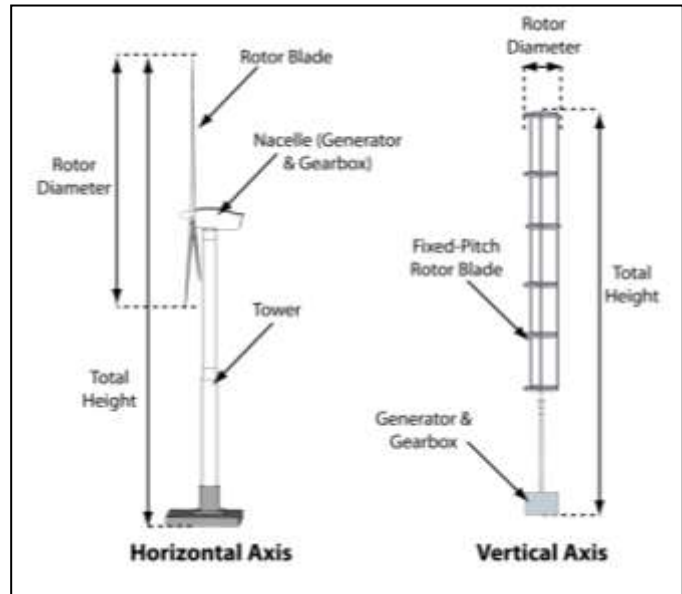
SECTION 2.13 DEFINITIONS: V-W

- A. **Variance.** Permission given by the zoning board of appeals to a property owner to depart from the literal requirements of this ordinance which may occur when compliance with this ordinance would create a practical difficulty or unnecessary hardship on the property owner.
- B. **Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or road, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
- C. **Vehicle Repair.** Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.
- D. **Vehicle Service Station.** A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles, including trucks, aircraft and boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this article.
- E. **Vehicle Wash Establishment.** a building or portion of a building, the primary purpose of which is that of washing motor vehicles.
- F. **Veterinary Hospital, Veterinary Clinic.** A commercial activity involving the temporary keeping or treatment of animals. Such use may include accessory boarding services, but only for those animals actively receiving treatment or care.
- G. **Village Building Code.** The duly adopted building code of the Village.
- H. **Village Council.** The legislative body of the Village.
- I. **Village Engineer.** The person designated by the Village to carry out day-to-day engineering responsibilities.
- J. **Village Planning Consultant.** The person designated by the Village to review site plans, advise the Planning Commission and carry out the day-to-day community planning responsibilities.
- K. **Wall.** The vertical exterior surface of a building and the vertical interior surfaces which divide a building's space into rooms.
- L. **Watercourse.** An open trench either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two acres which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.
- M. **Watershed.** The total land area which contributes runoff, or is within such an area, to a common outlet, such as a lake or stream. Also known as the drainage area.

N. **Wetland.** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation and/or aquatic life. Also known as a bog, swamp, marsh, etc. (Public Act 451 of 1994, as amended). The Michigan Department of Natural Resources and Environmental is the authority on the presence and regulatory status of wetlands.

O. **Wind Energy Conversion Systems (WECS).** (commonly known as a "wind turbine" or "windmill") A machine that converts the kinetic energy in the wind into a usable form using a turbine or windmill either on a horizontal or vertical axis, rotor or propeller. A WECS includes 3 primary components, including:

1. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power;
2. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy (also called a "nacelle");
3. The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted;



P. **Wind Energy Conversion System Height** (ground mounted only): The distance measured between the ground (at grade) and the highest point of a WECS.

Q. **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.

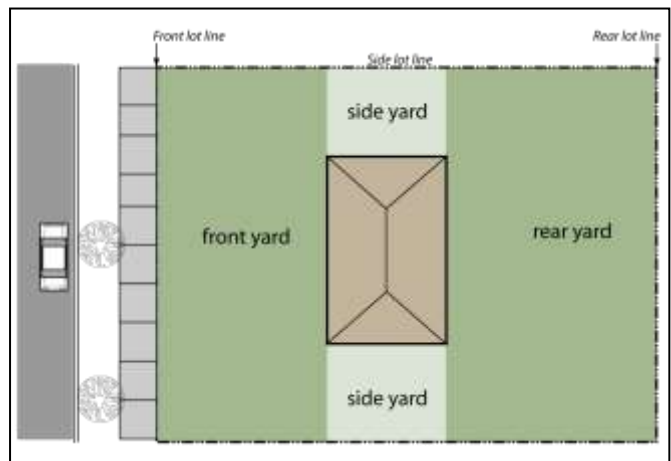
1. **Alternative Tower Structure.** Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
2. **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), commercial wireless telecommunications signals or other communication signals.

3. **Backhaul Network.** The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
4. **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.
5. **FAA.** The Federal Aviation Administration.
6. **FCC.** The Federal Communications Commission.
7. **Height.** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
8. **Preexisting Towers and Preexisting Antennas** Any tower or antenna for which a building permit or special land use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
9. **Tower.** A self-supporting monopole structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. Tower does not include lattice structures or structures supported by guy wires or cables.

SECTION 2.14 DEFINITIONS: Y-Z

A. **Yard.** An open space 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 from the ground upward, except as otherwise provided in this ordinance.

1. **Front Yard.** An open space extending the full width of the lot and including all area between the front building line and the front lot line.
2. **Rear Yard.** An open area extending across the full width of the lot and including all area between the rear building line and the rear lot line.
3. **Side Yard.** An open unoccupied area between a main building and



the side lot lines, extending from the front yard area to the rear yard area.

4. **Required Yard.** The required yard is that portion of the front, side, or rear yard that is required to remain clear of buildings and structures. Also known as the “required setback.”

- B. **Zoning.** The dividing of the Village into districts of a number and shape considered best suited to carry out the purposes of the zoning act and the creation of uniform regulations throughout each individual district. Such districts are referred to as zoning districts in this ordinance.

- C. **Zoning Act.** The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

- D. **Zoning Administrator.** See “*Ordinance Administrator*”

- E. **Zoning Board of Appeals (ZBA).** The Village of Maybee Zoning Board of Appeals.

- F. **Zoning Ordinance.** The Village of Maybee Zoning Ordinance.

CHAPTER 3 GENERAL PROVISIONS

SECTION 3.1 ACCESSORY BUILDINGS, STRUCTURES, AND USES

All accessory buildings, except those used for agricultural purposes (pursuant to the Right to Farm Act, Act 93 of 1981, as amended), shall be subject to the following regulations:

- A. Accessory buildings shall not be erected in any front yard, or required side yard nor shall they occupy any portion of a required greenbelt or buffer in any district.
- B. Where the accessory building is structurally attached to a principal building, it shall be subject to, and must conform with, all regulations of this Ordinance applicable to the principal building.
- C. No detached accessory building shall be located closer than ten (10) feet to any principal building.
- D. No accessory building shall be used in any part for residential dwelling or sleeping purposes.
- E. No accessory building shall be permitted on any lot which does not contain a principal building.
- F. The maximum height of a detached accessory buildings in all commercial and residential zones shall be determined as follows:
 - 1. The maximum height of an accessory building shall not exceed fourteen (14) feet.
 - 2. The roof shall have a pitch no steeper than the pitch of the existing principal building.
- G. In all but the industrial districts, no more than two (2) detached accessory buildings shall be permitted on any lot less than two (2) acres in area. If, however, the principal building has an attached garage, then not more than one (1) detached accessory building shall be permitted.
- H. Any accessory building with an area greater than two hundred (200) square feet shall be permanently constructed on a concrete foundation and shall conform to all applicable building and other similar codes for such a structure. The architectural character of all such accessory buildings shall be compatible with, and similar to, the principal building with respect to materials, scale, design, and aesthetic quality as determined by the Ordinance Administrator.
- I. Any accessory building larger than six hundred twenty-five (625) square feet shall meet the minimum side yard setback, and one-half ($\frac{1}{2}$) the rear yard setback requirements for a principal building in the zoning district in which the lot is located.
- J. Any accessory building larger than eight hundred sixty-four (864) square feet shall meet the minimum setback requirements for a principal building in the zoning district in which the lot is located.

SECTION 3.2 ADULT AND CHILD CARE FACILITIES

- A. An adult or child care facility existing prior to the effective date of this Ordinance, that has been operating under a valid State license and is registered with the Village no later than sixty (60) days following the effective date of this Ordinance, shall be considered an approved special land use. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance.

- B. Adult and child care facilities, as defined in *Article 2, Definitions*, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Adult and Child Care Facilities				
Type of Facility	Zoning District			
	AG, R-1, R-2	M-F	O-1, C-1, C-2	I-1
Adult Day Care Facilities	SLU	SLU	SLU	NA
Adult Foster Care Family Home (6 or fewer adults 24 hours per day) (1, 2, 3, 4)	P	P	SLU	NA
Adult Foster Care Small Group Home (12 or fewer adults 24 hours per day) (1, 2, 3, 4)	SLU	SLU	NA	NA
Adult Foster Care Large Group Home (13 to 20 adults 24 hours per day) (1, 2, 3, 4)	NA	SLU	NA	NA
Adult Foster Care Congregate Facility (more than 20 adults 24 hours per day) (1, 2, 3, 4)	NA	SLU	SLU	NA
Foster Family Home (4 or fewer children 24 hours per day)	P	P	SLU	NA
Foster Family Group Home (5 to 6 children 24 hours per day) (1, 2, 3, 4)	P	P	SLU	NA
Family Child Care Home (6 or fewer children less than 24 hrs. per day) (1, 2, 3, 4, 5, 6, 7, 8)	P	P	SLU	NA
Group Child Care Home (7 to 12 children less than 24 hours per day) (1, 2, 3, 4, 5, 6, 7, 8)	SLU	SLU	SLU	NA
Child Care Center or Day Care Center (more than 6 children less than 24 hours per day) (1, 2, 3, 4, 5, 6, 7, 8)	SLU as accessory	SLU	SLU	NA
Child Caring Institution (1, 2, 3, 4, 5, 6, 7, 8)	NA	SLU	SLU	NA
<p>P: Permitted use.</p> <p>SLU: May be allowed upon review and approval of a special land use, in accordance with the general standards in <i>Chapter 19 Special Land Uses</i>.</p> <p>SLU as accessory: May be allowed as an accessory to an approved use, such as a church, school, office, or other place of employment, upon review and approval of a special land use.</p> <p>NA: Not allowed in zoning district.</p>				

Footnotes:

1. Documentation of a valid license, as required by the State, shall be provided to the Village Clerk’s Office.
2. Since the State law preempts in this area, the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835. Documentation of such compliance with State requirements shall be

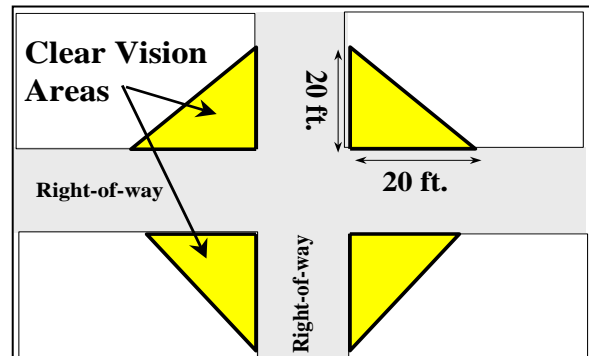
- provided.
3. The site shall comply with the sign provisions of Article 18 Signs.
 4. Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.
 5. Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.
 6. There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced and located away from heavily traveled roads or other uses that could pose a safety hazard.
 7. There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.
 8. The facility shall operate not more than sixteen (16) hours per day.

SECTION 3.3 BUILDING HEIGHT EXCEPTIONS

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, flag poles, water tanks, public monuments, church spires, and penthouses or roof structures housing necessary mechanical appurtenances, radio or TV antenna that serve the occupants of the individual use that do not exceed seventy-five (75) feet.

SECTION 3.4 CLEAR VISION

In any zone district on any corner lot, no fence, structure or planting over thirty (30) inches in height shall be erected or maintained within an area formed by the street property lines and a line connecting them at points twenty (20) feet from the intersection of the street lines.



SECTION 3.5 CORNER LOTS

Corner lots in all zoning districts shall provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.

SECTION 3.6 ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

SECTION 3.7 FENCES

- A. Fences in side and rear yards of residential districts shall not exceed four (4) feet in height above grade in the R-1 District, and shall not exceed six (6) feet in height above grade in the R-2 and M-F Districts.
- B. Location.
 - 1. Except as provided below, fences in residential districts shall not extend toward the front of the lot farther than the rear of the house, with the exception of houses that have a side door entrance where a fence may extend toward the front of the house sufficiently to enclose said side door entrance.
 - 2. Decorative and ornamental fencing, such as split-rail, picket, wrought iron or other similar fences are permitted in the front yard, provided they are less than forty-two (42) inches in height and are more than 50% transparent.
- C. In residential districts, the finished side of the fence shall face the abutting property.
- D. Fences shall not be erected within any public right-of-way in any district.
- E. Fences shall not be erected or maintained within the clear vision area, described in *Section 3.4, Clear Vision*, or located in such a way as to obstruct the vision of vehicle drivers.
- F. In commercial or industrial districts, a wall, fence or yard enclosure may be up to eight (8) feet in height behind the required front yard setback.
- G. No person shall place, string or maintain barbed wire, razor wire, or other similar material as part of any fence or structure in any zoning district unless approved by the Planning Commission. No barbed wire shall be permitted in any historic district.
- H. No fence or wall shall be erected which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department.

SECTION 3.8 HOME OCCUPATIONS

- A. Home occupations shall be approved by the Ordinance Administrator, who may issue an approval upon receipt of an application. Permissible home occupations include, but are not limited to the following:
 - 1. Art and craft studios, lessons may be given to one client at a time.
 - 2. Hair and nail salons, limited to one client at a time.
 - 3. Dressmaking and tailoring.
 - 4. Tutoring, limited to one student at a time.

5. Typing or clerical services
 6. Teaching of music or dancing or similar instruction, limited to one client at a time.
 7. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.
- B. Only members of the immediate family residing on the premises shall be engaged in the home occupation.
 - C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25%) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
 - D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
 - E. The home occupation shall be operated entirely within the principal dwelling and not within any detached accessory building or structure, and shall not involve any retail sales.
 - F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.
 - G. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the boundaries of the property on which the home occupation is conducted. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
 - H. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.
 - I. The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van on the premises.
 - J. Activities specifically prohibited as home occupations include, but are not limited to:
 1. A service or repair of motor vehicles, appliances and other large equipment.
 2. A service or manufacturing process which would normally require industrial zoning.

3. A commercial food service requiring a license.
4. A limousine service.
5. A lodging service including a bed and breakfast.
6. A tattoo parlor.
7. An animal hospital or kennel.
8. A lawn service.

SECTION 3.9 LANDSCAPING STANDARDS

When required in the ordinance, landscaping, buffers and greenbelts shall meet the following requirements:

- A. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be replaced.
- B. All required landscaping shall be completed within six (6) months from the date of occupancy of the buildings, unless a performance bond is submitted according to established policy.
- C. All landscaped areas which do not contain trees or planting beds shall be covered with grass or other living ground cover.
- D. All plant material, at time of installation, shall be of the following size:

TREE TYPE	MINIMUM SIZE
Deciduous Canopy Tree	2 ½ inch caliper
Deciduous Ornamental Tree	2 inch caliper
Evergreen Tree	5 feet in height
Deciduous Shrub	2 feet in height
Upright Evergreen Shrub	2 feet in height
Spreading Evergreen Shrub	24 inches spread

- E. The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

COMMON NAME	HORTICULTURAL NAME
Box elder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (w/thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species

COMMON NAME	HORTICULTURAL NAME
American Elm	Ulmus Americana
Ash	Fraxinus Species
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifolia
Horse Chestnut, Tree of Heaven	Catalpa
Soft Maples (Red, Silver)	Acer Rubram, Acer Saccharinum

SECTION 3.10 MECHANICAL APPURTENANCES

- A. Except in the C-2 Central Business District, mechanical appurtenances, such as blowers, ventilating fans and air conditioning units, shall be placed not closer than twelve (12) feet to any lot line.
- B. Any mechanical appurtenances, including elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar apparatus, located on the roof of any building shall comply with the following standards:
 - 1. Such apparatus shall be enclosed in a screening structure having walls constructed of material compatible in appearance with the principal building to which it is attached.
 - 2. The apparatus and enclosure shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall not occupy greater than fifteen (15) percent of the total area of the roof of the building on which it is placed.

SECTION 3.11 PERMITTED FRONT SETBACK REDUCTIONS

Reductions to the front yard setback may be permitted if the established setback in the area is less than that required by *Article 13, Schedule of Regulations*. Such reductions may be allowed according to the following:

- A. The established setback shall be the average established front yard setback of all lots on the same side of the street as, and located within two hundred (200) feet of the subject property.
- B. A minimum of two (2) principal buildings must be located within the area defined above.
- C. In no case shall the front yard setback resulting from the application of these provisions, be less than fifteen (15) feet.

SECTION 3.12 PRINCIPAL BUILDING OR USE

No more than one principal building or use may be located on a parcel, except for groups of related industrial or commercial buildings, or multiple family dwellings contained within a single, integrated complex, sharing parking and access.

SECTION 3.13 PROJECTIONS INTO YARDS

- A. Architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features as determined by the Ordinance Administrator may project four (4) feet into a required front, rear, or side yard.
- B. Any open porch, deck, or balcony may project ten (10) feet into a required front yard and up to fifteen (15) feet into a required rear yard, but shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than five (5) feet to any front or rear lot line.
- C. In commercial districts, awnings or canopies shall be set back at least two (2) feet from any street curblineline, shall not extend more than six (6) feet over the public right-of-way, and shall leave a minimum clearance of eight (8) feet above the ground. Supporting structures may not be placed within any required right-of-way.
- D. In no case may projections extend into a right-of-way or easement that requires clear access.

SECTION 3.14 REGULATIONS APPLICABLE TO DWELLINGS OUTSIDE MANUFACTURED HOME PARKS

Any single-family dwelling on a lot, whether constructed and erected or a manufactured home, shall be permitted only if it complies with all of the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Building Official or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the Village, provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by Village codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Official.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located. In no case shall any living space located in a basement be counted toward the required residential floor area for the district in which it is located.
- D. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.

- E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism. The foundation shall provide a maximum exposed foundation above grade of sixteen (16) inches and a minimum exposed foundation above grade of eight (8) inches.
- F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- G. The dwelling unit shall have a minimum horizontal dimension across any front, side, or rear elevation of twenty (20) feet and shall be no greater in length than two and one-half (2½) times its width.
- H. Storage area shall be provided within a building, with an area of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic or attached garage in a principal building, or in a detached accessory building which is in compliance with all other applicable provisions of *Section 3.1, Accessory Buildings, Structures and Uses*.
- I. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade.
- J. The dwelling unit shall have no less than two (2) exterior doors, with one being in either the rear or the side of the dwelling unit.
- K. The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
- L. Where the home design involves a roof pitch, it shall be at a minimum pitch of 5/12, that is, for every twelve inches (12") of lateral run, the roof shall rise five inches (5").
- M. The roof shall have a snow load rating of forty (40) pounds per square foot.
- N. Roof drainage in the form of a roof overhang of at least twelve inches (12") shall be provided to direct storm or meltwater way from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
- O. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7½) feet in all living space.

- P. A structure with a front elevation view of over 40 linear feet shall have a design offset including but not limited to; bay windows, covered porches, or structural offsets from the principal plane of the building.
- Q. Garage doors may not comprise more than fifty percent (50%) of the front face of the structure.
- R. The dwelling unit shall contain no additions of rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- S. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of residential dwellings located outside of manufactured home parks within three hundred (300) feet of the subject dwelling.
- T. The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited, unless otherwise permitted as a Special Land Use. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Village building code and other applicable regulations.

SECTION 3.15 REQUIRED ACCESS FRONTAGE AND LOT WIDTH TO DEPTH RATIOS

- A. Any lot created shall have frontage upon a public street equal to that required by the zone district in which it is located.
- B. The depth of lot(s) or parcel(s) created in all zoning districts after the effective date of this Ordinance shall not be more than four (4) times longer their width.

SECTION 3.16 REQUIRED AREA OR SPACE

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other principal building in a substantial manner, such as by a wall or roof, shall be deemed a part of such principal building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

SECTION 3.17 STORAGE AND REPAIR OF VEHICLES

Except for property in the AG, Agricultural District, and those containing approved commercial uses, the following shall apply to all zoning districts:

- A. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district or lot shall be conducted entirely within the interior of a building.
- B. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- C. It shall be unlawful for the owner or occupant of any lot in any residential zoning district, as defined in this ordinance, or lot to permit the open storage or parking outside of a building of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for construction being conducted on such lot.

SECTION 3.18 STORAGE OF RECREATION EQUIPMENT

Recreational equipment may not be parked within any required yard for cleaning, loading, or unloading purposes for not more than forty-eight (48) hours within any seven (7) day period, unless the following minimum conditions are met:

- A. Recreational vehicles may be parked in the front yard, within a residential driveway, provided it is not located within the required front yard setback.
- B. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling and the vehicle or equipment is owned by the occupant.
- C. Recreational equipment may not be used for living or housekeeping purposes.
- D. Trailer coaches and other vehicles designed or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer, or to electricity, water or gas.
- E. Not more than two (2) recreation vehicles per dwelling unit may be kept or stored outdoors at a time. Recreation vehicles size for vehicles kept or stored outdoors may not exceed nine (9) feet in width, twelve (12) feet in height, or fifty-three (53) feet in length.
- F. Such vehicles so kept or stored shall be in good repair. Open storage of partially or fully disassembled component parts of said vehicles is prohibited.

SECTION 3.19 SWIMMING POOLS

- A. Swimming pools shall be made inaccessible to small children by means of a fence or enclosure surrounding the device or due to the height of the side walls, which means shall be approved by the Ordinance Administrator. Such side walls, fence or enclosure, including the gates, shall not be less than four (4) feet or greater than (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children.
- B. Swimming pools shall not be located in any front yard or within any required side or rear setback. Screening shall be required for any above-ground structures, exceeding four (4) feet in height, that is located in a side yard.

- C. Swimming pools, spas, hot tubs and similar devices shall not be located less than ten (10) feet from any lot line.
- D. No pool, spa, hot tub, or similar device regulated by this section shall be constructed, installed, enlarged, or altered until a permit has been obtained from the Ordinance Administrator.

SECTION 3.20 TEMPORARY BUILDINGS, STRUCTURES AND USES

Temporary uses, buildings and structures may be placed on a lot or parcel and occupied only under the following conditions as authorized by a permit issued by the Ordinance Administrator. The Ordinance Administrator may require a performance guarantee pursuant to *Section 21.4, Performance Guarantees* in an amount equal to the estimated cost of removing any temporary structure permitted.

- A. Construction buildings and structures, including trailers, incidental to construction work on a lot, provided:
 - 1. Construction buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot. An enclosed structure for temporary sanitation facilities shall be required on all construction sites.
 - 2. No construction building or structure shall be used as a dwelling unit.
 - 3. Construction buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Ordinance Administrator for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.
- B. Sales offices or model homes may be placed on a lot, provided:
 - 1. The location of the office shall be specified in the permit.
 - 2. The permit shall be valid for a period of up to one (1) year. A temporary permit may be renewed by the Ordinance Administrator for up to two (2) successive one (1) year periods or less, at the same location if such office is still incidental and necessary.
 - 3. Only transactions related to the development in which the structure is located shall be conducted within the structure. General offices for real estate, construction, development or other related businesses associated with the project shall not be permitted.
- C. Temporary residential structures utilized during construction of a principal residence may only be permitted upon approval of the Zoning Board of Appeals.
- D. Outdoor Christmas Tree/Fireworks Sale, provided:

1. The display and sale of trees or fireworks on an open lot shall be allowed for a period not to exceed forty-five (45) days.
 2. No fresh cut tree or firework sales shall be conducted from within a building.
 3. All unsold trees must be removed from the property by December 31st of each calendar year.
 4. All unsold fireworks must be removed from the property by July 10th of each calendar year.
 5. Fireworks sales shall be conducted pursuant to the Fire Code.
- E. Special Events such as food vendors, event offices, dressing rooms, carnival-type games, midways, t-shirt or souvenir sales, art/craft fairs, or other similar uses, provided the use is restricted to the property where the event is taking place.
- F. All temporary uses shall meet the following standards:
1. The nature of the temporary use shall be compatible with existing development.
 2. The parcel upon which the use is proposed shall be of sufficient size to adequately accommodate the temporary use or structure.
 3. The temporary use shall be located and operated to minimize adverse effects on surrounding properties, particularly as it relates to hours of operation and traffic generation.
 4. Off-street parking areas shall be adequate in amount and location, and entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
 5. Signs shall conform to the provisions of this Ordinance.
 6. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
 7. The temporary use or building shall in no way constitute a change in the basic uses permitted in the district nor on the property where the temporary use or building is permitted.
 8. To the greatest extent possible, the temporary use shall respect all setbacks, land coverage, off-street parking, lighting and other requirements of this Ordinance.
 9. The use or building shall be in harmony with the general character of the district.

SECTION 3.21 TIMELY COMPLETION OF CONSTRUCTION REQUIRED

Following the initiation of the construction, erection, reconstruction, modification, expansion or enlargement of any building or other structure authorized under the provisions of this Ordinance, completion of such work shall be diligently pursued and completed in a timely manner, consistent with building permit requirements.

SECTION 3.22 WATER AND SANITARY SEWER SERVICE

No permit shall be issued for the construction of a building or structure which is not served by both adequate public water and sewer facilities, or a private system approved by the County Health Department.

CHAPTER 4
ZONING DISTRICTS - GENERAL

SECTION 4.1 DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the Village of Maybee is hereby divided into the following Zoning Districts:

CURRENT DISTRICT DESIGNATION	
AG	Agricultural
R-1	Single Family Residential District
R-2	Single Family Residential District
M-F	Multiple Family District
O-1	Office District
C-1	Local Commercial District
C-2	General Commercial District
I-1	Light Industrial District

SECTION 4.2 DISTRICT BOUNDARIES

A. Boundaries

The boundaries of the districts listed in Section 4.1 are hereby established as shown on the Village of Maybee Zoning Ordinance Map, which is part of this Ordinance.

B. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroad lines shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines or Village limits shall be construed as following such lot lines or Village limits.
3. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 and 2 above, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

4. Boundaries following the shoreline of streams, shall be construed to follow such shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, or canals, shall be construed to follow such centerlines.
5. Where physical or natural features existing on the ground differ from those shown on the Zoning Map, or in other circumstances not covered by this Section, the Zoning Administrator shall interpret the district boundaries.

SECTION 4.3 ZONING OF ANNEXED AREAS

Whenever any area is annexed to the Village of Maybee, one of the following rules shall apply:

- A. Land zoned previous to annexation shall be a district of the class to which it most nearly conforms under this Ordinance. The Planning Commission shall recommend the classification to the Village Council, who shall determine by resolution the zoning classification into which the property will be placed.
- B. Land not zoned prior to annexation shall be automatically classified as R-1 until a Zoning Map for the area has been adopted by the Village Council. The Planning Commission shall recommend appropriate zoning districts for such area within three (3) months after Village Council has referred the matter to the Commission.

SECTION 4.4 ZONING OF VACATED AREAS

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line half way between them according to the adjacent zone, unless the Village Council shall otherwise designate.

CHAPTER 5

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 5.1 INTENT

This District is intended to provide areas primarily designed for residential use consisting of low density single-family dwellings to foster stable, high quality neighborhoods. The intent of the district is to provide for one-family, low density dwelling sites and residentially related uses in keeping with the Comprehensive Plan for residential development in the Village. The Principal Permitted Uses and Special Land Uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and free of unrelated traffic noises.

SECTION 5.2 PERMITTED USES

No land and/or buildings in the R-1 Single Family Residential District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Accessory buildings, structures, and uses
- B. Adult & child care facilities in accordance with *Section 3.2, Adult and Child Care Facilities*
- C. Home Occupations
- D. Single-family dwellings
- E. Keeping of small animals specifically associated with 4-H activity, provided such activity is managed to prevent noise, odor or runoff from impacting nearby residences.

SECTION 5.3 SPECIAL LAND USES

Land and/or buildings in the R-1 Single Family Residential District may be used for the following purposes when approved by the Village in accordance with the requirements of *Chapter 19, Special Land Uses*:

- A. Accessory dwelling units within an existing building (e.g., carriage house)
- B. Adult & child care facilities in accordance with *Section 3.2, Adult and Child Care Facilities*
- C. Cemeteries
- D. Churches and other places of worship Private, non-commercial, social, fraternal, service clubs not operated for profit
- E. Golf courses or country clubs (including uses such as restaurants without drive-through windows, lounges, pro shops, lodging facilities, and similar uses when accessory to and operated as an integral part of the golf course or country club)

- F. Outdoor Recreation and Entertainment Uses
- G. Public and private K-12 schools
- H. Site condominium developments for single-family homes
- I. Non-commercial Wind Energy Conversion Systems (WECS)

SECTION 5.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

A. Supplemental Regulations

Setbacks, Height, Area, & Lot Dimension Requirements	See Chapter 13
Site Plan Review	See Chapter 14
Landscaping	See Chapter 15
Parking	See Chapter 16
Signs	See Chapter 17
Special Land Uses	See Chapter 19

- B. New residential subdivisions, site condominiums and residential developments shall be required to install sidewalks along the frontage of all public streets, in accordance with Village standards. The Village Council may authorize an alternate walkway or pathway, if deemed appropriate.
- C. All improved lots or parcels shall be served by public water and sewer.
- D. Outdoor common areas and associated amenities for employees, customers and/or residents shall be provided as appropriate and may include public trash receptacles, bike racks, seating areas, recreation areas, shade trees, bus stop turn-outs, and similar facilities.
- E. In order to ensure public safety, special pedestrian measures such as crosswalks, and other such facilities may be required for a development. The site circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area as appropriate.

CHAPTER 6

R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 6.1 INTENT

This District is intended to provide a medium density residential living environment comprised mainly of single family dwellings, and to foster stable, high quality neighborhoods in older areas of the Village. At the same time, the regulations for this District recognize the need to preserve existing housing stock, allow infill development within older subdivisions, and provide housing that is affordable for the present and future residents of Maybee. Non-residential uses are only allowed to the extent that they serve to further the preservation of stable residential neighborhoods.

SECTION 6.2 PERMITTED USES

No land and/or buildings in the R-2 Single Family Residential District may be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Accessory buildings, structures, and uses
- B. Adult & child care facilities in accordance with *Section 3.2 Adult and Child Care Facilities*
- C. Publicly-owned and operated parks, playfields and other recreational facilities
- D. Single-family dwellings
- E. Two-family dwellings
- F. Keeping of small animals specifically associated with 4-H activity, provided such activity is managed to prevent noise, odor or runoff from impacting nearby residences.

SECTION 6.3 SPECIAL LAND USES

Land and/or buildings in the R-2 Single Family Residential District may be used for the following purposes when approved by the Village in accordance with the requirements of *Chapter 19, Special Land Uses*:

- A. Adult & child care facilities in accordance with *Section 3.2 Adult and Child Care Facilities*
- B. Bed and breakfast establishments
- C. Cemeteries
- D. Churches and other places of worship
- E. Dwelling units within an existing accessory building

- F. Golf courses or country clubs (including uses such as restaurants without drive-through windows, lounges, pro shops, lodging facilities, and similar uses when accessory to and operated as an integral part of the golf course or country club)
- G. Outdoor Recreation and Entertainment Uses
- H. Public and private K-12 schools
- I. Non-commercial Wind Energy Conversion Systems (WECS)

SECTION 6.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

A. Supplemental Regulations

Setbacks, Height, Area, & Lot Dimension Requirements	See Chapter 13
Site Plan Review	See Chapter 14
Landscaping	See Chapter 15
Parking	See Chapter 16
Signs	See Chapter 17
Special Land Uses	See Chapter 19

- A. New residential subdivisions, site condominiums and residential developments shall be required to install sidewalks along the frontage of all public streets, in accordance with Village standards. The Village Council may authorize an alternate walkway or pathway, if deemed appropriate.
- B. All improved lots or parcels shall be served by public water and sewer.
- C. Outdoor common areas and associated amenities for employees, customers and/or residents shall be provided as appropriate and may include public trash receptacles, bike racks, seating areas, recreation areas, shade trees, bus stop turn-outs, and similar facilities.
- D. In order to ensure public safety, special pedestrian measures such as crosswalks, and other such facilities may be required for a development. The site circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area as appropriate.

CHAPTER 7

M-F MULTIPLE FAMILY RESIDENTIAL

SECTION 7.1 INTENT

This District is intended to provide a moderate to high density residential living environment and to foster stable, high quality, livable neighborhoods while providing for additional variety in housing opportunities and choices. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

SECTION 7.2 PERMITTED USES

No land and/or buildings in the M-F Multiple Family Residential District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Accessory buildings, structures, and uses
- B. Adult & child care facilities in accordance with *Section 3.2, Adult and Child Care Facilities*
- C. Multiple-family dwellings
- D. Publicly-owned and operated parks, playfields and other recreational facilities
- E. Two-family dwellings

SECTION 7.3 SPECIAL LAND USES

Land and/or buildings in the M-F Multiple Family District may be used for the following purposes when approved by the Village in accordance with the requirements of *Chapter 19, Special Land Uses*:

- A. Adult & child care facilities in accordance with *Section 3.2, Adult and Child Care Facilities*
- B. Bed and breakfast establishments
- C. Boarding houses
- D. Cemeteries
- E. Churches and other places of worship
- F. Golf courses or country clubs (including uses such as restaurants without drive-through windows, lounges, pro shops, lodging facilities, and similar uses when accessory to and operated as an integral part of the golf course or country club)
- G. Manufactured Home Communities or Parks
- H. Outdoor Recreation and Entertainment Uses

- I. Public and private K-12 schools
- J. Non-commercial Wind Energy Conversion Systems (WECS)

SECTION 7.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

A. Supplemental Regulations

Setbacks, Height, Area, & Lot Dimension Requirements	See Chapter 13
Site Plan Review	See Chapter 14
Landscaping	See Chapter 15
Parking	See Chapter 16
Signs	See Chapter 17
Special Land Uses	See Chapter 19

- B. New residential subdivisions, site condominiums and residential developments shall be required to install sidewalks along the frontage of all public streets, in accordance with Village standards. The Village Council may authorize an alternate walkway or pathway, if deemed appropriate.
- C. All improved lots or parcels shall be served by public water and sewer.
- D. A maximum of ten (10) dwelling units per net acre shall be permitted. Net acreage shall be the total site area, exclusive of any dedicated public right-of-way for either interior or abutting streets. No building shall exceed an overall length of one hundred eighty (180) ft. There shall be a minimum distance between ends of contiguous buildings equal to the height of the taller building or twenty-five (25) ft., whichever is greater.
- E. Outdoor common areas and associated amenities for employees, customers and/or residents shall be provided as appropriate and may include public trash receptacles, bike racks, seating areas, recreation areas, shade trees, bus stop turn-outs, and similar facilities.
- F. In order to ensure public safety, special pedestrian measures such as crosswalks, and other such facilities may be required for a development. The site circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area as appropriate.
- G. A greenbelt shall be required within the front setback for sites containing parking lots with ten (10) spaces or more. A minimum of one (1) tree per twenty (20) linear feet or fraction of street frontage shall be planted. Detention/retention areas shall be permitted within required greenbelts provided they do not hamper the screening intent of the greenbelt or jeopardize the survival of the plant materials.

CHAPTER 8 O-1 OFFICE DISTRICT

SECTION 8.1 INTENT

The O-1 Office District is intended to accommodate office uses, office sales uses and basic personal services, and to provide a transition and buffer between more intense zoning districts, and neighborhood areas. The Intent of the District is to foster areas of uses that are less intensive than retail areas; yet provide commerce opportunities close to neighborhoods. The preference in this area is to rehabilitate existing structures rather than demolition for new construction, as an extremely important part of the Intent of the O-1 Office District is maintaining the residential character of the area. Stricter design standards may also be utilized in this District than seen in other areas. Complementary uses are also provided to enhance the character of the District.

SECTION 8.2 PERMITTED USES

No land and/or buildings in the O-1 Office District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Accessory buildings, structures, and uses
- B. Banks, credit unions, savings and loan associations, and other similar uses, exclusive of drive-through facilities
- C. Executive, administrative, professional, real estate, accounting, drafting, and other similar professional offices
- D. Medical and dental offices, including clinics, but not veterinary offices
- E. Mixed residential and office or business uses
- F. Multiple-family dwellings
- G. Personal service establishments conducting services on the premises, including barber and beauty shops, travel agencies, photographic studios, interior design studios, and other similar uses
- H. Publicly-owned buildings, and public utility buildings, excluding storage yards
- I. Publicly-owned and operated parks, playfields and other recreational facilities
- J. Single-family dwellings

SECTION 8.3 SPECIAL LAND USES

Land and/or buildings in the O-1 Office District may be used for the following purposes when approved by the Village in accordance with the requirements of *Chapter 19, Special Land Uses*.

- A. Adult & child care facilities in accordance with *Section 3.2, Adult and Child Care Facilities*
- B. Banks, credit unions, savings and loan associations, and other similar uses having drive-through facilities
- C. Churches and other places of worship
- D. Colleges and Universities
- E. Demolition of an existing structure
- F. Funeral homes and mortuary establishments
- G. Wind Energy Conversion Systems (WECS)

SECTION 8.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Supplemental Regulations

Setbacks, Height, Area, & Lot Dimension Requirements	See Chapter 13
Site Plan Review	See Chapter 14
Landscaping	See Chapter 15
Parking	See Chapter 16
Signs	See Chapter 17
Special Land Uses	See Chapter 19

- B. All improved lots or parcels shall be served by public water and sewer.
- C. The outdoor storage of goods or materials is prohibited.
- D. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with Village standards.
- E. Outdoor common areas and associated amenities for employees, customers and/or residents shall be provided as appropriate and may include public trash receptacles, bike racks, seating areas, recreation areas, shade trees, bus stop turn-outs, and similar facilities.
- F. In order to ensure public safety, special pedestrian measures such as crosswalks, and other such facilities may be required for a development. The site circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area as appropriate.

- G. The essential residential character of an existing structure in the O-1 Office District shall be maintained and may not be altered.
- H. Any side of a building facing a public road shall be:
 - 1. Comprised of at least thirty (30%) percent windows on each floor.
 - 2. Comprised of at least fifty percent (50%) of the following materials for the remaining portions of the building:
 - a. Brick
 - b. Decorative concrete block
 - c. Cut stone
 - d. Horizontal clapboard siding
 - e. Commercial grade horizontal vinyl siding (at least 0.44 gauge.)
 - 3. In no case shall vertical siding, sheet metal, cement board, or EIFS be considered an acceptable building cover.
- I. Required Landscaping:
 - 1. A buffer shall be required on sites abutting residential districts. Buffers shall be at least twenty (20) feet in width, and shall be planted with one (1) tree per forty (40) linear feet or fraction of buffer zone length. The Planning Commission may allow installation of a screening wall or fence, if it is found that natural buffers cannot be achieved due to unique site conditions, or where it is consistent with existing buffer treatments in the vicinity or same zoning district.
 - 2. A greenbelt shall be required within the front setback for sites containing parking lots with ten (10) spaces or more. A minimum of one (1) tree per twenty (20) linear feet or fraction of street frontage shall be planted. Detention/retention areas shall be permitted within required greenbelts provided they do not hamper the screening intent of the greenbelt or jeopardize the survival of the plant materials.

CHAPTER 9

C-1 LOCAL COMMERCIAL DISTRICT

SECTION 9.1 INTENT

This District is intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. The uses established in this District are intended to cater directly to consumers, be of a low intensity nature, of appropriate scale and appearance to be compatible with adjacent neighborhoods.

SECTION 9.2 PERMITTED USES

No land and/or buildings in the C-1 Local Commercial District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Accessory buildings, structures, and uses
- B. Banks, credit unions, savings and loan associations, and other similar uses, exclusive of drive-through facilities
- C. Commercial recreation and fitness centers
- D. Executive, administrative, professional, real estate, accounting, drafting, and other similar professional offices
- E. Medical and dental offices, including clinics, but not veterinary offices
- F. Personal service establishments conducting services on the premises, including barber and beauty shops, travel agencies, photographic studios, interior design studios, and other similar uses
- G. Publicly-owned buildings, and public utility buildings, excluding storage yards
- H. Publicly-owned and operated parks, playfields and other recreational facilities
- I. Retail uses not exceeding 5,000 s.f. of floor area

SECTION 9.3 SPECIAL LAND USES

Land and/or buildings in the C-1 Local Commercial District may be used for the following purposes when approved by the Village in accordance with the requirements of *Chapter 19, Special Land Uses*.

- A. Adult & child care facilities in accordance with *Section 3.2, Adult and Child Care Facilities*
- B. Banks, credit unions, savings and loan associations, and other similar uses having drive-through facilities

- C. Churches and other places of worship
- D. Dwelling units on the upper floors of buildings with non-residential uses on the main level
- E. Funeral homes and mortuary establishments
- F. Restaurants, excluding drive-in and drive-through facilities
- G. Retail uses from 5,001-20,000 square feet total floor area
- H. Wind Energy Conversion Systems (WECS)

SECTION 9.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Supplemental Regulations

Setbacks, Height, Area, & Lot Dimension Requirements	See Chapter 13
Site Plan Review	See Chapter 14
Landscaping	See Chapter 15
Parking	See Chapter 16
Signs	See Chapter 17
Special Land Uses	See Chapter 19

- B. All improved lots or parcels shall be served by public water and sewer.
- C. The outdoor storage of goods or materials is prohibited.
- D. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with Village standards.
- E. Outdoor common areas and associated amenities for employees, customers and/or residents shall be provided as appropriate and may include public trash receptacles, bike racks, seating areas, recreation areas, shade trees, bus stop turn-outs, and similar facilities.
- F. In order to ensure public safety, special pedestrian measures such as crosswalks, and other such facilities may be required for a development. The site circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area as appropriate.
- G. Required Landscaping:
 - 1. A buffer shall be required on sites abutting residential districts. Buffers shall be at least twenty (20) feet in width, and shall be planted with one (1) tree per forty (40) linear feet

or fraction of buffer zone length. The Planning Commission may allow installation of a screening wall or fence, if it is found that natural buffers cannot be achieved due to unique site conditions, or where it is consistent with existing buffer treatments in the vicinity or same zoning district.

2. A greenbelt shall be required within the front setback for sites containing parking lots with ten (10) spaces or more. A minimum of one (1) tree per twenty (20) linear feet or fraction of street frontage shall be planted. Detention/retention areas shall be permitted within required greenbelts provided they do not hamper the screening intent of the greenbelt or jeopardize the survival of the plant materials.

CHAPTER 10

C-2 GENERAL COMMERCIAL DISTRICT

SECTION 10.1 INTENT

This District is intended to accommodate offices, personal services, civic and cultural functions for the residents of Maybee and visitors to the community within a central activity area. The uses established in this District are intended to complement one another to provide a concentration of specialty retail and service uses with cultural and social activities to support a high level of activity in the downtown.

SECTION 10.2 PERMITTED USES

No land and/or buildings in the C-2 General Commercial District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Art galleries, libraries, museums, performing arts auditoriums, and similar cultural facilities
- B. Banks, credit unions, savings and loan associations, and other similar uses, exclusive of drive-through facilities
- C. Commercial schools including, but not limited to, dance, music, trade, or martial arts provided they are located on the upper floors of buildings with non-residential uses on the main level
- D. Dry-cleaning establishments or pick-up stations
- E. Establishments serving alcoholic beverage and which may provide live entertainment, excluding adult regulated businesses
- F. Executive, administrative, professional, real estate, accounting, drafting, and other similar professional offices provided they are located on the upper floors of buildings with non-residential uses on the main level
- G. Personal service establishments conducting services on the premises, including barber and beauty shops, travel agencies, photographic studios, interior design studios, and other similar uses
- H. Publicly-owned buildings, and public utility buildings, excluding storage yards
- I. Restaurants, excluding drive-in and drive-through facilities
- J. Retail uses

SECTION 10.3 SPECIAL LAND USES

Land and/or buildings in the C-2 District may be used for the following purposes when approved by the Village in accordance with the requirements of *Chapter 19, Special Land Uses*:

- A. Adult & child care facilities in accordance with *Section 3.2, Adult and Child Care Facilities*
- B. Banks, credit unions, savings and loan associations, and other similar uses, having drive-through facilities
- C. Commercial recreation and fitness centers
- D. Dwelling units on the upper floors of buildings with non-residential uses on the main level
- E. Hotels or Motels
- F. Outdoor patio/seating area in conjunction with a permitted use
- G. Outdoor merchandise display
- H. Outdoor storage yards, accessory to another approved principal use in the district.
- I. Wind Energy Conversion Systems (WECS)

SECTION 10.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Supplemental Regulations

Setbacks, Height, Area, & Lot Dimension Requirements	See Chapter 13
Site Plan Review	See Chapter 14
Landscaping	See Chapter 15
Parking	See Chapter 16
Signs	See Chapter 17
Special Land Uses	See Chapter 19

- B. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with Village standards.
- C. All lots or parcels shall be served by public water and sewer.
- D. Outdoor common areas and associated amenities for employees, customers and/or residents shall be provided as appropriate and may include public trash receptacles, bike racks, seating areas, recreation areas, shade trees, bus stop turn-outs, and similar facilities.
- E. In order to ensure public safety, special pedestrian measures such as crosswalks, and other such facilities may be required for a development. The site circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area as appropriate.

- F. Structures or additions to structures shall be compatible with surrounding development.
- G. Any side of a building facing a public road shall be:
1. Comprised of at least thirty (30%) percent windows on each floor.
 2. Comprised of at least fifty percent (50%) of the following materials for the remaining portions of the building:
 - a. Brick
 - b. Decorative concrete block
 - c. Cut stone
 - d. Horizontal clapboard siding
 - e. Commercial grade horizontal vinyl siding (at least .44 gauge.)
 3. In no case shall vertical siding, sheet metal, cement board, or EIFS be considered an acceptable building cover.
- H. Required Landscaping:
1. A buffer shall be required on sites abutting residential districts. Buffers shall be at least twenty (20) feet in width, and shall be planted with one (1) tree per forty (40) linear feet or fraction of buffer zone length. The Planning Commission may allow installation of a screening wall or fence, if it is found that natural buffers cannot be achieved due to unique site conditions, or where it is consistent with existing buffer treatments in the vicinity or same zoning district.
 2. A greenbelt shall be required within the front setback for sites containing parking lots with ten (10) spaces or more. A minimum of one (1) tree per twenty (20) linear feet or fraction of street frontage shall be planted. Detention/retention areas shall be permitted within required greenbelts provided they do not hamper the screening intent of the greenbelt or jeopardize the survival of the plant materials.

CHAPTER 11 AG AGRICULTURAL

SECTION 11.1 INTENT

The AG, Agricultural District is established to preserve prime agricultural lands and to protect agricultural enterprises from encroachment by suburban and urban uses and developments. It is recognized that the public health and welfare of the citizens of Maybee depend on the economic benefit provided by a viable agricultural industry. It is the purpose of the Agricultural District to insure that land areas within the Village that are uniquely suited for the production of food are retained for agricultural production, unimpeded by the establishment of incompatible uses of land which would hinder agricultural practices and irretrievably deplete essential agricultural lands and productivity.

SECTION 11.2 PERMITTED USES

No land and/or buildings in the AG Agricultural District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Accessory buildings, structures and uses
- B. Adult & child care facilities in accordance with *Section 3.2, Adult and Child Care Facilities*
- C. Farm buildings and greenhouses
- D. General farming including livestock, bee and poultry raising, dairying, horticulture, farm forestry and similar bona fide agricultural enterprises or use of land and structure, except that no farm operated wholly or in part for the disposal of garbage, sewage, rubbish, offal or wastes from rendering plants or slaughterhouses shall be permitted
- E. Home Occupations
- F. Keeping of farm animals, including but not limited to horses, cattle, sheep, goats, rabbits, chickens, turkeys, geese, ducks, etc. provided such are maintained according to the Generally Accepted Agricultural Management Practices provided by the Right to Farm Act, Act 93 of 1981, as amended
- G. Offices of a veterinarian and animal clinic
- H. Publicly-owned and operated parks, playfields and other recreational facilities
- I. Public and private K-12 schools
- J. Roadside stands for the display and sale of produce raised on the same premises
- K. Single-family dwellings
- L. Truck gardening and nurseries

SECTION 11.3 SPECIAL LAND USES

Land and/or buildings in the AG Agricultural District may be used for the following purposes when approved by the Village in accordance with the requirements of *Chapter 19, Special Land Uses*:

- A. Adult & child care facilities in accordance with *Section 3.2, Adult and Child Care Facilities*
- B. Airports, landing fields and platforms, hangers, masts and other facilities involving the operation of aircraft including commercial and/or non-profit groups or clubs
- C. Cemeteries
- D. Churches and other places of worship
- E. Extractive operations
- F. Hospitals
- G. Recycling Centers and Junk Yards
- H. Migratory labor camps when said facility is provided as temporary housing for workers and their families during the season in which they are employed
- I. Municipal water and wastewater treatment facilities
- J. Outdoor Recreation and Entertainment Facilities
- K. Private parks, country clubs, gun clubs, golf courses and golf driving ranges
- L. Public and private stables and riding academies
- M. Publicly-owned buildings, and public utility buildings, excluding storage yards
- N. Kennels
- O. Non-commercial Wind Energy Conversion Systems (WECS)

SECTION 11.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Supplemental Regulations

Setbacks, Height, Area, & Lot Dimension Requirements	See Chapter 13
Site Plan Review	See Chapter 14

Landscaping	See Chapter 15
Parking	See Chapter 16
Signs	See Chapter 17
Special Land Uses	See Chapter 19

CHAPTER 12

I-1 LIGHT INDUSTRIAL DISTRICT

SECTION 12.1 INTENT

This District permits most light industrial uses such as wholesale, warehousing, manufacturing, and storage, as well as some intensive commercial uses. The intent of the District is to provide a specific location for these uses and prevent their potentially negative impacts such as heavy traffic, continuous operation, noise, odor, or visual obtrusiveness from encroaching into areas or Districts where they would be incompatible.

SECTION 12.2 PERMITTED USES

No land and/or buildings in the I-1 Light Industrial District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Accessory buildings, structures, and uses
- B. Bottling plants
- C. Contractor's showrooms and storage yards
- D. Corporate offices
- E. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations
- F. Manufacturing, compounding, processing, assembly, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations
- G. Manufacturing, compounding, processing, assembly, packaging, warehousing, or treatment of products from the following previously prepared materials: aluminum, bone, brass, cellophane, canvas, cloth, copper, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stone, shell, rubber, tin, iron, steel, tobacco, wood, or yarn
- H. Laboratories (experimental, film, or testing)
- I. Printing and publishing
- J. Research and development facilities, including production activities
- K. Trade or industrial schools, except truck driving schools

- L. Utility and public service buildings, including storage yards
- M. Warehousing, distribution, and wholesale establishments

SECTION 12.3 SPECIAL LAND USES

Land and/or buildings in the I-1 Light Industrial District may be used for the following purposes when approved by the Village in accordance with the requirements of *Chapter 19, Special Land Uses*:

- A. Adult & child care facilities in accordance with *Section 3.2, Adult and Child Care Facilities*
- B. Adult regulated businesses
- C. Billboards
- D. Commercial storage warehouses
- E. Extractive Uses
- F. Lumber and planing mills
- G. Manufacture and processing of leather goods, including tanneries
- H. Manufacturing, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations
- I. Metal plating, buffing, and polishing
- J. Municipal water and wastewater treatment facilities
- K. Outdoor display and sale of farm implements and commercial construction equipment
- L. Outdoor storage yards
- M. Production, refining, or storage of petroleum or other flammable liquids
- N. Recycling Centers and Junk Yards
- O. Vehicle repair
- P. Veterinary clinics and kennels
- Q. Wireless communication towers

SECTION 12.4 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

A. Supplemental Regulations

Setbacks, Height, Area, & Lot Dimension Requirements	See Chapter 13
Site Plan Review	See Chapter 14
Landscaping	See Chapter 15
Parking	See Chapter 16
Signs	See Chapter 17
Special Land Uses	See Chapter 19

B. All lots or parcels shall be served by public water and sewer.

C. Required Landscaping:

1. A buffer shall be required on sites abutting residential districts. Buffers shall be at least twenty (20) feet in width, and shall be planted with one (1) tree per forty (40) linear feet or fraction of buffer zone length. The Planning Commission may allow installation of a screening wall or fence, if it is found that natural buffers cannot be achieved due to unique site conditions, or where it is consistent with existing buffer treatments in the vicinity or same zoning district.
2. A greenbelt shall be required within the front setback for sites containing parking lots with ten (10) spaces or more. A minimum of one (1) tree per twenty (20) linear feet or fraction of street frontage shall be planted. Detention/retention areas shall be permitted within required greenbelts provided they do not hamper the screening intent of the greenbelt or jeopardize the survival of the plant materials.

CHAPTER 13 DISTRICT REGULATIONS

SECTION 13.1 SCHEDULE OF REGULATIONS*

Unless specified elsewhere in this Ordinance, all uses, structures and buildings on all zoning lots shall conform to the Schedule of Regulations and accompanying footnotes shown on the following pages.

Zoning Districts	Minimum Lot Area (Sq. Ft.) (g)	Minimum Lot Width (Feet)	Minimum Setback Measured from Lot Line (Feet)				Maximum Building Height		Maximum Lot Coverage (%)	Minimum Usable Floor Area Per Unit (Sq. Ft.)
			Front	One Side	Total	Rear	Feet	Stories		
AG Agricultural	25,000	150	50	50	75	50	35(f)	2 ½	20	1,000
R-1 Single Family Residential	5,000	50	25 (b)	5	13	25	30	2 ½	35	800
R-2 Single Family Residential	18,000	100	25(b)	8	16	25	30	2 ½	25	1,000
M-F Multiple Family	(a)	100	30 (b)(d)	10 (c)(d)	30 (c)(d)	35(d)	35	2 ½	30	(a)
O-1 Office	none	none	25 (b)	10(c) (e)	20(e)	30	25	2	none	none
C-1 Neighborhood Commercial	none	none	25 (b)	20(c) (e)	40(e)	25	20	1	none	none
C-2 General Commercial	none	none	25 (b)	10(c) (e)	20(e)	25	30	2	none	none
I-1 Light Industrial	none	none	25 (b)	25 (c)	50	50	30	1	25	none

*Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

SECTION 13.2 FOOTNOTES TO DISTRICT REGULATIONS

(a) Minimum land area required per dwelling unit in M-F District is:

Number of Bedrooms	Minimum Land Area Per Unit (Sq. Ft.)	Minimum Usable Floor Area Per Unit (Sq. Ft.)
Efficiency Unit	6,200	500
1-Bedroom Unit	6,200	600
2-Bedroom Unit	7,000	800
3-Bedroom Unit	8,000	1,000

(b) Front yard setbacks shall be measured from the edge of the existing and/or, if applicable, planned right-of-way, when planned right-of-way is known, or shown on the Village’s officially adopted Right-of-Way Plan. Where a parcel or lot is at an intersection, the setback shall be measured from the maximum requirement for the district considering each side as a front yard area.

(c) Side yards adjacent to any one-family residential district shall be a minimum of 25 feet.

(d) Spacing of multiple family dwellings shall be controlled by the following:

Relationship Between Multiple Family Dwellings	Minimum Distance Between Buildings
Front to Front	60 feet
Front to Rear	60 feet
Rear to Rear	60 feet
Rear to Side	45 feet
Side to Side	20 feet
Corner to Corner	15 feet

Parking may be permitted in up to fifty (50) percent of the required spacing area provided that there shall be a minimum of 20 feet of yard space between said parking area and the multiple family dwelling.

(e) No side yards are required along interior lot lines, except as required by the Building Code, provided that walls so located shall be of solid fireproof construction and shall not contain any windows, doors, or any other openings. On exterior lot lines, the minimum setbacks shall be maintained.

(f) Height of Agricultural Structures in AG District. Maximum height of non-residential agricultural structures shall be 70 feet.

(g) In the case of condominium developments, lot minimums shall mean minimum land area per dwelling unit.

CHAPTER 14 SITE PLAN REVIEW

SECTION 14.1 INTENT AND PURPOSE

The purpose of this Chapter is to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, environmental quality, traffic patterns and the character of future development in the vicinity. The requirements contained in this Chapter are intended to reduce hazards to life and property due to fire, flooding, soil erosion, inadequate surface water drainage, inadequate sewage disposal systems, pollution, dust, fumes, noise, vibration, noxious odors, and other hazards; and to facilitate the provision of a system of roads, streets, parking, municipal sewage disposal, storm sewers, municipal water supply, public education, and other public needs. These requirements are further intended to promote orderly development and harmonious design in order to conserve the value of existing development and property.

SECTION 14.2 USES SUBJECT TO SITE PLAN REVIEW

- A. **Exempt Activities.** Notwithstanding any required permits from other agencies, the following activities shall not require site plan review, sketch plan review or administrative review:
1. Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site which meets all site design standards of this ordinance.
 2. Modifications to buildings to improve barrier-free design, or to comply with the Americans with Disabilities Act or other Federal, State or County regulations.
- B. **Approval Required.** A building permit shall not be issued until a full site plan or sketch plan has been reviewed and approved in accordance with the procedures and standards of this Ordinance and all necessary review, inspection, and permit fees have been fully paid. The following reviews shall be required, as specified in *Table 14-01 Table of Eligible Uses and Required Review*.
1. **Full Site Plan Review.** The most involved process for larger and more intense projects, including most new developments and major expansions. All such projects require site plan review and approval by Planning Commission. Review and approval of a site plan for a special land use is required from Village Council, following a recommendation by Planning Commission.
 2. **Sketch Plan Review.** Smaller scale projects and expansions or changes in use to existing sites are permitted to provide less detailed information than a full scale site plan review. The level of information is intended to be proportionate to the extent of the change and insure adequate review for compliance with applicable standards. Sketch plans shall undergo a formal review by the Planning Commission.
 3. **Administrative Review.** Select smaller scale projects and expansions or changes in use to existing sites, are also required to provide a sketch plan, do not require review by the

Planning Commission; but shall undergo a formal review for approval by the Ordinance Administrator.

Table 14-01 Table of Eligible Uses and Required Review			
Situation/Use	Required Review		
	Full Site Plan	Sketch Plan	Admin. Review
New Development			
Construction of a single or two family dwelling			X
Construction of any multiple family dwellings	X		
Construction of structures accessory to a residential use			X
Construction of any nonresidential use or building	X		
Establishment of a special land use in any zoning district	X		
Minor changes during construction such as changes in landscape species to a similar variety, realignment of a driveway or road due to an unanticipated and documented constraint during construction, or to improve safety or protect natural features			X
Minor changes during construction required by outside agencies			X
Site Condominiums and Planned Unit Developments	X		
Erection of a wireless communication facility	X		
Co-location of a communication antenna upon an existing tower			
Expansions and Amendments			
Expansion of single family dwellings in a residential zoning district			X
Increase in non-residential floor area up to 25% of the existing floor area		X	
Increase in non-residential floor area over 25% of the existing floor area	X		
Minor changes to existing parking lots, as specified in <i>Section 16.3, Parking Lot Design Standards</i>			X
Major changes to existing parking lots, as specified in <i>Section 16.3, Parking Lot Design Standards</i>		X	
Changes to building height that do not add additional floor area			X
Improvement, replacement or changes to existing landscaping, lighting, fencing or waste receptacles not impacting the layout of the site			X
Changes in Use			
Change in use to one permitted in the zoning district			X
Change in use to one requiring special land use approval	X		
Change from a nonconforming use, building or site, to a more acceptable nonconforming situation		X	
Other Types of Projects			

Table 14-01 Table of Eligible Uses and Required Review			
Situation/Use	Required Review		
	Full Site Plan	Sketch Plan	Admin. Review
Accessory buildings and structures			X
Home occupations			X
State licensed residential family care facilities and family day care homes (see Section 3.2, <i>Adult and Child Care Facilities</i>)			X
Temporary uses			X
Terraces, patios, porches, and decks (covered or uncovered)			X
Any use which, in the opinion of the Ordinance Administrator, should be reviewed by the Planning Commission for site plan approval because of the intensity of development proposed and potential effects on properties in the general vicinity	X		
Significant exterior alterations (other than to single family or two family dwellings) that, in the opinion of the Ordinance Administrator, should be reviewed by Planning Commission			X
Projects not specifically listed in this table			X

SECTION 14.3 PROCEDURES FOR SITE AND SKETCH PLAN REVIEW

Site plans and sketch plans must be submitted in accordance with the following procedures and requirements:

- A. **Complete Application.** An application for site plan or sketch plan approval shall be submitted to the Ordinance Administrator.
 - 1. An application for site plan or sketch plan approval shall not be considered complete until all of the required materials have been submitted and determined to be administratively complete by the Ordinance Administrator.
 - 2. Incomplete applications shall be returned to the applicant with a written explanation of the items necessary to make up a complete application.

- B. **Requirements for Site Plan Review.** The applicant shall submit ten (10) copies of the following to the Village Ordinance Administrator.
 - 1. A completed application form, as provided by the Village.
 - 2. Written description of the proposed project or use.
 - 3. A complete site plan or sketch plan that includes the information required in *Table 14-02, Submittal Requirements*.

4. Payment of a fee, in accordance with a fee schedule, as determined by Village Council resolution.
5. A legal description, including the permanent parcel number, of the subject property.
6. Any additional information the Planning Commission or Ordinance Administrator finds necessary to make the required determinations.
7. The application shall be submitted to the Village by the owner of an interest in the land for which site plan approval is sought, or the designated agent of the owner. The representative must be the property owner or a person designated in writing by the property owner as the authorized representative.

SECTION 14.4 SUBMITTAL REQUIREMENTS

- B. Site plans shall consist of an overall plan for the entire development drawn to the following specifications:
1. Sites 3 acres in size or less shall be drawn to a scale of not less than 1 in. = 50 ft. Sites larger than 3 acres shall be drawn to a scale of not less than 1 in. = 100 ft.
 2. Sheet size shall be at least 24 in. x 36 in. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included.
- B. The following data shall be included with and as part of the site plan(s) or sketch plan(s) submitted to the Village for review:

Table 14-02 Submittal Requirements		
Plan Data	Required for:	
	Site Plan	Sketch Plan
Application Form		
Name and address of the applicant and property owner and, if applicable, the designated agent of the 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	X	X
Proof of property ownership	X	X
Site Plan Descriptive and Identification Data		
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 (month, day, year)	X	X
Scale and north arrow	X	X

Table 14-02 Submittal Requirements		
Plan Data	Required for:	
	Site Plan	Sketch Plan
Location map, drawn to a separate scale with north arrow, showing surrounding land, water features, zoning and roads	X	
Legal and common description of property	X	X
Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings	X	
Zoning classification of petitioner's parcel and all abutting parcels	X	X
Proximity to section corner and major thoroughfares	X	
Net acreage (minus rights-of-way and submerged land) and total acreage	X	X
Site Data		
Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 ft. of the site	X	X
Topography on the site and within 100 ft. of the site at two foot contour intervals, referenced to a USGS Benchmark	X	
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site and within 100 ft. of the site	X	X
Location of existing drainage courses, floodplains, lakes and streams, and wetlands with elevations	X	X
Location of any natural features protection areas, as identified on the natural features protection area map, if applicable	X	X
All existing and proposed easements including type	X	X
Location of exterior lighting (site and building lighting)	X	
Location of trash receptacle(s) and transformer pad(s) and method of screening	X	X
Extent of any outdoor sales or display area	X	X
Access and Circulation		
Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements	X	X
Driveways and intersections within 250 ft. of site	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	X
Designation of fire lanes	X	X
Traffic regulatory signs and pavement markings	X	
Location of existing and proposed sidewalks/pathways within the site or right-of-way	X	X
Location, height, and outside dimensions of all storage areas and facilities	X	X
Traffic impact study may be required at the planning commission's request when the use generates traffic that exceeds trip generation rates recognized by the institute of traffic engineers (ITE)	X	X
Landscape Plans		

Table 14-02 Submittal Requirements		
Plan Data	Required for:	
	Site Plan	Sketch Plan
Location, sizes, and types of existing trees 6 in. or greater in diameter, measured at 3.5 ft. off the ground, evergreen trees 10 ft. or taller and the general location of all other existing plant materials, with an identification of materials to be removed and materials to be preserved	X	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 all proposed shrubs, trees, and other live plant material	X	
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity	X	
Proposed dates of plant installation	X	
Landscape maintenance schedule	X	
Building and Structure Details		
Location, height, and outside dimensions of all proposed buildings or structures	X	X
Building floor plans and total floor area	X	
Details on accessory structures and any screening	X	
Size, height and method of shielding for all site and building lighting	X	
Location, size, height, and lighting of all proposed site and wall signs	X	X
Location, size, height and material of construction for all obscuring wall(s) or berm(s) with cross-sections, where required	X	X
Building facade elevations for all sides, drawn at an appropriate scale	X	
Description of exterior building materials and colors (samples may be required)	X	
Information Concerning Utilities, Drainage and Related Issues		
Location of sanitary sewers and septic systems, existing and proposed	X	
Location and size of existing and proposed water mains, well sites, water service, storm sewers loads, and fire hydrants	X	
Indication of site grading, drainage patterns and other stormwater management measures	X	X
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls	X	X
Location and size of underground storm sewers and drains	X	X
Location of above and below ground gas, electric and telephone lines, existing and proposed	X	
Location of transformers and utility boxes	X	
Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable	X	
Additional Information Required for Multiple Family Residential Development		
The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.)	X	
Density calculations by type of residential unit (dwelling units per acre)	X	
Garage and/or carport locations and details, if proposed	X	

Table 14-02 Submittal Requirements		
Plan Data	Required for:	
	Site Plan	Sketch Plan
Mailbox clusters	X	
Location, dimensions, floor plans and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable	X	
Swimming pool fencing detail, including height and type of fence, if applicable	X	
Location and size of recreation and open space areas	X	
Indication of type of recreation facilities proposed for recreation area	X	

SECTION 14.5 PRELIMINARY AND FINAL SITE PLAN REVIEW

A. Preliminary Site Plan Review

1. If desired by the applicant, a preliminary site plan may be submitted to the Village Ordinance Administrator for circulation to Planning Commission for review prior to final site plan review. The purpose of the preliminary site plan review is to allow discussion between the applicant and the commission to inform the applicant of the general acceptability of the proposed plans prior to incurring extensive engineering and other costs which may be necessary for the review of the final site plan.
2. The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards of this chapter.
3. The Village Ordinance Administrator may also decide, at his/her discretion, to circulate Preliminary Site Plans for agency review according to D. below.

B. Final Site Plan Review. A final site plan shall be reviewed by the Planning Commission. Final site plans for special land use requests and manufactured home parks shall be reviewed by the Village Council, after receipt of a recommendation from the Planning Commission.

C. Additional Information. The Planning Commission or Council may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant

<p>Step 1 – Site Plan or Sketch Plan Application submitted to Ordinance Administrator (with all required information). Application must be submitted at least 30 days prior to PC meeting at which it will be considered.</p>
<p>Step 2 (Optional)– Preliminary review of site plan or sketch plan by Planning Commission</p>
<p>Step 3 – Review and approval of final site or sketch plan by Planning Commission</p>
<p>Step 3A – If the project is subject to Special Land Use Review or is a manufactured home park, Planning Commission makes recommendation to Village Council.</p>
<p>Step 4 – Village Council reviews and approves site plan.</p>

natural features and drainage; soil tests; and other pertinent information.

D. **Agency Review.** Upon receipt of a completed application for final site plan review, the Village Ordinance Administrator shall transmit one (1) copy of the site plan to the Planning Commission and each of the following officials or agencies for their comments:

1. Village fire chief.
2. Village public services superintendent.
3. Village engineer.
4. Village planner.
5. Other agencies, as determined by Planning Commission.

E. **Planning Commission Consideration.** Following staff review and comment, and compliance with administrative procedures, the site plan shall be placed on the agenda of the Planning Commission. The Planning Commission shall review the application for site plan review, together with the reports and recommendations from its planning consultant, engineering consultant, fire chief, police chief and other reviewing agencies, as appropriate. The Planning Commission shall then make a determination based on the requirements and standards of this Ordinance. The Planning Commission is authorized to table, grant approval, grant approval subject to conditions, or denial as follows:

1. **Table.** Review of the application may be tabled if it is determined to be incomplete, the applicant has not fully responded to deficiencies identified in the technical review, a variance is needed from the Zoning Board of Appeals (ZBA), or revisions are necessary to bring the site plan into compliance with applicable standards and requirements. The Planning Commission may direct the applicant to prepare additional information, revise the site plan, or direct the Village staff to conduct additional analysis. The applicant may be required to prepare revised plans accompanied by a complete list of all changes, signed by the applicant's design professional and submitted to the Ordinance Administrator for circulation to the Planning Commission.
2. **Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and laws, approval shall be granted by Planning Commission subject to the applicant providing copies of all required outside agency approvals. Village Council approval is required in the case of a site plan related to a special land use.
3. **Approval Subject to Conditions.** Upon determination that a site plan is in compliance except for minor revisions, said revisions shall be identified and the applicant shall correct the site plan prior to applying for a building permit. The applicant shall resubmit the site plan, accompanied by a complete list of all changes, signed by the applicant's

design professional, to the Village for final approval after the revisions have been completed. The Village Ordinance Administrator shall review and approve the resubmitted plan if all required revisions have been addressed and copies of any permits required by outside agencies have been provided.

4. **Denial.** Upon determination that a site plan does not comply with standards and requirements set forth in this Ordinance site plan approval shall be denied. Any resubmittal shall be considered a new site plan and be required to reinitiate the full site plan review process, including payment of required application fees.
5. **Appeal.** Any person aggrieved by the decision of the Planning Commission or Village Council with respect to an action regarding the final site plan may have that decision reviewed by the ZBA; provided the petition for appeal is filed with the Village clerk within fifteen (15) days of the Planning Commission or Village Council decision.
6. **Completion of Site Design.** Following final approval of the site plan and final approval of the engineering plans by the Village's engineering consultant, a building permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable Village, county, or state permits prior to issuance of a building permit.

SECTION 14.6 PROCEDURE FOR ADMINISTRATIVE PLAN REVIEW

For uses and projects eligible for administrative review, the following procedures and requirements shall apply:

- A. **Submittal Requirements.** Five (5) copies of the sketch plan that contains the information listed in *Table 14-02 Submittal Requirements* shall be submitted to the Village Ordinance Administrator. The Village Ordinance Administrator may waive some of the submittal requirements if the information is not relevant or required based on the proposed project.
- B. **Review by Village.** The Village Ordinance Administrator shall confine its review to the proposed alterations only, rather than review of the entire building or layout. The Village Ordinance Administrator shall either approve the sketch plan, approve the sketch plan with a condition that certain revisions be made, or deny the sketch plan.
- C. **Planning Commission Review.** Both the Village Planning Consultant and the applicant shall have the option to request sketch plan review by the Planning Commission.
- D. **Issuance of Building Permit.** A building permit shall be issued following review and approval of any construction plans by the Village Engineer, as appropriate.

SECTION 14.7 STANDARDS FOR SITE PLAN APPROVAL

- A. The Planning Commission in making its determination shall review the final site plan and find compliance with the following prior to approval:
 1. The requirements of this zoning ordinance and other applicable Village ordinances.

2. Any applicable comments received from the agencies noted in *Section 14.5D. Agency Review*.
 3. Other applicable state and federal statutes and standards.
- B. Site plan approval shall be granted only if the site plan meets all applicable standards set forth in this section as outlined below:
1. **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 use(s) and structure(s).
 2. **Site Design Characteristics.** All elements of the 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 in this Ordinance. The site shall be designed to conform to all provisions of this Ordinance.
 3. **Preservation of Natural Areas.** Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 4. **Emergency Vehicle Access.** All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all sites.
 5. **Vehicular and Pedestrian Circulation Layout.** Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations, within the site and at ingress/egress points. Every structure or dwelling unit shall have access to a private street, public street, walkway or other areas dedicated to common use. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Village.
 6. **Stormwater Drainage.** The proposed site plan must be designed to provide storm water management features and facilities that are satisfactory to the Village Engineer.
 7. **General Purpose Floor Drains.** General purpose floor drains shall only be allowed if they are approved by the appropriate regulating agency for a connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a state groundwater discharge permit.

8. **Hazardous Materials.** State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without permits and approvals. Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substances.

SECTION 14.8 APPROVED PLANS AND AMENDMENTS

- A. Each development shall be under meaningful construction, as determined by the Village Ordinance Administrator, within one (1) year after the date of approval of the final site plan, except as noted in this section.
 1. An applicant may request from the Village Planning Commission one (1) six (6) month extension of the final site plan approval. Any request for extension must be applied for in writing prior to the date of the expiration of the final site plan. Such request may be granted if:
 - a. The applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant; and
 - b. The site plan requirements and standards, and the comprehensive development plan, that are reasonably related to the development have not changed.
 2. Should neither of the above provisions be fulfilled, or a six (6) month extension has expired without construction having been started and proceeding meaningfully, the final site plan approval shall be null and void.
- B. **Amendments.** Amendments to an approved final site plan may occur only under the following circumstances:
 1. The holder of a valid final site plan approval shall notify the Ordinance Administrator of any proposed amendment to such approved site plan.
 2. Minor changes may be approved by the Ordinance Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. Minor changes include, but are not limited to, the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet, provided that such movement does not cause a violation of other ordinance requirements.
 - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.

3. Changes in floor plans which do not alter the character of the use or increase the amount of required parking.
 4. Changes in building materials to a comparable or higher quality.
 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 6. Changes required or requested by the Village for safety reasons or by outside agencies such as the county, state, or federal departments.
 7. Should the Ordinance Administrator determine that the requested modification to the approved final site plan is not minor, a new site plan and applicable fee shall be submitted and reviewed as required by this Chapter.
- C. **Certification of Compliance.** At final inspection or at other appropriate times the Ordinance Administrator shall certify whether all conditions and other requirements of the Planning Commission or Village Council in its approval of the final site plan have been fulfilled.

CHAPTER 15 PONDS

SECTION 15.1 GENERAL REQUIREMENTS

Ponds excavated for recreational or scenic purposes, and farm ponds, shall be a special land use in any agricultural or residential district subject to the general requirements of Chapter 19 and the following standards:

- A. The pond must be located on a parcel of land at least four (4) acres in size and cannot cover more than 25% of the lot.

- B. The pond must not have an area greater than 2 acres and must be set back one hundred (100) feet from any property line or dwelling.

- C. The pond shall not be permitted in any front yard area.

- D. The pond must be constructed and maintained in conformance with the design and safety standards of the Monroe County Soil & Water Conservation District and shall adhere to all applicable local, County, State and Federal Regulations.

- E. Only one (1) pond is permitted per lot.

- F. Written evidence shall be provided from the Monroe County Health Department that the separation distance between the pond and any septic system is sufficient, but in no case shall a pond be located closer than one hundred (100) feet to a septic system.

- G. All earth excavated during construction of the pond shall not be removed from the parcel unless it is determined by the Village Council that containment on the parcel cannot be adequately accommodated.

CHAPTER 16

OFF-STREET PARKING AND LOADING

SECTION 16.1 PURPOSE

The purpose of this Chapter is to ensure adequate and well designed parking and loading areas are provided. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts.

SECTION 16.2 GENERAL REQUIREMENTS

- A. Sufficient parking shall be provided, either on the same lot as the use, or within a shared parking lot located within five hundred (500) feet of the subject site, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- B. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- C. Residential off-street parking spaces shall consist of a driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be paved with an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service and shall occupy no greater than thirty-three (33) percent of the required front yard.
- D. Minimum required off-street parking spaces shall not be reduced to an amount less than required, nor may any use be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Chapter.
- E. Two (2) or more buildings or uses may collectively provide the required off-street parking.

SECTION 16.3 PARKING LOT DESIGN STANDARDS

- A. Parking lots shall be designed to provide safe ingress, egress and logical circulation within the site. Where feasible, they shall provide cross-connections to adjacent parking lots to improve circulation between sites, and shall present a logical extension of existing development patterns. Modifications to the dimensions prescribed may be authorized by the Planning Commission if they are needed to achieve these objectives and are generally consistent with recognized design standards for off-street parking facilities.
- B. **Parking Lot Setbacks**
 - 1. **From Street Rights-of-Way.** Parking lots, including maneuvering aisles but excluding driveways, must be setback a minimum of twenty (20) feet from any adjacent street right-of-way line.

2. **From Non-Residential Districts.** Parking lots shall have a minimum setback of ten (10) feet from any nonresidential property line that is not a street right-of-way line. This requirement may be waived by the Planning Commission where a shared access driveway, connected parking lots, frontage road, or rear service drive is provided.
3. **From Residential Districts.** Parking lots shall have a minimum rear and side yard setback of fifty (50) feet from any single-family residential zoning district and twenty (20) feet from any multiple-family residential zoning district.

C. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Width	Length
Parallel Parking	18 Ft.	12 Ft.	9 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	24 Ft.	15 Ft.	9 Ft.	18 Ft.

- D. All parking lots shall be paved with asphalt or other acceptable hard surface so as to provide a permanent, durable and dustless surface. Each designated parking space shall be delineated with durable striping on the pavement surface.
- E. All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of the Village of Maybee and the County Drain Commission.
- F. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded to prevent light from spilling onto adjacent residential districts or uses.
- G. **Changes to Existing Parking Lots.** It is the intent of this Section to encourage improvements to existing parking lots that increase compliance with this Ordinance. Therefore, certain changes may be permitted by the Ordinance Administrator if it is determined that such changes will not create adverse affects. In reviewing changes, the Ordinance Administrator may confer with the Village Engineer to ensure proper drainage and design is incorporated. changes to an existing parking lot may be made according to following:
 1. **Major Changes.** Major changes shall require review by the Planning Commission. A major change consists of one or more of the following:
 - a. Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent of the existing parking lot.
 - b. Any expansion or addition of a parking lot equal to or greater than twenty-five (25) percent of the area of the existing parking lot.

- c. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
 - d. Any other change which, in the opinion of the Ordinance Administrator, constitutes a major change.
2. **Minor Changes.** Minor changes may be approved by the Ordinance Administrator. A minor change consists of the following:
- a. Minor changes to parking layout, installation of curbing, or other general improvements that do not increase impervious coverage or drainage.
 - b. Any change that is not considered major, as described above.

SECTION 16.4 OFF-STREET PARKING REQUIREMENTS

- A. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Ordinance Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
- C. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single-family dwellings	2 for each dwelling unit
Two-family dwellings	2 for each dwelling unit
Multiple-family dwellings	2 for each dwelling unit
Convalescent or nursing homes	One 1 space for each two 2 dwelling units
Institutional	
Churches and other places of worship	1 space for each 4 seats in the main unit of worship, or 1 space per each 8 feet of pew length, whichever is greater
Hospitals	Two (2) spaces per bed
Schools, elementary and middle	1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	1 space for each eight (8) students, plus 1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating

Theaters, assembly areas, auditoriums, gymnasiums	2 spaces for each five 5 seats or each eight (8) feet of bench or pew length or 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Commercial	
Barber shop	2 spaces per barber chair
Beauty shop	3 spaces per stylist chair
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Convenience stores	1 space per 200 square feet of usable floor area
Funeral homes and mortuary establishments	1 space for each 50 square feet of gross floor area
Furniture stores	1 space for each 500 square feet of usable floor area
Hotels and motels	5 spaces for each 4 guest rooms, plus required spaces for any accessory uses
Open air business	1 space for each 200 square feet of indoor usable area plus 1 space for each 1000 square feet of outdoor display area
Personal service establishments, not otherwise specified	1 space for each 50 square feet of usable floor area
Restaurants without drive-through facilities	1 space for each 100 square feet of usable floor area or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	1 space for each 75 square feet of usable floor area or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	1 space for each 200 square feet of gross floor area
Vehicle repair establishments	1 space per 800 square feet of gross floor area plus 3 spaces per stall or service bay
Vehicle service stations	1 space for each employee on the maximum shift plus amount required for convenience stores, vehicle wash, or other applicable accessory uses
Vehicle wash (automatic)	1 space per each employee on the maximum shift plus vehicle stacking space as required in the special use standards of <i>Chapter 19</i>
Vehicle wash (self service)	1 space plus vehicle stacking space as required in the special use standards of <i>Chapter 19</i>
Video rental stores	1 space for each 100 square feet of usable floor area plus 1 space for the maximum number of employees on the premises at any one time

Offices	
Banks, credit unions, savings and loan associations, post offices, and other similar uses	1 space for each 200 square feet of usable floor area plus 3 spaces for each ATM machine or drive-through teller window.
Medical and dental offices and clinics	1 space for each 75 square feet of waiting room area plus 1 space for each examining room, dental chair, or similar use area
Offices not otherwise specified	1 space for each 300 square feet of gross floor area
Industrial	
Manufacturing, processing, and research establishments	1 space for each 1000 square feet of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale	1 space for each 2000 square feet of gross floor area plus those spaces required for offices located on the premises

SECTION 16.5 DEFERRED PARKING FOR COMMERCIAL OR INDUSTRIAL DISTRICTS

The Planning Commission may allow an applicant to defer construction of a portion of the required parking in cases where the applicant can show the minimum parking required is in excess of what is required for their business. The applicant shall show that the deferred portion of the parking is possible to construct on the site by showing it on the site plan. The Village may require construction of the deferred parking if observations of the use indicate that the amount of parking is insufficient. In such cases, the Village shall give the applicant written notice to construct the parking, and the applicant shall begin construction within 90 days, weather permitting.

SECTION 16.6 OFF-STREET LOADING REQUIREMENTS

- A. In the C-1 and C-2 Districts:
 - 1. All loading spaces shall be provided at a ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
 - 2. Loading spaces shall be located in the rear yard.
- B. In the I-1 District:
 - 1. At least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area.
 - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- C. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
- D. All dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.

CHAPTER 17

SIGNS

SECTION 17.1 PURPOSE

The purpose of this Chapter is to regulate signs and to minimize outdoor advertising within the Village so as to:

- A. Recognize that the proliferation of signs is unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- B. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- C. Reduce visual pollution and physical obstructions caused by a proliferation of signs which would diminish the Village's image, property values and quality of life.
- D. Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities; alternative channels of advertising communication and media are available for advertising which do not create visual blight and compromise traffic safety.
- E. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- F. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- G. Protect the public right to receive messages, especially noncommercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- H. The regulations and standards of this Chapter are considered the minimum necessary to achieve a substantial government interest for public safety, aesthetics, protection of property values, and are intended to be content neutral.
- I. Prevent off-premise signs from conflicting with other allowed land uses.
- J. Maintain and improve the image of the Village by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- K. Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

SECTION 17.2 PERMITTED SIGNS

The number, display area, and height of signs within the various zoning districts shall be in accordance with *Table 17-01, Sign Dimensions and Regulations* and the subsequent requirements of this Chapter.

Table 17-01 Sign Dimensions and Regulations								
	WALL OR CANOPY SIGN		GROUND SIGN			TEMPORARY SIGNS		
DISTRICT	Number #	Max. Size	Number # (b)	Max. Size per sign face	Max. Height	Max. Size per sign	Total Area per Parcel	Max. Height
AG, R-1, R-2, M-F	-	10% of front facade for non-residential uses	1	24 square feet	6 feet	6 square feet	14 square feet	4 feet
O-1, C-1, C-2, I-1	1 per business (a)	10% of front façade or 100 square feet, whichever is less (a)	1	72 square feet	6 feet	24 square feet	48 square feet	6 feet

Footnotes to the Sign Dimensional Standards and Regulations Table

(a) One (1) wall sign shall be allowed per business, in addition to any other allowed ground signs. Single businesses located on a corner lot shall be allowed up to two (2) wall signs, one (1) for each front façade. The maximum wall sign area shall not exceed ten percent (10%) of the front facade of the building (any facade which faces a public street), per use or business establishment. However, for a commercial structure containing one (1) use or business establishment, as determined by the Planning Commission, the size of the wall sign may be increased up to the maximum square footage as follows:

201 - 400 linear feet of building frontage facing a public street and having a public entrance	150 square feet
Greater than 400 linear feet of building frontage facing a public street and having a public entrance	200 square feet

(b) Only one (1) ground sign is permitted per use, including uses which occupy more than one (1) parcel and business centers containing more than one (1) business or use, with additional signs

permitted according to the following table, however, no site shall have more than two (2) ground signs, regardless of the number of street frontages or the amount of frontage. Single uses on a single parcel do not qualify for this consideration:

Frontage along 2 or more rights-of-way	1 sign up to the maximum sign face area shall be allowed along 2 frontages
300 feet of frontage along 1 right-of-way	1 ground sign along that frontage
Greater than 300 feet of frontage along 1 right-of-way	2 ground signs

SECTION 17.3 GENERAL STANDARDS FOR PERMITTED SIGNS

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this Chapter; provided, that no such sign shall be erected or altered until approved by the Building Official/Zoning Administrator and until a sign permit has been issued.

A. Sign Setbacks.

1. All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
2. Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least one hundred (100) feet from any Residential District.

B. Location.

1. All signs shall pertain only to the business or activity conducted on the premises, with the exception of political signs, portable or temporary signs, directional signs, and billboards.
2. Signs shall not be located within any clear vision area, as described in *Section 3.4*.

C. Design and Construction. Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

D. Illumination.

1. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.

2. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.
3. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.
4. Underground wiring shall be required for all illuminated signs not attached to a building.

E. Measurement.

1. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.
2. When a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign except that where two (2) such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure, contain the same message and are separated by no more than two (2) feet.
3. For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which includes the portion of the canopy which contains a message, symbol and/or logo (examples are shown on the attached figures).
4. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.

SECTION 17.4 SPECIFIC SIGN STANDARDS

- A. Changeable message signs and gasoline price signs may be permitted as part of a wall or ground sign in the C-1 and C-2 Districts, and when associated with a commercial or office use within an O-1 District, in accordance with the following:
1. One (1) changeable message sign or one (1) gasoline price sign shall be permitted per premise.
 2. Message or gasoline price changes may occur electronically or manually.
 3. The area of a changeable message sign or gasoline price sign shall not exceed one-third (1/3) the total area of the sign.
 4. Illumination shall be concentrated within the face of the sign to prevent glare upon adjoining properties and thoroughfares.
 5. Electronic messages or gasoline prices shall not flash, fade in or out, or scroll.

6. Electronic messages or gasoline prices shall be displayed for at least one (1) hour, and changes shall take less than one (1) second.
 7. Any voids or burned out bulb in an electronic display shall be replaced.
 8. Electronic changeable message signs and gasoline price signs shall be at least one hundred (100) feet from any residential district or use.
 9. Electronic changeable message signs and gasoline price signs shall use only one (1) color of lighting or bulbs to prevent nuisances and distractions upon adjoining properties and thoroughfares.
- B. **Directional Signs.** No more than one (1) directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable sign square footage, as specified in the Sign Dimensional Standards and Regulations Table.
- C. **Entrance Signs.** One (1) permanent sign per vehicular entrance identifying developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, manufactured housing communities, office and industrial parks and similar uses, provided that the sign is set back a minimum of fifteen (15) feet from any property line or public right-of-way is permitted.
- D. **Home Occupation Signs.** One (1) wall sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the façade of the building.
- E. **Portable and Temporary Signs.**
1. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
 2. Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic, or that creates a hazard of any kind.
 3. Temporary signs may not be posted on private property without first obtaining the permission of the property owner.
 4. Each temporary sign shall be removed within 60 days of placement. Furthermore, no sign may be erected on a single parcel for more than 60 calendar days out of every 120 calendar days.

SECTION 17.5 EXEMPT SIGNS

The following signs shall not require a building permit, but shall be subject to all other applicable requirements, including size, location, illumination, etc. of this Chapter:

- A. Government signs.
- B. Placards.
- C. Temporary sale signs of four (4) square feet in size or less.
- D. Window signs, provided the total area of all signs within one (1) foot of the window shall not obscure more than fifty (50) percent of the window area.
- E. Political signs.
- F. Historical markers.
- G. Incidental Signs.
- H. Memorial signs or tablets.
- I. Murals.
- J. Signs for essential services.
- K. Signs with address, owner, or occupant name, of up to one (1) square foot in area attached to a mailbox, light fixture or exterior wall.
- L. Flags or insignia of any nation, state, local government, community organization, or educational institution.

SECTION 17.6 NON-CONFORMING SIGNS

Non-conforming signs are those signs that do not comply with the size, placement, construction or other standards or regulations of this chapter, but were lawfully established prior to its adoption. Signs for which the board of appeals has granted a variance are exempt and shall not be defined as non-conforming. It is the intent of this Chapter to encourage eventual elimination of non-conforming signs in a timely manner. This objective is considered as much a subject of public health, safety and welfare as the prohibition of new signs in violation of this Chapter. Therefore, the purpose of this Chapter is to remove illegal non-conforming signs while avoiding any unreasonable invasion of established private property rights. A non-conforming sign may be continued and shall be maintained in good condition as described elsewhere in this Chapter, however, the following alterations are regulated:

- A. A non-conforming sign shall not be structurally altered or repaired so as to prolong its useful life or so as to change its shape, size, type or design unless such change shall make the sign conforming.
- B. A non-conforming sign shall not be replaced by another non-conforming sign.
- C. A non-conforming sign shall not be reestablished after abandonment as defined in *Section 17.7 Dangerous, Unsafe, Abandoned, and Illegally Erected Signs*.
- D. A non-conforming sign must not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost as

determined by the Building Official/Zoning Administrator or if fifty percent (50%) or more of the face of the sign is damaged or destroyed.

SECTION 17.7 DANGEROUS, UNSAFE, ABANDONED, AND ILLEGALLY ERECTED SIGNS

- A. **Dangerous Signs.** Any sign constituting an immediate hazard to health or safety shall be deemed a nuisance and may be immediately removed by the Village and the cost thereof charged against the owner of the property on which it was installed.
- B. **Unsafe Signs.** Any sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the Building Official/Zoning Administrator to the health or safety of the public shall be removed or repaired according to the process outline in paragraph e. below.
- C. **Abandoned Signs.** Any sign that advertises a business that has been discontinued for at least ninety (90) days or that advertises a product or service that is not longer offered shall be deemed abandoned. Permanent signs applicable to a business temporarily suspended by a change in ownership or management shall not be deemed abandoned unless the structure remains vacant for at least six (6) months. An abandoned sign shall be removed by the owner or lessee of the premises. If the owner or lessee fails to remove the sign, the Building Official/Zoning Administrator shall initiate the process noted in paragraph e. below.
- D. **Illegally Erected Signs.** The Building Official/Zoning Administrator shall order the removal of any sign erected illegally in violation of this Chapter, according to the process outlined in paragraph e. below.
- E. **Process for Enforcing Violations.** For violations of this Section, the Ordinance Administrator shall notify the owner of the property on which the sign is located. Verbal notices or those sent by first class mail shall be sufficient notice. Where a sign erected in violation of this Chapter is considered dangerous or unsafe, the notice shall inform the owner to remove said sign(s) immediately and property owners of other illegal signs on private property shall be granted a reasonable period of time within which to remove the sign, as determined by the Ordinance Administrator. Should the property owner fail to remove the sign(s) within the time specified, or if a sign is erected within any right-of-way or public property, the Ordinance Administrator, or their designee, shall have the authority to remove the sign, and the property owner shall be liable for the cost thereof.

ARTICLE 18

NON-CONFORMING BUILDINGS, LOTS AND USES

Section 18.1 INTENT

Non-conformities are lots, uses, structures, buildings, or site plans for developed sites which do not conform to one or more provisions or requirements of this Ordinance or to any subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such non-conformities are considered to be incompatible with the current or intended use of land, buildings or structures in the district in which they are located. It is therefore the intent of this section to:

- A. Meet the objectives stated below by establishing regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of non-conformities, and specify the circumstances and conditions under which non-conformities shall be permitted to continue.
- B. Eventually eliminate, or bring into compliance, lots, buildings, structures and uses which legally existed at the date of adoption of this Ordinance, but do not meet the current standards of this Ordinance. This Ordinance also has special provisions to permit certain non-conforming situations considered to be less harmful to continue under certain conditions, but to discourage their expansion, enlargement, or extension.
- C. Discourage the continuation of non-conforming uses that are more intense than the uses permitted within the zoning district and are considered to be incompatible with permitted uses, or encourage their redevelopment into a more conforming use.
- D. Permit legal non-conforming buildings, structures or uses to remain until they are discontinued, removed or abandoned.
- E. Encourage a gradual upgrading to a more conforming status of site landscaping, parking, paving, signs or other features of a site developed in compliance with the Zoning Ordinance requirements at the time of their construction, but which do not meet the site requirements of this Ordinance.
- F. Encourage the combination of contiguous non-conforming lots of record to create lots which conform or more closely conform to current requirements, are compatible with other lots in the zoning districts in which they are located, to promote the public health, safety and welfare and to eliminate problems associated with the overcrowding of land.

Section 18.2 APPLICABILITY

To avoid undue hardship, nothing in this Ordinance shall be deemed to required 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 or amendment of this Ordinance, upon which actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun

preparatory to rebuilding such work shall be deemed to be actual construction, provided that such work shall be diligently continued until completion of the building involved.

Section 18.3 NON-CONFORMING USES

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on open land, a lot(s), building(s), or accessory structure(s) exists that is made non-conforming by this Ordinance or its amendments, such use may be continued, as it remains otherwise lawful, subject to the following provisions:

- A. **Expansions.** Any non-conforming use may be extended throughout any parts of a building which were designed for such use, and which existed at the effective date of this Ordinance. Except for single-family dwellings as permitted below, a non-conforming use shall not be enlarged, expanded or extended to occupy a greater area of land, constructed or reconstruction or structurally altered except with approval by the Zoning Board of Appeals.
- B. **Accessory Uses and Structures.** No new accessory use, building or structure shall be established.
- C. **Relocation.** The non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use.
- D. **Change in Use.** If no structural alterations are made, any non-conforming use of a building, or building and land in combination, may be changed to another non-conforming use if the Zoning Board of Appeals finds the proposed use is more appropriate to the district than the existing non-conforming use. In permitting the change, the Zoning Board of Appeals may require conditions and safeguards in accord 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 conforming use, it shall not thereafter be changed to a less conforming use.
- E. **Removal.** Removal or destruction of a structure containing a non-conforming use shall eliminate the non-conforming status of the land.
- F. **Abandonment or Discontinuance.** If the non-conforming use of land ceases for any reason for a period exceeding one (1) year and the Ordinance Administrator determines that the owner has established intent to abandon the non-conforming use, any subsequent use of such land shall conform to the requirements specified by this Ordinance for the zoning district in which it is located. A non-conforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:
 - 1. Utilities, such as water, gas and electricity to the property, have been disconnected.
 - 2. The property, buildings, and grounds, have fallen into disrepair.
 - 3. Signs or other indications of the existence of the non-conforming use have been removed.

4. Removal of equipment or fixtures which are necessary for the operation of the Non-conforming use.
5. Other actions, which in the opinion of the Ordinance Administrator, constitute an intention on the part of the property owner or lessee to abandon the non-conforming use.

Section 18.4 NON-CONFORMING RESIDENTIAL DWELLINGS

A. Single Family Dwellings in Non-Residential Districts

1. Single family residential dwellings in non-residential zoning districts may be expanded to occupy the floor area necessary for living purposes.
2. Single family dwellings and accessory structures, in a zoning district which does not permit that use may be continued, replaced, repaired or remodeled if damaged by flood, fire, or vandalism, if approved by the ZBA, subject to the following:
 - a. Replacement shall commence no later than six (6) months after the date of damage.
 - b. Work shall be diligently pursued toward completion. The applicant may be required to provide the Village with evidence or otherwise demonstrate to the satisfaction of the Ordinance Administrator that work is being diligently pursued.
 - c. Failure to complete replacement or diligently work toward completion shall constitute abandonment and result in the loss of its non-conforming status unless good cause for the delay is determined at a hearing before the ZBA.

B. Single Family Dwellings in Residential Districts

1. A non-conforming building used as a single family residence, and its accessory structures, may be continued, replaced, repaired or remodeled if damaged by flood, fire, vandalism, accident or other natural disaster if approved by the ZBA. Such approval requires a finding that the resulting building will improve conformity to this Ordinance.
2. Replacement of non-conforming single family buildings may be permitted by the Ordinance Administrator, subject to the following:
 - a. Replacement shall commence within one (1) year of the date of damage.
 - b. Work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of legal, non-conforming status unless good cause for the delay is accepted at a hearing before the ZBA.

3. Permitted Expansions to Single Family Dwellings: An expansion (footprint or floor area) of a non-conforming single family building or structure shall be permitted when both of the following conditions exist:
 - a. Only one (1) side of the building or structure does not conform to setback requirements.
 - b. The expansion is on the conforming side of the building and will conform to all setback and height requirements.

Section 18.5 NON-CONFORMING NON-RESIDENTIAL BUILDINGS OR STRUCTURES

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, that building or structure may be continued provided it remains otherwise lawful, subject to the following provisions.

- A. Except as noted below, no building or structure may be enlarged unless approved by the ZBA.
- B. **Market Value.** Market value of non-conforming buildings and structures shall be determined by a certified appraiser in an appraisal provided by the applicant and reviewed and approved by the Village Assessor and Ordinance Administrator.
- C. **Value of Repairs.** The value of repairs or improvements shall be based on a written estimate from a licensed contractor provided by the applicant and approved by the Ordinance Administrator. This value shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet current Building Code requirements.
- D. **Damage by Fire or Other Catastrophe.** Reconstruction of buildings and structures damaged by fire or other catastrophe may be approved by the Ordinance Administrator according to the following:
 1. Buildings and structures damaged to a point where the value of repairs exceeds the market value shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance.
 2. In the event that the value of repairs is less than the market value, the structure or building may be restored to its previous status, subject to the following:
 - a. Any request for such rebuilding, repair, or restoration shall be made to the Ordinance Administrator within one hundred eighty (180) days following the incident.
 - b. Any such rebuilding, repair, or restoration shall be completed within one (1) year from the date of the catastrophe.
- E. **Relocation of a Non-Conforming Non-Residential Building or Structure.** Should any non-conforming building or structure be relocated or moved for any reason for any distance, it shall

thereafter conform to the regulations for the district in which it is located after it is relocated or moved.

- F. **Safety Related Repairs, Improvements, and Modernization.** Repairs, improvements, or modernization of non-conforming buildings or structures may be permitted by the Ordinance Administrator to maintain a non-conforming building in a structurally safe and sound condition, under the following conditions:
1. The cost of such repairs or improvements in any consecutive twelve (12) month period does not exceed the market value.
 2. Any such repairs, improvements, and modernization shall not result in an enlargement of the non-conforming structure.
 3. Where a non-conforming building or a structure containing a non-conforming use that becomes physically unsafe and/or dangerous due to lack of maintenance and repairs, as declared by the Ordinance Administrator, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with this Ordinance.
- G. **Non-Safety Improvements and Modernization.** Repairs, improvements, or modernization of non-conforming structures, which are not deemed necessary by the Ordinance Administrator to keep a non-conforming building structurally safe and sound, shall be permitted under the following conditions:
1. The cost of such repairs or improvements in any twelve (12) month consecutive period does not exceed fifty percent (50%) of the market value.
 2. Any such repairs, improvements or modernization shall not result in an enlargement of the non-conforming structure or building.
- H. **Alterations That Decrease Nonconformity.** Any non-conforming structure or building, or any structure or building, or portion thereof containing a non-conforming use, may be altered if such alteration serves to clearly increase conformity to this Ordinance. The Ordinance Administrator shall determine if a proposed alteration increases the degree of conformity.

Section 18.6 NON-CONFORMING LOTS

Use of or development on a non-conforming lot are subject to the following regulations:

- A. **Use of Non-Conforming Lots.** Any non-conforming lot may be used only for a use permitted in the zoning district in which it is located. In districts where single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building(s) may be erected on any single lot of record in existence on the effective date of adoption or amendment thereto. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are applicable in the district, provided that the lot is in conformance with all other applicable yard setback, minimum floor area and maximum height requirements for the district in which it is located.

- B. **Variance from Area and Bulk Requirements.** If the use of a non-conforming lot requires a variance from the area or bulk requirements, then the use shall be permitted only pursuant to a variance granted by the ZBA.
- C. **Non-Conforming Contiguous Lots under the Same Ownership.** The following regulations shall apply to non-conforming contiguous lots under the same ownership:
 - 1. If two (2) or more lots or combination of lots with contiguous frontage are under single ownership at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands shall be considered as a singular, individual parcel for the purposes of this Ordinance. Any altering of lot lines or combination of lots shall result in lots that more closely conform to the requirements of this Ordinance.
 - 2. No portion of the nonconforming parcel shall be used, occupied, or sold in a manner that diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made that creates a new lot having a width or area less than the requirements stated in this Ordinance.
 - 3. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing dwelling unit.
- D. **Combination of Non-Conforming Lots.** The following regulations shall apply to the combination of non-conforming lots.
 - 1. Any combination, in whole or in part, of non-conforming lots of record shall result in lots that more closely conform to the requirements of this Ordinance.
 - 2. Once any combination that creates a conforming lot occurs, the resulting lot shall not retain non-conforming lot of record status and will hereafter be required to comply with the lot requirements of this Ordinance.

Section 18.7 NON-CONFORMING SITES

- A. The intent of this Section is to permit improvements and minor modifications to an otherwise conforming use and building which does not meet all of the various site improvement related regulations of this Ordinance. The purpose is to allow gradual compliance with the site related requirements, for the entire site, for sites which predate the various Ordinance standards for landscaping, paving, and other non-safety site related items.
- B. Improvements or expansions may be permitted by the Planning Commission during special land use or site plan review without a complete upgrade of all site elements under the following conditions. The Village may require a performance guarantee to ensure that all improvements permitted under this Section will be made in accordance with the approved plan.
 - 1. The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.

2. The applicant has addressed safety related site issues on the overall site.
3. The improvements or minor expansion will not increase noncompliance with site requirements.
4. The applicant has upgraded the overall site landscaping consistent with *Chapter 15 Landscaping*.
5. Signs must conform with *Chapter 17 Signs*.
6. A site plan shall be submitted in accordance with *Chapter 14 Site Plan Review*.

Section 18.8 CHANGE OF TENANCY OR OWNERSHIP

In the event there is a change in tenancy, ownership, or management of an existing non-conforming use or structure and/or building shall be allowed to continue provided there is no change in the nature or character of such nonconformity and the use, structure, and/or building is otherwise in compliance with this Ordinance.

CHAPTER 19 SPECIAL LAND USES

SECTION 19.1 APPLICATION PROCEDURES

Application for a special land use permit shall be made to the Ordinance Administrator and shall include the following:

- A. A completed application form.
- B. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Village Council.

SECTION 19.2 NOTIFICATION, HEARING, PROCESS AND AUTHORITY

- A. Upon receipt of an application for a special land use permit, the Ordinance Administrator shall schedule a special land use public hearing, notice of which shall be given according to *Section 21.6, Publications*.
- B. The public hearing shall be held by the Planning Commission, who shall review the special land use application, and recommend action to the Village Council, based upon review and consideration of materials submitted with the application, comments received at the public hearing, and the applicable standards of this Ordinance.
- C. The Village Council, after receiving a recommendation from the Planning Commission, and after the appropriate public hearing has been held, may approve, approve with conditions, or deny the special land use permit request, based upon review and consideration of materials submitted with the application, comments received at the public hearing and by the Planning Commission, and the applicable standards of this Ordinance.

SECTION 19.3 GENERAL STANDARDS FOR APPROVAL

A special land use permit request may be approved only upon a finding that all of the following general standards are met:

- A. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
- B. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.
- C. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.

- D. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
- E. The site plan proposed for such use demonstrates compliance with the special land use specific design standards contained in this Chapter.
- F. If proposed in a Residential District, the use will be compatible with the surrounding residential neighborhood, and the scale, density, or bulk of the use will be consistent with neighborhood character. Demolition of existing residential buildings is presumed to be inconsistent with maintaining the residential character of the Village.

SECTION 19.4 CONDITIONS OF APPROVAL

- A. The Village may impose reasonable conditions, in conjunction with approval of a special land use permit which are deemed necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- B. Conditions imposed shall:
 - 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
 - 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;
 - 3. Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

SECTION 19.5 APPROVAL TERM AND EXPIRATION

A special land use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

- A. A special land use approval granted by the Village shall only be valid for a period of twelve (12) months from the date of approval, unless substantial construction has occurred and is progressing meaningfully toward completion.
- B. The Village may grant up to one (1) additional twelve (12) month extension, if requested by the property owner in writing prior to the expiration of the original twelve (12) month period, upon showing that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will precede within the extension period.
- C. If the above provisions are not fulfilled or the extension has expired prior to construction, the special use approval shall become null and void.

SECTION 19.6 SPECIAL LAND USE SPECIFIC DESIGN STANDARDS

The following Special Land Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this Chapter. The following uses have such conditions, standards, or regulations:

A. Adult Regulated Businesses

- 1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.
- 2. Adult uses shall comply with the following requirements:
 - a. The adult use shall not be located within a one thousand (1,000) foot radius of any other such use or be located on a lot or parcel within five hundred (500) feet of a public park, school, child care facility, church, or place of worship.
 - b. Any sign or signs proposed for an adult use must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
- 3. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:
 - a. "Persons under the age of 18 years are not permitted to enter the premises." and,

- b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
 - 4. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
 - 5. All off-street parking areas shall be illuminated from at least ninety (90) minutes prior to sunset to at least sixty (60) minutes after closing.
 - 6. No adult use shall be open for business prior to ten o'clock a.m. (10:00 a.m.), nor after ten o'clock p.m. (10:00 p.m.). However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.
 - 7. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Village. All massage clinics are subject to inspection from time to time by the Ordinance Administrator and shall be required to file reports as may be required by the Community, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
 - 8. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Village, as provided herein.
- B. Banks, credit unions, savings and loan associations, and other similar uses, having drive-through facilities.**
- 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of four (4) stacking spaces for each drive-through teller operation, whether personal or automatic, shall be provided.
 - 2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
 - 3. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the centerline of any other driveway.
- C. Bed and breakfast establishments.**
- 1. The establishment shall be located on property with direct access to a public street.

2. No such use shall be permitted on any property where there exists more than one (1) other bed and breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
3. Such uses shall only be established in a single family detached dwelling.
4. Parking shall be located to minimize negative impacts on adjacent properties.
5. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each three thousand (3,000) square feet or fraction thereof by which the lot area of the use exceeds ten thousand (10,000) square feet, not to exceed six (6) guest rooms in any case.
6. Exterior refuse storage facilities beyond what might normally be expected for a single family detached dwelling shall be prohibited.
7. The establishment shall contain the principal residence of the operator.
8. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
9. Meals shall be served only to the operator's family, employees, and overnight guests.
10. The maximum stay for any occupant, excluding the owner, shall be ten (10) consecutive days, not to exceed thirty (30) days in any twelve (12) month period. A guest register shall be maintained by the proprietors and shall be made available to the Village for inspection upon request.
11. No exterior evidence that the facility is a bed and breakfast shall be permitted, other than one (1) non-illuminated sign attached flat against the building, not to exceed six (6) sq. ft.
12. Off-street parking shall be provided at a minimum ratio of two (2) spaces, plus one (1) for each permitted guest room. No parking shall be permitted in the front yard and no parking area shall be lighted, except for a residential porch light.

D. Churches and other places of worship.

1. The Purpose of these requirements is to integrate churches into the fabric of the Village's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the church, parking lots, and related uses shall be compatible with abutting homes and in character with the surrounding neighborhood.
2. The minimum lot area shall be one (1) acre.
3. The minimum lot width shall be one hundred fifty (150) feet.

4. At least one (1) property line shall abut and have access to an arterial or collector street.
5. To the extent possible, shared parking arrangements should be employed with other uses in the vicinity, to minimize the number of spaces provided on the church property.

E. Clubs, Private, non-commercial, social, fraternal or service.

1. The use shall not impair the natural appearance of the land or surrounding properties.
2. The club house, other structures and accessory buildings as well as parking facilities pertaining to the use shall have ingress and egress directly from a major or secondary thoroughfare and shall be located not closer than one hundred fifty (150) feet from any abutting side or rear property line.
3. No sale of food or beverages of any kind shall be made outside the club house.

F. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum floor area requirements for a multiple family dwelling in the M-F District, based on number of bedrooms.
3. Parking and circulation:
 - a. One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site. One (1) additional parking space per twenty (20) storage cubicles, up to a maximum of ten (10) spaces, shall be located adjacent to the rental office for the use of customers.
 - b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 - c. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

G. Dwelling units within an existing accessory building.

1. A maximum of one (1) dwelling unit is allowed per accessory building, and may not exceed fifty percent (50%) of the floor area of the accessory building.
2. No dwelling units are permitted on the ground floor of an accessory building.

H. Extractive Uses.

1. Submittal Requirements:

- a. A narrative of the operation shall be submitted that describes the methods, location, and type of material to be mined, stored, processed or transported, hours of operation, mining schedules and sequences, types of machinery, and off-site transportation routes.
 - b. The name and address of the person, firm or corporation who will be conducting the mineral mining operations.
 - c. Testimonial from a Michigan licensed engineer and/or a hydrological expert describing the existing baseline of water levels, quality of existing water conditions, and a statement regarding potential impacts to the quality or quantity of the Village's water supply.
 - d. A reclamation plan consisting of: a recent aerial photograph of the site with a general plan of reclamation as an overlay or as a separate drawing; a reclamation contour plan; and a description of reclamation methods and materials proposed for restoration of topsoil and replanting.
2. Areas of extraction shall be setback a sufficient distance from adjacent properties and right-of-way lines to provide adequate lateral support or as otherwise necessary to preserve the public health, safety or general welfare. The setback requirements shall be specifically stated as a condition of special approval.
 3. To ensure safety around open pits and excavated areas, and to minimize impacts to surrounding lands, the Village may:
 - a. Require fencing of hazardous areas of the site, and/or posting of warning signs at the perimeter of the site or area of operation.
 - b. Limit the hours of operation.
 - c. Require screening of mining areas visible to residential zoning districts. Screening shall consist of natural materials, such as evergreen trees, earthen berms, or a combination thereof.
 - d. Require maintenance of vehicles used to transport material, including tarping of loads or washing prior to vehicles exiting the site.
 - e. Require compliance with performance standards and other reasonable conditions not otherwise specified herein in order to protect the health, safety and general welfare of neighboring property and persons.
 4. All lighting used to illuminate the mining area, access roads, stockpile areas, and other areas used in connection with the mining operations shall be directed away from surrounding property.

5. Approvals shall be effective indefinitely so long as the extractive operation is conducted in compliance with Village, County, State and/or Federal requirements and no adverse impacts have been created that are likely to continue or that cannot be remedied. The Village may review the approval if it appears that the operation is not in compliance with Village, County, State and/or Federal requirements and/or if it appears that there are adverse impacts that are likely to continue or that cannot or will not be remedied. The owner and the Village shall meet and cooperate to deal with and eliminate any aspects of non-compliance or adverse impacts. The Village shall reserve the right to revoke approvals in the event of continued non-compliance or unremedied serious adverse impacts. The Village shall conduct a hearing and provide the property owner with the opportunity to be heard as a precondition to any approval revocation.

I. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from any other driveway.
6. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum floor area requirements for a multiple family dwelling in the M-F District, based on number of bedrooms.

J. Hotels and motels.

1. Minimum lot area shall be two (2) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setback of ten (10) feet.
3. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

K. Housing for the elderly.

1. All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
2. Retail and service uses may be permitted on the site if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential structure. No exterior signs of any type are permitted.
3. The allowable density of the zoning district may be increased by no more than fifty (50) percent for all nursing care units licensed by the state of Michigan and no more than twenty-five (25) percent for non-licensed nursing care and supportive care units.
4. All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.
5. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public street.
6. The maximum height may be increased by one story for each additional forty (40) feet the building is set back from all required yards.

L. Lumber and planing mills.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential district property line.

M. Lumberyards.

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
3. Materials stored within ten (10) feet of the property line of the use may be stacked to a height not exceeding ten (10) feet.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district property line.

N. Manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.

1. The principal and accessory buildings and structures shall be located at least three hundred (300) feet of any residential district property line.

O. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.

1. Access driveways shall be located no less than two hundred (200) feet from the right-of-way line of any street or one hundred (100) feet from the nearest edge of any other driveway.
2. The principal and accessory buildings and structures, shall not be located within one thousand (1,000) feet of any residential district.

P. Metal plating, buffing, and polishing.

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential district property line.

Q. Open air businesses.

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

R. Outdoor merchandise display.

1. No merchandise, displays, or fixtures shall be located closer than twenty (20) feet to any public right-of-way line.
2. No fixtures or merchandise shall be located so as to obstruct the movement of pedestrians along the sidewalk or obstruct the visibility of vehicles on the street.
3. All merchandise, displays, and fixtures shall be removed and stored indoors during non-business hours.
4. No lighting, motors, or electrical apparatus shall be employed in any outdoor display.
5. The area devoted to such outdoor display shall be maintained in a safe, clean, and sanitary manner.

S. Outdoor patio/seating area in conjunction with a permitted restaurant.

1. The area devoted to outdoor service must be ancillary to the main use of an indoor restaurant, bakery, delicatessen, specialty food store, bookstore, or similar establishment.
2. The area devoted to outdoor service shall not obstruct any public walkway, street, alley or right-of-way.
3. The outdoor service area shall not obstruct visibility of on-coming pedestrians or vehicular traffic.
4. The type and style of furniture to be used shall be shown in conjunction with the site plan submittal for the special use request.
5. The sale of alcoholic beverages is subject to the rules and regulations of the State of Michigan Liquor Control Commission.
6. Furniture utilized for outdoor dining shall be removed and stored indoors or secured outdoors during non-business hours. All such furnishings shall be completely removed from December 1 through March 1 of each year.
7. The area devoted to such outdoor dining area shall be maintained in a safe, clean, and sanitary manner.

T. Outdoor Recreation and Entertainment Facilities.

1. All buildings shall be set back 200 feet from any property line. The Village may allow a lesser distance if it is determined that it will not result in any serious adverse effect upon adjacent or nearby lands.
2. The Village may require the submission of an environmental impact assessment, traffic impact study, storm water management plan, or any other plans or studies, as needed to determine the potential impacts of the operation and special land use.
3. Safe and reliable facilities for the collection and disposal of sanitary sewage and the providing and distribution of water supply shall be provided. The Village may request reviews, comments and approvals from outside agencies and consultants to ensure feasibility of such systems.

U. Outdoor storage, display, and sale of farm implements and commercial construction equipment.

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.

2. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
3. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

V. Outdoor storage yards.

1. All outdoor storage in the C-2 District shall be located in the rear yard only and shall be fenced with a six (6) foot high chain link fence or screen wall.
2. All outdoor storage in the I-1 District shall be located in the rear or side yard.
3. All outdoor storage yards shall be paved.
4. Screening of outdoor storage yards shall be provided along all property lines.
5. Outdoor storage yards shall only be permitted in conjunction with a principal use on the property.
6. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground.

W. Production, refining, or storage of petroleum or other flammable liquids.

1. Access driveways shall be located no less than two hundred (200) feet from the right-of-way line of any street or one hundred (100) feet from the nearest edge of any other driveway.
2. The principal and accessory buildings and structures shall not be located within one thousand (1,000) feet of any residential district.

X. Recreation centers, noncommercial.

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential district.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district.

4. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

Y. Recycling centers and Junk Yards.

1. A six (6) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
2. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential district property line.

Z. Residential dwelling units, in the same building with commercial uses.

1. No commercial uses, including storage, shall be located on the same floor of the building as the dwelling unit.
2. Two (2) on-site parking spaces shall be required for each dwelling unit.
3. Access to dwelling units shall be from outside of the building.
4. No dwelling unit shall be located on the ground floor of the building.

AA. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking or stacking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

BB. Salvage yards.

1. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate

destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.

2. The site shall abut and have suitable access to a collector or arterial street to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within one thousand (1,000) feet of any residential district.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot wide continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. The property shall be a minimum size of at least six (6) acres.
14. All fences shall be set back a minimum of three hundred (300) feet from any residential district.

15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Village may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the Village of Maybee. These conditions can include a provision for an annual inspection by the Ordinance Administrator to ensure continuing compliance with the above standards.

CC. Site condominium developments.

1. The minimum lot size, width, and setbacks shall conform to the requirements of the zoning district in which the project is located.
2. The minimum floor area per unit shall conform to the requirements of the zoning district in which the project is located.
3. All developed sites shall be required to use Village utilities.
4. Sidewalks shall be constructed on all sides of site condominium lots abutting a public street or a common use private drive, in accordance with Village standards. The Village may waive the requirement for a sidewalk when, in the opinion of the Commission, no good purpose would be served by the sidewalk for site plan condominium projects of four or more sites.
5. All site condominium lots shall have access to and frontage on a public street.

DD. Truck terminals.

1. Access driveways shall be located no less than two hundred (200) feet from the right-of-way line of any street or one hundred (100) feet from the nearest edge of any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.
3. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential district.
4. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
5. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
6. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.

7. No trailer containing a refrigeration unit shall be parked in, stored, or otherwise occupy any yard within three hundred (300) feet of a residential district.

EE. Utility and public service buildings, excluding essential public service facilities and underground utility systems.

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the district in which it is located.
3. Minimum lot area requirements for the district on which the use is located shall be met.

FF. Vehicle repair.

1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential district property line.
2. Minimum lot area shall be twenty thousand (20,000) square feet and minimum lot width shall be one hundred fifty (150) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be constructed in accordance with the requirements of *Section 3.7, Fences*, and continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas screened from view of adjoining properties and streets.
6. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

GG. Vehicle service stations.

1. Minimum lot area shall be twenty thousand (20,000) square feet and minimum lot width shall be two-hundred (200) feet.
2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.

4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above the average grade.
7. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.
8. Canopy lighting shall be recessed into the canopy and no part of the light fixture lens shall protrude below the underside of the canopy.

HH. Vehicle wash establishment, self-serve or automatic.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. Such vehicle stacking space shall be equivalent to 5 times the wash capacity. Wash capacity shall be determined by dividing the length of the mechanical wash/dry machinery by 25 feet. No less than fifteen (15) stacking spaces shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least three hundred (300) feet from any residential district property line. Wash bays for self-service establishments shall be located at least one hundred fifty (150) feet from any residential district property line.
3. Should self-service wash bays be located with openings facing an adjacent street, they shall be screened with landscaping, and continuously maintained in good condition.
4. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located no less than one hundred fifty (150) feet from the right-of-way line of any street or seventy-five (75) feet from the nearest edge of any other driveway.

II. Veterinary clinics.

1. Outdoor areas in which animals are kept, such as runs, pens, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district boundary and shall not be located within any required yard area.

JJ. Wireless Communication Towers.

1. The lot size shall be a minimum of twenty thousand (20,000) square feet.

2. The tower shall be of a monopole design.
3. The tower shall be set back from all lot lines a minimum distance equal to one-half (½) the height of the tower. All other buildings and structures shall meet the minimum setback requirements of the Zoning District.
4. A security fence at least six (6) feet in height shall be constructed around the tower and supports.
5. Where possible, joint use of tower facilities, including Village elevated storage tanks, shall be required in order to minimize the number of separate towers and individual locations throughout the Village. As a condition of approval, the applicant shall agree to permit future users to share the tower facility and shall demonstrate that it is not feasible to locate the proposed tower on public lands or co-locate on an existing tower.
6. Unless located on the same site or tower with another user, no new tower shall be erected within a one-half (½) mile radius of an existing radio, television, cellular, or wireless communications tower.
7. No signs, except warning or other cautionary signs, shall be permitted on the site.
8. Abandoned or unused towers and any associated structures or equipment shall be removed, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Village. One (1) three (3) month extension shall be permitted if the Village finds that the owner or former operator of the facility is taking active steps to remove it.

KK. Wind Energy Conversion System (WECS).

1. **Informational Requirements.** Each special land use application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - a. A standard foundation and anchor design or specifications for normal soil conditions; and
 - b. A detailed parts list; and
 - c. Clearly written detailed instructions for the assembly, installation, check out, operation and maintenance of the WECS on site; and
 - d. Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and
 - e. Underwriters label, where appropriate; and
 - f. The applicant shall insure each WECS at all times for at least \$1 Million for liability to cover the applicant, Village and land owner.
2. **Electromagnetic Interference.** The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with

radio and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub-parts A and F) and 18 (including sub-parts A, D and H).

3. **Noise.** The maximum level of audible noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property lines nearest the WECS. An application for a WECS facility shall not be approved unless the Applicant demonstrates that the proposed project complies with all noise regulations.
4. **Location and Setbacks.** A WECS shall be located in a rear yard only. No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines and/or property lines than 1½ times the height of the tower and rotor combined.
5. **Height.** The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be one hundred and twenty (120) feet, unless otherwise prohibited by State or Federal statutes or regulations. The maximum allowable height shall comply with all applicable state construction and electrical codes and local building permit requirements.
6. **Other Requirements.** A WECS shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. In the case of a WECS to be interconnected with the power grid of the local electric utility, the WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. The applicant must provide written evidence that all federal and state requirements and regulations will be met.
7. **Labeling of WECS Tower Subsystem:** The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily read, and easily accessible location:
 - a. Equipment weight of the tower subsystem;
 - b. Manufacturer's name and address;
 - c. Model number;
 - d. Serial number;
 - e. The following tower warning label or equivalent warning: *Installation and Maintenance of this Product Near Power Lines is a Danger. For Your safety Follow the Installation and Maintenance Instructions.*
 - f. The survival wind speed in miles per hour and meters per second;
 - g. Name of installer;
 - h. Name of person responsible for maintenance;
 - i. Emergency telephone numbers for g. and h. above
8. **Labeling of WECS Power Conversion Subsystem:** The following information shall be provided on labels attached to the WECS power conversion subsystem in a visible, easily read, and easily accessible location:

- a. Maximum power input (KW), rated voltage (volts) and rated current output (amperes) of the generator, alternator, etc.;
 - b. Manufacturer's name and address;
 - c. Model number;
 - d. Serial number;
 - e. Emergency and normal shutdown procedures;
 - f. Underwriters label, where appropriate.
9. **Ground Clearance:** For both horizontal and vertical axis turbines, a WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.
10. **Braking System:** A WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding.
11. **Visibility of Guy Wires:** If a WECS tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
12. **Accessibility:** Towers shall be designed and constructed in such a manner that integrated tower climbing devices are a minimum of 12 feet above the base of the tower and only accessible by using a separate climbing device.
13. **Interconnected WECS:** In the case of WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback and non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
14. **Removal of Abandoned Facilities:** Any WECS that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of such WECS shall remove the same within ninety (90) days of receiving an abandonment notification from the Village. Failure to remove an abandoned WECS within ninety (90) days shall be grounds for the Village to remove the WECS at the owner's expense. The Village may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the WECS. If a bond is to be required, the Village shall include the requirement as a condition of Special Land Use approval.

CHAPTER 20 ZONING BOARD OF APPEALS

SECTION 20.1 MEMBERSHIP

A. Composition and Terms

1. **Regular Members.** The Zoning Board of Appeals shall consist of three (3) regular members appointed by the Village Council. One (1) member may also be a member of the Planning Commission. Of the regular members initially appointed, one (1) shall serve a term expiring one (1) year after appointment, two shall serve a term expiring two (2) years after appointment, and two (2) shall serve a term expiring three (3) years after appointment. Thereafter, all regular members shall be appointed for a term of three (3) years.
2. **Alternate Members.** Up to two (2) alternate members may be appointed. Of those alternate members initially appointed, one (1) shall serve a one (1) year term, and one (1) shall serve a two (2) year term. Thereafter, all alternate members shall be appointed for a term of three (3) years.
 - a. Alternate members may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member.
 - b. An alternate member may be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made.
 - c. Alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
3. No employee or contractor of the Village shall serve as a regular member or alternate member.
4. Each regular and alternate member may receive such compensation as the Village Council may establish by resolution.

SECTION 20.2 MEETINGS

- A. **Meetings.** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as such Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Village Clerk or his representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action.

- B. **Quorum.** The concurring vote of two (2) members of the zoning board of appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance.
- C. **Hearings.** Before deciding on a Variance application, the Zoning Board of Appeals shall hold a public hearing, notice of which shall be given according to *Section 21.6, Publications*.

SECTION 20.3 JURISDICTION

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Section and the laws of the State of Michigan. The Zoning Board of Appeals shall not have the authority to hear appeals from a decision made in respect to any special land use, planned unit development, or rezoning. The powers of the Zoning Board of Appeals include:

- A. **Hearing of Appeals.** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Ordinance Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
- B. **Granting of Variances.** A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this Chapter.
- C. **Zoning Ordinance Interpretation.** The Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provisions is uncertain.

SECTION 20.4 PROCEDURE

- A. **Timing of Appeal.** An appeal may be taken by a person aggrieved, or by an officer, department, or board of the Village. Such appeal shall be taken within twenty-one (21) days, as prescribed by the rules of the Zoning Board of Appeals, by the filing with the officer or body from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal.
- B. **Filing.** Appeals shall be submitted to the Village Clerk, along with all required applications, fees, and all papers constituting the record upon which the action appealed was taken.
- C. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.

- D. **Validity of Approval.** Any variance granted by the Board shall only be valid for a period of twelve (12) months from the date of approval, unless substantial construction, as determined by the Ordinance Administrator, has occurred and is progressing meaningfully toward completion. The Zoning Board of Appeals may grant up to an additional twelve (12) month extension, if requested by the property owner in writing prior to the expiration date.
- E. **Appeals to Circuit Court.** The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the County Circuit Court. Appeals must be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing or approves the minutes of its decision.
- F. **Resubmission.** No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Board finds that at least one of the following conditions exist:
 - 1. That the conditions involving all of the reasons for the original denial have been significantly altered.
 - 2. That new conditions or circumstances exist which change the nature of the original request.

SECTION 20.5 CONDITIONS OF APPROVAL

- A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the Zoning Act and related to the standards by which the decision is reached.

SECTION 20.6 VARIANCE PROCEDURES

- A. **Authority for Variances.** The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.
- B. **Review of Non-Use Variances.** A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
 - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;

2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;
3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
5. The variance will not impair the intent and purpose of this Ordinance.
6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

SECTION 20.7 FEES

The Village Council may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. The fee shall be paid to the Village Treasurer at the time the application for the appeal or variance is filed.

CHAPTER 21 ADMINISTRATION

SECTION 21.1 ORDINANCE ADMINISTRATOR

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Ordinance Administrator, or such other official or officials as may be appointed by the Village Council. The Ordinance Administrator shall have the power to:

- A. Grant Certificates of Occupancy.
- B. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.
- C. Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense.
- D. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

SECTION 21.2 PERMITS

- A. Zoning Permits.
 - 1. No building, structure, or sign shall be erected, altered, or moved unless a Zoning Permit shall have been first issued for such work.
 - 2. No Zoning Permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance and any conditions of approval imposed on the particular use.
 - 3. A record of all Zoning Permits issued shall be kept on file in the office of the Ordinance Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Permit.
 - 4. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Zoning Permit is first obtained for the new or different use.
- B. Building Permits and Certificates of Occupancy.
 - 1. No Building Permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a Zoning Permit, or Zoning approval for such work has been issued by the Ordinance Administrator.
 - 2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.

3. Certificates of Occupancy, as required by the currently adopted Building Code for the Village of Maybee, shall also constitute certification of compliance with the Zoning Ordinance.
 4. A record of all Certificates of Occupancy issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Certificate.
- C. Fees for the inspection and issuance of Permits or Certificates of Occupancy, or copies required or issued under the provisions of this Ordinance, may be collected by the Village in advance of issuance. The amount of such fees shall be established by resolution of the Village Council and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

SECTION 21.3 VIOLATIONS - PENALTY

- A. **Public Nuisance Per Se.** Any violation of the provisions of this Ordinance is hereby declared to be a nuisance per se. The court shall order such nuisance abated and the person, persons, firm or corporation or anyone acting on behalf of the same violating said provisions shall be adjudged guilty of maintaining a nuisance per se.
- B. **Penalties for Violation.** Any person, persons, firm or corporation or anyone acting on behalf of the same, who shall violate, neglect, or refuse to comply with or who resists the enforcement of any provisions of the Ordinance or conditions of the Planning Commission, the Zoning Board of Appeals or the Village Council adopted pursuant thereto, shall be guilty of a misdemeanor, and conviction thereof, shall be subject to punishment by a fine not to exceed five hundred dollars (\$500.00) and the costs of prosecution or by ninety (90) days imprisonment in the County jail or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.
- C. **Each Day a Separate Offense.** Each day on which any violation of this Ordinance or continues a separate offense and shall be subject to penalties or sanctions as a separate offense.

SECTION 21.4 PERFORMANCE GUARANTEES

- A. As a condition of approval of a site plan review, special land use, or planned unit development, the Planning Commission or Village Council, whichever is designated as the approving authority, may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- B. Performance guarantees shall be processed in the following manner:

1. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Ordinance Administrator. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies, not to exceed a total of one hundred twenty-five percent (125%) of the cost of construction and materials.
2. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village.
3. Upon receipt of the required performance guarantee, the Ordinance Administrator shall issue a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Village.
4. The Ordinance Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
5. When all of the required improvements have been completed, the obligor shall send written notice to the Ordinance Administrator of completion of said improvements. Thereupon, the Ordinance Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
6. A record of authorized performance guarantees shall be maintained by the Ordinance Administrator.

SECTION 21.5 CHANGES AND AMENDMENTS

- A. **Amendments.** The Village Council may, from time to time by Ordinance, amend, supplement or change the boundaries of districts, designation of districts, or regulations herein established, in accordance with the State law.
- B. **Initiation of Amendments.** Amendment to this Ordinance will be directed to the Planning Commission for review and may be initiated by the Village Council by resolution, by the Planning Commission, by motion, or by any interested person or persons by petition to the Ordinance Administrator.
- C. **Amendment Petition.** All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Ordinance Administrator for presentation to the Planning Commission. Such petitions shall include the following:

1. The petitioner's name, address and interest in the petition, as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned.
2. The nature and effect of the proposed amendment.
3. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
4. The changed or changing conditions in the area or in the Village that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
5. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
6. If the proposed amendment would require a change in the Zoning Map:
 - a. A fully dimensioned map showing the land which would be affected by the proposed amendment.
 - b. A legal description of such land.
 - c. The present zoning district of the land.
 - d. The zoning district of all abutting lands.
 - e. All public right-of-way easements bounding and intersecting the land to be rezoned.

D. **Procedure.** The Planning Commission shall hold at least one (1) public hearing on all Zoning Ordinance amendments, supplements, changes to the boundaries of districts, designation of districts, or regulations.

1. Public Hearing shall be published according to *Section 21.6, Publications*.
2. The Planning Commission may adjourn the public hearing or may call upon the assistance of the Village departments or experts in the performance. It shall be the duty of such departments to render assistance to the Planning Commission as may be reasonably required.
3. The Planning Commission shall take action by concurring vote of a majority of the Planning Commission. The Planning Commission shall reduce its action on each to a written summary recommendation to the Village Council. This written summary recommendation shall:

- a. Indicate the vote of each member upon this question;
 - b. Summarize the pertinent facts particular to the issue; and
 - c. List any recommended changes to the proposed change or amendment as presented.
4. The Planning Commission shall expeditiously transmit its recommendation to the Village Council. The Village Council, upon receipt of the Planning Commission's recommendation, shall act upon the proposed changed or amendment by Ordinance, in accordance with State law and Village Charter.
- E. **Protest Petition.** Upon presentation of a protest petition meeting the requirements of this section, an amendment to the Zoning Ordinance, which is the subject of the petition, may only be passed by at least a two-thirds (2/3) vote of the Village Council. The protest petition presented to the Village Council shall be signed by at least one (1) of the following:
- 1. The owners of at least twenty percent (20%) of the area included in the proposed change.
 - 2. The owners of at least twenty percent (20%) of the area of land within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
 - 3. For purposes of this subsection, publicly owned land shall not be included in the calculation of the twenty percent (20%) land area requirement.
- F. **Publication.** Following adoption by the Village Council of a Zoning Ordinance and subsequent amendments, one (1) notice of adoption shall be published in a newspaper of general circulation within the Village within fifteen (15) days after adoption. The notice shall include the following information:
- 1. In the case of a newly adopted Zoning Ordinance, the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the Village Council of the Village of Maybee."
 - 2. In the case of an amendment to an existing Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 - 3. The effective date of the Ordinance.
 - 4. The place and time where a copy of the Ordinance may be purchased in accordance with the Village's fee schedule, or inspected.

SECTION 21.6 PUBLICATIONS

In instances where a public hearing is required under this Ordinance, it shall be published as follows:

- A. **Notice Content.** The notice shall do all of the following:
1. Describe the nature of the request.
 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- B. **Notice Publication and Mailing.** No less than fifteen (15) days prior to the public hearing, notice shall be given as follows:
1. Notice shall be published in a newspaper of general circulation in the Village.
 2. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 3. Notice shall be sent to all persons to whom real property is assessed within three hundred (300) feet of the subject property and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction, as follows:
 - a. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - b. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
 4. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.

C. **Exceptions.**

1. **Text Amendments and Multi-Parcel Rezoning.** Public hearings for an amendment to the Zoning Ordinance text, or the zoning map that affects eleven (11) or more adjacent properties shall only require notice in a newspaper, and no individual notices shall be required.
2. **ZBA Interpretations and Appeals.** Public hearings for ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals shall only require notice in a newspaper, unless it involves a specific property, in which case notice shall also be given to the person bringing the appeal.

ORDINANCE NO. 112

AN ORDINANCE TO CONTROL TRUCK TRAFFIC IN THE VILLAGE; DESIGNATING CERTAIN STREETS IN THE VILLAGE FOR TRUCK TRAFFIC; TO PROVIDE FOR THE ADMINISTRATION OF THIS ORDINANCE AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

PREAMBLE

WHEREAS, THE PUBLIC INTEREST, HEALTH, SAFETY, GENERAL WELFARE AND PRESERVATION OF PUBLIC PEACE AND ORDER OF THE VILLAGE OF MAYBEE REQUIRES THE CONTROL OF TRAFFIC AND TRUCK PARKING AND DESIGNATION OF SPECIFIC ROUTES FOR THE MOVEMENT OF TRUCK TRAFFIC.

THE VILLAGE OF MAYBEE ORDAINS:

SECTION 1. DEFINITIONS

1. "Emergency vehicle" shall mean vehicles of the fire department, police vehicles, ambulances, emergency vehicles of governmental departments and such other vehicles which are designed for and being used for saving or protecting life, limb or property.
2. "Gross Vehicle Weight" shall mean weight of vehicle plus weight of any load thereon, if any.
3. "Trucks" shall mean every motor vehicle designed, used or maintained, primarily for transportation of property and shall include "truck tractor", "trailer", "semi-trailer", or "pole trailer", as defined in the Michigan Vehicle Code.

SECTION 2.

The operation of any truck as herein defined is prohibited upon every street in the Village except for the following streets which shall be designated as PRIMARY ROUTES:

Bluebush Road from Village Limit to Village Limit.
Raisin Street from Bluebush to Maybee Scofield.
Maybee Scofield from intersection West to Village Limits.
Baldwin from Bluebush Road to Village Limits.
Main Street from Bluebush Road to Scofield Road.

SECTION 3.

No truck shall park on any Village Street except for loading and unloading.

SECTION 4.

No provision of this ordinance shall prohibit:

- (a) The operation of emergency vehicles upon any street in the Village.
- (b) The operation of trucks owned or operated by the Village, public utilities, any contractor or material man, while engaged in the repair or street maintenance or construction

of street, street improvements or street utilities within the Village.

- (c) The operation of a truck upon any official detour in any case where such truck could lawfully be operated upon the street for which such detour is established.
- (d) Any truck while engaged in one or more local pickups or deliveries from using such prohibited streets as may be reasonable necessary in so doing, provided that, such truck shall, upon completion of the last pickup or delivery, return by the shortest route to the nearest street upon which it is permitted to operate.
- (e) Any farm truck in the normal operation of its business.

SECTION 5.

Any person violating any provisions of this Ordinance shall be punished in accordance with the Uniform Traffic Code as a Civil infraction.

SECTION 6.

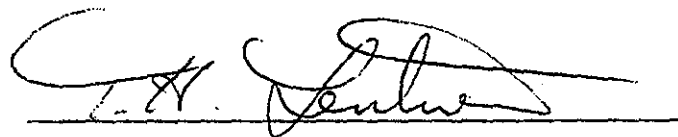
All ordinances or parts of in conflict with this ordinance are to the extent of such conflict hereby repealed.

SECTION 7.

This ordinance shall be in full force and effect twenty (20) days after final passage.

Adopted this 9th day of January, 1985 A.D.

Published: January 18, 1985.



Village President



Village Clerk

CERTIFICATION

I, Judy Cousino, duly elected Clerk of the Village of Maybee, Michigan, do hereby Certify that the foregoing ordinance is a true and compared copy of Ordinance No. 112, ~~repealing Ordinance No. _____~~, as adopted by the Village Council of the Village of Maybee, Michigan, at a regular meeting held January 9, 1985, at the Maybee Village Hall.



NOXIOUS WEED AND GRASS CONTROL
ORDINANCE OF THE VILLAGE OF
MAYBEE

ORDINANCE NO. 113

EFFECTIVE December 30, 1986

DATE December 10, 1986

AN ORDINANCE FOR THE PURPOSE OF CONTROLLING AND ERADICATING CERTAIN WEEDS AND GRASS WITHIN THE VILLAGE OF MAYBEE, TO PREVENT SUCH WEEDS AND GRASS FROM GROWING TO SEED OR BLOSSOM, TO PREVENT SUCH WEEDS AND GRASS FROM BECOMING A FIRE HAZARD, AND TO CONTROL SUCH WEEDS AND GRASS IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE VILLAGE OF MAYBEE.

VILLAGE OF MAYBEE ORDAINS:

- SECTION 1. This ordinance shall be known and referred to as the Noxious Weed and Grass Control Ordinance of the Village of Maybee.
- SECTION 2. This Ordinance is enacted, interpreted and enforced by the Village of Maybee under the authority of Michigan Compiled Laws Annotated Section 247.61, and all applicable sections thereto.
- SECTION 3. The terms "weeds and grass" shall include but not be limited to Canada Thistle, milkweed, wild carrot, oxide daisies, mustards, dodders, bindweed, perennial sowthistle, hoary alyssum, ragweed, goldenrod, burdock, poison ivy, poison sumac, brush, any type of growth, brush, or plants that exist by reason of not being cut over the years, including that which may have grown into trees or other types of plant life over the years, and any other types of weeds or grasses as the terms are commonly used or in which in the opinion of the governing body of the Village of Maybee is regarded as a common nuisance.
- SECTION 4. Nothing in this ordinance shall apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley or rye.
- SECTION 5. It shall be the duty of every person who owns and/or occupies such land within the Village of Maybee to cut to a heighth not to exceed six inches, destroy and remove from said land all such weeds and/or grasses growing thereon, at least twice each year, once before the first day of June and once before the 15th day of August of every year, or to otherwise prevent such weeds and/or grasses from perpetuating themselves and becoming a detriment to public health.
- SECTION 6. Notification shall be given by certified mail with return receipt requested to the owner, agent, or occupant of any lands on which noxious weeds or grasses are found growing. The notice shall describe methods of treating and eradicating the noxious weeds and/or grasses and a summary of the provisions of Sections 3 and 5 of this Ordinance. Failure to give such notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for or debt created under the provisions of this Ordinance.

SECTION 7. In lieu of the notice required by Section 6, the Village may publish a notice in a newspaper of general circulation in the county during the month of March that weeds not cut by June first of that year will be cut by the Village and the owner of the property charged with the costs under provisions of Section 8. The publication shall also contain all other information required of the notice provided for in Section 6. The Village may cut weeds as many times as is necessary and charge the costs to the property owner.

SECTION 8. In the event that the owner, agent, or occupant of any parcel of land fails, after ten days notice as provided herein, to destroy such weeds and/or grasses or cause the same to be destroyed, then any duly appointed or authorized employee of the Village of Maybee may enter upon such parcel of land and destroy by cutting with or without mechanical equipment any such weeds and/or grasses. All expenses incurred in connection with such destruction shall be paid by the owner of such parcel of land. Any expense incurred in such destruction shall be placed as a lien against such land, which lien shall be enforced in the manner now provided by law for the enforcement of tax liens.

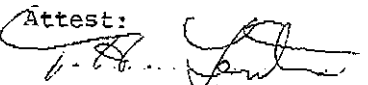
SECTION 9. Any owner who shall refuse to destroy such noxious weeds and/or grasses as provided in the Ordinance shall be subject to a fine of not more than One Hundred Dollars, said fine to be collected and paid to the Village of Maybee and shall become part of the "Noxious Weed and Grass Control Fund of the Village of Maybee." Each day that a violation is permitted to exist shall constitute a separate offense. The foregoing penalty shall be in addition to the rights of the Village to proceed at law or equity with other appropriate or proper remedies.

SECTION 10. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not effect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 11. This Ordinance shall take effect on the 30th day of December, 1986. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

VILLAGE BOARD, VILLAGE OF MAYBEE
COUNTY OF MONROE, STATE OF MICHIGAN


Attest:


T. H. Lentner
Village President

BY: 
JUDY COUSINO - Village Clerk

I, Judy Cousino, Clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village of Maybee Road at the regular meeting thereof, held on the 10th day of December, 1986, the vote thereon being as follows:

AYES 4 NAYS 0

by 
Judy Cousino, Village Clerk

VILLAGE OF MAYBEE

ORDINANCE NO. 121

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Village of Maybee under the provisions of the State Construction Code Act (Act 230 of the Public Acts of 1972, as amended.)

The Village of Maybee ordains:

Sec. 1. Ordinance No. 120 is repealed.

Sec. 2. Agency Designated. Pursuant to the provisions of the Michigan Building, Electrical, Mechanical and Plumbing Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building official of the Village of Maybee is hereby designated as the enforcing agency to discharge the responsibilities of the Village of Maybee under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Village of Maybee assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

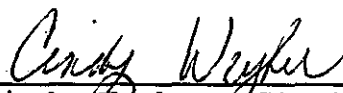
Sec. 3. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Sec. 4. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

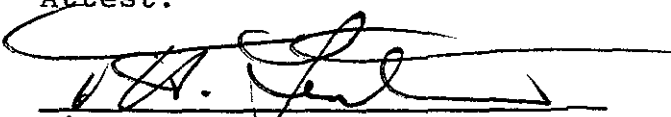
Adopted July 10, 1991.

This Ordinance duly adopted on July 10, 1991 at a regular meeting of the Maybee Village Council and will become effective August 15, 1991.

DATE: August 5, 1991.


Cindy Weyher, Clerk
Village of Maybee

Attest:


Timothy H. Lentner
President
Village of Maybee

**VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 2006-002**

An Ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within the Village of Maybee, Monroe County, Michigan; to provide for the enforcement thereof; and to provide penalties for the violation thereof, under the authority granted to the Village by Act 344 of the Public Acts of 1945, as amended.

The entire ordinance is amended to read as follows:

THE VILLAGE OF MAYBEE ORDAINS:

Section 1. Purpose.

Consistent with the letter and spirit of Act 344 of the Public Acts of 1945, as amended, it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in the Village of Maybee by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in the Village.

Section 2. Causes of Blight or Blighting Factors.

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this Ordinance no person, firm or corporation of any kind shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the Village of Maybee owned, leased, rented or occupied by such person, firm or corporation:

- (A) The storage upon any property of any junk automobile, except in a completely enclosed building. For the purpose of this Ordinance the term "junk automobile" prima facie shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of 60 days and also, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 60 days.
- (B) The outdoor storage upon any property of building materials unless a valid building permit has been issued by the Village of Maybee not more than one year previously for construction upon said property, and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure. Provided that all construction debris shall be removed from any property within 30 days after occupancy thereof.

- (C) The storage or accumulation of junk, trash, rubbish, or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 30 days. The term "junk" shall include parts of machinery, boats or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other cast-off material of any kind whether or not same could be put to any reasonable use.
- (D) The existence of any vacant dwelling, garage or other outbuilding unless the same is kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or other unauthorized persons.
- (E) The existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, if a dwelling, nor useful for any other purpose for which it may have been intended.
- (F) The existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by the Village of Maybee and unless exterior construction is completed within one year after issuance thereof.

Section 3. Exceptions.

In any area, an exception is made when such uses of property are incidental to and necessary for the carrying on of any business or occupation lawfully being conducted upon the premises involved. In such cases, the provisions of Section 2 of this Ordinance shall not apply.

Section 4. Enforcement and Penalties.

- (A) This Ordinance shall be enforced by such persons who shall be so designated by the Village Council.
- (B) The owner and/or the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within 10 days after service of the notice upon him. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- (C) Failure to comply by the owner and/or occupant with such notice within the time allowed shall constitute a violation of this Ordinance. Each day that there is such failure to comply shall constitute a separate offense.
- (D) Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not to exceed \$500.00, or by imprisonment not exceeding 90 days or by both such fine and imprisonment, at the discretion of the Court, together with payment of court costs.

Any violation of any provision of this Ordinance is hereby declared to be a nuisance per se. The Village may petition the court of competent jurisdiction to order such nuisance abated and the owner and/or occupant in charge of such dwelling, building, structure, tent, trailer, mobile home, or land can be adjudged of maintaining a nuisance per se and the same may be abated by order of any court of competent jurisdiction.

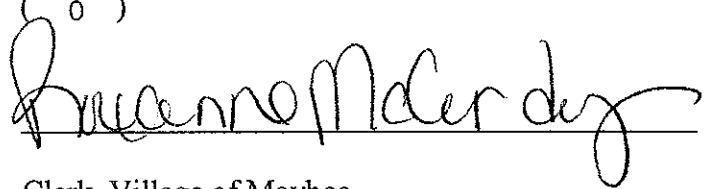
Section 6. Effective Date.

This Ordinance shall become effective 20 days after publication.

I, Roxanne McCurdy, Clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village Council at the regular meeting thereof, held on the 13th day of September, 2006, at 7:30 p.m. Eastern Standard Time, the vote thereon being as follows:

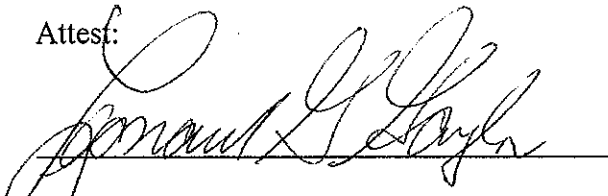
In favor of the Ordinance (6)

Against the Ordinance (0)



Clerk, Village of Maybee

Attest:



President, Village of Maybee

**VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 2006-003**

An Ordinance to prohibit certain types of disorderly conduct of individuals, defining certain types of conduct which are disorderly, and providing penalties for the violation of the Ordinance.

THE VILLAGE OF MAYBEE ORDAINS:

Section 1. Prohibited Acts

The following acts shall be deemed to be disorderly conduct and are prohibited:

- (a) Roughly crowding people unnecessarily in any public place.
- (b) Obstructing, molesting or interfering with any person lawfully in a place, public or private, or engaged in lawful pursuit.
- (c) Causing, provoking or engaging in any fight, riot or other conduct which endanger the life, limb, health or property of another.
- (d) Making any loud, boisterous, or unseemly noise or disturbance or by any mechanical device, including but not limited to radio or tape recorder or other such device, or creating or permitting any loud or unseemly noise to be made.
- (e) Congregating with another or others in a public way so as to halt or interfere with the flow of traffic, whether vehicular or pedestrian, and who refuses to clear the public way when ordered to do so by a police officer.
- (f) Person or persons without lawful business who loiter or stroll in or about or on any street, alley or public way or public place or in any public gathering or assembly or in or about any door, shop, or business or commercial establishment or in any private place after the normal closing hours of such business.
- (g) Person or persons who shall conduct himself in any public place, street, alley or other place or any private store, commercial or industrial establishment to which the public is invited, in a lewd, wanton, profane, offensive or obscene manner of speech or behavior.
- (h) Any one lounging against or sitting on or leaning against any private motor vehicle without the permission of such owner of the said vehicle.

Section 2. Penalty

Any person violating the provisions of Section 1 of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$500.00, or by imprisonment for not to exceed 90 days, or by both such fine and imprisonment in the discretion of the Court having jurisdiction.

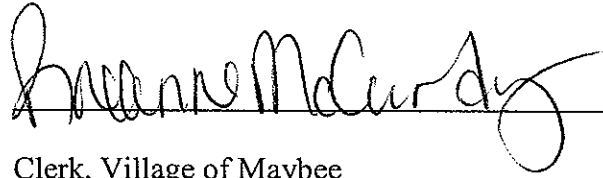
Section 3. Severability

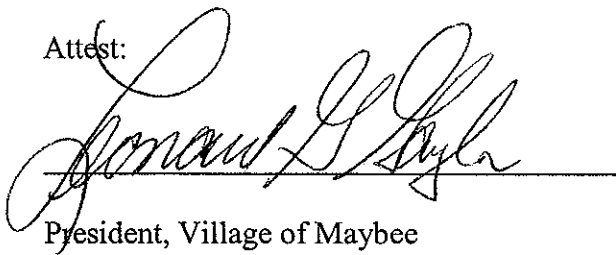
In the event that any part of this Ordinance is judged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 4

This Ordinance shall become effective twenty (20) days after publication.

This Ordinance is hereby declared to have been enacted by the Board of the Village of Maybee, Monroe County, Michigan at a meeting thereof, called and held on the 13th day of Sept., 2006, and shall take effect upon publication thereof in accordance with Michigan Statute.


Clerk, Village of Maybee

Attest:

President, Village of Maybee

**VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 2006-005
MAYBEE VILLAGE FIRE CHARGES ORDINANCE
LONDON MAYBEE RAISINVILLE FIRE DEPARTMENT**

An Ordinance to establish charges for fire department services under Michigan Public Act 33 of 1951, as amended (Compiled Law 41.801 et. seq) and to provide methods for the collection of such charges and exemptions therefrom.

THE VILLAGE OF MAYBEE, MONROE COUNTY, MICHIGAN ORDAINS:

Section 1. Purpose.

The within ordinance is adopted for the purpose of providing financial assistance to the Village for the operation of a fire department from those receiving direct benefits from the fire protection service. It is the further purpose of the within ordinance to provide for full funding of the fire department operation which remains, in part, an at large governmental expense based upon the general benefits delivered to all property owners within the Village from the existence of a village fire department and its availability to extinguish fires within the Village and perform other emergency services.

Section 2. Charges.

The Village shall charge the property owner of record or recipient of fire department services. Runs include, but not limited to the following enumerated services:

Grass fire, rubbish fire, automobile fire, house and structure fire, fire in a commercial establishment, fire in a multiple family building, hotel or motel fire, aircraft fire, train fire, truck fire, forest fire, public safety incident, environmental hazards, other services not specifically enumerated.

Itemized costs for special materials, personal, and equipment to respond to a particular incident may be billed separately.

The Village Council shall establish a cost recovery schedule by resolution as amended from time to time.

Section 3. Time For Payment of Charges.

All of the foregoing charges shall be due and payable within 30 days from the date the service is billed.

The Village of Maybee shall bill the cost of any fire and/or emergency run to the person benefiting from the fire and/or emergency run in the Village of Maybee. Any billings or efforts of collections shall be the responsibility of the Village of Maybee.

Section 4. Exemptions.

The following properties and services shall be exempt from the foregoing charges:

- (A) False Alarms
- (B) Fires caused by railroad trains which are the specific statutory responsibility of railroad companies
- (C) Fires involving village buildings, grounds and/or property
- (D) Fire service performed outside the jurisdiction of the Village of Maybee under a mutual aid contract with adjoining municipality

Section 5. Collection of Charges.

The Village may proceed in district court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

Section 6. Non-Exclusive Charge.

The foregoing rates and charges shall not be exclusive of the charges that may be made by the Village for the costs and expenses of maintaining a fire department, but shall only be supplemental thereto. Charges may additionally be collected by the Village through general taxation after a vote of the electorate approving the same or by a special assessment established under the Michigan statues pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses.

Section 7. Multiple Property Protection.

When a particular service rendered by the fire department directly benefits more than one person or property, the owner of each property so benefited and each person so benefited where property is not involved shall be liable for the payment of the full charge for such service herein before outlined. The interpretation and application of the within section is hereby delegated to the fire chief subject only to appeal, within the time limits for payment, to the Village Board and shall be administered so that charges shall only be collected from the recipients of the service.

Section 8. Severability.

Should any provision or part of the within ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

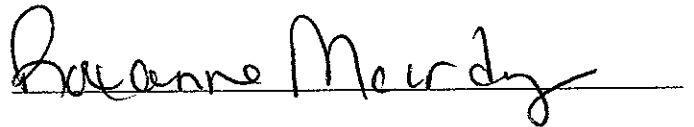
Section 9. Effective Date.

This ordinance shall take effect upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

I, Roxanne McCurdy, Clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village Council at the regular meeting thereof, held on the 13th day of September, 2006, at 7:30 p.m. Eastern Standard Time, the vote thereon being as follows:

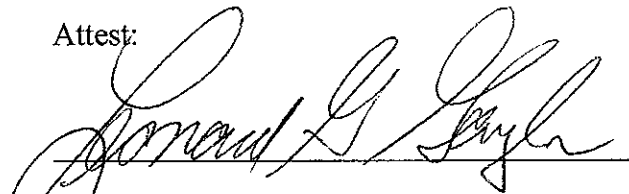
In favor of the Ordinance (6)

Against the Ordinance (0)



Clerk, Village of Maybee

Attest:



President, Village of Maybee

**VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 2006-006**

An Ordinance prohibiting the storage of commercial vehicles in zones that do not allow such storage, and repealing all Ordinances or parts of Ordinances in conflict herewith.

THE VILLAGE OF MAYBEE ORDAINS:

Section 1.00 Short Title.

This Ordinance shall be known as the “Maybe Commercial Vehicle Storage Ordinance”.

Section 2.00 Purpose.

This Ordinance has been established for the purpose of:

- (A) Promoting and protecting the public health, safety, and welfare;
- (B) Preventing the unlawful storage of commercial vehicles on residential property;

Section 3.01 Interpretation of Language.

For the purpose of this Ordinance, the following rules of interpretation shall apply to the text of this Ordinance:

- (A) The particular shall control the general.
- (B) The word “shall” is always mandatory and not discretionary. The word “may” is permissive and discretionary.
- (C) Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (D) A “building” or “structure” includes any part thereof.
- (E) The word “person” includes an individual, a corporation, a partnership, a public utility, joint venture, firm, an incorporated association, or any other similar entity.
- (F) Unless the context clearly indicates the contrary, or 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, or provisions, or events may apply singly or in any conditions.
3. "Either...or" indicates that the connected items, conditions, or provisions, or events may apply singly, but not in combination.

(G) Terms not herein defined shall have the meaning customarily assigned to them.

Section 3.02 Definitions.

Person: Any person, organization, corporation or company.

Commercial Vehicle: Any vehicle falling into one or more of the categories listed below:

- Truck tractor.
- Semi trailer, which shall include flat beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.
- Any vehicle with a commercial license having a Gross Vehicle weight in excess of ten thousand (10,000) pounds and/or a total length in excess of 22 feet.

Storage: To place, leave, or park in a location for later use or disposal.

Zoning Approval: Authorization obtained pursuant to provisions of the Village of Maybee Zoning Ordinance.

Section 4.01 Residential Parking or Storage Prohibited.

It is unlawful for any person to cause the storage of a commercial vehicle on any residential property unless Zoning Approval for such storage has been issued and is in effect. This provision shall not apply to commercial vehicles temporarily parked – less than eight (8) hours – in a residential area in conjunction with maintenance or service to a residential property.

Section 4.02 Presumption of Ownership.

In any proceeding for violation of any parking provision of this Ordinance, the person to whom a commercial vehicle is registered, as determined from the registration plate displayed on said motor vehicle, shall be presumed in evidence to be the person who committed the violation charged.

Section 5.00 Penalty.

Any person violating Section 4.01 of this Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment for a period not to exceed ninety (90) days, or both such fine and imprisonment.

Section 6.00 Severability.

This Ordinance and each of the various parts, sections, sub-sections, provisions, sentences and clauses are hereby declared to be severable. If any part, section, provision, sentence or clause is adjudged unconstitutional, invalid or unenforceable for any reason by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of this Ordinance, which shall remain in full force and effect.

Section 7.00 Conflicting Provisions Repealed.

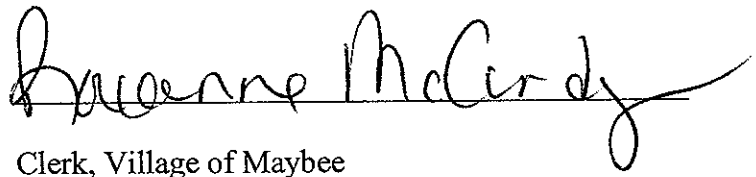
All other Ordinances and parts of Ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

Section 8.00 Savings Clause.

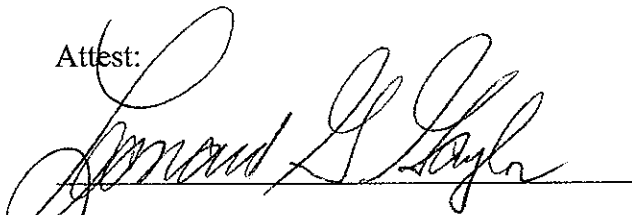
All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 9.00 Effective Date.

This Ordinance is hereby declared to have been enacted by the Board of the Village of Maybee, Monroe County, Michigan at a meeting thereof, called and held on the 13th day of Sept., 2006, and shall take effect 20 days after publication.


Clerk, Village of Maybee

Attest:


President, Village of Maybee

**VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 2006-007**

An Ordinance to establish a special assessment procedure for the making of public improvements and to repeal previously adopted Village Ordinances regarding special assessment procedures.

THE VILLAGE OF MAYBEE ORDAINS:

Section 1. Definitions.

The following terms as used in this Ordinance shall have the meanings herein defined.

A. The term "improvement" shall mean any public improvement that by law the Village is authorized to make, any part of the cost of which is to be assessed against one or more lots or parcels of land to be especially benefited thereby, in proportion to the benefit to be derived from the improvement.

B. The term "cost" when referring to the cost of any improvement, shall include the cost of surveys, plans, land, rights-of-way, spreading of rolls, notices, advertising, financing, bond counsel, legal fees and construction and all other costs incident to the making of such improvement, the special assessment district and the financing of the district.

C. The term "Council" shall mean the Council of the Village of Maybee.

D. The term "district" shall mean the special assessment district created or to be created for the making of an improvement.

Section 2. Council Authority.

The Council shall have the power to determine that the whole or any part of the cost of any improvement shall be defrayed by special assessments upon the property especially benefited, but such determination shall not be made until the preliminary proceedings provided for in Section 4 shall have been completed.

Section 3. Special Assessment District/Intent to Create.

In order to permit adequate scheduling, grouping and financing of improvements, petitions should be filed with the Village six (6) months in advance of the estimated construction dates. The Village President shall upon receipt of petitions sufficient for the creation of a special assessment district, present the matter to the Council for consideration. If the Council desires to proceed, it shall adopt a resolution tentatively declaring its intent to create a special assessment district and shall set a date for a public hearing on the creation of a special assessment district.

Section 4. Preliminary Proceedings/Estimate of Costs of Improvement.

Before determining to make any improvement for which any part of the cost is to be defrayed by special assessment, the Council shall by resolution require the Village President to provide for the preparation of plans and specifications and an estimate of the cost for the improvement, and to file those estimates and plans with the Village Clerk with his recommendation as to what proportion of the cost should be paid by special assessment and what part, if any, should be a general obligation of the Village, the number of installments in which assessment may be paid and the land which should be included in the special assessment district. After the report is filed with the Clerk, it shall be presented to the Council and said report shall be available for public examination no less than ten days prior to the date of the public hearing set for the creation of the district.

Section 5. Public Agency Exemption.

Whenever any land which should be included in the special assessment district may not be assessed pursuant to state law because it is owned by a public agency, a written agreement shall be sought by the Village whenever possible, to provide for the payment of the public agency's benefiting share of the cost of the improvement. The agreement or a statement that such agreement cannot be reached, shall be presented to the Council prior to the adoption by Council of the resolution provided for by Section 6 of this Ordinance.

Section 6. Determination and Notice of Public Hearing.

Upon receipt of a special assessment petition with the required signatures, and the adoption of a Resolution tentatively declaring the intention of the Village Council to create the district, the Council shall order the information presented to the Council by the Village President pursuant to Section 4 hereof filed in the office of the Village Clerk for public examination; shall direct the Village Clerk to give notice of said hearing which shall specify the time and place of such hearing and shall be published twice in a newspaper of general circulation in the Village, once not less than ten (10) days prior to the date of such hearing and once thereafter but prior to the date of the hearing. Such notice shall also be sent by first class mail not less than ten (10) days prior to the date of the hearing by the Village Clerk to each owner of the property subject to assessment, as indicated by the records of the Village President's or his her designee's office. the Village Clerk shall maintain on file in her office an affidavit of mailing with a list of all those record owners to whom a notice was mailed. Failure to send such notice to any owner of property shall not invalidate the proceedings or assessments. All notices shall state clearly the estimate of the costs of the improvements.

Section 7. Public Hearing on Creation of District.

The Council shall meet and review the proposed special assessment district and the improvement at the time and place appointed, or at an adjourned date if appropriate, and shall hear all persons interested in the necessity of the

improvements and all oral or written objections thereto. The Council may decrease the area of the proposed district prior to its creation but may not without an additional hearing increase the area of the district. Any changes made in the district area shall be noted in the Council's minutes.

Section 8. Council Determination/Creation of District.

After said report is presented to the Council, and the public hearing held, the Council may, by resolution, approve the plans and specifications and estimate the cost, determine to make the improvement and to defray the whole or any part of the cost of the improvement by special assessment upon the property especially benefited in proportion to the benefits thereto and what part, if any, shall be a general obligation of the Village; designate the district or land and premises upon which special assessments shall be levied and the Council may in its discretion determine to create the proposed special assessment district with such corrections as it may have made, if any, or may refer it back to the President or his/her designee for revision or may annul it and any proceedings in connection therewith. Upon creation of the district by Council resolution, the district shall be final and conclusive.

Section 9. Preparation and Filing of Roll.

1. Subsequent to the creation of the district, the Council shall direct the President to provide for the preparation of a special assessment roll in accordance with the Council's determination. The President shall provide for the preparation of a special assessment roll including all parcels of land within the special assessment district as created by the Council, and shall propose for the assessment to each such lot or parcel of land such relative portion of the whole sum to be levied against all the lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district. There shall also be entered upon such roll the amount that has been assessed to the Village at large, if any.

2. When the assessment roll is completed, the President shall attach to the roll or endorse thereon his certificate to the effect that said roll has been made by him pursuant to a resolution of the Council (giving date of adoption of same) and that in making the assessments therein he has as near as may be, according to his best judgment, conformed in all respects to the directions contained in such resolution, and to the Village Charter and the provisions of this Ordinance. The special assessment roll shall then be filed with the Clerk who shall present it to the Council.

Section 10. Determination and Notice of Public Hearing.

Upon receipt of a special assessment roll the Council shall order it and the information presented to the Council by the Village President pursuant to Section 4 hereof filed in the office of the Village President or his/her designee for public examination; shall fix the time and place when it will meet and review such roll and hear all persons interested in the necessity of the improvement, and shall direct the Village Clerk to give notice of said hearing. Such notice shall specify the time and place of such hearing and shall be published twice in a newspaper of general

circulation in the Village, once not less than ten (10) days prior to the date of such hearing and once thereafter but prior to the date of the public hearing. Such notice shall also be sent by first class mail not less than ten (10) days prior to the date of the hearing by the Village Clerk to each owner of the property subject to assessment, as indicated by the records of the Village President's office. Failure to send such notice to any owner of property shall not invalidate the proceedings or assessments. All notices shall state clearly the estimate of cost of the improvements described in the roll.

Section 11. Objections to Roll.

Any person deeming himself aggrieved by the special assessment roll or the necessity of the improvement may file his objections thereto in writing with the Clerk prior to the close of said hearing.

Section 12. Public Hearing and Confirmation.

The Council shall meet and review the said special assessment roll at the time and place appointed, or at an adjourned date if appropriate, and shall hear comments from all persons interested in the necessity of the improvements and all oral or written objections thereto. The Council may correct the roll as to any assessment or description of any lot or parcel of land, or other errors appearing on the roll. Any changes made in the roll shall be noted in the Council's minutes. After such hearing and review, the Council may by Council resolution confirm the special assessment roll with such corrections as it may have made, if any, or it may refer it back to the President for revision or may annul it and any proceedings in connection therewith. Upon confirmation of a special assessment roll the Council shall determine the number of installments in which the assessments may be paid, the due date of the installments and shall determine the rate of interest to be charged on installments but not to exceed eight percent (8%) per annum if bonds are not to be issued or at a rate of not greater than 1% above the rate borne by the bonds issued in anticipation of the collection of the special assessments. The Clerk shall endorse the date of confirmation upon the special assessment roll. Upon confirmation, such roll shall be final and conclusive.

Section 13. Attachment of Lien.

All special assessments contained in any special assessment roll, including any part thereof deferred as to payment, shall, from the date of confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land. Such lien shall be of the same character and effect as the lien created for Village taxes and shall include accrued interest and penalties. No judgment or decree, nor any act of the Council vacating a special assessment, shall destroy or impair the lien of the Village upon the premises assessed for such amount of the assessment as may be equitably charges against the same, or as by a regular mode of proceedings might be lawfully assessed thereon.

Section 14. Handling of Assessment Roll.

The assessment roll shall be transmitted by the Clerk to the Treasurer for collection immediately after its confirmation. The Treasurer shall divide the assessment into installments when so ordered by the Council; provided, that if such division operates to make any installment less than ten dollars (\$10.00), then the Treasurer shall reduce the number of installations so that each installment shall be above and as near ten dollars (\$10.00) as possible. The Treasurer shall mail statements of the several assessments to the respective owners, as indicated by the records of the President or his/her designee, of the several lots and parcels of land assessed, stating the amount of the assessment and the manner in which it may be paid; and clearly stating on the first bill that the amount due is based upon "Estimated Costs" or "Final Costs" for the project described provided, however, that failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.

Section 15. Delinquent First Installment.

When any such special assessment, or the first installment thereof when divided into installments, shall have been due and unpaid for more than thirty (30) days on the first day of September in any year, the same shall be reported by the Treasurer to the President or his/her designee who shall spread the same, in the December tax roll, together with interest accrued on the entire unpaid balance, computed to June 1 of the current year, plus a charge of one percent (1%) of the amount of such assessment or installment and such interest for each month or fraction of a month that the installment remains unpaid.

Further, when any first installment shall have been due and unpaid for thirty (30) days on the first day of May, such first installment shall be added to the second installment together with interest accrued to June 1 on the entire unpaid balance, and both installments with the interest accrued shall be billed on June 1 in the same manner as second installments, as outlined in Section 17.

Section 16. Early Payment.

The whole of any assessment or one or more full installments thereof may be paid during the first thirty (30) days after confirmation of the roll, without interest or penalty. After expiration of this thirty (30) day period the second and subsequent installments not yet reported to the President for adding to either the July or December tax roll, may be discharged by paying the face amount of such installment, plus interest thereon computed to the date of payment.

Section 17. Second and Subsequent Installments.

Second and subsequent installments shall be due and payable on the first day of June annually in each succeeding year following the year in which the first installment was due and payable, and shall be collected by the Treasurer from the original special assessment roll. The Treasurer shall give notice of the due date of

each such installment in the manner prescribed for the notification of taxes set forth in the Ordinance. In addition to the principal amount of each annual installment, there shall be added thereto and collected from the special assessment roll by the Treasurer as a part of each such installment, the interest due on the entire unpaid balance of the special assessment computed to June 1 of the year in which the installment is due; provided, that when any annual installment shall have been prepaid as herein provided, then there shall be due and payable on June 1 of such year, only the interest upon the unpaid balance of the special assessment. In collecting each installment from the special assessment roll, the Village Treasurer shall have the same rights and remedies as provided in the Ordinance for the collection of taxes. If any annual installment, the interest thereon or the amount due annually as interest on the unpaid balance of the assessment due in any year as herein provided, shall not be paid before the first day of September of the year when due, the amounts thereof shall be reported by the Treasurer to the President or his/her designee and such amounts, together with a charge of one percent (1%) of the amount of the installment and unpaid interest for each month or fraction of a month that the installment remains unpaid, shall be added to the December tax roll.

Section 18. Determining Actual Cost.

Upon completion of the improvement and payment of the cost thereof the Village President shall certify the total cost of said improvement to the Council together with the amount of the original roll for said improvement.

Section 19. Deficiency Assessments and Refunds.

1. Should the assessments in any special assessment roll including the amount assessed to the Village at large prove insufficient for any reason to pay the cost of the improvement for which they were made then the Council may make additional assessments against the Village and the several lots and parcels of land within the special assessment district; and shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all the lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district; or the Council may determine that such deficiency shall be paid by the Village but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement. In the event the deficiency assessment to be levied against the benefiting property as described above exceeds the original estimated cost by 10% or more, Council shall order a public hearing with the notice of said hearing to be as described in Section 12 of the Ordinance.

2. Should the total amount collected on assessments levied prove to be more than necessary by more than 5% of the original roll then the surplus shall be prorated among the properties assessed in accordance with the amount assessed against each and applied toward the payment of the next Village tax levied against such property respectively or if there be no such tax then it shall be refunded to the persons who are the respective record owners of the properties on the date of the passage of the resolution ordering such refund. Any such surplus of 5% or less may be paid into the Village general fund.

Section 20. Reassessment in Event of Illegality.

Whenever any special assessment shall, in the opinion of the Council be invalid by reason of irregularity or informality in the proceedings or if any court of competent jurisdiction shall adjudge such assessment to be illegal the Council shall whether the improvement has been made or not or whether any part of the assessment has been paid or not have the power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for in the original assessment and whenever the assessment or any part thereof levied upon any premises has been so set aside if the same has been paid and not refunded, the payment so made shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied.

Section 21. Collection by Court Action.

In addition to any other remedies and without impairing the lien therefore, any delinquent special assessment together with interest and penalties may be collected in an action in assumpsit in the name of the Village against the person assessed in any court having jurisdiction of the amount. If any such action it shall appear that by reason of any irregularities or informalities the assessment has not been properly made against the defendant or upon the premises sought to be charged the court may, nevertheless, on satisfactory proof that expense has been incurred by the Village which is a property charge against the defendant or the premises in question render judgment for the amount properly chargeable against such defendant or upon such premises.

Section 22. Repeal.

All Ordinances in conflict with this Ordinance specifically Ordinance Nos. 130, 132 and 134 are to the extent of such conflict hereby repealed.

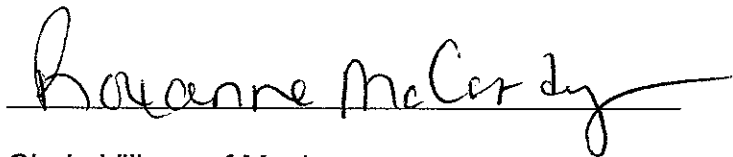
Section 23. Effective Date.

This ordinance shall take effect upon publication.

I, Roxanne McCurdy, Clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village Council at the regular meeting thereof, held on the 13th day of September, 2006, at 7:30 p.m. Eastern Standard Time, the vote thereon being as follows:

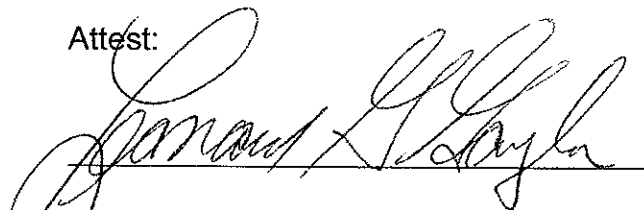
In favor of the Ordinance (6)

Against the Ordinance (0)



Clerk, Village of Maybee

Attest:



President, Village of Maybee

**VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 2006-008**

An Ordinance to Regulate Parking on certain streets in the Village of Maybee, Michigan and to provide a penalty for the violation thereof.

THE VILLAGE OF MAYBEE ORDAINS:

Section 1.

Only parallel parking at the curbline shall be lawful on the following streets:

Both sides of Bluebush Road from Detroit, Toledo, and Ironton
Railroad Tracks east to center line of Blaser Road.

Both sides of Raisin Street from Bluebush Road north to Detroit,
Toledo, and Ironton Railroad Tracks.

Section 2.

No parking within 15 feet of any fire hydrant.

Section 3. Penalty.

Violation of this Ordinance shall be a misdemeanor and shall be punishable upon conviction thereof by a fine not to exceed \$500.00, or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, at the discretion of the Court, together with payment of court costs.

Section 4.

All ordinances or parts of ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed.

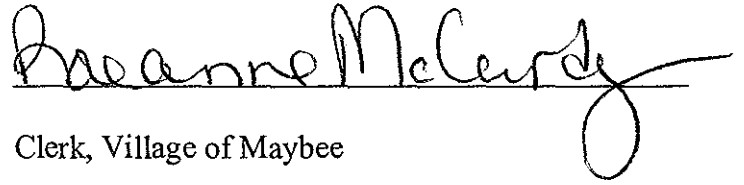
Section 5.

This Ordinance shall become effective twenty (20) days after publication.

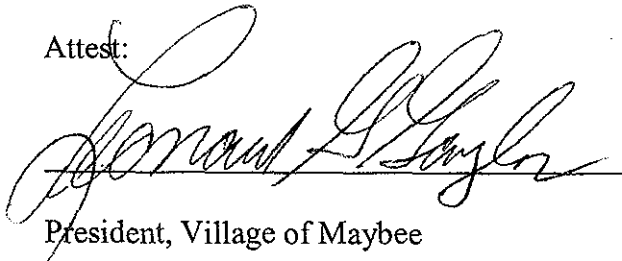
I, Roxanne McCurdy, Clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village Council at the regular meeting thereof, held on the 13th day of September, 2006, at 7:30 p.m. Eastern Standard Time, the vote thereon being as follows:

In favor of the Ordinance (6)

Against the Ordinance (0)


Clerk, Village of Maybee

Attest:


President, Village of Maybee

**VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 2006-009**

An Ordinance establishing certain rules of conduct in public recreation areas.

THE VILLAGE OF MAYBEE ORDAINS:

Section 1. Prohibited Conduct.

- A. It shall be unlawful for any person to drive, operate, or otherwise propel any motorized vehicle other than authorized maintenance vehicles in or on any public recreational area, park or playground within the limits of the Village of Maybee at any time.
- B. It shall be unlawful for any person to maliciously or willfully damage or destroy real, personal or mixed property, including fences, benches, tables and playground equipment located in or on any public recreational area, park or playground within the limits of the Village of Maybee.
- C. It shall be unlawful for any person to violate the rules and regulations promulgated by the Maybee Recreation Commission and approved by the Maybee Village Council, and posted in any public park, recreation or playground area, provided that such rules and regulations are plainly printed and conspicuously posted at or in such areas of premises.

Section 2. Penalty.

Violation of this Ordinance shall be a misdemeanor and shall be punishable upon conviction thereof by a fine not to exceed \$500.00, or by imprisonment not exceeding 90 days, or by both such fine and imprisonment, at the discretion of the Court, together with payment of court costs.

Section 3. Repeal.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

Section 4. Severability.

The Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

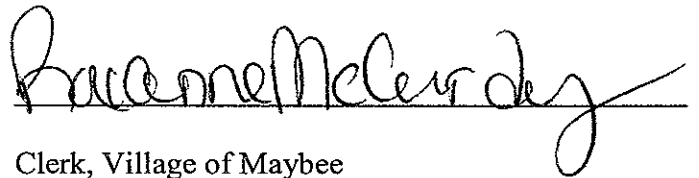
Section 5. Effective Date.

This Ordinance shall become effective 20 days after publication.

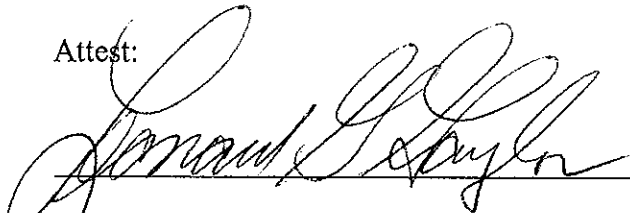
I, Roxanne McCurdy, Clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village Council at the regular meeting thereof, held on the 13th day of September, 2006, at 7:30 p.m. Eastern Standard Time, the vote thereon being as follows:

In favor of the Ordinance (6)

Against the Ordinance (0)


Clerk, Village of Maybee

Attest:


President, Village of Maybee

VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 2006-010

An Ordinance establishing park hours.

THE VILLAGE OF MAYBEE ORDAINS:

Section 1. Prohibited Conduct.

It shall be unlawful for any person to be on the premises of Maybee Community Park, located on Maybee-Scofield Road, between the hours of 10:00 p.m. and 7:00 a.m.

Section 2. Penalty.

Violation of this Ordinance shall be a misdemeanor and shall be punishable upon conviction thereof by a fine not to exceed \$500.00, or by imprisonment not exceeding 90 days, or by both such fine and imprisonment, at the discretion of the Court, together with payment of court costs.

Section 3. Repeal.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

Section 4. Severability.

The Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

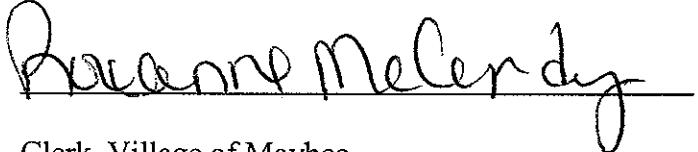
Section 5. Effective Date.

This Ordinance shall become effective 20 days after publication.

I, Roxanne McCurdy, Clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village Council at the regular meeting thereof, held on the 13th day of September, 2006, at 7:30 p.m. Eastern Standard Time, the vote thereon being as follows:

In favor of the Ordinance (6)

Against the Ordinance (0)



Clerk, Village of Maybee

VILLAGE OF MAYBEE
ORDINANCE NO.2009-001
ORDINANCE TO ESTABLISH A PLANNING COMMISSION

Preamble

An ordinance to establish the Village of Maybee Planning Commission; provide for the composition of that planning commission; provide for the powers, duties and limitations of that planning commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

THE VILLAGE OF MAYBEE, MONROE COUNTY, MICHIGAN, ORDAINS:

Section 1: Scope, Purpose and Intent

This ordinance is adopted pursuant to the authority granted the Village Council under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the Village Council shall hereby establish the Village of Maybee Planning Commission; to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission.

Section 2: Establishment

The Village Council hereby creates a Village Planning Commission consisting of five (5) members. The Planning Commission is formed under the authority of and subject to the powers, duties, and limitations provided in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and further subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.

Section 3: Appointments and Terms

The Village President, with the approval of the Village Council by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.

When the planning commission is first established, the members appointed, other than the ex officio member, shall be appointed to 1-year, 2-year or 3-year terms such that, as nearly as possible, the terms of one-third of all the planning commission members will expire each year. After that, all planning commission members, other than the ex-officio member, shall serve for terms of 3 years each.

A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term

in the same manner as the original appointment.

Planning commission members shall be qualified electors of the Village except that two planning commission members may be individuals who are not qualified electors of the Village. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Village, in accordance with the major interests as they exist in the Village, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Village to the extent practicable.

One member of the Village Council shall be appointed to the planning commission as an ex officio member. An ex officio member has full voting rights. The ex officio member's term on the planning commission shall expire with his or her term on the Village Council.

No other elected officer or employee of the Village is eligible to be a member of the planning commission.

Section 4: Removal

The Village Council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 5: Conflict of Interest

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance constitutes malfeasance in office.

For the purposes of this section, conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

(a) An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual;

(b) The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;

(c) The planning commission member owns or has a financial interest in neighboring property;

For purposes of this section, a neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.

(d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning

commission.

Section 6: Compensation

The planning commission members may be compensated for their services as provided by Village Council resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Village Council including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 7: Officers and Committees

The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws.

The planning commission may also appoint advisory committees whose members are not members of the planning commission.

Section 8: Bylaws, Meetings and Records

The planning commission shall adopt bylaws for the transaction of business.

The planning commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Section 9: Annual Report

The planning commission shall make an annual written report to the Village Council concerning its operations and the status of the planning activities, including recommendations regarding actions by the Village Council related to planning and development.

Section 10: Authority to Make Master Plan

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the Village's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the Village Council passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the Village Council, any plan adopted or amended under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 11: Zoning Powers

All powers, duties, and responsibilities provided for zoning boards or zoning commissions by the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., or other applicable zoning statutes are transferred to the Village of Maybee Planning Commission.

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the Village Council.

Section 12: Capital Improvements Program

To further the desirable future development of the Village under the master plan, the Village Council, after the master plan is adopted, shall prepare or cause to be prepared by the Village President or by a designated nonelected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period. The prepared capital improvements program shall be subject to final approval by the Village Council. The planning commission is hereby exempted from preparing a capital improvements plan.

Section 13: Subdivision and Land Division Recommendations

The planning commission may recommend to the Village Council provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the Village.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the Village Council under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the Village. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 14: Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

Section 15: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 16: Effective Date

This ordinance shall take effect 63 days after the ordinance is published by the Village Council in a newspaper of general circulation in the Village.

CERTIFICATE

The undersigned, as the duly elected and acting clerk of the Village, hereby certifies that this ordinance was duly adopted by the Village Council at a regular meeting of said Council, at which a quorum was present, held on April 8, 2009, and that copies of the ordinance were transmitted and published as directed.

Theresa Gross
Village Clerk

Leonard G Gaylor
Village President

VILLAGE OF MAYBEE
Dangerous Buildings Ordinance
ORDINANCE NO. 2010-001

An ordinance to promote the health, safety and welfare of the people of the Village of Maybee, Monroe County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE VILLAGE OF MAYBEE, MONROE COUNTY, MICHIGAN, ORDAINS:

Section I: Title

The ordinance shall be known and cited as the Village of Maybee Dangerous Buildings Ordinance.

Section II: Definition of Terms

As used in this ordinance, including this section, the following words and terms shall have the meanings stated herein:

A. “Dangerous building” means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit does not conform to the Village Fire Code or Village Building Code.
2. A portion of the building or structure is damaged by fire, wind, flood deterioration, neglect, abandonment, vandalism or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the damage and does not meet the minimum requirements of the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the Village Building Code for a new building or structure, purpose or location.
3. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
4. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of Michigan, Public Act 167 of 1917, as amended (MCL 125.401, *et seq.*), or the Village Building Code.

5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
6. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.
7. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.
8. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary for unfit for human habitation, is in a condition that the health officer of the Village or county determines is likely to cause sickness or disease or is likely to injure the health, safety or general welfare of people living in the dwelling.
9. A building or structure is vacant, dilapidated and open at door or window leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.
10. A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Public Act 299 of 1980 (MCL 339.2401, *et seq.*) or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:
 - a. A building or structure as to which the owner or agent does both of the following:
 - (2) Notifies the Monroe County Sheriff's Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.
 - (2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the Village Building Code.

- b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the Monroe County Sheriff's Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the Monroe County Sheriff's Department not more than 30 days after the dwelling no longer qualifies for this exemption. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of the year.

B. **"Enforcing agency"** means the Village of Maybee, through the Village Building Official and/or such other official(s) or agency as may be designated by the Village Council to enforce this ordinance.

C. **"Village Building Code"** means the building code administered and enforced in the Village pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended (MCL 125.1501, *et seq.*).

Section III: Prohibition of Dangerous Buildings

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

Section IV: Notice of Dangerous Building; Hearing

A. **Notice Requirement.** Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

B. **Parties Entitled to Notice.** The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the Village.

C. **Contents of Notice.** The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.

D. **Service of Notice.** The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be

served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

Section V: Dangerous Building Hearing Officer; Duties; Hearing; Order

A. Appointment of Hearing Officer. The Hearing Officer shall be appointed by the Village President to serve at his or her pleasure. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or a member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

B. Filing Dangerous Building Notice with Hearing Officer. The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

C. Hearing Testimony and Decision. At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure demolished, otherwise made safe, or properly maintained. A copy of the findings and order of the Hearing Officer shall be served on the owner or other party in interest in the manner prescribed in Section IV.D. of this ordinance.

D. Compliance with Hearing Officer Order. If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall enter an order that specifies what action the owner or party in interest shall take, fixing a date by which the owner or party in interest shall comply with the order. If the building is a dangerous building under Section II.A.1-10. of this ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees and shrubs.

E. Noncompliance with Hearing Officer Order/Request to Enforce Order. If the owner or other party in interest fails to appear or neglects or refuses to comply with the order issued under Section V.D. of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Village Council not more than five days after the date for compliance set in the order and request that necessary action be taken to enforce the order.

Section VI: Enforcement Hearing Before the Village Council

The Village Council shall fix a date not less than 30 days after the hearing prescribed in Section V.C. of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner or other party in interest in the manner prescribed in Section IV.D of this ordinance of the time and place of the hearing. At the

hearing the owner or other party in interest shall be given the opportunity to show cause why the order should not be enforced. The Village Council shall either approve, disapprove or modify the order. If the Village Council approves or modifies the order, the Village Council shall take all necessary action to enforce the order. If the order is approved or modified, the owner or other party in interest shall comply with the order within 60 days after the date of the hearing under this section. In the case of an order of demolition, if the Village Council determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism or other cause and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, or other party in interest shall comply with the order of demolition within 21 days after the date of the hearing under this section.

Section VII: Implementation and Enforcement of Remedies

A. Implementation of Order by Village. In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Village Council, the Village Council may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

B. Reimbursement of Costs. The costs of demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the Village to bring the property into conformance with this ordinance shall be reimbursed by the owner or party in interest in whose name the property appears.

C. Notice of Costs. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the Village Assessor of the amount of the costs of demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the Village records.

D. Lien for Unpaid Costs. If the owner or party in interest fails to pay the costs within 30 days of mailing by the Village Assessor of the notice of the amount of the cost, the Village shall have a lien for the costs incurred by the Village to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, *et seq.*).

E. Court Judgment for Unpaid Costs. In addition to other remedies under this ordinance, the Village may bring an action against the owner or other party in interest of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The Village shall have a lien on the property for the amount of a judgment

obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens or encumbrances.

F. Enforcement of Judgment. A judgment in an action brought pursuant to Section VII.E. of this ordinance may be enforced against assets of the owner other than the building or structure.

G. Lien for Judgment Amount. The Village shall have a lien for the amount of a judgment obtained pursuant to Section VII.E. of this ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not take priority over prior filed or recorded liens and encumbrances.

Section VIII: Sanction for Nonconformance with Order

Any person or other entity who fails or refuses to comply with an order approved or modified by the Village Council, under Section VI of this ordinance within the time prescribed by that Section is guilty of a misdemeanor, punishable by imprisonment for not more than 120 days or a fine of not more than \$1,000.00, or both. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section IX: Appeal of Village Council Order

An owner or other party in interest aggrieved by any final decision or order of the Village Council issued pursuant to Section VI of this ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from the date of the decision.

Section X: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section XI: Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Village Building Code.

Section XII: Effective Date

This ordinance shall take effect 30 days after publication as required by law.

This ordinance was adopted by the Village Council of the Village of Maybee, Monroe County, Michigan, at a Regular meeting thereof held on June 9, 2010

Theresa Gross

Clerk

**VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN
ORDINANCE NO. 2011 -001**

An Ordinance to repeal Ordinance No. 113 of the Village of Maybee entitled Noxious Weed and Grass Control Ordinance of the Village of Maybee and to adopt this Ordinance pursuant to the authority granted by Public Act 359 of 1941 as amended, and which provides for the controlling and eradicating of certain weeds and grass within the Village of Maybee, to prevent such weeds and grass from growing to seed or blossom, to prevent such weeds and grass from becoming a fire hazard, and to control such weeds and grass to protect the health, safety and welfare of the citizens of the Village of Maybee.

THE VILLAGE OF MAYBEE ORDAINS:

Section 1. Title.

This Ordinance shall be known and referred to as the Village of Maybee Noxious Weed and Grass Control Ordinance.

Section 2. Definitions.

1. The terms “weeds and grass” shall include but not be limited to Canada thistle, milkweed, wild carrot, oxide daisies, mustards, dodders, bindweed, perennial sowthistle, hoary alyssum, ragweed, goldenrod, burdock, poison ivy, poison sumac, any type of growth, brush, or plants that exist by reason of not being cut over a period of time and which may have grown into trees or other types of plant life over the years, and other types of weeds or grasses as the terms are commonly used, or other plant which in the opinion of the governing body of the Village of Maybee is regarded as a common nuisance.

2. “Exempt vegetation” shall mean weeds in fields devoted to growing any small grain crop such as wheat, oats, barley or rye, agricultural crops, cultivated trees, cultivated shrubs, flowers or other decorative ornamental plants under cultivation and meadows in agricultural zoning districts.

Section 3. Duty to Cut Weeds and Grasses.

It shall be the duty of every person who owns and/or occupies land within the Village of Maybee to cut to a height not to exceed six inches, destroy and remove from said land all such weeds and/or grasses growing thereon.

Section 4. Newspaper Notice.

The Village of Maybee Clerk shall publish a notice in a newspaper of general

circulation in the Village during the month of March that weeds and/or grasses not cut by May first of that year will be cut by the Village and the owner of the property charged with the cost. The notice shall be substantially in the following form:

To Property Owners and Occupants of lands situated in the Village of Maybee, Monroe County, Michigan:

Notice is hereby given that all weeds and grass growing and brush on any lands within the Village of Maybee must be cut to a height not to exceed six (6) inches, and destroyed and removed to prevent such weeds and/or grass from going to seed or blossom, from becoming a fire hazard, and/or from creating a condition detrimental to the health, safety and welfare of the citizens of the Village of Maybee.

The provisions of the Noxious Weed and Grass Control Ordinance of the Village of Maybee shall apply to all parcels of land in the Village except lands zoned agricultural and lawfully used for farming in a manner appropriate to such use, parcels of land containing exempt vegetation, or railroads situated within the Village.

Failure to comply with this notice on or before May 1 shall make the property owner liable for the costs of cutting, destroying and removing said weeds, grass and/or brush by the Village of Maybee, said cost to be levied and collected against said lands in the same manner as other taxes are levied and collected, and being a lien against said lands. The Village may cut the weeds and grass as many times as it necessary to achieve compliance with this Ordinance and charge the cost to the property owner.

Section 5. Penalty.

Any person, firm or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$100, which fine, when collected, shall become a part of the “Noxious Weed Control Fund” of the Village of Maybee. Each day that a violation shall continue shall constitute a separate offense. The foregoing penalties shall be in addition to the other rights of the Village to proceed at law or equity with other appropriate and proper remedies.

Section 6. Repeal.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

Section 7. Severability.

The Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 8. Effective Date.

This Ordinance shall become effective thirty (30) days after publication in a newspaper of general circulation in the Village of Maybee, Monroe County, Michigan.

I, Theresa Gross, Clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village Council at the regular meeting thereof, held on the 12th day of October, 2011, at 7:30 p.m. Eastern Standard Time, the vote thereon being as follows:

In favor of the Ordinance (6)

Against the Ordinance (0)

Theresa Gross _____

Clerk, Village of Maybee

Attest:

Leonard G. Gaylor

President, Village of Maybee

**THE VILLAGE OF MAYBEE
FIRE CHARGES ORDINANCE
LONDON MAYBEE RAISINVILLE FIRE DEPARTMENT
Ordinance No. 2018-001A; Adopted April 11, 2018**

An Ordinance to establish charges for fire department services under Michigan Public Act 33 of 1951, as amended (Compiled Law 41.801 et seq) and Public Act 246 of 1945 (Compiled Law 41.181 et seq) and to provide methods for the collection of such charges and exemptions therefrom.

This Ordinance is adopted for the purpose of providing financial assistance to the Village in the operation of the London Maybee Raisinville Fire Department (LMR or Fire Department) from those receiving direct benefits from the fire protection services. It is the further purpose of this Ordinance to provide for funding of Fire Department operations which remains, in part, an at large governmental expense based upon the general benefits derived by all property owners within the Village and perform other emergency services.

Section 2. Charges.

The Village shall charge the property owner of record or recipient of Fire Department services. Services include, but are not limited to the following:

- Grass fire
- Rubbish fire
- Automobile fire
- House and structure fires
- Fire in a commercial establishment
- Fire in an industrial or manufacturing establishment
- Fire in multiple family building
- Hotel or motel fire
- Aircraft fire
- Train fire
- Truck fire
- Forest fire
- Public safety incident
- Environmental hazards
- PI Incidents (Personal Injury Accidents) to out of area residence
- PDA (Property Damage Accidents) to out of area residence
- Rail Accidents
- Marine/Boating Incidents
- Water Rescues
- Wire down (after reasonable response time is allowed)
- Any additional request for service by the Fire Department deemed reimbursable by the Fire Chief

Itemized costs for special materials, personal and equipment required to respond to a particular incident may be billed separately.

The Village Board may by resolution establish the amount of the charges for services, which may be amended from time to time but in no event more than once in any 12 month period.

Section 3. Time for Payment for Run.

All of the foregoing charges shall be due and payable within 30 days from the date the service is billed.

The Fire Department shall bill the cost of any fire and/or emergency run to the person benefiting from the fire and/or emergency run in the Village of Maybee. A copy of such billing shall be sent to the Village of Maybee Clerk.

The Fire Department shall be responsible for sending only the first billing; any further billings or efforts of collection shall be the responsibility of the Village of Maybee.

Section 4. Exemptions.

The following properties and services shall be exempt from the foregoing charges:

- A. False Alarms (unless intentional or in the case of repeat offenses)
- B. Fires caused by railroad trains which are the specific statutory responsibility of railroad companies
- C. Fires involving Village buildings, grounds, and/or property
- D. Fire service performed outside the jurisdiction of the Village of Maybee under a mutual aid contract with an adjoining municipality.

Section 5. Collection of Charges.

The Village may proceed with a court action to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said charges.

Section 6. Non-Exclusive Charge.

The foregoing rates and charges shall not be exclusive of the charges that may be made by the Village for the costs and expenses of maintaining a fire department, but shall only be supplemental thereto. Charges may additionally be collected by the Village through general taxation after a vote of the electorate approving the same or by a special assessment established under the Michigan statutes pertinent thereto. General fund appropriations may also be made to cover such additional costs and expenses in the discretion of the Village Board.

Section 7. Multiple Property Protection.

When a particular service rendered by the fire department directly benefits more than one person or property, the owner of each property so benefited and each person to benefited where property protection is not involved, shall be liable for the payment of the full charge for such service herein before outlined. It is acknowledged and recognized that there are circumstances in which the party responsible for the need for services may not be the party receiving the services. The interpretation and application of this section is hereby delegated to the LMR Fire Chief subject to appeal to the Village Board by the party to who the charges were assessed, within the time limit for payment of the charges.

Section 8. Severability.

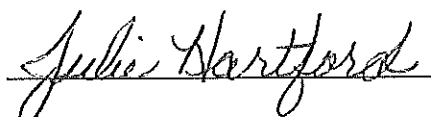
Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

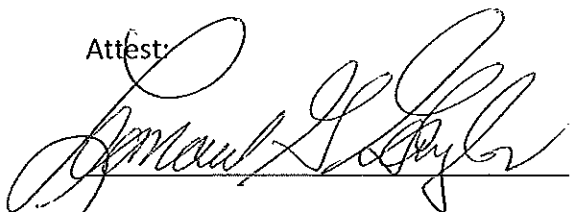
Section 9. Effective Date.

This Ordinance shall take effect immediately. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

I, Julie Hartford, clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village Council at the regular meeting, thereof, held on the 11th day of April, 2018 at 7:30 pm Eastern Standard Time, the vote thereon being as follows:

In favor of the Ordinance	<u>6</u>
Against the Ordinance	<u>0</u>


 Julie Hartford
 Clerk, Village of Maybee

Attest:

 Leonard G Gaylor
 President, Village of Maybee

**LONDON MAYBEE RAISINVILLE
FIRE DEPARTMENT
COST RECOVERY FEE SCHEDULE**

Manpower: Payroll: Per firefighter at prevailing wage rate x 100%

Vehicles:

		<u>Agency:</u>	<u>Ordinance #:</u>	<u>Adopted:</u>
Engine – 1	\$350.00 per call			
Engine – 2	\$350.00 per call			
Tanker - 1	\$250.00 per call	London	40-96	10/17/1997
Rescue – 1	\$200.00 per call	Maybee	2006-005	09/13/1996
Rescue – 2	\$200.00 per call	Raisinville	63	11/06/1996
Gator – 1	\$150.00 per call			
Brush Truck–1	\$200.00 per call			

Electric/Gas Power Equipment:

JAW's:	\$50.00 per use
Ventilation Fans:	\$25.00 per use
Chain Saws:	\$25.00 per use
Ventilation Saws:	\$25.00 per use
Saws all:	\$25.00 per use

Miscellaneous Equipment:

Fire Fighting Foam:	Cost to be determined based on replacement cost at time of use
No More Vapor:	Cost to be determined based on replacement cost at time of use
Medical Equipment:	Cost to be determined based on replacement cost at time of use
Diesel Fuel/Gasoline:	Cost to be determined based on replacement cost at time of use
Oil Absorbent:	Cost to be determined based on replacement cost at time of use

Fee schedule adopted: 11/17/2003
 Amended: 03/16/2009
 Amended: 04/11/2018
 Amended: 10/10/2018

I, Julie Hartford, clerk of the Village of Maybee, do hereby certify that the above Amendment was approved and adopted by the Village Council at the regular meeting, thereof, held on the 10th day of October, 2018 at 7:30 pm Eastern Standard Time, the vote thereon being as follows:

In favor of the Ordinance 5 Against the Ordinance


 Julie Hartford Clerk, Village of Maybee

Attest: 
 Leonard G Gaylor President, Village of Maybee

**VILLAGE OF MAYBEE
COUNTY OF MONROE, STATE OF MICHIGAN**

ORDINANCE NO. 2020-001

ADOPTED: December 9, 2020

EFFECTIVE: December 9, 2020

**PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS
ORDINANCE**

An ordinance to provide a title for the ordinance; to define words; to prohibit marihuana establishments within the boundaries of the Village of Maybee pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**THE VILLAGE OF MAYBEE
MONROE COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
TITLE**

This ordinance shall be known as and may be cited as the Village of Maybee Prohibition of Marihuana Establishments Ordinance.

**SECTION II
DEFINITIONS**

Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

**SECTION III
NO MARIHUANA ESTABLISHMENTS**

The Village of Maybee hereby prohibits all marihuana establishments within the boundaries of the Village pursuant to Initiated Law 1 of 2018, MCL 333.27951, *et seq.*, as may be amended.

**SECTION IV
SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION V
REPEAL

All ordinance or parts of ordinances in conflict herewith are hereby repealed.


SECTION VI
EFFECTIVE DATE

This ordinance shall take effect December 9, 2020.

I, Julie Hartford, Clerk of the Village of Maybee, do hereby certify that the above Ordinance was approved and adopted by the Village Council at the regular meeting thereof, held on the 9th day of December, 2020, at 7:30 p.m. Eastern Standard Time, the vote thereon being as follows:

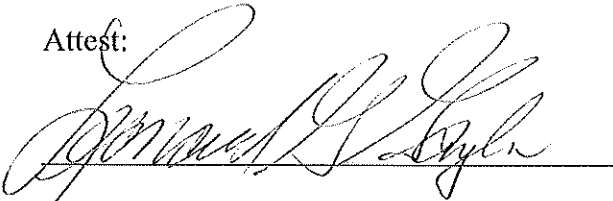
In favor of the Ordinance (7)

Against the Ordinance (0)



Clerk, Village of Maybee

Attest:



President, Village of Maybee