

Village of South Rockwood Zoning Ordinance

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VILLAGE OF SOUTH ROCKWOOD ZONING ORDINANCE

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Zoning Map

ARTICLE 1

ADMINISTRATION and ENFORCEMENT

Section 1.01 Purpose and Intent

The purpose of this Ordinance is to:

- A. Promote the public health, safety, morals, and general welfare of the Village of South Rockwood.
- B. Encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land.
- C. Avoid the overcrowding of population, provide adequate light and air, lessen congestion on the public roads and streets, and reduce hazards to life and property.
- D. Facilitate adequate provisions for a multi-modal transportation system, safe and adequate water supply and sewage disposal, education, recreation and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.
- E. Reasonably consider the character of each district, including its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within the Village Master Plan and any sub-area plans.

Section 1.02 Scope

No structure shall be erected, converted, enlarged, reconstructed or altered, nor shall any structure or land be used, occupied, designed or arranged for any purpose other than as is permitted in the district where the structure or land is located. No yard or open space surrounding any structure shall be encroached upon or reduced in any manner, except in conformity with the regulations established for the district where such structure is located.

Section 1.03 Short Title

This Ordinance shall be known as the Zoning Ordinance of the Village of South Rockwood, and will be referred to herein as “this Ordinance.”

Section 1.04 Withholding of Approval

The Village may withhold approval of any use, site plan, planned development, variance, rezoning, text amendment, or other approval required by this Ordinance where violations of this Ordinance or other Village ordinances are determined to exist, or where permits or approvals by outside agencies are required and have not been issued.

Section 1.05 Schedule of Fees, Charges and Expenses

The Village Council shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for matters pertaining to this Ordinance. The schedule of fees shall be on file in the Clerk’s Office. The schedule of fees, charges, and expenses may be altered or amended by resolution of the Village Council.

- A. **Necessary fees and expenses.** Fees, charges, and expenses shall be assessed as part of the application for review of matters pertaining to this Ordinance to defray expenses incurred in processing such application.

- B. **Required upon application.** No action shall be taken on any application or appeal until the application is accurate and complete, and all applicable fees, charges, and expenses have been paid in full.

- C. **Fees in Escrow for Professional Reviews.**
 - 1. Major Applications and Procedures.
 - a. Building permits (other than those exempted by subsection 1.05(C)(3).
 - b. Site plan review (other than those exempted by subsection 1.05(C)(3).
 - c. Rezoning.
 - d. Site condominium proposals.
 - e. Manufactured housing development proposals.
 - f. Subdivision proposals.
 - g. Special land uses.
 - h. Residential unit development proposals.
 - i. Any other application or proposal not listed in subsection 1.05(C)(2) or 1.05(C)(3).

 - 2. Minor Applications and Procedures.
 - a. Variance requests.
 - b. Lot divisions or combinations encompassing a total area of 10 acres or greater.

 - 3. Exempt Applications and Procedures.
 - a. Home occupations.
 - b. Single family residential building permits and site plan review where the particular application is not part of a larger development that is subject to this ordinance.

- c. Land divisions and combinations encompassing a total area less than 10 acres.

D. **Use of Development Cost Escrow Fees.** The initial development cost escrow fees are due at the time of the filing of the appropriate application with the Village Clerk. The basic application fee shall be applied to the following:

1. All expenses incurred in processing and reviewing the application, including but not limited to the review of the application and drafting of resolutions, ordinances or agreements as well as meeting attendance by Village consultants, including the Village Attorney, Village Planner, and Village Engineer.
2. The escrow funds required pursuant to this section are in addition to any application fees for administrative costs imposed by Village ordinances and resolutions.
3. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Village values to review the proposed application and/or site plan of an applicant. Professional review will result in a report to the Village indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Village and a copy of the statement of expenses for the professional services rendered, if requested.

E. **Amount of Development Cost Escrow Fee.**

1. The initial development cost escrow fee is \$1,500 for major applications and proposals, and \$250 for minor applications and proposals. The initial fee shall be deposited with the Village at the time of application. Any application or proposal is not complete and ready for review until the initial escrow fee is deposited with the Village Clerk. An application will not be accepted without the development cost escrow fee having been paid to the Village.

In the event the development cost escrow balance for a particular major application or proposal shall fall below Two Hundred (\$200.00) Dollars, an additional minimum deposit of \$1,000 shall be required to continue the review and processing of the application. An additional amount above the minimum may be required by the Village Clerk if necessary to cover estimated Village costs.

2. The Village Clerk shall maintain records for each application or proposal. Only the village council may authorize disbursement of cost development escrow funds.
3. Any application before the Planning Commission must have a positive balance in the project's escrow fund. Any application having a balance owing may be cause for the application to be removed from the agenda until such time as the development cost escrow account balance is positive.

4. No building permit, final approval or certificate of occupancy shall be granted until all development cost escrow sums are paid.

Section 1.06 Performance Guarantees

To ensure compliance with this Ordinance and faithful completion of required improvements, an approving authority (Building Official, Planning Commission or Village Council as appropriate) may require that the applicant deposit with the Village Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be subject to the following:

- A. “Improvements” shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Village and future users of the project including, but not limited to roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage.
- B. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety form acceptable to the Village Council. The amount of the guarantee shall be determined by the Building Official and shall cover the full cost of any uncompleted site plan improvements and inspections. If the improvements are planned for the following construction season, any necessary adjustments in anticipated costs shall be made to the amount of the guarantee. The performance guarantee shall be deposited prior to the start of work or issuance of any permits.
- C. Performance guarantees shall continue until such time as the Village notifies the surety that the conditions imposed upon the development have been met. The approving authority shall not release the performance guarantee until the Building Official and approving authority are satisfied that the conditions for such action have been met.
- D. As work progresses, the Village may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements, provided that ten percent (10%) of the guarantee shall be retained by the Village pending a successful final inspection by the Building Official of all required improvements and conditions of approval.

Section 1.07 Permits

The Building Official shall have the authority to grant permits, and to make inspections of structures or sites necessary to carry out its duties in the enforcement of this Ordinance.

- A. **Building permits.** It shall be unlawful to build, alter, repair, change or enlarge any structures or part thereof until a building permit is issued by the Building Official in accordance with the provisions of this Ordinance and other Village ordinances. A building permit shall be required in accordance with the provisions of the State Construction Code enforced by the Village of South Rockwood. For the purposes of this Section, the terms “altered” and “repaired” shall include any changes in structural parts, stairway, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress or other changes affecting or regulated by

the State Construction Code enforced by the Village of South Rockwood, this Ordinance or other applicable Village ordinances.

- B. **Zoning permits.** Wherever a provision of this Ordinance requires approval of a permit for an activity not addressed or regulated by the State Construction Code enforced by the Village of South Rockwood, a “zoning permit” shall be required, subject to the same rules and procedures as a “building permit” specified in this Ordinance.
- C. **Permit issuance.** Issuance of permits under this Ordinance shall be subject to the following:
1. It shall be unlawful for the Building Official to approve any plans, or to issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.
 2. No permit shall be issued until the Building Official has received the following information, where applicable:
 - a. Notification of final approval of a site plan, special approval use or other necessary approval from the Planning Commission, including any conditions of approval.
 - b. Proof of acquisition of all other applicable outside agency permits or approvals.
 3. Whenever the structures, lands and uses described in the application are determined to be in full and complete conformity with the provisions of this Ordinance and other Village ordinances, it shall be the duty of the Building Official to issue a permit within twenty (20) business days after the receipt of such application.
 4. All permits, when issued, shall be conspicuously posted upon the premises.
 5. In all cases where the Building Official shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant within twenty (20) business days after the receipt of such application.
- D. **Plans and specifications.** Applications for permits required by this Section shall be filed with the Building Official. Each application shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Building Official to determine whether the proposed improvements conform with the provisions of this Ordinance, the State Construction Code enforced by the Village of South Rockwood and other applicable Village ordinances. All applications for building permits shall be accompanied by plans and specifications drawn to scale and showing the following:
1. The shape, location, dimensions address and tax identification (Sidwell) number of the lot, and the name and address of all persons having an ownership interest with a written statement indicating knowledge of and agreement with the proposal.

2. The shape, size and location of all structures to be erected, altered or moved, and any existing structures on the parcel or adjacent parcels.
 3. The existing and proposed use of the lot and of all such structures upon it.
 4. All information necessary for determining compliance with the State Construction Code enforced by the Village of South Rockwood, this Ordinance or other applicable Village ordinances.
- E. **Duration of permit.** A permit issued by the Building Official shall expire six (6) months following the date of issuance if no permitted work has commenced by the applicant, except where the applicant has applied for and received an extension within ninety (90) days following the end of the six (6) month period. The Building Official is hereby authorized to grant one such extension per permit.
- F. **Revocation of permit.** The applicant shall be notified in writing of the revocation of a permit within ten (10) working days of such action by the Building Official. The reasons for the action shall be provided in the written notice. Any permit issued under the provisions of this Ordinance may be revoked by the Building Official if the permit holder has:
1. Made false or fraudulent statement in the application or exercise of a permit.
 2. Violated, or failed to satisfy, any of the provisions of this Ordinance or any condition of approval.
 3. Performed work or used materials that do not conform to the approved plans or specifications.
 4. Caused, created or maintained, in the exercise of a permit, a nuisance or danger to the public health, safety or welfare.
- G. **Zoning inspections.** It shall be the duty of the holder of every permit to notify the Building Official of the time when the work subject to the permit is ready for inspection. It shall be the duty of the Building Official to inspect work performed under an approved permit to verify compliance with the provisions of this Ordinance.

Section 1.08 Buildings Under Construction

Any building or structure for which a permit has been issued and permitted work has been started prior to the effective date of this Ordinance may be completed and used in accordance with the approved adoption or amendment of plans and building permit. Any such permit for a use that would become nonconforming after the effective date of this Ordinance shall not be renewed if permitted work has not commenced within three hundred sixty-five (365) days from the date of issuance. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any structure upon which actual construction was lawfully begun prior to the adoption or amendment of this Ordinance, and has been diligently carried on to completion.

Section 1.09 Buildings To Be Moved

Any structure which has been wholly or partially erected on any premises within or outside the Village of South Rockwood shall not be moved to or placed upon any premises in the Village unless a permit for the structure has been secured from the Building Official. The structure shall fully conform to all the provisions of this Ordinance in the same manner as a new structure. Before a permit may be issued for moving a structure, the Building Official shall determine whether it is in a safe condition to be moved and whether it complies with the State Construction Code enforced by the Village of South Rockwood. Special inspection fees may be charged to cover costs of inspecting the old site and the new site of the structure to be moved.

Section 1.10 Restoring Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any structure declared unsafe by the Building Official, except as specified in Article 22 (Nonconformities).

Section 1.11 Certificates of Occupancy

- A. **Purpose.** The purpose of a certificate of occupancy is to permit the occupancy or use of land or structures. The certificate of occupancy shall be issued only upon the determination by the Building Official that the site is in compliance with the provisions of this Ordinance, the requirements of State Construction Code enforced by the Village of South Rockwood and other applicable Village ordinances.
- B. **Certificates required.** No land or structure hereafter erected or altered shall be occupied, used or changed in use until the Building Official issues a certificate of occupancy. A certificate of occupancy shall be required prior to occupancy or re-occupancy of any use of land or structure. It shall be unlawful for any person, firm or corporation to occupy or permit the occupation of any structure or portion thereof until a certificate of occupancy has been issued.
- C. **Application and issuance.** An application for a certificate of occupancy shall be made on forms supplied by the Building Official and must be accompanied by the fees specified.
 - 1. A certificate of occupancy may be processed concurrently with an application for a permit if a permit is required.
 - 2. The Building Official shall determine if a nonresidential occupancy change requires approval of a site plan and/or special approval prior to issuance of a certificate of occupancy.
 - 3. Certificates of occupancy shall be issued within ten (10) days after a determination by the Building Official that the erection or alteration of a structure or use of land has been completed in conformity with the provisions of this Ordinance. In new construction or construction of new structures, a certificate of occupancy may be issued upon a satisfactory final inspection. In such cases, a request for final inspection may constitute a request for a certificate of occupancy.
 - 4. Certificates of occupancy shall be issued for new or existing buildings or structures, or parts thereof, or for existing or new uses of land upon

determination by the Building Official that any alterations, extensions, repairs or new construction have been completed in conformity with the provisions of this Ordinance and that the proposed use is fully in compliance with this Ordinance. Failure to obtain a certificate of occupancy prior to commencing a use of property shall constitute a violation of this Ordinance.

- D. **Temporary certificate of occupancy.** The Building Official may issue a temporary certificate of occupancy for a portion of a structure prior to occupancy of the entire structure, provided that such portion is in conformity with the provisions of this Ordinance and that no threat to public safety exists. Such temporary certificate shall remain in force for a period, set by the Building Official, of up to a maximum of one hundred eighty (180) days, and shall expire five (5) days after the structure is fully completed and ready for occupancy. The owner, at the time of application for the temporary certificate of occupancy, shall agree in writing to comply with all conditions set forth in the certificate. A performance guarantee may be required in accordance with Section 1.06 of this Ordinance (Performance Guarantees). Failure to obtain a final certificate of occupancy within the specified time shall constitute a violation of this Ordinance.
- E. **Accessory structures.** Structures that are accessory to a primary use shall not require a separate certificate of occupancy, but may be included in the certificate of occupancy for the primary use.
- F. **Period of validity.** A final certificate of occupancy shall remain in effect for the life of the structure's existence, except that the Building Official may require a new certificate of occupancy for any new occupancy.
- G. **Records of certificates.** The Village shall keep a record of all certificates of occupancy. Copies of such certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.

Section 1.12 Public Hearing Procedures

Any application process requiring a public hearing shall comply with the requirements of PA 110 of 2006, as amended.

Section 1.13 Impact Assessments

The applicant for a rezoning, planned development, special approval use or other matter specified in this Ordinance, or a use or development determined by the Planning Commission to have significant potential impacts upon the environment, traffic, infrastructure or demands for public services, may be required to provide an impact assessment. The Village reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant. An impact assessment shall include the following:

- A. **Qualifications of preparer.** Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment, and a brief statement of their qualifications.
- B. **Site description.** An area plan or aerial photograph illustrating the entire site and nearby properties, overlaid with illustrations of adjacent land uses, zoning, public roads, utilities, significant woodlands, soil types, 100-year floodplains, drains and

general topography. The area described shall be within one-quarter (¼) mile for sites up to twenty (20) acres, and within one (1) mile radius for larger sites.

- C. **Conceptual site plan.** Illustration of the general layout and phasing of proposed uses upon which the impact analysis is based.
- D. **Land use impacts.** Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how any proposed uses conform or conflict with existing and planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties.
- E. **Environmental impact.** Description of any expected environmental impacts on site and area natural features. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction. Documentation by a qualified wetland specialist shall be required wherever regulated wetland may be impacted by the proposed project.
- F. **Impact on public facilities and services.** Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to area fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
- G. **Utility impacts.** Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long-range development on the site. For sites served with sanitary sewer and public water, general calculations for water flows and water demands shall be provided in comparison with sewer line capacity.
- H. **Drainage.** Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as stormwater basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Monroe County Drain Commissioner shall be attached indicating their concerns and suggestions.
- I. **Storage and handling of waste and hazardous materials.** Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment. A Pollution Incident Prevention Plan (PIPP), and documentation of compliance with federal and state requirements, shall be submitted as appropriate.

Section 1.14 Flood Plain Regulations

The flood plain provisions of this Ordinance, including those listed in Article 12, shall be enforced by the Building Official or other authorized agents of the Village. In addition, the Building Official or other authorized agent of the Village shall:

- A. Provide notification to adjacent communities and the Department of Environmental Quality of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Emergency Management Agency.

- B. Verify and record of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard areas, and in the case of flood proofed structures, the elevation to which the structure was flood proofed.
- C. Record of all certificates of flood proofing, and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the variance, the increased danger to life and property, and the cost of flood insurance will increase commensurate with the increased flood risk and may reach amounts in excess of \$25.00 for \$100.00 of insurance coverage per year. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- D. Maintain all records and maps pertaining to the National Flood Insurance Program, which shall be open for public inspection.
- E. Obtain and utilize the best available flood hazard data for purposes of administering this ordinance in the absence of data from the Emergency Management Agency.

Section 1.15 Compliance Required

No structure, or part thereof, shall be constructed, altered or maintained, and no new use of any structure or land shall be established, changed or maintained, except in conformity with this Ordinance.

Section 1.16 Enforcement

The provisions of this Ordinance shall be administered and enforced by the Building Official or other authorized agents of the Village. The Building Official shall investigate all complaints of Ordinance violations:

- A. Upon determining that a violation has occurred, the Building Official shall be authorized to inform the violator of the violation and any necessary actions to resolve the violation, and to take such actions as deemed necessary to resolve the violation. Where necessary, written notice of the violation shall be served on the violator stating:
 - 1. The nature of the violation.
 - 2. The actions or changes required to resolve the violation.
 - 3. The time by which the violation must be remedied.
 - 4. That further enforcement action may be taken by the Village to remedy the violation if it is not remedied within the time specified.
- B. If the violation is not remedied by the time specified in the notice, the Building Official shall use all available means to remedy the violation, including, but not limited to citations, or the pursuit of Circuit Court approval to remedy the violation at the expense of the property owner. All expenses related to such enforcement actions may be placed upon the tax rolls for the property unless immediately reimbursed by the property owner.

Section 1.17 Violation and Penalties

- A. **Duty of person in charge.** It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use or the erecting, altering, changing, or remodeling of any structure to see that proper permits have been granted and that such work is not in violation of this Ordinance before undertaking such work. Architects, builders, contractors or other persons performing such work without a permit or in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the owner of the property, and shall be subject to the penalties herein prescribed for such violation.
- B. **Fines, compliance and nuisance abatement.** The violation of any provision of this Zoning Ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation, is a municipal civil infraction that shall result in the assessment of a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) per infraction, plus costs and other sanctions ordered by the court. Each day that a violation is permitted to exist shall constitute a separate offense.
1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
 2. Any violation of this Ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.
- C. **Civil Infractions.** The Building Official and police officers serving the Village of South Rockwood shall be authorized to issue civil infractions for violations of this Ordinance. The Building Official or Village Council may authorize additional persons as necessary to issue civil infractions for violations of this Ordinance.

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ARTICLE 2

ESTABLISHMENT of ZONING DISTRICTS

Chapter 1 – DISTRICTS

Section 2.101 Zoning Districts

For the purposes of this Ordinance, the Village of South Rockwood is hereby divided into the following districts as shown on the Official Zoning Map:

NAME	SYMBOL
Residential Estates District	RE
Low Density Single Family Residential District	RL
Single Family Residential District	R-1A
Single Family Residential District	R-1B
Multiple-Family Residential District	R-M
Mobile Home Park Residential District	R-MH
Village Center District	C-1
Highway Business District	C-2
Industrial District	I

Section 2.102 Zoning Map

The municipality is hereby divided into districts, with the district areas and boundaries as shown on the Official Village Zoning Map, along with all proper notations, references and explanatory matter. The Official Zoning Map shall be adopted by reference and declared to be a part of this Ordinance. This Map shall be identified by the signature of the Village President and attested by the Village Clerk, and bearing the seal of the municipality under the following words: "This is to certify that this is the Official Zoning Map of the Village of South Rockwood, effective as of _____, the ____ day of _____, _____."

If changes are made to the district boundaries in accordance with the provisions of this Ordinance, such changes shall be entered on the Map promptly after the Village Council approves the amendment. No changes of any nature shall be made on the Official Zoning Map except in conformity with the amendment procedures set forth in Section 26.03 (Amendments) or in conformity with the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The Official Zoning Map shall be kept in the office of the Village Clerk, and shall be the final authority as to the current zoning status of land and water areas and structures in the Village.

Section 2.103 (RE) Residential Estates District

The Residential Estates district is intended to provide areas of the Village for orderly low-density residential development, continued agricultural uses, and other compatible uses that typically occupy large open land areas. The standards in this district are intended to assure that permitted uses peacefully coexist in a low-density setting, while preserving the rural features and characteristics of certain portions of the Village. It is further the intent of this district to permit a limited range of residentially-related uses, while prohibiting multiple family, office, business, industrial, and other land uses that would interfere with the quality of residential life in this district.

Section 2.104 (RL) Low Density Single Family Residential District

The Low Density Single Family district is established for the purpose of providing land for single family development along major thoroughfares in the Village. This district is planned for locations where the existing development pattern is of larger single family parcels located along major roads. A range of uses that require major road access, but are also compatible with single family residential land uses are also permitted in this district, such as educational, cultural and religious land uses, residential care facilities, and parks and playgrounds.

Section 2.105 (R-1A) and (R-1B) Single Family Residential Districts

The Single-Family Residential Districts are established for the purpose of providing a land for single family residential development, encouraging the development and maintenance of safe and stable neighborhoods for families and children, prohibiting uses of land that would adversely impact residential neighborhoods, and discouraging uses that would generate traffic on local streets in excess of normal traffic generated by the neighborhood. The intent of the single family residential districts is to provide for an environment of predominantly single-family dwellings, along with other associated uses and facilities that serve the residents in the district, including but not limited to educational, cultural and religious land uses, parks and playgrounds.

Section 2.106 (R-M) Multiple Family Residential District

The Multiple Family Residential District is hereby established to promote a mixture of housing options within the community. Appropriate land uses in this district include attached and detached dwelling units, for-sale and rental housing, and related educational, cultural and religious land uses in a primarily residential environment. This district shall generally be located along major streets, and shall be served by public water and sewerage systems and other appropriate urban facilities and services. Uses in this district shall be subject to appropriate design, density and development standards (including, but not limited to density, bulk, setback and separation, adequate light and air, privacy and recreation areas) that are intended to prevent congestion on public streets, reduce hazards to life and property, and provide adequate recreation areas and basic amenities.

Section 2.107 (R-MH) Manufactured Housing Residential District

The intent of this district is to provide for the location and regulation of manufactured housing communities (formerly known as “mobile home parks”), as defined by the Mobile Home Commission Act, P.A. 96 of 1987, as amended (MCLA 125.2301 et seq.) and the Manufactured

Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district (including but not limited to educational, cultural and religious land uses, parks and playgrounds) in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses.

The regulations and rules established by the State of Michigan (Mobile Home Commission Act, P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the Village's residents, and to insure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the Village. Further, the district is intended to meet the needs of the different age and family groups in the community, to provide for standards that ensure adequate light and air to windows and for privacy and open spaces to serve the residents of these districts, to prevent congestion on the public streets, and to reduce hazards to life and property.

Section 2.108 (C-1) Village Center District

The Village Center District is established for the purpose of promoting the orderly development, expansion and continuation of the Village's traditional downtown area near the intersection of South Huron River Drive and North Dixie Highway. It is the intent of the Village Center district to strengthen and extend the historic development pattern, and to promote a highly concentrated mix of retail, restaurant and food service, entertainment, office and service, and residential uses. These objectives shall be accomplished through land use standards, regulation of site layout, building design, vehicular and pedestrian circulation, and careful coordination of site features between adjoining sites.

Uses in the Village Center (C-1) District are encouraged to provide or enhance public spaces, contribute to centralized parking arrangements and develop innovative combinations of permitted uses that allow for the rehabilitation of existing historic structures or the creation of complementary new structures.

Building owners are encouraged to provide retail or personal service uses at the street level of buildings in the C-1 district. In buildings without such uses, other active uses of visual interest to pedestrians should be displayed, including office or lobby areas, showrooms, classrooms, kitchens or similar activities.

Section 2.109 (C-2) General Highway Business District

The General Business (C-2) District is hereby established for the purpose of providing a wider range of business and entertainment activities than those permitted in the Village Center (C-1) District. This district is intended to provide opportunities for automobile-related businesses and other businesses and services that would be incompatible with the pedestrian-oriented character, scale and mix of permitted uses of the Village Center (C-1) District, or that usually generate large volumes of vehicular traffic or require substantial land area for off-street parking and loading. Accordingly, this district should be generally located along North Dixie Highway to the north of Ready Road to prevent potential nuisances and conflicts with incompatible uses and districts.

Because of the types of uses permitted in the General Highway Business (C-2) District, detailed attention must be focused on relationships with adjacent areas, site layout, building design, and vehicular and pedestrian circulation. Accordingly, development in the General Highway Business (C-2) District shall be compatible in design with the overall Village character, designed in coordination with adjoining sites, buffered from or located away from residential areas, and served by major streets or thoroughfares.

Section 2.110 (I) Industrial District

The Industrial (I) District is hereby established for the purpose of permitting light manufacturing, research, warehousing or wholesaling businesses to locate in appropriate areas of the Village, and to require that development in this district occurs in a manner that ensures permitted uses will not have a detrimental impact on surrounding neighborhoods.

Chapter 2 - GENERAL REQUIREMENTS AND STANDARDS

Section 2.201 Principal Uses and Special Approval Uses

In all districts, no structure or land shall be used or occupied, except in conformance with Section 4.02 (Table of Permitted Land Uses by District), and as otherwise provided for in this Ordinance. Special approval uses may be permitted in accordance with Section 4.02 (Table of Permitted Land Uses by District), subject to a public hearing and approval by the Planning Commission in accordance with the procedures and conditions defined in Article 17 (Special Approval Uses).

Section 2.202 Uses Not Otherwise Included Within A District

A land use that is not cited by name as a permitted use in a zoning district may be permitted upon a determination by the Village Council that such a use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Village Council shall seek the advice of and recommendation by the Planning Commission. Consideration shall be given to the following:

- A. Determination of Compatibility. In making the determination of compatibility, the Village Council shall consider specific characteristics of the use in question and compare such characteristics with those of the uses that are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.
- B. Conditions. If the Village Council determines that the proposed use is compatible with permitted and existing uses in the district, the Council shall then decide whether the proposed use shall be permitted by right, by special approval, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Village Council shall have the authority to establish additional standards and conditions applicable to the use.

No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or special approval in any other zoning district.

Section 2.203 Design and Development Requirements

All principal permitted uses and special land uses shall comply with any applicable requirements of Article 6 (Design Standards for Specific Uses), and all other applicable provisions of this Ordinance and other Village Codes and Ordinances. No structure shall be erected, reconstructed, altered or enlarged, nor shall permits or certificates of occupancy be issued, except in conformance with this Ordinance and other Village Codes and Ordinances.

Section 2.204 District Boundaries

The boundaries of zoning districts, as shown on the map accompanying and made a part of this Ordinance, unless otherwise shown, are lot or tract lines or the centerlines of streets, roads or

alleys, or the extension thereof, railroad right-of-way lines and the corporate limits of the Village of South Rockwood.

Section 2.205 Street, Alley and Railroad Rights-of-Way.

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

Section 2.206 Number of Buildings on Lot

Each dwelling hereafter erected shall be located on a lot and, except in the case of a multiple-family housing project, there shall be not more than one main building and three detached accessory buildings on a single lot. The third accessory building built on a lot shall not exceed 200 square feet in footprint area. Detached accessory buildings shall meet the standards of Section 7.02.B.

**ARTICLE 3
RESERVED**

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ARTICLE 4

LAND USE TABLES

Section 4.01 Key To Designations In Land Use Tables

SYMBOL	KEY
P	Principal Permitted Use
S	Special Approval Use
--	Prohibited Use in the District

Section 4.02 Table of Permitted Uses by District

The uses of land in the following table have been organized into use groups based on characteristics that the grouped uses share. The use groups are described as follows:

- A. Animal and Agricultural Uses. These uses involve the keeping, breeding, or use of animals, the production or distribution of produce and farm-related products, and similar associated uses of a rural character or intensity.
- B. Residential Uses. These uses involve housing of various type and density, and associated uses typically found in a residential neighborhood.
- C. Commercial Uses. These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
- D. Office and Service Uses. These are generally privately owned and operated uses of a for-profit nature that include personal service establishments, financial, executive, administrative, medical and professional offices workshops and studios, and similar associated uses.
- E. Community Uses. These are generally public-owned or operated uses, or uses of a not-for-profit nature, that primarily involve benefits or services generally provided to a significant portion of the population, or are uses that serve as focal or gathering points for members of the community.
- F. Industrial Uses. These are uses that are generally of a light manufacturing, research, warehousing or wholesaling character, or that involve compounding, processing, packaging, assembly, storage or treatment of products or materials.
- G. Temporary, Special Event and Other Uses. These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into any of the preceding use groups.

Section 4.02 – Table of Permitted Uses by District

USE	Symbol	Key	DISTRICT							USE STANDARDS	
	P	Permitted Use	RE	RL	R-1A R-1B	RM	RMH	C-1	C-2		I
	S	Special Approval Use									
	--	Prohibited Use									
ANIMAL AND AGRICULTURAL USES											
Animal Shelter	S	S	--	--	--	S	P	--	Section 6.103		
Garden Centers and Feed Stores	S	--	--	--	--	--	P	--	Section 6.102		
Greenhouses and Nurseries	P	P	S	--	--	--	--	--	Section 6.102		
Kennel – Private	P	P	S	--	--	P	P	--	Section 6.103		
Kennel – Commercial	S	S	--	--	--	S	P	--	Section 6.103		
Produce Stands and Farm Markets	P	S	--	--	--	--	P	--	Section 6.104		
Riding Stables	P	P	--	--	--	--	--	--	Section 6.105		
Veterinary Clinics	S	S	--	--	--	S	P	--	Section 6.106		
RESIDENTIAL USES											
Bed and Breakfast Inns	S	S	S	--	--	--	--	--	Section 6.201		
Boarding Houses	S	S	S	--	--	--	--	--			
Child Caring Institution	S	S	--	--	--	S	S	--			
Day Care Center	--	--	--	--	--	P	P	--			
Day Care Homes – Family Child	P	P	P	P	P	P	P	--	Section 6.202		
Day Care Homes – Group Child	S	S	S	--	--	S	S	--	Section 6.202		
Foster Family Home	S	S	S	S	S	S	S	--			
Foster Family Group Home	S	S	S	--	--	S	S	--			
Home Occupations	P	P	P	P	P	--	--	--	Section 6.203		
Manufactured Housing Communities	--	--	--	--	P	--	--	--	Section 6.204		
Multiple-Family Dwellings	--	--	--	P	--	--	--	--	Section 6.205		
Single Family Dwellings, Detached	P	P	P	P	P	--	--	--	Section 6.206		

Section 4.02 – Table of Permitted Uses by District											
USE	Symbol	Key	DISTRICT							USE STANDARDS	
	P	Permitted Use	RE	RL	R-1A R-1B	RM	RMH	C-1	C-2		I
	S	Special Approval Use									
	--	Prohibited Use									
State Licensed Residential Care Facilities that provide care for up to 6 individuals	P		P	P	S	S	S	P	P	--	
State Licensed Residential Care Facilities that provide care for 7 or more individuals	S		S	S	S	S	P	P	--		
Residential Dwelling Units (2 nd floor or above)	--		--	--	--	--	P	--	--		
Townhouses and Stacked Flats	--		--	--	--	P	--	S	--	--	Section 6.207
Two-Family Dwellings (Duplexes)	--		--	--	--	P	--	--	--	--	Section 6.208
OFFICE AND SERVICE USES											
Banks and Financial Institutions	--		--	--	--	--	--	P	P	--	
Barber Shops, Beauty Salons and Nail Care	--		--	--	--	--	--	P	P	--	
Catering Facilities	--		--	--	--	--	--	P	P	P	Section 6.301
Funeral Parlors or Mortuaries	--		--	--	--	P	--	P	P	--	Section 6.302
Hospitals	--		--	--	--	S	--	P	P	P	Section 6.303
Medical, Osteopathic, Chiropractic and Dental Offices, Medical Clinics, Urgent Care or Rehabilitation Centers	--		--	--	--	P	--	P	P	--	
Massage Therapists	--		--	--	--	--	--	P	P	--	Section 6.304
Nursing and Convalescent Homes, Assisted Living Facilities and Senior Housing	S		S	S	--	P	--	S	P		Section 6.305
Offices for Professional, Executive, or Administrative Uses, Attorneys, Accountants, Realtors, Architects, Insurance and Similar Occupations	--		--	--	--	--	--	P	P	--	
Tattoo Parlors and Body Piercing Studios	--		--	--	--	--	--	P	P	--	Section 6.505
Video Rental Establishments	--		--	--	--	--	--	P	P	--	Section 6.306
Workshops, Showrooms, Studios or Offices of Photographers, Skilled Trades, Decorators, Artists, Upholsterers, Tailors, Taxidermists and Similar Businesses, or for Repair and Service of Bicycles, Electronics, Small Appliances, Furniture, Shoes, and Similar Items	--		--	--	--	--	--	P	P	--	

Section 4.02 – Table of Permitted Uses by District											
USE	Symbol	Key	DISTRICT							USE STANDARDS	
	P	Permitted Use	RE	RL	R-1A R-1B	RM	RMH	C-1	C-2		I
	S	Special Approval Use									
	--	Prohibited Use									
COMMUNITY USES											
Auditoriums and Performing Arts Theaters	--	--	--	--	--	--	P	P	--	Section 6.511	
Cemeteries	S	S	S	--	--	--	--	--	--		
Churches, Temples and Other Places of Worship	P	P	P	P	S	S	S	S	S	Section 6.401	
Colleges, Universities and Other Institutions of Higher Education, Business Colleges and Commercial or Technical Schools	--	--	--	--	--	--	P	P	P		
Fire and Police Stations	S	S	S	S	--	--	P	P	P		
Government Offices	S	S	S	P	P	P	P	P	P		
Halls for Civic Clubs and Membership Organizations	S	S	S	P	--	--	P	P	P		
Health Club or Fitness Center	--	--	--	--	--	--	P	P	--		
Libraries, Museums and Fine Art Centers	S	S	S	P	P	P	P	P	--		
Parks and Public Recreation Facilities	P	P	P	P	P	P	P	P	P		
Post Offices	S	S	S	S	P	P	P	P	P		
Public Utility and Essential Service Structures and Uses	S	S	S	S	S	S	P	P	P	Section 6.403	
Public Works or Road Maintenance Yards	S	S	--	--	--	--	--	--	P	Section 6.403 Section 6.603	
Recreation Facilities, Indoor - (such as tennis/racquet courts, swimming pools, roller/in-line and ice-skating rinks and fitness tracks)	S	S	S	P	S	S	P	S	S	Section 6.404	
Recreation Facilities, Outdoor - (such as golf courses, parks, playgrounds, athletic fields or courts, swimming pools, golf driving ranges, roller/in-line and ice-skating rinks, fitness tracks and similar facilities)	P	P	S	S	S	S	S	S	S	Section 6.402 Section 6.404 Section 7.03	
Schools, Elementary	P	P	P	P	P	P	--	--	P		
Schools, Secondary	S	P	P	P	P	P	--	--	P		

Section 4.02 – Table of Permitted Uses by District											
USE	Symbol	Key	DISTRICT							USE STANDARDS	
	P	Permitted Use	RE	RL	R-1A R-1B	RM	RMH	C-1	C-2		I
	S	Special Approval Use									
	--	Prohibited Use									
COMMERCIAL USES											
Antique Shops and Art Galleries	--	--	--	--	--	--	P	P	--		
Arcades and Indoor or Outdoor Amusement Centers, Miniature Golf, Bowling Alleys, Batting Cages or Similar Facilities	--	--	--	--	--	--	P	P	--	Section 6.404	
Auto Parts Stores (without repair services)	--	--	--	--	--	--	P	P	--		
Automobile, Truck and other Motor Vehicle Fueling Stations, Gas Stations and Similar Facilities	--	--	--	--	--	--	S	S	--	Section 6.501	
Automobile, Truck and other Motor Vehicle Repair Stations for major repair, including but not limited to body shops, painting, welding, and engine or transmission repair or replacement)	--	--	--	--	--	--	S	S	S	Section 6.501	
Automobile, Truck and other Motor Vehicle Service Centers for minor repair, including but not limited to brakes, tires, shocks and struts, undercoating, mufflers, oil and fluid changes and detailing shops)	--	--	--	--	--	--	S	S	S	Section 6.501	
Bakeries	--	--	--	--	--	--	P	P	--		
Banquet Facilities	--	--	--	--	--	--	P	P	--		
Car Washes, Automatic or Self-service	--	--	--	--	--	--	S	P	--	Section 6.502	
Cinema or Motion Picture Complex, Outdoor or Indoor with 3 or More Theaters	--	--	--	--	--	--	--	P	--	Section 6.510 Section 6.511	
Cinema or Motion Picture Theater, Indoor with 2 or fewer theatres	--	--	--	--	--	--	P	P	--		
Drive-In or Drive-Through Facilities accessory to another use	--	--	--	--	--	--	S	S	S	Section 6.503	
Dry Cleaner Central Cleaning/Processing Facilities	--	--	--	--	--	--	--	S	P		
Florists, Gift Shops and Specialty Shops	--	--	--	--	--	--	P	P	--		
Hardware and Home Improvement Stores and Building Supply Yards (indoor)	--	--	--	--	--	--	S	P	S	Section 6.506 Section 6.510 Section 6.603	
Hotels and Motels	--	--	--	--	--	--	P	P	--	Section 6.504	
Laundromat and Dry Cleaning Customer Pick-up/Drop-Off Only	--	--	--	--	--	--	P	P	--		

Section 4.02 – Table of Permitted Uses by District											
USE	Symbol	Key	DISTRICT							USE STANDARDS	
	P	Permitted Use	RE	RL	R-1A R-1B	RM	RMH	C-1	C-2		I
	S	Special Approval Use									
	--	Prohibited Use									
Manufactured Housing Sales	--	--	--	--	--	--	S	S	S	S	Section 6.506
Outdoor Cafés and Eating Areas	--	--	--	--	--	--	--	P	P	--	
Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Equipment, Machinery, Automobiles, Recreational Vehicles, Boats, Building Supplies, Hardware or Other Items	--	--	--	--	--	--	--	S	S	S	Section 6.506
Package Liquor Stores	--	--	--	--	--	--	--	P	P	--	Section 6.507
Pawnshops and Dealers of Second-Hand Merchandise (except for used or vintage clothing and children’s goods)	--	--	--	--	--	--	--	S	S	--	
Printing or Copy Centers	--	--	--	--	--	--	--	P	P	--	
Recording Studios	--	--	--	--	--	--	--	P	P	P	Section 6.509
Restaurants, Coffeehouses, Doughnut Shops or Delicatessens	--	--	--	--	--	--	--	P	P	--	Section 6.503
Indoor Retail Sales and Shopping Centers	--	--	--	--	--	--	--	P	P	--	Section 6.510
Showroom or Sales Office (indoor only) for Sales or Rentals of Automobiles, Recreational Vehicles, Boats, Equipment, Machinery or Other Durable Goods	--	--	--	--	--	--	--	P	P	P	
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club	--	--	--	--	--	--	--	P	P	--	
Tobacconist or Cigar/Cigarette Shop	--	--	--	--	--	--	--	P	P	--	Section 6.512
INDUSTRIAL, RESEARCH AND LABORATORY USES											
Brewery, Distillery or Winery	--	--	--	--	--	--	--	--	--	S	Section 6.602
Carpet and Rug Cleaning and Similar Cleaning Businesses	--	--	--	--	--	--	--	--	--	P	Section 6.602
Crematoriums	--	--	--	--	--	--	--	--	--	S	Section 6.602
Electroplating, Welding and Sheet Metal Shops, Paint Mixing and Spraying, Metal Casting, Smelting, Plating, Fabricating, Buffing, Stamping, Dyeing, Shearing or Punching, and Automatic Screw Machines and Rolling Mills	--	--	--	--	--	--	--	--	--	P	Section 6.602

Section 4.02 – Table of Permitted Uses by District											
USE	Symbol	Key	DISTRICT							USE STANDARDS	
	P	Permitted Use	RE	RL	R-1A R-1B	RM	RMH	C-1	C-2		I
	S	Special Approval Use									
	--	Prohibited Use									
Fabrication or Repair of Manufactured Housing or Temporary Offices	--	--	--	--	--	--	--	--	--	P	Section 6.602
Light Industrial Activities, such as: <ul style="list-style-type: none"> • Warehousing and Bulk Indoor Storage Facilities • Assembly of Pre-manufactured Parts for Goods, Products, Equipment, Machinery, Hardware or Similar Items • Blacksmithing, Furniture or Cabinet Repair or Manufacture, Machine Shops and Welding Shops, Stone Finishing and Carving, Printing, Bookbinding, or Publishing, Woodworking Shops and Similar Uses • Manufacture of Products from Aluminum, Brass, Other Metals, Bone, Leather, Paper or Rubber • Manufacture of Artificial Flowers, Ornaments, Awnings, Tents, Bags, Cleaning or Polishing Preparations, Brooms and Brushes, Buttons and Novelties, Canvas Products, Clothing for Wholesale Trade, Basket Material, Bicycles, Shoes, Caskets, Brick, Clay, Glass, Shale, Tile Terra Cotta Products or Similar Items • Bottling Works, Feed or Flour Mills, Grain Elevators, Smoking, Curing or Packing Plants and similar Food Processing Uses 	--	--	--	--	--	--	--	--	P	Section 6.602	
Manufacture or Assembly of Automobiles, Recreational Vehicles, Boats, Trucks or Tractors, Ball or Roller Bearings, Chemicals, Petroleum-based products, Electronic Machinery and Components and Similar Products	--	--	--	--	--	--	--	--	--	S	Section 6.602
Manufacture, Processing, Production or Wholesale Storage of Chemicals, Petroleum or Paper Products, Cement, Lime, Gypsum or Similar Items	--	--	--	--	--	--	--	--	--	S	Section 6.602
Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items	--	--	--	--	--	--	--	--	--	S	Section 6.603

Section 4.02 – Table of Permitted Uses by District											
USE	Symbol	Key	DISTRICT							USE STANDARDS	
	P	Permitted Use	RE	RL	R-1A R-1B	RM	RMH	C-1	C-2		I
	S	Special Approval Use									
	--	Prohibited Use									
Outdoor Storage, Dismantling or Recycling of Automobiles, Trucks, Recreational Vehicles, Boats and other Motor Vehicles, Manufactured Houses and Similar Items	--	--	--	--	--	--	--	--	--	S	Section 6.604
Power Plants, Hazardous Materials Storage or Waste Tire Facilities	--	--	--	--	--	--	--	--	--	S	Section 6.601
Recycling Collection Facilities and Composting Centers	--	--	--	--	--	--	--	--	--	S	Section 6.605
Research and Development Facilities, Technical Centers and Laboratories	--	--	--	--	--	--	--	P	P		
Self-Storage Warehouses	--	--	--	--	--	--	--	--	--	P	Section 6.606
Slaughter Houses, Rendering Plants, Tanneries, Commercial Stockyards or Feeding Pens, Glue, Soap, Soda, Compound and Similar Factories, Salt or Potash Works, and Similar Uses	--	--	--	--	--	--	--	--	--	S	Section 6.602 Section 6.607
Truck Terminals and Distribution Facilities, Wholesaling and Trucking Operations, and Truck Storage	--	--	--	--	--	--	--	--	--	S	Section 6.608
TEMPORARY, SPECIAL EVENT AND OTHER USES											
Accessory Off-Street Parking Lot for Private Passenger Automobiles	P	P	P	P	P	P	P	P	P	P	Article 9
Accessory Structures and Uses Customarily Incidental to any Permitted Use (amended 9/12/09)	P	P	P	P	P	P	P	P	P	P	Article 7
Adult Uses and Sexually-Oriented Businesses	--	--	--	--	--	--	--	--	--	S	Section 6.701
Circuses, Fairs, Carnivals and Similar Uses	S	--	--	--	--	--	S	S	S	S	Section 6.702
Construction Buildings and Uses	P	P	P	P	P	P	P	P	P	P	Section 6.706
Garage for Commercial Vehicles	--	--	--	--	--	--	P	P	P	P	Section 6.703
Garage Sales, Estate Sales and Private Auctions	P	P	P	P	P	P	--	--	--	--	
Land Fills and Extraction Uses	S	S	--	--	--	--	S	S	S	S	Section 6.705
Temporary Structures and Uses	S	S	S	S	S	S	S	S	S	S	Section 6.706

ARTICLE 5

SCHEDULE of REGULATIONS

Chapter 1 – Schedule of Regulations

Section 5.101 Statement of Purpose

The purpose of this Article is to establish regulations governing lot size, required yards, setbacks, building height, and development density for each zoning district. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity with the regulations established for the district in which the building or use is located. A portion of a lot used to comply with the regulations in this Article with respect to one building or use shall not be simultaneously used to comply with the regulations with respect to another building or use.

Section 5.102 Schedule of Regulations

All buildings, uses, and parcels of land shall comply with the regulations set forth in the following Schedule of Regulations and supplemental provisions and exceptions.

Section 5.103 Schedule of Regulations

District	Max. Density (units/acre) ^a	Lot Minimum ^{b, c}		Max. Building Height		Minimum Required Setback ^{b, i}				Min. Usable Floor Area	Max. Lot Coverage
		Area (sq. ft.)	Width (ft.)	Stories	Feet	Front	Side (one)	Side (total)	Rear		
RE	0.33	130,680	200	2.5	30	35	15	30	35	1,200	25%
RL	1 ^a	43,560	100	2.5	30	35	10	25	35	1,200	30%
R-1A	3.25 ^a	10,400	80	2.5	30	30	10	20	35	1,200	35%
R-1B	4.5 ^a	7,200	60	2.5	30	25	6	15	35	1,000	35%
R-M	g	15,000	150	3	35	20 ^h	10 ^h	30 ^h	40 ^h	G	25%
R-MH	See Section 6.204										
C-1	--	5,000	50	3	40	0 ^j	0	0	0	--	--
C-2	--	20,000	100	2	35	20	10	25	25	--	--
I	--	43,560	100	3	42	50	20	40	50	--	30%

Chapter 2 – Supplemental Regulations

Section 5.201 Footnotes to the Schedule of Regulations

- A. Density in Subdivision and Site Condominium Developments. The maximum density requirement shall only apply in subdivision and site condominium developments. When such a development is proposed, the maximum number of units permitted in the development shall be determined by multiplying the maximum density number by the gross buildable area of the site. The gross buildable area of the site is defined as the gross area of the site minus 80% of the area of any State regulated wetlands or floodplains located on the site.

Any development in a subdivision or site condominium development may modify the minimum dimensional requirements as permitted by the following footnote B. Any proposed lot splits or other residential development that occurs outside of a subdivision or site condominium shall comply with the dimensional requirements for lot area and lot width as shown in the schedule of regulations.

- B. Minimum Lot and Setback Standards in Subdivision and Site Condominium Developments. The minimum lot width, lot area, and setback requirements may be reduced in a subdivision or site condominium to 75% of that required in the schedule of regulations. When a reduction to any dimensional standard is proposed, a minimum of 250 sq. ft. of usable open space per unit shall be provided in the development. Usable open space shall be defined as undeveloped space that is available for use by the public, that has a minimum area of 5,000 sq. ft., and a minimum uninterrupted frontage of 50 feet on a street. Usable open space can be provided as a park, playground, or preserve area for important natural features.

Note that when this footnote B is utilized in a subdivision or site condominium development, the minimum amount of open space shall be 250 sq. ft. per unit or 5,000 sq. ft., whichever is greater.

Provision shall be made by the developer of the subdivision or site condominium for the continuing maintenance and upkeep of open space areas.

- C. Open Space Development. Land located in the RE or RL zoning districts may be developed as an open space development, in accordance with the provisions of Section 506 of the Michigan Zoning Enabling Act, P.A. 110 of 2006 (as amended).
- D. Measurement of Setbacks. All front and side yard setback requirements shall be measured from the proposed street right-of-way lines, where provided in the Land Use Plan and in instances where the proposed street right-of-way width is greater than the existing right-of-way width.
- E. Setbacks for Corner Lots. For corner lots in residential zoning districts, one street frontage shall be designated as the front yard, and one street frontage shall be designated as a side yard. The minimum front yard setback shall be as required in the schedule of regulations while the minimum side yard setback from a street right-of-way line on a corner lot shall be 20 feet.

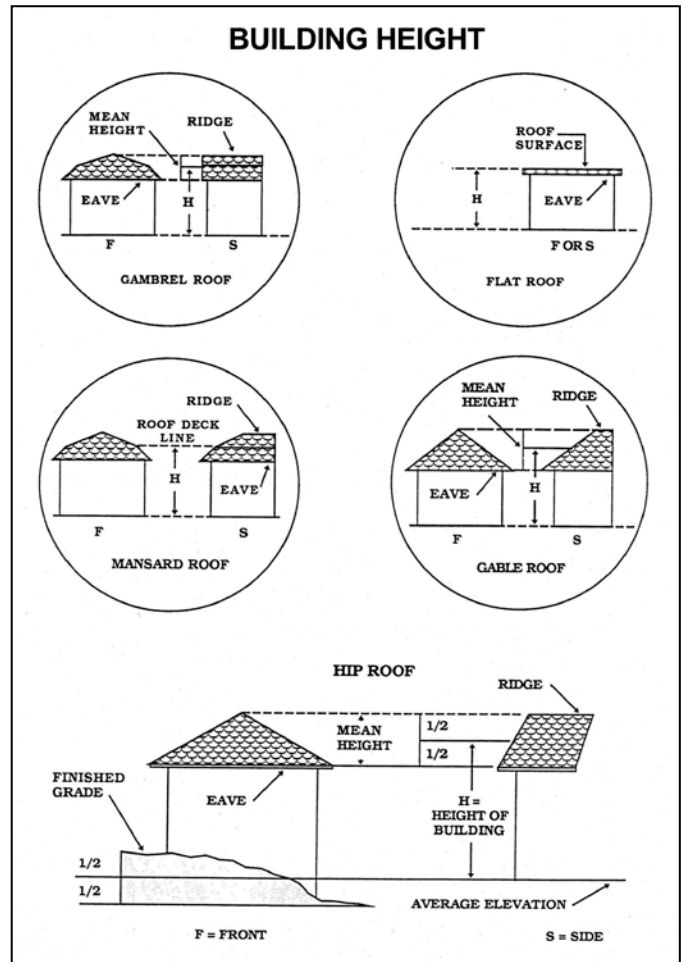
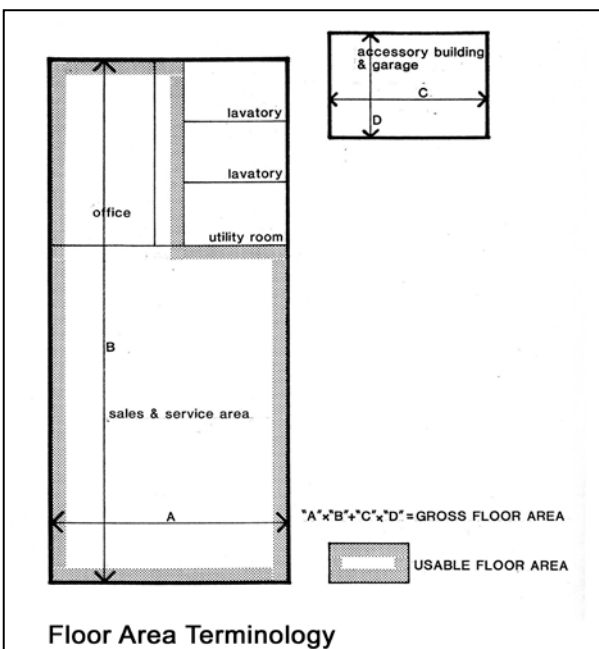
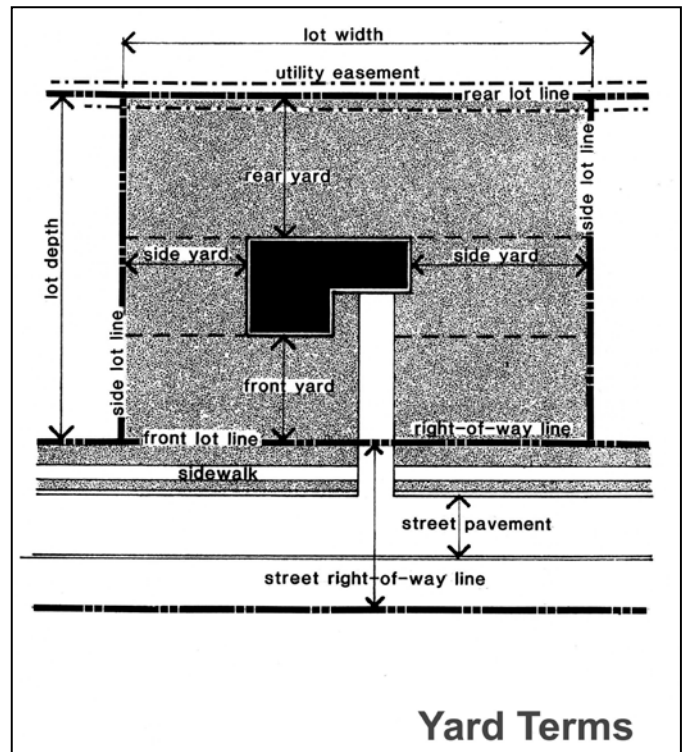
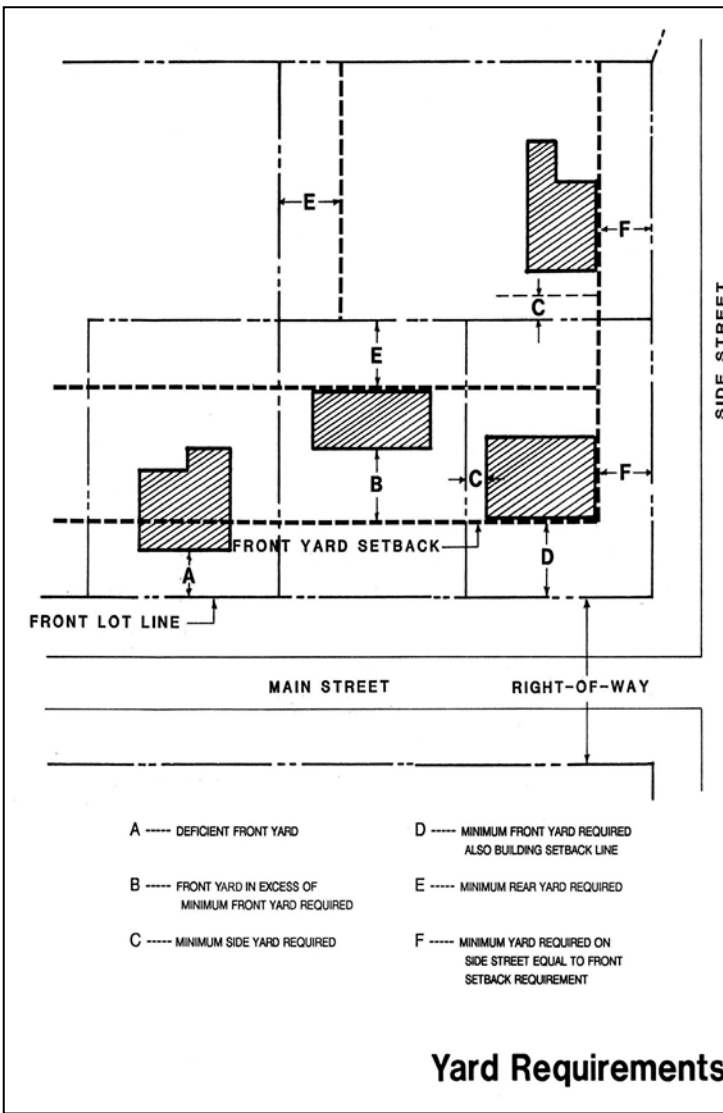
- F. Minimum Floor Area. The minimum floor area requirement for dwelling units shall not include the area of any basements, breezeways, porches, garages, or accessory buildings.
- G. Design Requirements. All multiple family developments must comply with the design requirements of Section 6.205 or 6.207, whichever is applicable.
- H. Setbacks. The setback requirements listed in the schedule of regulations are the minimum required setback for buildings from exterior property lines. Interior setbacks for buildings in a multiple family development shall be as follows:

<u>Setback Measured From</u>	<u>Setback Required</u>
Detention pond, wetland, or water body:	25 ft. minimum
Interior street (measured from the back of the sidewalk adjacent to the street):	5 foot minimum 20 foot maximum
Another building within the development:	20 ft. minimum

- I. Permitted Yard Encroachments. Architectural features such as cornices, eaves, gutters, chimneys, pilasters, bay windows, awnings balconies, and similar features may project up to 3 feet into a required yard area. Unenclosed porches, decks, patios and paved terraces may encroach up to 5 feet into a required front yard and up to 15 feet into a required rear yard.
- J. The maximum front yard setback in the C-1 District shall be 20 feet. The Planning Commission may modify the maximum front yard setback requirement if existing site conditions, natural features, or circumstances unique to the property warrant a greater front yard setback.

Section 5.202 Illustrations

The illustrations on the following page graphically depict the requirements of this Article 5. The illustrations are included to clarify the regulations of the text. In any conflict between the illustration and the text, the text shall control.



Chapter 3 – General Dimensional Standards

Section 5.301 Standard Methods of Measurement

When determining compliance with the provisions of this Ordinance, the following standardized method for measurement shall apply:

- A. **Lot coverage.** Accessory garages and other structures, porches, patios and decks shall be deemed a part of the primary building for the purpose of determining compliance with the lot coverage requirements of this Ordinance.
- B. **Grade.** The surface plane representing the average of the finished ground level at any point within a site shall be determined as follows:
 - 1. Average grade. The arithmetic average of the lowest and highest grade elevations in an area within five feet (5') radius of any point on a site.
 - 2. Finished (building) grade. The lowest point of intersection between the vertical plane of the exterior wall of a structure and the horizontal plane of the ground surface. Where the ground is not level, the grade shall be determined by averaging the finished grade for each face of the building.
- C. **Buildable Lot Area, Open Space and Recreation Area Calculations.** In calculation of areas required to maintain specific densities, open space requirements and similar needs, no lot, parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlets or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel.
 - 1. Lakes, ponds, state or federally regulated wetlands, overhead utility easements, public street right-of-ways and private road easements are excluded from area calculations for buildable lot area.
 - 2. Areas lying within a delineated wetland area or drain easement be considered or counted for no more than twenty percent (20%) of the total minimum open space requirement of this Ordinance.
 - 3. No area which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard, front yard or other open space required by this Ordinance may be counted or calculated to satisfy any open space or recreation area requirement of this Ordinance.
- D. **Floor Area.** Measurements of floor area shall be based upon distance between exterior surface of enclosing walls and between center lines of common partition walls for each living unit, and the following:
 - 1. Gross floor area (GFA). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, including a basement floor area where more than one-half ($\frac{1}{2}$) of the basement height is above the established lot grade at the building.

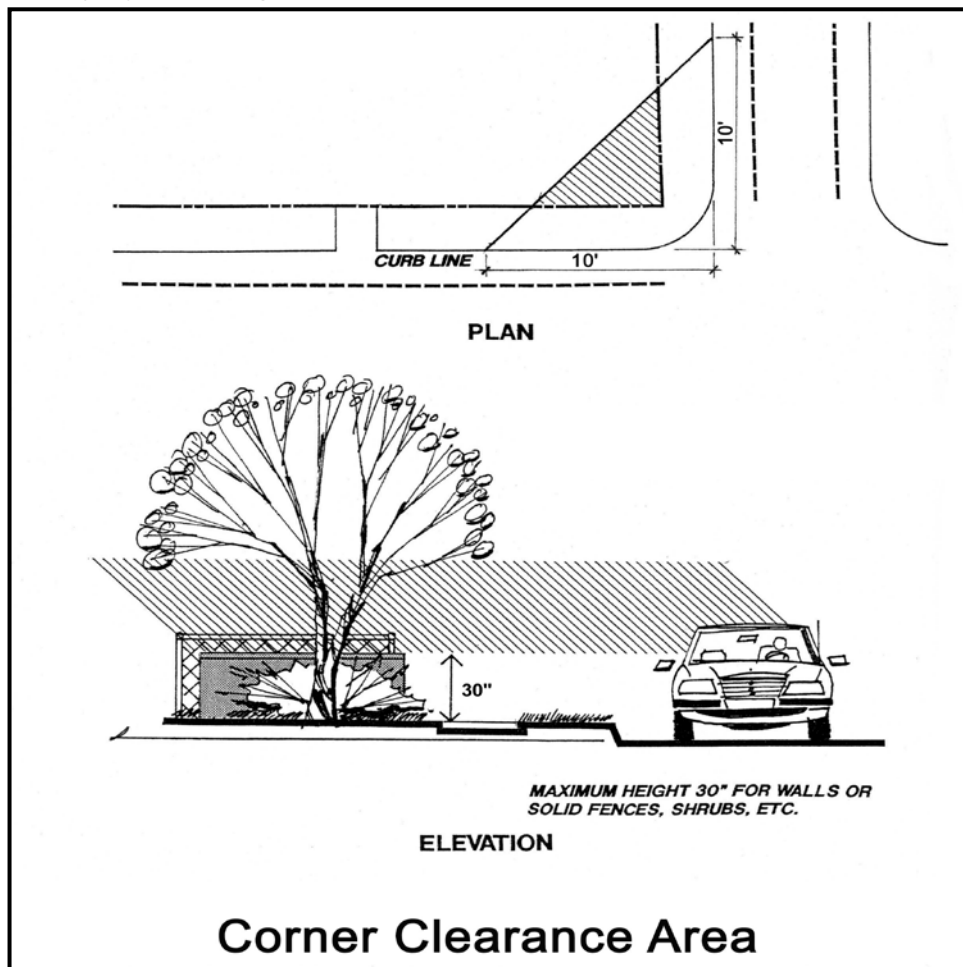
2. Usable floor area (UFA). Eighty percent (80%) of the gross floor area of a building, or that portion of the building area, measured from the interior face of the exterior walls, intended for services to the public or to customers, patrons, clients or patients, and excluding areas intended for storage of merchandise, utility or mechanical equipment rooms or sanitary facilities (for example, the UFA of a restaurant includes the food preparation, dining and serving areas, but not the restrooms, freezer or pantry areas - see illustration on page 5-5). Usable floor area shall have a minimum clear height of four feet (4') or more.

Section 5.302 Frontage and Access Required

The Village shall not issue a building permit for construction on any lot or parcel of land that does not abut a public street and have frontage on the public street equal or greater to the minimum lot width for the zoning district in which it is located. Platted lots of record are exempt from the minimum lot width requirement, and may be constructed upon provided that they abut a public street. Private streets are not permitted in the Village, and no lot or parcel of land may be created or built upon fronting on a private street created after the date of adoption of this Ordinance.

Section 5.303 Corner Clearance Areas

No structures, walls, fences, signs, landscaping or other obstructions to visibility shall be permitted between the heights of thirty inches (30") and six feet (6') above the existing street grade within a triangular area formed by the intersection of curb lines connected by a diagonal at points ten feet (10') from the point of intersection.



Section 5.304 Building Grades

- A. No person, firm or corporation shall alter an established surface drainage grade to the extent that normal surface drainage is materially obstructed or detained.
- B. Any structure requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the structure. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises in an appropriate manner. No construction or grading shall result in a greater amount of stormwater runoff onto an adjacent property than was the case prior to the completion of site improvements.
- C. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to prevent run-off of surface water flowing onto the adjacent properties.

Section 5.305 Access Management

Any development in the C-2 or I district shall incorporate vehicular access management improvements in order to promote safe and efficient travel within the Village, minimize disruptive and potentially hazardous traffic conflicts, ensure safe access by emergency vehicles, protect the substantial public investment in the street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow, separate traffic conflict areas by reducing the number of driveways, provide safe spacing standards between driveways and between driveways and intersections, provide for shared access between abutting properties, ensure reasonable access to properties though not always by the most direct access, and coordinate access decisions with the Michigan Department of Transportation (MDOT) and Monroe County Road Commission, where applicable.

Development in the C-2 and I districts shall rely on the following sources for access designs, the National Access Management Manual (TRB, 2002), National Cooperative Highway Research Program's (NCHRP), Access Management Guidelines to Activity Centers (Report 348) and Impacts of Access Management Techniques (Report 420), and the AASHTO "Green Book" A Policy on Geometric Design of Highways and Streets, and any applicable MDOT standards or guidelines.

The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access:

1. Not more than one driveway access per abutting road.
2. Shared driveways or service drives.
3. Parking lot connections with adjacent property.
4. Other appropriate designs to limit access points on an arterial or collector.

Chapter 4 – Building Design Standards

Section 5.401 Purpose

The intent of these building design standards is to protect the general welfare of the community, to protect the value of buildings and property, and to maintain the image and character of the community by requiring newly constructed buildings and substantially remodeled buildings to meet minimum building design standards. The quality of architecture and building construction is important to the preservation and enhancement of building and property values because well designed and constructed buildings are less prone to deterioration and visual blight, conditions which negatively impact the general welfare of the community.

Section 5.402 Building Design Plans

Architectural plans showing each exterior building façade shall be submitted simultaneously with an application for site plan review as required in Articles 1 and 18. The building façade elevations shall depict the building's design, building materials, and any other information deemed necessary by the reviewing authority to make a determination of compliance with the requirements of this Chapter.

Section 5.403 Wall Area Defined

Some of the standards of this Chapter are based on a percentage of wall area. The wall area is defined as the total square feet of the exterior elevation of the building that is vertical or nearly vertical to the ground, including gable ends or dormers but excluding the area of any doors or windows. The wall area does not contain the elevation area of a pitched roof with a slope of 11/12 or lower, but does include the area of a parapet wall or a roof with a slope greater than 11/12.

Section 5.404 Nonresidential Building Design Standards

The following shall apply to all newly constructed nonresidential buildings and structures in the Village.

A. Architectural standards.

1. Decorative and functional architectural features, details and ornamentation (such as arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches) shall be incorporated into all building facades at a scale appropriate to the size and bulk of the building.
2. All sides of a building shall be complementary in design, details, and materials.
3. Where building façade walls exceed one hundred feet (100') in length, design variations shall be applied to provide a changing and varying facade appearance, including but not limited to:
 - a. Projections, bays or recesses, not exceeding ten feet (10') in depth.
 - b. Enhanced ornamentation, architectural detailing or similar features.
 - c. Variations in building height or window patterns.

- d. Distinctively shaped roof forms, detailed parapets, and cornice lines.
- B. **Roof design.** Pitched and shingled roof forms with overhanging eaves shall be incorporated into the building design where appropriate. Roof-top mechanical equipment shall be screened by a parapet wall or similar device.
- C. **Colors.** Exterior building colors shall reflect the building design and composition and be harmonious with the colors, design and composition of adjacent buildings.

Section 5.405 Exterior Building Materials

Building materials shall be primarily natural products that convey permanence, such as brick, decorative masonry block, stone, wood siding or similar materials. Tubes of glass and other clear or opaque materials that are internally illuminated with neon or other gases are prohibited for use as an architectural feature. Exterior facade materials for principal buildings shall further comply with the following façade coverage standards by district. Accessory buildings are exempt from the requirements of the following table.

Each individual elevation must comply with the standards included in the following table:

BUILDING MATERIALS FAÇADE COVERAGE SCHEDULE						
BUILDING MATERIALS		MAXIMUM PERMITTED OF FAÇADE COVERAGE BY ZONING DISTRICT (percent)				
		R-A RL R-1A R-1B	R-M	C-1	C-2	I
BRICK	Face, jumbo, terra cotta or ceramic	100%	100%	100%	100%	100%
CONCRETE	Formed in place or pre-cast panels or blocks	10%	10%	10%	25%	100%
	Decorative split-face CMU or ribbed block	20%	25%	25%	50%	100%
INSULATION & FINISH PRODUCTS	EIFS/Dryvit, plaster, stucco or similar materials	20%	10%	10%	20%	30%
GLASS	Translucent, dark tint or mirrored	10%	10%	10%	10%	50%
	Transparent or light tint	75%	75%	75%	75%	75%
	Glass block	10%	10%	10%	20%	20%
PANELING - FLAT, SEAMED OR RIBBED SHEETS	Metal	10%	10%	10%	25%	75%
	Wood	10%	10%	0%	0%	0%

BUILDING MATERIALS FAÇADE COVERAGE SCHEDULE						
BUILDING MATERIALS		MAXIMUM PERMITTED OF FAÇADE COVERAGE BY ZONING DISTRICT (percent)				
		R-A RL R-1A R-1B	R-M	C-1	C-2	I
SIDING OR SHINGLES	Vinyl, metal or other synthetic materials	35%	40%	20%	10%	10%
	Wood, cement board or similar materials	100%	100%	100%	50%	50%
STONE	Cast or natural	100%	100%	100%	100%	100%

Section 5.406 Requirements for Existing Buildings

Existing buildings need not comply with the requirements of Section 5.405, provided that the percentage of a particular building material is not increased over or above the percentage permitted. For example if an existing building in a C-1 district has 80% of one façade elevation covered by split face block, no additional split face block may be used on that façade elevation but the existing condition exceeding the percentage permitted by Section 5.405 may remain.

Section 5.407 Building Materials Not Listed; Modifications

The Planning Commission may approve additional primary building materials or modifications to the requirements of Section 5.405 on a case-by-case basis, provided that such materials exhibit the structural strength and permanency, contain sufficient architectural relief, and do not detract from the aesthetic character of the building or the surrounding area.

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ARTICLE 6

DESIGN STANDARDS FOR SPECIFIC USES

Chapter 1 – ANIMAL and AGRICULTURAL USES

Section 6.101 **Reserved**

Section 6.102 **Greenhouses, Nurseries, Garden Centers and Feed Stores**

Plants and products offered for sale shall be intended for household use or home gardening activities only. Storage and display areas shall comply with all setback requirements for principal structures in the district, and any soil, fertilizer, or similar loosely packaged materials shall be covered and contained to prevent any adverse effect upon adjacent properties.

Section 6.103 **Kennels and Animal Shelters**

A. **Commercial Kennel and Animal Shelter Standards**

1. **Minimum Site Size.** Sites shall have a minimum lot area of one (1) acre.
2. **Screening.** Structures where animals are kept, outdoor runs and exercise areas shall be screened in accordance with Section 11.04 (Methods of Screening and Buffering).
3. **Performance Standards.** The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.
4. **Setbacks.** Structures where animals are kept, outdoor runs and exercise areas shall not be located in any required yard setback areas, and shall also be set back at least fifty feet (50') from any dwelling unit on an adjacent lot.
5. **Additional Standards.** The following additional standards apply to commercial kennels where animals are boarded for remuneration or where more than one litter of animals are bred yearly:
 - a. Commercial kennels shall comply with all permit and operational requirements established by county and state regulatory agencies.
 - b. Structures in which animals are kept, animal runs, and exercise areas shall not be located in any required yard setback area, and shall be set back at least five hundred feet (500') from any residential district or use.

- c. All animal runs and exercise areas shall be enclosed on all sides by screening in compliance with Section 11.04 (Methods of Screening and Buffering), and shall have impervious surfaces and an approved system for runoff, waste collection and disposal.
- d. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.
- e. Commercial kennels are prohibited in platted subdivisions.

B. Private Kennel Standards.

- 1. **Setbacks.** Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least 25 feet from any dwellings or buildings used by the public on adjacent property.
- 2. **Number of Animals.** No more than 8 animals over the age of 6 months may be housed in a private kennel or on the same premises as a private kennel. The keeping of more than 8 animals over the age of 6 months shall classify a premises as a commercial kennel, subject to the regulations in Section 6.104.A.

Section 6.104 Produce Stands and Farm Markets

- A. Where permitted in residential districts, such uses shall be accessory to a permitted ANIMAL OR AGRICULTURAL USE, and all produce or products for sale shall be grown or produced on the premises or made from produce grown or material produced on the premises.
- B. Where permitted, each lot shall be limited to a maximum of one seasonal produce stand not larger than twenty by twenty feet (20' x 20'). The stand shall be portable and shall be removed from its roadside location during seasons when it will not be in use.
- C. Signs used in connection with the use shall be temporary, and shall be removed when the stand is not in use. All signs shall comply with the requirements of Article 13 (Signs).
- D. The applicant shall submit a sketch plan for approval by the Planning Commission that illustrates locations of all structures, parking areas, driveways, signs and other structures.

Section 6.105 Riding Stables

All stables and academies for the rearing, schooling and housing of horses, mules, ponies and similar riding animals shall meet the following requirements:

- A. **Minimum Lot Size and Setbacks.** Stable sites shall have a minimum of five (5) acres. All structures wherein animals are kept shall not be less than one hundred feet (100') from any occupied dwelling or to any adjacent building used by the public. When animals are fed hay and oats or other feed outside of a building, the feeding area shall

be located not less than one hundred feet (100') from any occupied dwelling or any adjacent building used by the public. Corrals where animals graze only shall not be considered feeding areas.

- B. **Animal Density.** The number of permitted animals shall not exceed one animal per acre of land area. For the purposes of determining land area, fractions shall be rounded down to the next whole number.
- C. **Non-commercial use.** Commercial or public riding stables shall be prohibited. Animals reared, schooled or housed on the site shall be owned by the property owner or boarded by the property owner for the animal owner's private use.
- D. **Performance Standards.** Stables shall be enclosed by a suitable fence, and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.

Section 6.106 Veterinary Clinics

- A. **Setbacks.** Structures shall be set back at least twenty feet (20') from all side and rear property lines, and at least fifty feet (50') from abutting residential districts or uses, churches, schools or restaurants on the same side of the street.
- B. **Landscaping and Screening.** Outdoor enclosures or runs shall be enclosed by screening in accordance with Section 11.04 (Methods of Screening and Buffering) to buffer street rights-of-way and adjacent residential districts or uses.
- C. **Operating Requirements.** The clinic shall be operated by a licensed or registered veterinarian. All boarding shall be limited to animals brought in for treatment or surgery, unless the site has also been approved for a kennel in accordance with Section 6.103 (Kennels and Animal Shelters). All activities shall be conducted within an enclosed building.
- D. **Performance Standards.** All veterinary clinics shall comply with the following:
 - 1. Such buildings shall be constructed to ensure that noise and odors shall not be perceptible beyond the site's property lines.
 - 2. Outdoor exercising is allowed when the pet is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 p.m. and 8:00 a.m.

Chapter 2 – RESIDENTIAL USES

Section 6.201 Bed and Breakfast Inns

- A. **Primary Residence.** The dwelling shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
- B. **Guests.** There shall be a maximum of five (5) rooms for lodging, with a maximum of fifteen (15) guests at any given time. Guests may stay no longer than fourteen (14) days in succession or a total of sixty (60) days in any twelve (12) month period. Off-street parking areas shall be provided for guests outside of any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited.
- C. **Landscaping.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in compliance with Section 11.04 (Methods of Screening and Buffering).

Section 6.202 Family and Group Child Day Care Homes

- A. **Separation Requirements.** No group child day care home may be located less than fifteen hundred feet (1,500') from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the Village overall.
- B. **Access.** Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children, in a manner that allows maneuvers without affecting traffic flow on the public street.
- C. **Play Area.** All day care homes shall provide a fenced, contiguous outdoor play area in the rear yard area of the day care home premises, with a minimum area of equal to one hundred fifty (150) square-feet per child at the maximum licensed capacity of the day care home.
- D. **Hours of Operation.** The day care home shall operate a maximum of sixteen (16) hours per day.

Section 6.203 Home Occupations

The conduct of business in residential dwelling units may be permitted under the provisions of this Ordinance. It is the intent of this Ordinance to permit Home Occupations, while ensuring that home occupations are compatible with other uses permitted in residential districts, maintain and preserve the character of a residential neighborhood, and promote the efficient use of public services and facilities by assuring these services are provided to the residential

population for which they were planned and constructed.

Home occupations may be permitted as indicated in Table 4.02, and are subject to the following requirements:

A. Employees. No one other than residents of the dwelling and one (1) additional person shall be employed in the conduct of a home occupation.

B. Intensity of Use. Home occupations must be conducted within a principal dwelling unit or a permitted accessory structure, and shall be clearly subordinate to the dwelling unit's use for residential purposes. A home occupation may not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit.

C. Performance Standards.

1. There shall be no change in the outside appearance of the structure or uses, or other visible evidence of the conduct of a home occupation. There shall be no external alterations to the structure that are not customarily found in a residential area.

2. Parking for the home occupation shall not exceed 4 vehicles on the subject site at any time, including customers' vehicles.

3. The exterior storage of materials, equipment or refuse associated with or resulting from a home occupation shall be prohibited.

4. No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odor, and any electrical equipment process that creates visual or audible interferences with any radio or television receivers off the premises or that causes fluctuations in line voltages off the premises shall be prohibited.

5. The use shall not have regular business hours during which it is open to the public. Customers may make appointments to browse merchandise or receive a service from the home business, provided that the parking limitation in subsection 2 above (four vehicles) is not exceeded at any time.

D. Signs. One (1) non-illuminated and professionally prepared nameplate sign not more than 4 square feet in area may be installed on the dwelling unit or accessory building where the home occupation is performed provided that such sign is not free standing and conforms to all other governmental regulations. All other signs not customarily found in residential areas shall be prohibited.

E. Prohibited Uses. The following uses are expressly prohibited as home occupations.

1. Kennels.
2. Hospitals, medical and dental clinics and veterinary clinics
3. Any eating and/or drinking establishments.
4. Automobile, truck, recreation vehicle, boat or small engine repair.

5. Undertaking and funeral homes.

F. Business Event. One-time business events such as Tupperware parties (or the like), garage sales, and other large gatherings at a residential home for the purpose of selling a product or service must be approved in advance by a designated Village Official for each individual event. Business events may be held at any home and need not be affiliated with an approved Home Occupation. Business events must meet the following standards:

1. Advertising signs for the event must meet the standards for temporary signage in Article 13.
2. The event may not begin before 8 AM or conclude after 10 PM.
3. There must be adequate parking in the vicinity for the estimated number of attendees, in the opinion of the Village Administration. Legal on-street parking may be counted for this requirement.”

Section 6.204 Manufactured Housing Communities

A. **Purpose.** The manufactured home community district is intended to encourage the appropriate location and suitable development of the manufactured home communities. In keeping with the occupancy characteristics of contemporary manufactured homes, this Article established density standards and permitted uses that reflect the basic needs of potential residents.

B. **Site Plan Review.** All proposed structures in a Manufactured Housing Park are subject to the following site plan review procedures.

1. Applications: Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in the MHC zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the Ordinance requirements of this article.
 - a. Every site plan submitted to the Village Clerk for review by the Planning Commission shall be a complete application and in accordance with the requirements of this ordinance. Twelve (12) copies of the site plan shall be submitted with the application. Developers must submit preliminary plans as outlined in the Act and MDEQ-MHPP Rule 81 but not site construction plans which are to be reviewed by the state regulatory authority.
 - b. Upon receipt of complete application and twelve (12) copies of the site plan, the Village Clerk shall review same and forward on the Planning Commission.
 - c. The Village Clerk shall either forward the application onto the Planning Commission if it is complete and in compliance or return the application package to the applicant with a list of deficiencies. Forwarding of the site plan shall not be considered as approval or recommendation of approval of the site plan by the Planning Commission. No site plan and application

- package may proceed to the Planning Commission without first receiving approval for completeness and compliance by the Village Clerk.
- d. All applications for site plan review shall be made at least three (3) weeks prior to the next regularly scheduled Planning Commission meeting.
 - e. Once a site plan and application package has been approved by the Village Clerk to be forwarded to the Planning Commission and to the fire chief of the local fire department for review and decision within sixty (60) days of receipt by the clerk of the complete application. Notice shall be forwarded to the Village Council for agenda and notification purposes.
 - f. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance.
2. Data Required: Site plans shall contain the following information:
- a. The date, north arrow and scale. The scale shall be not less than one (1) inch equals fifty (50) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
 - b. All lot and/or property lines are to be shown and dimensioned.
 - c. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property except for manufactured homes whose dimensions are not known at the time of submission of the plan data.
 - d. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and recreation areas.
 - e. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
 - f. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firm(s) responsible for the preparation of the site plan.
 - g. The name and address of the property owner or petitioner.
 - h. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 - i. Size and location of existing and proposed utilities including proposed connections to public sewer or water supply systems, if available.
 - j. Location of all fire hydrants, if applicable.
 - k. The number of mobile home sites proposed.

- l. Location of all surface drainage facilities and written assurance that they will meet the requirements and standards of Part 4 of the MDPH Rules.
 - m. Utility and other easements.
 - n. Clusters of trees and existing individual trees over twenty-four (24) inches in diameter.
 - o. Existing wetlands.
 - p. Floodplains, drainage courses, lakes, ponds, drains, rivers, and streams, including their water surface elevation, floodplain elevations, and normal high water elevation.
 - q. List of soils on the site utilizing the Soil Conservation Service's most recent "Soil Survey of Monroe County."
 - r. Proposed sign locations.
 - s. All required setbacks for front, side, and rear yards as required in Rules 941 and 944.
 - 3. A copy of the final construction plan shall be submitted to the Village upon approval by the Department of Consumer and Industry Services.
- C. **Review Process.** The Planning Commission shall review the submitted site plan and communicate its approval, approval with conditions or disapproval of the site plan not more than sixty (60) days of receipt of the plan by the Village Clerk. A meeting may be postponed by mutual agreement of the Village and the developer. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the Planning Commission for its review any required modifications shall be directed to the specific elimination of unsafe or hazardous health or safety conditions. Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and, if deemed acceptable, shall communicate its approval or disapproval of the site plan to the applicant within not more than 45 days after receipt of the modified site plan. Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety, and general welfare.
- The Planning Commission shall approve a site plan only upon a finding that the proposed use will not, upon the facts known at the time of submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public.
- D. **Noncompliance.** Any suspected noncompliance with the preliminary plan, shall be reported to the Manufactured Housing Division of the Department of Consumer and Industry Services for remedy along with all pertaining evidence.
 - E. **Fees Required.** Fees for the review of site plans shall be established by resolution of the Village Clerk.
 - F. **Basis for Approval.**

1. In the process of reviewing the site plan, the shall consider:
 - a. Impact on adjacent single family residential or site condominium development.
 - b. The location and design of driveways providing vehicular ingress to, and egress from the site in relation to streets giving access to the site and in relation to pedestrian traffic provided such review is consistent with access road standards of Rule 920 (2).
 - c. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - d. The Planning Commission may further require landscaping, fences, or wall in pursuance of these objectives consistent with this ordinance and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use that they are appurtenant to.
 - e. The installation, erection, and construction of transmission systems for essential services such as water, electric, gas and telephone services.

G. Area, Height, and Placement Regulations.

1. Lot Area. The manufactured home community shall be developed with sites averaging 5,500 square feet per manufactured home. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet at least one equal amount of land shall be dedicated to open space. This open space shall be in addition to that required under R 125.1946, Rule946 and R 125.1941 and 125.1945, Rules 941 and 945 of the Michigan Administrative Code.
2. Floor Space. There shall be not less than seven hundred twenty (720) square feet of floor area within each mobile home. The floor area of any porch, sun deck or other structure shall not be used to meet the seven hundred twenty (720) foot requirement.
3. Internal Yard Setbacks. The placement of mobile homes within a mobile home park shall observe the following setback requirements:
 - a. Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home that is used for living purposes.
 - b. Ten (10) feet from an on-site parking space of an adjacent mobile home site.
 - c. Ten (10) feet from a detached structure or accessory building which is

not used for living purposes.

- d. Fifty (50) feet from a permanent building.
 - e. Ten (10) feet from the edge of an internal road.
 - f. Seven (7) feet from a parking bay.
 - g. Seven (7) feet from a common pedestrian walkway.
4. Maximum Height. The maximum heights of any clubhouse building shall not exceed twenty-five (25) feet, or two (2) stories in height. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) story in height.

H. Development Standards for the Manufactured Home Community.

- 1. Minimum Site Area. Each manufactured home must have a site of not less than fifteen (15) acres of land.
- 2. Park Setbacks.
 - a. Front Yards: No manufactured home or any structure within a manufactured home community (other than an identification sign) shall be located closer than fifty (50) feet to any public road right-of-way.
 - b. Side Yards: No manufactured home or any structure within a manufactured home community shall be located closer than ten (10) feet from any side lot line of the manufactured home community.
 - c. Rear Yards: No manufactured home or any structure within a manufactured home community shall be located closer than ten (10) feet from any rear lot line.
- 3. Access to Public Roads. All access to the park shall be from paved public thoroughfares. Two (2) access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement. Ingress/egress to or from mobile home parks shall not be provided by means of a subdivision or site condominium street. In addition, a secondary access road must be provided for emergency fire purposes only. For purposes of this ordinance a paved road shall include a compacted road gravel for the secondary access road.
- 4. Paving. All internal roads and parking facilities shall be provided with a paved surface in compliance with the standards of the AASHTO Specifications referenced in Rule 922 of the Michigan Manufactured Home Commission rules. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area may be allowed to encroach into sidewalk areas.

5. Parking. Parking shall be consistent with Rules 925 and 926 and streets, which have on street parking, must meet the standards in Rule 920 (1) (i).
6. Sidewalks. Sidewalks, which meet the standards established in Rule 928 if the Michigan Manufactured Home Commission rules, and ASSHTO Standards shall be installed along one side of internal roads within the park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, and central recreation/park areas. Sidewalks shall also be required along that portion of the site fronting along public thoroughfares. Walks connecting the entrance of each mobile home to the balance of the park walk system shall be designed per Manufactured Home Commission rules.
7. Utilities. The installation of utilities within a manufactured home community shall be in accordance with the following requirements:
 - a. All electrical, telephone, and utility service shall be underground and specifically designed in conformance with the standards established in Rules 932(a), 935(a), 937(2)(a), and 940 of the Manufactured Home Commission. Each unit shall have separate meters.
 - b. All gas distribution lines shall be located underground. Each manufactured home lot so served shall have the service line located underground to a connection point below the manufactured home. Any line running between such connection point and the manufactured home shall be supported so it cannot be abraded by the pad surface. If fuel oil is used, it shall be supplied from a central storage tank, with underground distribution and service lines to the individual manufactured home sites, and shall be subject to the same requirements given herein for gas lines. The use of independent bottled gas service for individual manufactured homes is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and 940 of the Manufactured Home Commission.
 - c. Service roadway and parking lights shall be installed so as to permit the safe movement of vehicles and pedestrians at night. All lighting shall be so located and shielded as to direct the light away from adjacent properties. All site lighting shall meet the requirements of the Michigan Manufactured Home Commission Rules.
 - d. Minimum standards for plumbing, heating, and electrical systems shall be those either set forth by the United State Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National/Standards Institute) for manufactured homes predating HUD prior to occupancy of any manufactured home.
 - e. All manufactured home sites and all other buildings within the park shall be connected to the water system of the Village provided such system is within 200 feet of the municipal system or to another state approved system. The mobile home community water systems shall conform to parts 2-4 of the Michigan Department of Public Health (MDPH) Mobile Home Park Standards.

- f. All manufactured home sites and all other buildings within the community shall be connected to the sanitary sewerage system of the Village which is within 200 feet of the community or to other state approved systems. The part sanitary sewerage system shall conform to MDPH Mobile Home Park standards.
 - g. All storm sewers shall be constructed in accordance with parts 2-4 of the MDPH Mobile Home Park Standards by the developer.
8. **Skirting.** Skirting shall be installed around all manufactured homes. Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured home. All skirting shall be installed prior to the issuance of the Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not be exceed ninety (90) days. All skirting shall meet the specifications established by the Michigan Manufactured Home Commission Rules.

Individual manufactured homes shall be skirted around the perimeter of the manufactured home unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Michigan Manufactured Home Commission Rules. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

9. **Storage.** If outside storage is allowed, the developer shall provide a central storage facility or shall permit or provide individual utility sheds for each manufactured home site. Any utility sheds placed on individual manufactured home sites shall be maintained in good conditions and kept painted. Utility sheds shall be placed in side or rear yard areas. The slab shall not exceed 100 square feet and shall not exceed an eight (8) foot sidewall.
10. **Storage Parking.** If storage of the following is permitted, boats, boat trailers, and utility trailers, and utility trailers are permitted to be parked within a mobile home park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the Automobile Parking Requirements of this Ordinance and shall be adequately fenced, locked or secured, and visually buffered or screened by means of landscaping.
11. **Installation.** Each manufactured home site shall conform with Manufactured Home Commission requirements of Rule 602 for installations of manufactured homes.

I. **Landscaping, Ground Cover and Open Space.** Manufactured home communities shall be landscaped as follows:

- 1. Exposed ground surfaces in all parts of the manufactured home community shall be paved or covered with stone or other solid material or protected with Grass, trees or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured home community shall be

graded and equipped to drain all surface water in a safe, efficient manner.

2. If the manufactured home community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development. If the community abuts a nonresidential development, the community need not provide screening.
3. In all cases, however, a community shall provide screening along the community boundary abutting a public right-of-way.
4. The landscaping screening shall consist of evergreen trees or shrubs of a minimum three (3) feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices subject to prior approval may be utilized if they conceal the manufactured home community as effectively as the required landscaping described above and provided the screening is kept in good repair.
5. Open space shall be provided as required by Rule 946 of the Manufactured Home Commission and shall be designated on the site plan. If recreational areas should also be proposed, these shall also be shown in the plans.

J. Public Health and Safety.

1. Fire hydrants shall be installed in all manufactured home communities for which public water systems are available and shall be in compliance with the requirements and provisions of the current local fire code, including the requirement that there be no more than three hundred (300) feet between hydrants as measured along adjacent roadways within the manufactured home community provided that this provision is superseded by rule 1105(2) of the MDEQ Administrative Rules if applicable.
2. For the protection of the public safety, an orderly street name system and numbering system shall be established by the manufactured home community owner and a plan of this system shall be verified with the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, manufactured home unit or identification marker, throughout the manufactured home community and street names shall be adequately marked.
3. Dogs, cats, or other domestic or house pets shall not be permitted to run at large or to commit any nuisance within the community.
4. Cooking shelters, barbecue pits, fireplaces, and wood burning stoves or incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.
5. Individual fuel oil, liquid petroleum, or other fuel tanks shall not be permitted to be stored in or under and manufactured home unit in a manufactured home community.

6. The mobile home community shall provide for garbage and rubbish disposal consistent with Part 5 of the MDEQ Mobile home park standards.
7. It shall be the responsibility of the manufactured home community operator to ensure that garbage containers do not overflow.
8. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident, or fire hazard.
9. Mobile Home community grounds shall be maintained in a neat condition at all times.
10. Every mobile home community shall be equipped at all times with fire extinguishing equipment in good working order, of a type, size and number and so located within the community as to be in compliance with the applicable regulations.
 - a. No open fire shall be permitted any place which may endanger life or property.
 - b. No fire shall be left unattended at any time.
 - c. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with regulations of the State Police.
11. There shall be no storage of any kind underneath any manufactured home and each manufactured home shall be maintained in a clean and presentable condition at all times.
12. No personal property shall be stored outside or under any manufactured home. Storage sheds may be used but need not be supplied by the owner of the manufactured home community.
13. Two (2) access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement.
14. Each manufactured home shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit provided the secondary exit does not need steps.

L. Miscellaneous Provisions.

1. Removal of Towing Mechanisms: Towing mechanisms shall be removed from the manufactured home dwelling at the time of dwelling installations and stored so as not to be visible from the exterior of the manufactured home community.
2. The grounds of a manufactured home community shall be graded to drain property.

3. No home occupations shall be conducted in any manufactured home, except as permitted or approved as a conditional use.
4. The resident owner may sell new or pre-owned manufactured homes, which are to remain on site in a manufactured home community, or a licensed dealer or broker provided the manufactured home community development management permits the sale.
5. All requirements of Act No. 96 of the Public Acts of 1987, as amended, shall apply.
6. The owner or operator of any manufactured home community shall be responsible for all street construction and street maintenance within the confines of the manufactured home community and shall be responsible for all snow removal within the confines of the manufactured home community and shall be responsible for picking up trash and garbage within the confines of the manufactured home community.
7. No mobile home shall be occupied by more than one (1) family.
8. No manufactured home shall be occupied for dwelling purposes unless the manufactured home is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary or prior to building official inspection and permit approval. Connections to the water and sewer service shall be by individual lot meter systems.
9. Street lighting shall be provided and paid for by the owner of the park and shall be approved by the Mobile Home Commission as to the adequacy of illumination.
10. Street name signs shall be provided by the owner at all street intersections in accordance with the Manufactured Home Commission requirements. Community street names shall not duplicate or be confusingly similar to the name of any existing street within the areas served by the Post Office or the Village Fire Department.
11. Fences on individual home sites shall be uniform in height, not to exceed thirty-six (36) inches, and shall be constructed in such a manner as to provide firemen an access to at least two (2) gates.
12. There shall be a maximum of one (1) sign per road frontage with an entrance, which shall bear only the name of the manufactured home community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Home Commission rules and may be lighted, provided that the source of light is not visible and is not of the flashing or intermittent type. One (1) sign, not exceeding thirty-two (32) square feet in area shall be permitted for the first entrance provided to the park. For multiple entrances, a sixteen (16) square foot sign shall be permitted at each entrance after the first.
13. Expandable units on manufactured homes may be utilized, provided that the minimum spacing between manufactured homes as herein provided is maintained.

M. Site Constructed Buildings and Dwellings.

1. Site constructed buildings within the manufactured home community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings shall be reviewed by the Village at the time of submittal for a building permit, per the requirements of applicable building codes and required Manufactured Home Commission setbacks.
2. Site built single-family dwellings may be located in a manufactured home community as follows.
3. One single-family dwelling may be permitted for the exclusive use of the manufactured home community owner or manager in a community of thirty (30) acres or less.
4. Two single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of thirty (30) acres.
5. Any such dwellings shall comply in all respect with their requirements for single-family dwellings.

Section 6.205 Multiple-Family Dwellings and Developments

Multiple-family dwellings and developments shall comply with the following:

- A. **Density.** The maximum density of a multiple-family development shall be ten (10) dwelling units per acre of net lot area.
- B. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
- C. **Minimum Floor Area.** The minimum floor area required per unit shall be as follows:

<u>Type of Unit</u>	<u>Minimum Floor Area</u>
Efficiency Unit:	350 sq. ft.
One Bedroom Unit:	600 sq. ft.
Two Bedroom Unit:	800 sq. ft.
Three Bedroom Unit:	1,000 sq. ft.
Four or More Bedroom Unit:	1,000 sq. ft. + 80 sq. ft. for each bedroom in excess of 3 in the unit

- D. **Street Design and Vehicle Circulation.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway

drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots. All access drives shall be twenty-four feet (24') in width, and shall permit on-street parking on at least one side of the street.

- E. **Pedestrian Circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided from parking areas, public sidewalks and recreation areas to all building entrances. Public sidewalks shall be provided along collector roads and streets with a minimum width of six feet (6').
- F. **Parking.** The Planning Commission may give credit towards parking requirements where abutting on-street parking is available. All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use in compliance with Section 11.04 (Methods of Screening and Buffering). Garages may not extend beyond the front building wall of the structure, and should be located in side or rear yards of structures.
- G. **Recreation Areas.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross area of the development. The minimum size of each area shall be not less than five thousand (5,000) square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.
- H. **Utilities.** All multiple-family dwellings shall be connected to the public sewer and public water system.
- I. **Other Requirements.** Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

Section 6.206 Single-Family Dwelling, Detached

- A. Detached single-family dwellings, except manufactured houses located in an approved and licensed manufactured housing parks, shall comply with the following standards and the requirements of Chapter 4 of Article 5.
 - 1. **All such dwellings shall have exterior materials similar to and aesthetically compatible with the dwelling units on adjacent properties or in the surrounding residential neighborhood.** Such materials shall include siding, windows, shingles and other roofing materials. New dwellings shall be constructed with a primary entrance on the front façade and connected to the public sidewalk or right-of-way by a paved path.
 - 2. **All such dwellings shall incorporate exterior building wall, foundation and roof configurations that are similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.** The minimum width across any front, side or rear elevation shall be twenty-four

feet (24'), and the average width-to-depth or depth-to-width ratio of the dwelling, as measured along the outside of the perimeter walls, shall not exceed two-and one-half to one (2.5:1). The roof over-hang shall be a minimum of six inches (6") on at least two (2) sides.

3. **All such dwellings shall be firmly attached to a permanent foundation.** The foundation wall shall be constructed on the site in accordance with the building code adopted by the Village, and shall have the same perimeter dimensions as the dwelling. All such dwellings shall be secured to the premises by an anchoring system or device that is in full compliance with all applicable codes and rules.

- B. **Determinations.** This Section is not intended to prohibit innovated architectural design, or site features. The compatibility of design and appearance shall be determined by the Building Official, subject to appeal by an aggrieved party to the Zoning Board of Appeals. Any determination of compatibility shall be based upon these standards, with a comparison to the character, design and appearance of five (5) or more existing residential dwellings located in the Village, outside of any manufactured housing parks.

Section 6.207 Townhouses and Stacked Flats

Townhouses and stacked flats shall comply with the following:

- A. **Density.** The maximum density of a townhouse or stacked flat development shall be ten (10) dwelling units per acre, exclusive of any land area occupied by water bodies.
- B. **Building layout and architecture.** The following architectural standards shall be met for all structures:
 1. **Orientation.** Parking areas, garages and any other accessory structures and uses shall be located within the established rear yard, with access provided by an alley or access drive. A minimum of seventy-five percent (75%) of the main entrances to the individual dwellings shall be located on the front façade of the building, and all shall include a front porch or stoop that is at least six feet (6') in width and depth, and fifty (50) square-feet in area.
 2. **Architectural Details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
 3. **Units Entrances.** All units shall have a minimum of 2 exterior entrances. An entrance through a garage door shall be considered an entrance for the purposes of compliance with this requirement.
 4. **Minimum Floor Area.** The minimum floor area required per unit shall be as follows:

<u>Type of Unit</u>	<u>Minimum Floor Area</u>
Efficiency Unit:	350 sq. ft.
One Bedroom Unit:	600 sq. ft.
Two Bedroom Unit:	800 sq. ft.
Three Bedroom Unit:	1,000 sq. ft.
Four or More Bedroom Unit:	1,000 sq. ft. + 80 sq. ft. for each bedroom in excess of 3 in the unit

- C. **Street design.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Alleys shall be provided where necessary for access to rear yard garages. Such alleys shall have a minimum pavement width of twenty feet (20') and shall be located within a minimum thirty-foot (30') wide private access easement. An alley shall be designed to provide only secondary frontage and access to dwellings.
- D. **Pedestrian circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided on both sides of all internal streets within a townhouse or stacked flat development, between the public sidewalk and all dwelling entrances, and within all open space areas. Sidewalks along collector roads and streets shall be at least six feet (6') wide.
- E. **Parking.** The Planning Commission may give credit towards parking requirements where abutting on-street parking is available. All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use in compliance with Section 11.04 (Methods of Screening and Buffering). Garages may not extend beyond the front building wall of the structure, and should be located in side or rear yards of structures.
- F. **Recreation Area.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least fifteen percent (15%) of the gross total area of the development. The minimum size of each area shall be not less than five thousand (5,000) square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.
- G. **Utilities.** All townhouse and stacked-flat dwellings shall be connected to the public sewer and public water system.
- H. **Other Requirements.** Adequate landscaping and screening shall be provided along all property lines which abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved final site plan.

Section 6.208 Two-Family Dwellings (Duplexes)

The exterior of a two-family dwelling (or duplex) shall be designed, constructed and maintained in a manner that provides the appearance of a single-family dwelling as specified by Section 6.206 (Single-Family Dwellings, Detached). The addition of a separate exterior door on the

front facade is prohibited. The primary entrance for the second dwelling unit may be located on a sidewall, or both units may share a common entrance on the front façade.

Chapter 3 – OFFICE and SERVICE USES

Section 6.301 Catering Facilities

In the C-1 (Central Business) district, catering facilities shall only be permitted as an accessory use located entirely within the space occupied by a permitted restaurant use.

Section 6.302 Funeral Homes, Mortuaries and Crematoriums

- J. **Minimum Lot Size.** Sites shall have a minimum lot area of one-half (0.5) acres, and a minimum lot width of one hundred fifty feet (150’).
- K. **Parking and Circulation.** An off-street assembly area shall be provided for funeral processions and activities. This area may be incorporated into the required off-street parking and maneuvering areas. Streets and alleys shall not be used for maneuvering or parking of vehicles.
- L. **Screening.** The service and loading area shall be screened from adjacent residential zoning districts in accordance with Section 11.04 (Methods of Screening and Buffering).
- M. **Accessory Uses.** A caretaker’s residence may be provided as an accessory use on the site.

Section 6.303 Hospitals

- A. **Setbacks and Screening.** All structures shall be set back a minimum of one hundred feet (100’) from adjacent residential districts and uses. The Planning Commission may reduce the setback requirements in exchange for enhanced screening. Ambulance and delivery areas shall be screened from view of all residential districts and uses with a masonry wall.
- B. **Access.** All ingress and egress must be directly to a major street.
- C. **Accessory Uses.** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building.

Section 6.304 Massage Therapists

Massage therapy clinics and uses shall be subject to the following conditions:

- A. Hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, surgeons, chiropractors, osteopaths, psychologists, clinical social workers or family counselors who are licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use within the principal building.

- B. All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the Village.
- C. All activities that meet the definition of an adult use or sexually-oriented business shall be prohibited.

Section 6.305 Nursing and Convalescent Homes, Assisted Living Facilities and Senior Housing

- A. **Minimum Size.** Sites must have a minimum lot area of two (2) acres, and all dwelling units shall have a minimum of four hundred fifty (450) square feet per unit.
- B. **Separation Requirements.** No foster care group home shall be located closer than one thousand five hundred feet (1,500') to any other state-licensed residential facility, measured from the nearest wall of each such structure. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the Village overall.
- C. **Access.** All access shall be from a major street. Walkways shall be provided from the main building entrances to any sidewalks along the adjacent public streets.
- D. **Allowable Density Modification.** The allowable density of the underlying zoning district may be increased by no more than fifty percent (50%) for all nursing care units licensed by the State of Michigan, or twenty-five percent (25%) for non-licensed nursing care and supportive care units.
- E. **Accessory Uses.** Accessory retail, restaurant, office and service uses may be permitted within the principal residential building. No exterior signs of any type are permitted for these accessory uses.

Section 6.306 Video Rental Establishments

- A. The display of video tapes having as a dominant theme specified sexual activity or specified anatomical areas shall be physically separated from all other video tapes and materials in a completely enclosed room subject to the following:
 - 1. The room shall have only one (1) door for ingress and egress by patrons.
 - 2. Signage outside of the room shall indicate that adult videotapes are displayed and shall state that no one under the age of eighteen (18) is permitted.
- B. In lieu of an enclosed room, a catalogue containing a list of all adult-oriented videotapes for rental or sale may be used for over the counter purchases by patrons. This requires that all videotapes be stored behind the sales counter or in a separate, enclosed storage area until rented or purchased.

Chapter 4 – COMMUNITY USES

Section 6.401 Churches, Temples and Other Places of Worship

- A. **Height.** The maximum height of the principal building shall be permitted to exceed the maximum height requirements of the district up to a maximum height of forty-five feet (45'), provided that the minimum required front, side and rear yard setbacks shall be increased by one foot for each foot of additional building height over the maximum building height for the Zoning District. The highest point of chimneys, church spires, cupolas, domes and towers may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than fifteen percent (15%) of the roof area of the building.
- B. **Screening.** Screening shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering) where the site abuts a residential district or use.
- C. **Accessory Facilities.** Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, and other similar uses incidental to the primary use shall be permitted, subject to the requirements of this Ordinance.
- D. **Impact Assessment.** The Planning Commission may require an impact assessment for churches, temples or other places of worship that have a seating capacity of over five hundred (500) persons in accordance with Section 1.13 (Impact Assessments).

Section 6.402 Golf Driving Ranges

- A. **Setbacks.** Parking lots shall be setback at least fifteen feet (15') from the street right-of-way, and seventy-five feet (75') from any property line abutting a residential district or use. No structure shall be located less than one hundred feet (100') from the property line of any abutting residential district or use.
- B. **Access.** All traffic ingress and egress shall be from a major street.
- C. **Screening.** Any lot line abutting a residential zoning district shall provide a landscaped buffer strip in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Performance Standards.** Site size shall be sufficient to retain errant balls within the site. Netting is prohibited unless the Planning Commission determines the netting would be compatible with surrounding uses. The Planning Commission may restrict lighting and hours of operation for a driving range.

Section 6.403 Public Utility and Essential Service Structures and Uses

- A. **Need.** Applicants must provide evidence of the necessity for the proposed location of all public utility and essential service structures and uses.

- B. **Setbacks.** Electric or gas regulator equipment and apparatus shall be set back a minimum of twenty feet (20') from all lot lines.
- C. **Screening.** Screening requirements are subject to Planning Commission approval based on analysis of potential effect on surrounding properties. Any permitted storage yards shall be screened from adjacent residential districts or uses in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Use Requirements.** Such structures and uses shall be subject to conditions or limitations designed to minimize any adverse impacts from the use on surrounding properties. Structures shall be architecturally compatible with the surrounding neighborhood.

Section 6.404 Recreation, Indoor and Outdoor (Excluding Public Parks)

- A. **Permitted Uses.** Permitted uses may include, but shall not be limited to recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice or in-line skating, and similar activities, bowling alleys, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, music concert pavilions and band shells.
- B. **Accessory Uses.** Permitted accessory uses to the above permitted uses may include, but shall not be limited to refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreation facility, unless otherwise listed as a permitted use in the district where the facility is located.
- C. **Setback Requirements.** No structure or spectator seating facility shall be located within fifty feet (50') of a property line, nor within two hundred feet (200') of any residential district or building. Pools shall be set back at least one hundred feet (100') from the boundary of any adjacent residential zoning district.
- D. **Performance Standards.**
 - 1. The location, layout, design, or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties.
 - 2. A plan to control loitering and litter shall be provided.
 - 3. Recreation uses shall comply with Section 8.301 (Performance Standards).
 - 4. The applicant shall provide documentation that the site area is adequate, according to national standards for the use.

Chapter 5 – COMMERCIAL USES

Section 6.501 Automobile, Truck and other Motor Vehicle Service Centers (Minor Repair), Repair Stations (Major Repair) and Fueling (Gas) Stations

- A. **Minimum Lot Size and Setbacks.** The minimum lot area shall be fifteen thousand (15,000) square feet, with a minimum of one hundred feet (100') of frontage on a major street. Pump island canopies shall be setback a minimum of ten feet (10') from any right-of-way line. Fuel pumps shall be located a minimum of twenty feet (20') from any right-of-way line.
- B. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings. The edge of any access drives shall be set back a minimum of fifty feet (50') from the intersections of two (2) street right-of-way lines. No more than one access drive curb opening shall be permitted per street.
- C. **Overhead Doors.** Overhead doors shall not face a residential district or use. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative, subject to additional screening being provided.
- D. **Pump Island Canopy.** The proposed clearance of any pump island canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of twenty (20) footcandles for lighting under the canopy, provided that site lighting is otherwise in compliance with this Ordinance.
- E. **Repair and Service Use Limitations.** All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
- F. **Temporary Vehicle Storage.** The storage, sale, rental or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance. Inoperable vehicles shall not be stored or parked outside for a period exceeding thirty (30) days for repair stations and twenty-four (24) hours for service centers. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- G. **Noise and Odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with sound proofing.

- H. **Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering). All wrecked or damaged vehicles shall be screened from public view, and shall not be parked or stored within any front yard area.
- I. **Pollution Prevention.** The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves.

Section 6.502 Car Washes

- A. **Lot Size and Frontage.** A self-service car wash shall have a minimum lot area of ten thousand (10,000) square feet, with a minimum of eighty feet (80') of frontage along a major street. An automatic car wash shall have a minimum lot area of twenty thousand (20,000) square feet, with a minimum of one hundred fifty feet (150') of frontage along a major street.
- B. **Setbacks.** All car washes shall have a minimum front yard setback of thirty feet (30'). All buildings shall maintain a fifty foot (50') setback from any residential district or use.
- C. **Screening.** Screening shall be provided on those side and rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent or pedestrian crossings. The edge of any ingress and egress drives shall be set back a minimum of fifty feet (50') from intersections of two (2) street right-of-way lines. No more than one such drive or curb opening shall be permitted per street. All maneuvering areas and stacking lanes shall be located within the site.

Section 6.503 Drive-in or Drive-through Lanes, Facilities or Establishments

The following conditions shall apply to all accessory drive-in or drive-through lanes, facilities or establishments, in addition to any required conditions for the primary use.

- A. **Location.** Sites must abut a major street, with all ingress and egress directly to such street.
- B. **Setback.** Any drive through facility must be set back at least thirty feet (30') from any street right-of-way line.
- C. **Minimum Lot Width.** Sites shall have a minimum of eighty feet (80') of frontage.
- D. **Access and Traffic.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or pedestrian crossings. The edge of any ingress and egress drives shall be set back a minimum of fifty feet (50') from

intersections of two (2) street right-of-way lines. No more than one such drive or curb opening shall be permitted per street. All maneuvering areas and stacking lanes shall be located within the site. The applicant shall provide a traffic impact assessment in accordance with Section 10.04 (Traffic Impact Studies).

- E. **Screening.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering). Low level screening sufficient to block headlights from shining onto a street or adjacent residential district shall be provided wherever necessary, as determined by the Planning Commission. The low level screening shall have a height of 30-36 inches, and shall consist of closely spaced evergreen shrubs or a decorative masonry wall.
- F. **Performance Standards.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- G. **Prohibited Uses.** Sales of alcoholic beverages shall be prohibited through any drive-in or drive-through service window or facility.
- H. **Menu boards.** Menu boards may be erected, subject to the following:
 - 1. Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from the street right-of-way or adjacent properties.
 - 2. The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow in any manner.
 - 3. The total sign area of all permitted menu boards shall not exceed forty-eight (48) square-feet.

Section 6.504 Hotels and Motels

- A. **Access.** All ingress and egress shall be directly to a major street. Secondary building entrances and exterior room entrances shall not face a residential district or use.
- B. **Additional Requirements.** The hotel or motel shall provide customary services, such as maid service, linen service, telephone and/or desk service, and may provide an attached dining room with seating capacity for at least twenty (20) occupants or an unattached restaurant with seating capacity for not less than fifty (50) occupants located directly adjacent to the or hotel.
- C. **Air Conditioning Units.** Individual air conditioning units intended to serve each room shall be architecturally integrated into the building design. The air conditioning units may not protrude from the side of the building, and exhaust vents, grates, or other similar features shall be camouflaged from view.

Section 6.505 Tattoo Parlors and Body Piercing Salons

Any such establishment must be located at least five hundred feet (500') from all other body piercing studios and tattoo parlors, and from all child care centers, schools, parks, or hospitals.

Section 6.506 Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Equipment, Machinery, Automobiles and Other Motor Vehicles, Recreational Vehicles, Boats, Building Supplies, Hardware and Other Items

- A. **Setback Requirements.** Outdoor sales or display areas shall be set back a minimum of ten feet (10') from any parking area, driveway or access drive, and twenty feet (20') from any street right-of-way. No outdoor sales area shall be located within fifty feet (50') of any residential district or use.
- B. **Sidewalk Standards.** A minimum of six feet (6') of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.
- C. **Performance Standards.** Outdoor sales and display areas must be kept clean, litter-free, and outdoor waste receptacles shall be provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
- D. **Signs.** Additional signs shall not be permitted beyond those permitted for the primary use.
- E. **Surface.** Sales and display areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water. All areas for display of automobiles, trucks, recreational vehicles, boats and similar items shall be paved.
- F. **Landscaping and Screening.** Such sales or display area shall be separated from the parking area by landscaping, a decorative wall or other architectural feature in accordance with Section 11.04 (Methods of Screening and Buffering).. A six foot (6') fence or wall, greenbelt or buffer strip may be required along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.

Section 6.507 Package Liquor Stores

These regulations are intended to minimize potential adverse impacts from stores that sell packaged beer, wine and liquor on adjacent uses and the quality of life and property values of abutting residential neighborhoods, where a concentration of such stores may disrupt business investment, increase crime or contribute to blight in the surrounding area. Stores that sell packaged beer, wine and liquor shall be set back a minimum of one thousand feet (1,000') from any other store that sells packaged beer, wine and liquor, all churches, temples and other places of worship, all child care facilities, schools, parks and hospitals, and five hundred feet

(500') of all adult use or sexually-oriented businesses. The separation distance between uses shall be measured horizontally between the nearest point of each property line.

Section 6.508 Reserved

Section 6.509 Recording Studios

No internal noise or sounds shall be audible outside of the building or beyond the walls of the space occupied by the studio. External activities generating noise or sound shall be no greater than the existing background noise level of the surrounding area. Mass production, duplication or storage of recorded material for distribution, sale, or promotion is prohibited.

Section 6.510 Retail Stores and Commercial Uses with 40,000 square-feet or More of Gross Floor Area

- A. **Uses.** Uses subject to the requirements of this Section shall include, but shall not be limited to “Big-Box” Stores, Supermarkets, Wholesale Stores, Shopping Centers and Malls.
- B. **Access and Circulation.** A traffic impact study shall be required meeting the requirements of Section 10.04 (Traffic Impact Studies). Sites must abut a major street, with all ingress and egress directly to such street. The design shall ensure that vehicular circulation patterns are appropriately designed to eliminate potential conflicts between traffic generated by the site, and traffic on adjacent streets and streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
- C. **Outlots.** The site design, circulation, parking layout and building architecture of all outlots shall be complementary to and fully-integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
- D. **Landscape and Screening.** A greenbelt with a width of twenty feet (20') shall be provided along all street frontages and side or rear yards to screen the view of the property from street rights-of-way and adjacent residential districts or uses in accordance with Section 11.04 (Methods of Screening and Buffering), along with adequate screening for all loading facilities, trash dumpsters and mechanical equipment.
- E. **Loading and Unloading Areas.** Outdoor storage, pickup, delivery, loading and unloading of merchandise, equipment or other items, mechanical equipment, and trash disposal or compaction shall not occur within fifty feet (50') of a residential district or use, nor shall such activities take place between the hours of 10:00 p.m. and 7:00 a.m. No delivery vehicle within fifty feet (50') of residential property shall have its engine, refrigeration unit or generator running between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m. provided that all activity occurs inside the truck or trailer or within the building.

- F. **Pedestrian Walkway.** A six foot (6') wide concrete sidewalk shall be provided from the public sidewalk to the main entrance in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

Section 6.511 Theaters (Indoor), Motion Picture Cinemas, Auditoriums, Concert Halls and Playhouses

- A. **Setbacks and Screening.** Where the site abuts a residential district or use, the principal building and parking lot shall be setback at least thirty feet (30') from the district boundary or property line abutting the residential district or use, and screening shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering).
- B. **Access and Traffic.** A traffic impact study shall be submitted according to Section 10.04 (Traffic Impact Studies). Access shall be from a major street.
- C. **Impact Assessment.** The Planning Commission may require an impact assessment for theaters, cinemas, auditoriums, concert halls and playhouses that have a seating capacity of over five hundred (500) persons in accordance with Section 1.13 (Impact Assessments).

Section 6.512 Tobacconists and Cigar/Cigarette Shops

Such establishments shall be located at least one thousand (1,000) feet from any childcare center, school, park or hospital.

Chapter 6 – INDUSTRIAL, RESEARCH and LABORATORY USES

Section 6.601 Hazardous Materials Storage

Such uses shall comply with Section 8.301 (Performance Standards), and shall conform to current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, the Michigan State Police, the Fire Department, and the Monroe County Health Department. The applicant must supply the following documentation with any plan submitted for review:

- A. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
- B. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
- C. Description of any transportation, on-site treatment, storage or disposal of hazardous waste.
- D. Description of any secondary containment measures, including design, construction materials and specifications, and security measures.

Section 6.602 Intensive Industrial Operations (including, but not limited to metal foundry or fabrication, casting, plating, buffing, stamping, dyeing, shearing or punching, and similar uses, automatic screw machines and other machines)

- A. **Setbacks and Screening.** Sites shall not be located within five hundred feet (500') of any residential district or use. Appropriate screening, shall be provided along all side or rear lot lines in accordance with Section 11.04 (Methods of Screening and Buffering).
- B. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- C. **Impact Assessment.** The applicant shall submit an impact assessment in accordance with Section 1.13 (Impact Assessments), describing the expected impacts associated with the use and any mitigation measures to be employed.
- D. **Performance Standards.** All such uses shall comply with the performance standards listed in Section 8.301 (Performance Standards).

Section 6.603 Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items

- A. **General Requirements.** All outdoor storage areas must comply with the following requirements:
 - 1. No junk or junk vehicles shall be stored.
 - 2. The storage of soil, fertilizer and similar loosely packaged materials shall be contained and covered to prevent them from blowing into adjacent properties.
 - 3. Any outside storage area shall be paved or surfaced with hard surface material and shall include a storm water drainage system.
- B. **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in the front yard.
- C. **Landscaping and Screening.** Sites shall be visually screened from all adjoining properties and street rights-of-way by a greenbelt or buffer strip and a solid decorative masonry wall or fence at least six feet (6') and no more than eight feet (8') in height, in accordance with Section 11.04 (Methods of Screening and Buffering). No materials shall be stored above the height of the required wall or fence. No trailer, manufactured home or truck trailer shall be stored or used for storage.

Section 6.604 Outdoor Storage, Dismantling or Recycling of Automobiles, Trucks, Recreational Vehicles, Boats and other Motor Vehicles, Manufactured Houses and Similar Items

- A. **Minimum Lot Size and Setbacks.** Sites shall have a minimum lot area of ten (10) acres. Sites shall have a minimum front yard setback of one hundred fifty feet (150'), and rear and side yard setbacks of twenty feet (20').
- B. **Location.** Sites shall not be immediately adjacent to any residential district or use.
- C. **Landscaping and Screening.** A twenty foot (20') wide buffer strip and a masonry wall with a height of eight feet (8') shall be required along all property lines, in accordance with Section 11.04 (Methods of Screening and Buffering).
- D. **Performance Standards and Requirements.** The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations, the requirements of this Ordinance, and the following:
 - 1. Junk vehicles and scrap materials may not be stacked higher than the height of the screening wall.
 - 2. Vehicles or vehicle bodies shall be stored in rows with a minimum twenty foot (20') wide continuous loop drive separating each row of vehicles.
 - 3. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall enclosing the salvage yard.

4. All batteries shall be removed and all radiator and fuel tanks drained prior to placing the vehicle in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company.
5. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street.
6. The crushing of vehicles or any part thereof shall be limited to daylight hours.
7. The use shall be subject to periodic inspection by the Village to ensure continuing compliance with the above standards.

Section 6.605 Recycling Collection Facilities and Composting Centers

- A. **General Standards.** Recycling facilities shall be limited to the collection of recyclable materials for processing at another site. All storage of recycled materials shall be within appropriate containers that have adequate and convenient access, with lockable lids and doors. Access shall be provided solely on major streets.
- B. **Setbacks.** Commercial composting operations shall be at least five-hundred feet (500') from any residential district or use. All composting operations shall be at least two hundred feet (200') from the boundary of any lake, stream, drain, wetland or other surface water body, and the applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.
- C. **Performance Standards.** The applicant shall submit an impact assessment, in accordance with Section 1.13 (Impact Assessments), describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.
- D. **Screening and Landscaping.** Screening and landscaping shall be provided in accordance with Section 11.04 (Methods of Screening and Buffering), as deemed necessary by the Planning Commission.

Section 6.606 Self-Storage Warehouses

- A. **Permitted Uses.** The use shall be limited to storage of household and non-hazardous commercial goods. An accessory caretaker's residence shall be permitted for the person or persons responsible for the operation of the facility.
- B. **Minimum Lot Size and Setbacks.** The minimum lot area shall be three (3) acres. The minimum building and parking setback shall be fifty feet (50') from any street right-of-way line, residential district or off-site residential use.
- C. **Screening and Landscaping.** Screening shall be provided on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).

- D. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- E. **Storage.** All storage shall be completely within enclosed structures.

Section 6.607 Slaughter Houses, Rendering Plants, Tanneries, Stock Yards, Glue Factories, Soap Factories, Oil Refineries or Other Similar Factories

- A. **Separation Requirements.** The above uses shall be located at least one thousand feet (1,000') from any residential district or use, and one hundred fifty feet (150') from any non-residential district boundary, except slaughtering, rendering and penning uses. All slaughtering, rendering and penning (only such animals are to be slaughtered on premises) shall be located at least one thousand feet (1,000') from any other zoning district boundary.
- B. **Sanitation Requirements.** The waste and by-products obtained from the slaughtering operations conducted on the premises may be transported to some other location to be rendered. No rendering shall be permitted on products originating outside of the slaughter house, and only dry rendering processes shall be used. All sanitary facilities shall be approved by the Village of South Rockwood and the Monroe County Health Department, and all waste and manure shall be removed daily.
- C. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- D. **Performance Standards.** Such uses shall comply with Section 8.301 (Performance Standards). The applicant shall submit an impact assessment, in accordance with Section 1.13 (Impact Assessments), describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.

Section 6.608 Warehouses and Other Storage Facilities, Distribution Plants, Freezers and Lockers, Truck Terminals and Distribution Facilities

- A. **Setbacks.** Terminals shall be set back a minimum of two hundred feet (200') from any residential district or use.
- B. **Traffic.** A traffic impact study shall be required meeting the standards of Section 10.04 (Traffic Impact Studies).
- C. **Parking and Loading.** All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

- D. **Landscaping and Screening.** Screening shall be required on those side or rear lot lines abutting a residential district or use in accordance with Section 11.04 (Methods of Screening and Buffering).

Chapter 7 – TEMPORARY, SPECIAL EVENT and OTHER USES

Section 6.701 Adult Uses and Sexually-Oriented Businesses

It is the intent of this Section to provide reasonable regulations for the establishment of these uses, as defined in Article 25 (Definitions) in a viable and accessible location where the adverse impact of their operations may be minimized. Regulation of the location of these uses is necessary to ensure that the adverse effects of such uses will not cause or contribute to the blighting or downgrading of the Village.

- A. Sites shall not be permitted in the following locations, based upon distances measured from the outer most property line of the lot upon which the proposed adult business or sexually-oriented business would be located to nearest property line of the following districts, uses or facilities:
- B. Within five hundred (500') of any residential district or use within the Village of South Rockwood or surrounding communities.
- C. Within five hundred feet (500') of an existing school, library, park, playground, licensed family or group day care home, child day care center, church, temple or other place of worship within the Village of South Rockwood or surrounding communities.
- D. Within one thousand feet (1,000') of any other adult use or sexually-oriented business within the Village of South Rockwood or surrounding communities.
- E. Within five hundred feet (500') of any package liquor store.
- F. Within two hundred feet (200') of intersecting center-lines of major streets within the Village of South Rockwood or surrounding communities, as defined in the Village Master Plan.
- G. Access shall be limited to major streets, as defined in the Village Master Plan, and screening shall be required from the public right-of-way and abutting properties in accordance with Section 11.04 (Methods of Screening and Buffering).
- H. Such uses shall be located within a freestanding building. (shared or common wall structure or shopping center is not considered a freestanding building) with a maximum gross floor areas of five thousand (5,000) square feet.
- I. The building and site shall be designed, constructed and maintained so displays, decorations or signs depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed from adjacent properties or by pedestrians or motorists within the public rights-of-way.
- J. No person shall reside in the premises of such uses.
- K. The provisions of this Section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed or permitted to practice in the State of Michigan, or to massage therapists

who are certified members of the American Massage and Therapy Association or International Myomassethics Federation.

Section 6.702 Circuses, Fairs, Carnivals and Similar Uses

Such uses may be permitted for institutional uses and similar non-profit organizations for the sole purpose of raising money for the financial support of such institutions. Such use and occupancy shall not be disturbing to the public peace and tranquility, and shall not create undue traffic hazard and congestion. Limitations on hours of operation may be established by the Village, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

- A. **Permits and Approvals.** Sketch plan approval shall be obtained from the Planning Commission. When such uses are for more than seven (7) calendar days during a year, approval is also required from the Village Council. Appropriate permits shall be secured by the applicant from the Monroe County Health Department, the Building Official, and other agencies with jurisdiction.

- B. **Insurance.** The applicant shall provide evidence of adequate public liability insurance and property damage insurance to cover potential liability for death or Injury to persons, or damage to property, which may result from the conduct of the activity.

- C. **Setbacks and Fencing.** All buildings, structures and parking shall be at least three hundred feet (300') from any dwelling. The Village may require placement of a six foot (6') high fence around all or part of the site.

- D. **Access.** Where the site has frontage on a major street, the primary means of access shall be provided directly onto the major street

Section 6.703 Garages for Commercial Vehicles

A structure for the storage of commercial vehicles used by a permitted use in a non-residential district, shall occupy not more than twenty-five percent (25%) of the lot area, and shall be located outside of any required yard areas.

Section 6.704 Reserved

Section 6.705 Extraction Operations

Extractive operations shall be subject to the design and operational standards of Ordinance 133.

Section 6.706 Temporary Structures and Uses

Temporary structures and uses may be permitted, including a temporary dwelling installed on a single-family residential lot while a permanent dwelling is under construction. Such structures and uses shall comply with all applicable Village Codes and Ordinances, and shall be subject to the following:

- A. **Site and use standards.** Temporary structures and uses shall comply with the following:
 - 1. The performance standards specified in Section 8.301 (Performance Standards).
 - 2. The dimensional standards and use provisions of this Ordinance for the district and type of structure or use.
 - 3. Provisions for emergency vehicle access, off-street parking and loading, drainage and soil erosion.
 - 4. Other conditions necessary to protect the public health, safety and general welfare.

- B. **Duration.** In no event shall a temporary structure or use, other than temporary construction buildings, be permitted on a site for longer than one (1) year. The Planning Commission or Building Official may impose a lesser time limit where deemed necessary.

- C. **Temporary construction buildings.** Temporary buildings associated with construction shall not be erected in any district unless a site plan has been approved, and such buildings shall be removed from the site before a final certificate of occupancy is issued for the primary building.

- D. **Performance guarantee.** To insure strict compliance with the conditions attached to the issuance of the permit for a temporary structure or use, the applicant may be required to furnish a performance guarantee in accordance with Section 1.06 of this Ordinance (Performance Guarantees) in an amount equal to the estimated cost of removing and disposing of the temporary structure or use (\$500.00 minimum). The guarantee shall be returned after the temporary structure or use has been removed from the premises.

- E. **Removal.** Temporary structures or uses, other than temporary construction buildings, shall be removed within ten (10) days after expiration of the permit or approval, or the Building Official may use the performance guarantee for such removal.

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ARTICLE 7

ACCESSORY BUILDINGS and STRUCTURES

Section 7.01 Purpose

The purpose of this Article is to provide consistent regulations for certain structures and uses that are accessory to primary structures and permitted uses in a particular zoning district, to protect the general health, safety and welfare, to ensure that the Village's property values, appearance and character are preserved and respected, and to promote harmony in the physical relationships between structures in the Village.

Section 7.02 Standards for Accessory Structures

The following shall apply to all new accessory structures in the Village (including, but not limited to attached or detached garages, sheds and similar structures), and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

- A. **Attached Accessory Structures.** Accessory structures that are structurally attached to the principal building shall conform to all of the regulations of this Ordinance applicable to principal buildings, including the building design standards contained in Chapter IV of Article 5.
- B. **Detached Accessory Buildings.** Accessory buildings that are not attached to a principal building shall be subject to the following requirements:
 1. Principal Building Required. Accessory buildings may only be constructed on lots with an existing principal building.
 2. Number and Size. No more than three detached accessory buildings may be constructed on a single lot, subject to the following size regulations:
 - a. The total area of all detached accessory buildings shall not exceed 1.5 times the area of the footprint of the principal dwelling, or 3,000 square feet, whichever is smaller.
 - b. The area of each individual accessory building shall not exceed the area of the footprint of the principal dwelling. (The calculation of the area of the footprint of the principal dwelling shall include any attached garages).
 - c. The third detached accessory building built on a lot shall not exceed 200 square feet.

Exterior measurements shall be used to compute the area of accessory buildings. For the purposes of this Section, net lot area shall be used (see definition in Article 25.00).

3. Location. Detached accessory buildings may only be constructed in a rear or side yard.
 4. Setback Requirements. Detached accessory buildings shall comply with the following setback requirements:
 - a. Detached accessory buildings shall be set back a minimum of three (3) feet from side and rear property lines.
 - b. Detached accessory buildings, including garages, shall be located a minimum of fifteen (15) feet from the principal dwelling, measured from the roof overhang of the accessory building to the roof overhang of the principal dwelling.
 - c. Detached accessory buildings shall be set back a minimum of fifteen (15) from any other detached accessory buildings on the lot.
 5. Corner or Double Frontage Lots. For accessory buildings on corner or double frontage lots, the setback from the secondary street frontage shall meet the required front setback for the Zoning District in which the structure is located. The secondary street frontage is the street lot line onto which the front of the house does not face, or, if the front of the house is not clear, the lot line with a shorter dimension fronting the street.
 6. Height. Detached accessory buildings shall not exceed the height of the principal dwelling or eighteen (18) feet, whichever is less.
 7. Appearance. The building materials and design of any attached accessory building shall comply with the building materials standards of Chapter IV of Article 5. Detached accessory buildings are not subject to the building materials standards of Chapter IV of Article 5, but should be consistent with the design and appearance of the principal building.
 8. Accessory Dwelling Units Prohibited. Accessory dwelling units are prohibited in a detached accessory building.
- C. **Carpports.** Carports and other temporary or permanent covered and unenclosed vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this Article.

Section 7.03 Swimming Pools

- A. Pools and any associated deck and fencing shall not be located within any required front yard. The outside edge of a pool wall or perimeter of pool decking shall be set back a minimum of ten feet (10') from all adjacent property lines. The outside edge of a pool wall shall be set back a minimum of ten feet (10') from adjacent structures.
- B. For the protection of the general public, all swimming pools shall be completely enclosed by a minimum four foot (4') high fence or other means of access control. Above ground

pools with a minimum height of four feet (4') may have gates, removable or swing-up steps or other means to limit entry in lieu of a fence.

- C. The construction of permanent above or below ground swimming pools or portable pools with a diameter of 12 feet or greater or an area of 100 sq. ft. or greater shall require a building permit from the Village. The application for such permit shall include the name of the owner, the manner of supervision of the pool, a plot plan showing the dimensions and site location of the pool plus nearby buildings, fences, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safety features deemed necessary by the Village or Monroe County Health Department shall also be submitted

- D. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the State Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use. A no-fault ground unit should be provided to protect against electrical shock.

Section 7.04 Temporary Accessory Structures and Uses

Temporary accessory structures and uses shall comply with the use standards of Article 4 (Land Use Tables), and the design standards of Section 6.706 (Temporary Structures and Uses).

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ARTICLE 8

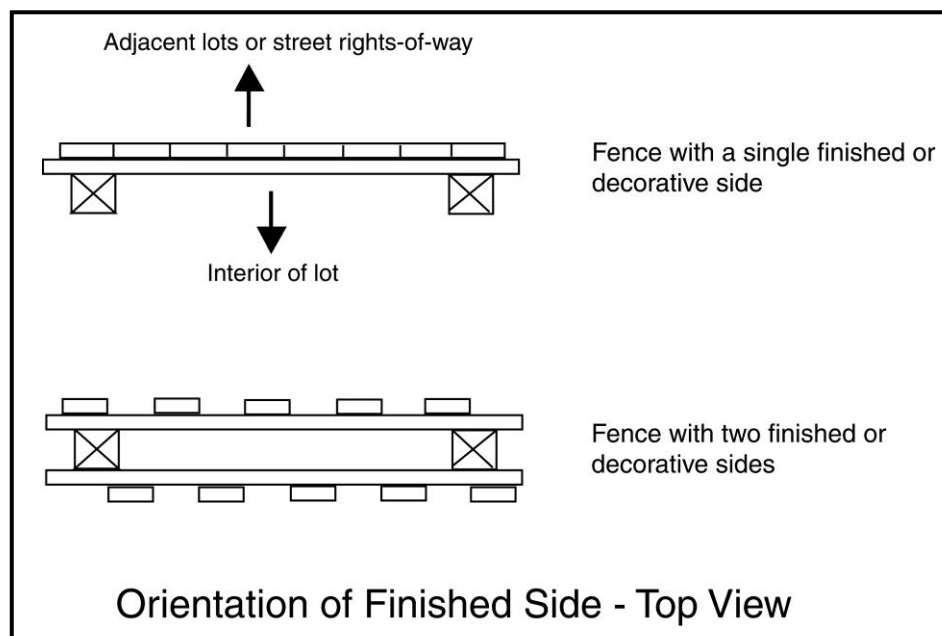
GENERAL PROVISIONS

Chapter 1 – DESIGN FEATURES

Section 8.101 Fences

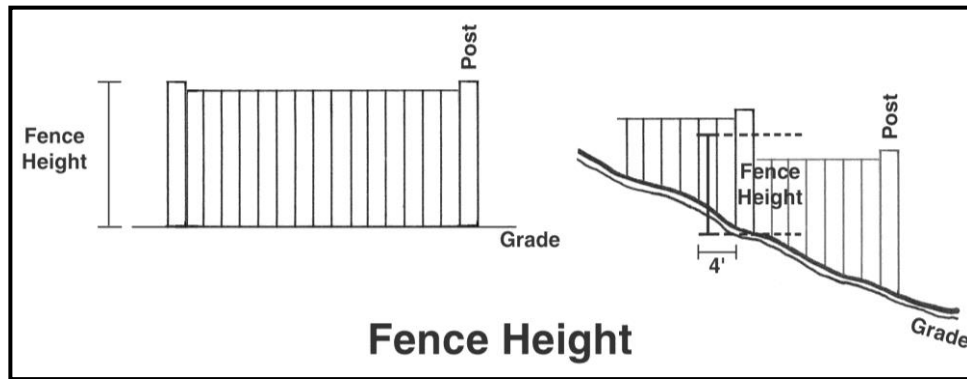
A. General requirements

1. Construction and maintenance. Fences shall be securely constructed in conformance with this Ordinance and all applicable building codes, and shall consist of materials that are found by the Building Official to be durable and weather-resistant. Masonry piers may be used as part of a fence installation with the approval of the Building Official. Fences shall be maintained in good order, painted, rust-proofed or otherwise protected against damage and decay so as to present an orderly appearance.



2. Hazards. Fences shall not be erected within public rights-of-way, or any corner clearance area as described in Section 5.304 (Corner Clearance Areas).
3. Orientation of finished side. Where a fence has a single finished or decorative side, it shall be oriented to face outward towards adjacent parcels or street rights-of-way (away from the interior of the lot to which the fence is associated).
4. Site drainage and utilities. Fences shall not be erected in a manner that obstructs the free flow of surface water or causes damage to underground utilities.

5. Location. Fences shall be located completely within the boundaries of the lot to which they are associated.



6. Height and location requirements.

TYPE OF FENCE OR WALL	MAXIMUM HEIGHT (FEET)			MINIMUM FRONT YARD SETBACK (FEET)
	FRONT	SIDE	REAR	
Chain-link fence		4'	4'	Front Building Wall of Principal Structure
Living fence	3'	No maximum		1'
Ornamental fence	3'	6'	6'	1'
Privacy fence		6'	6'	
Rail fence	3'	5'	5'	1'
Industrial fence	8'	8'	8'	20'

- a. *Height*. Fence height shall be measured from the grade level to the highest point of the fence. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four feet (4') of any fence-post.
- b. *Setbacks*. All required setbacks for fences shall be measured from the property line or street right-of-way line to the nearest part of the fence.

B. Prohibited Fences and Walls. The following fences and walls are prohibited in the Village:

1. Barbed-wire. Barbed-wire, razor-wire or electrified fences, except where, for the purpose of ensuring public safety, the Planning Commission may approve such fences as part of an approved site plan.
2. Wire fences. Wire fences, except where such fences are associated with an animal or agricultural use, as defined in Article 4 (Land Use Tables).

C. Permits. A permit shall be required for all work performed in association with the construction, alteration or relocation of a fence, except where otherwise specified herein.

1. Exempt work. A permit shall not be required for the following activities:
 - a. *Repairs*: Repairs to an existing fence with no structural changes.
 - b. *Installation of gates or short lengths of new fence*. The installation of gates or up to eight feet (8') of new fence, provided that such work is in compliance with the provisions of this Ordinance and all applicable building codes.
 - c. *Living fences*. Planting of continuous hedgerows or similar landscape features.
2. Application. The following information shall be provided with any permit application for a fence:
 - a. *Plot plan and construction drawings*. A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, structures, easements and setback dimensions. An elevation sketch or photograph of the proposed fence shall also be provided, with appropriate dimensions noted.
 - b. Written consent of all adjacent property owners if a fence or wall is proposed to be installed on a lot line.

D. **Removal of illegal or damaged fences**. Damaged or illegal fences shall be immediately repaired or removed by the property owner. Upon identification of a damaged or illegal fence, the Building Official shall order the property owner to remove the such fences or make necessary repairs within ten (10) days. Upon failure of the property owner to take such actions within ten (10) days, the Village may act to remove such fences at the expense of the property owner. The Village may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

Section 8.102 Sidewalks and Pedestrian Facilities

- A. Sidewalks shall be required in all zoning districts along street rights-of-way, and to connect public sidewalks with building entrances. Sidewalks shall be designed and constructed in conformance with the current standards of the Village, to ensure reasonable accessibility by persons with a physical disability. Pedestrian facilities shall also be provided within the site to protect pedestrians in parking lots, and to connect developments with adjacent lots.
- B. Sidewalks shall have a minimum width of 5 feet, and should be located one foot inside the street right-of-way. The Planning Commission may permit alternate sidewalk widths or locations or waive the sidewalk requirement If conditions on or near the site warrant a modification to the standards.
- C. Existing sites in the Village that do not have sidewalk facilities shall be required to install sidewalks only when an activity that requires site plan review is proposed.

Section 8.103 Maintenance of Commonly-Owned Private Facilities

The purpose of this Section is to insure the quality, construction, maintenance and replacement of commonly owned private facilities and land whether improved or unimproved. These facilities include, but are not limited to detention ponds, retention basins, lighting, open space, wetlands, signs, landscaping, fences, screening walls, drains, trails and sidewalks to which more than two (2) owners of lots or condominiums have rights of use or access or enjoyment; or which are owned in common by an association of owners. Failure by owners or an association to maintain commonly-owned private facilities shall be considered a threat to the public health, safety or welfare. The Building Official shall have the authority to undertake any of the following actions to remedy the violation:

- A. Actions necessary to eliminate the threat to public health, safety or welfare; and assessment of the benefited owners in an equitable fashion for the costs of such actions, including maintenance, or replacement, administrative and engineering costs.
- B. Request appointment of a trustee, by an appropriate court, to administer the affairs of the owners as related to the commonly-owned private facilities, with such costs to be assessed to the owners as noted above.
- C. Obtain an order from an appropriate court enforcing the owners' or association's covenants or responsibilities.

Chapter 2 – NATURAL FEATURES

Section 8.201 Protection of Woodlands

The standards of this Section are intended to promote the preservation of important woodlands and large mature trees which contribute to the character, welfare and quality of life in the Village, and to prevent the unnecessary removal of woodlands prior to, during and following construction on a site:

- A. Any property owner or his representative proposing to clear more than twenty-five percent (25%) of healthy, living trees eight caliper-inches (8”) or greater in diameter on a site shall first notify the Village, and shall submit a sketch plan describing the sites features for review and approval by the Planning Commission.
- B. This Section shall not prevent tree clearing for approved building envelopes, or in accordance with an approved site plan. The Planning Commission may grant an exception from the limitations in subsection A, above, for select clearing of lower quality species including box elders, poplars, willows and cottonwoods.

Section 8.202 Protection of Wetlands and Bodies of Water

An undisturbed open space setback of not less than fifty feet (50’) shall be maintained from the edge of any stream, pond or other natural body of water. An undisturbed open space setback of not less than twenty-five feet (25’) shall be maintained from the edge of any state regulated wetland. Such setbacks shall be measured from the top of the bank or other defined edge and shall not be subject to topography. The Village may permit trails, boardwalks, observation platforms or similar structures that enhance passive enjoyment of a site’s natural amenities within the setback as part of an approved site plan.

Section 8.203 Grading, Removal and Filling of Land

Any excavation, filling or grading of land that would alter the established site elevations or drainage patterns, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, shall not be permitted in any zoning district except in accordance with an approved topographic plan that has been approved by the Village Engineer. The topographic plan shall be drawn at a scale of not less than fifty (50) feet equals one (1) inch and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the Village Engineer. Such certificate may be issued in appropriate cases upon the filing with the application of a surety bond executed by a surety company authorized to do business in the State of Michigan, running to the Village in an amount as established by the Village Engineer which will be sufficient in amount to rehabilitate the property upon default of the operator of such excavating or filling operation, and to cover court costs and other reasonable expenses. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Building Department.

Section 8.204 Excavations or Holes

All unprotected, un-barricaded or open excavations, holes, pits, or wells that are reasonably likely to constitute a danger or menace to the public health, safety, or welfare are hereby prohibited and declared a public nuisance. However, this Section shall not apply to drains created or existing by authority of the State of Michigan, Monroe County or other governmental agency, and shall not prevent the construction of excavations or farm ponds under a permit issued pursuant to the provisions of this Ordinance or the State Construction Code enforced by the Village.

This Section shall not prevent any excavation under a permit issued pursuant to this Ordinance or the State Construction Code administered by the Village, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Village and, provided further, that this Section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, County of Monroe, or Village of South Rockwood.

Chapter 3 – OTHER PROVISIONS

Section 8.301 Performance Standards

It shall be unlawful to perform or permit any activity, operation or use of land, structure, or equipment that produces irritants to human sensory perceptions greater than the levels established in this Section as the maximum permissible hazards to humans or human activities. Such measures may be supplemented as necessary by other recognized levels that have been established as the maximum permissible hazards to humans or to human activity.

- A. **Sound.** Objectionable noises due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses. The intensity level of sounds shall not exceed the following decibel levels, as measured by a type of audio output meter approved by the U.S. Bureau of Standards at any property line or street right-of-way adjacent to the following types of uses, as defined in Article 4 (Land Use Tables):

ADJACENT USE	DECIBELS
Animal and Agricultural	55dB
Residential	55dB
Office and Service	55dB
Community	55dB
Commercial	65dB
Industrial	70dB

1. Loading and Unloading Noise. Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects in such a manner as to cause a noise disturbance shall be prohibited between the hours of 9:00 pm and 7:00 am.
 2. Construction Noise. Operation of any tools or equipment used in construction, drilling, or demolition work that creates a noise disturbance shall be prohibited between the hours of 9:00 pm and 7:00 am Monday through Saturday and at any time on Sundays or holidays.
 3. Exceptions. The provisions in this Section shall not apply to the emission of sound for emergency purposes.
- B. **Vibration.** All machinery shall be mounted and operated so as to prevent transmission of ground vibration. Operation of any device that creates vibration above the vibration perception threshold of a person at any adjacent property or street right-of-way line shall be prohibited (vibration perception threshold is the minimum ground or structure-borne motion necessary to cause a normal person to be aware of the vibration by sensation, touch or visual observation of moving objects).
- C. **Odor.** The emission into the atmosphere of offensive, noxious or foul odors or odorous matter in such concentrations that would be readily detectable at any adjacent property

or street right-of-way line, or that would create a public nuisance or hazard to adjoining properties or human, plant, or animal life is prohibited.

- D. **Gases.** The escape of or emission of any gas which is injurious, destructive to life or property or explosive is prohibited. Gaseous emissions shall be subject to applicable state or federal regulations, and shall not exceed levels indicated in the National Ambient Air Quality Standards, as measured at any adjacent property or street right-of-way line, unless a higher standard is imposed by a federal, state or county agency with jurisdiction.
- E. **Glare and heat.** Any operation or activity which produces intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along any adjacent property or street right-of-way line, and such operations or activities shall be adequately insulated so that the ambient temperature as measured at any adjacent property or street right-of-way line is not higher than the average ambient temperature as measured at three (3) other locations in the Village.
- F. **Electromagnetic radiation.** Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance. Electronic equipment shall be designed and used in accordance with applicable FCC rules and regulations to prevent interference with the use of other electronic equipment in the Village.
- G. **Dust, smoke, soot, dirt and fly ash.** It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than four (4) minutes in any one-half (0.5) hour which is:
1. As dark or darker in shade as that designated as No.2 on the Ringlemann Chart, which is hereby made a part of this Ordinance. Other appropriate readings of smoke density may be used when correlated with the Ringlemann Chart.
 2. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described above, except when the emission consists only of water vapor.
 3. The quantity of gas-borne or air-borne solids shall not exceed two-tenths (0.2) grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.
 4. Dust, smoke, soot, dirt and fly ash shall be subject to applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process or combustion device, unless such processes or devices are equipped with functional and approved equipment or methods to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.
- H. **Drifted and blown material.** The drifting or air-borne transmission of wind-blown dust, particles or debris from any open stockpile beyond any property or street right-of-way line is prohibited. Emission of particulate matter from materials, products or surfaces subject to wind erosion shall be controlled by paving, covering, fencing or other means.

- I. **Fire and safety hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the state Fire Prevention Code (P.A. 207 of 1941, as amended). Above-ground storage tanks for flammable liquid materials shall be located at least one hundred and fifty feet (150') from all property and street right-of-way lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing the total capacity of all tanks so enclosed. These provisions shall not apply to approved tanks which hold propane or other fuel used for heating a building on the site.
- J. **Sewage wastes and water pollution.** Sewage disposal and potential water pollution sources shall be subject to the standards and regulations established by federal, state or county agencies, including the State of Michigan, the Monroe County Health Department and the U. S. Environmental Protection Agency.
- K. **Radioactive materials.** Radioactive materials, wastes and emissions shall not exceed levels established by federal or state agencies that have jurisdiction. No operation shall be permitted that causes any individual at or beyond any adjacent property or right-of-way lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by applicable federal or state laws or regulations.

Section 8.302 Property Maintenance

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 8.303 Property Between Lot Line and Street edge

The area between the lot line or sidewalk and the edge of a street shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the right-of-way in front of their lot between their lot lines and the adjoining street edge of pavement.

Section 8.304 Voting Place

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

Section 8.305 Essential Public Services and Required Utilities

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Village. Such essential services shall be subject to State laws, Village ordinances and regulations in addition to being consistent with the list of uses permitted in each zoning district. It is the intent of this Section to ensure conformity of all buildings, structures, uses and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Village Ordinance. In the absence of such conflict, this Ordinance shall prevail.

Section 8.306 Water Supply and Sanitary Sewers

Where public sewer or public water service is available, all principal buildings shall be connected to such systems at the time of construction of the building or when improvements equaling 50% or more of the State Equalized Value of the building are proposed.

Section 8.307 Parking and Storage of Recreational Vehicles

Recreational vehicles as defined in Article 25, including campers, travel trailers, motorized homes, boats, snowmobiles, and trailers of any type, may be parked or stored outdoors in any zoning district on occupied lots subject to the following requirements:

A. Number and Location in Residential Districts.

1. No more than one of each of the following may be parked on a lot of record which is used or zoned for residential purposes:
 - a. A camper, motorized home, or travel trailer
 - b. A boat or watercraft, either loaded on a trailer or unloaded
 - c. Snowmobile, either loaded in a trailer or unloaded
 - d. All terrain vehicle (ATV), either loaded on a trailer or unloaded
 - e. Empty trailer, used for hauling any of the above, when not directly in use
2. Recreational vehicles shall be located in a rear yard and shall be set back a minimum of three (3) feet to any side or rear lot line.
3. Recreational vehicles stored on the lot shall be owned by a member of the immediate family of the lot's owner, tenant, or lessee.

B. Location in Nonresidential Districts. Recreational vehicles shall be located in the rear yard, and shall comply with the setback requirements applicable to an accessory building in the Zoning District in which it is located.

C. Lot Coverage. Recreational vehicles shall be included in any lot coverage calculation. If the storage of the recreational vehicle will result in the site exceeding the permitted lot coverage for the district in which it is located, recreational vehicle storage shall be prohibited.

D. General Provisions.

1. All recreational vehicles shall be locked or secured at all times when not in use to prevent access thereto by children.
2. A suitable covering shall be placed over recreational vehicles other than campers, motorized homes, or travel trailers whenever they are not located in an enclosed building to prevent vandalism or injury to children.
3. Recreational vehicles when parked or stored shall not be connected to electricity or potable water supply, except on a temporary basis for up to 72 hours at a time when being prepared for use or following off-site use.
4. At no time shall any recreational vehicle be connected to natural gas or sanitary sewer facilities, and shall at no time be used for living, lodging, or housekeeping purposes.

5. All recreational vehicles shall be kept in good condition and have a valid license and/or registration.
6. The parking or storage of a manufactured home outside of a manufactured housing park, under these provisions, is expressly prohibited.

Section 8.308 Prohibited Uses in All Residential Districts

It shall be a prohibited use in all residentially zoned districts to park or store wrecked or junked vehicles, power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvable material in quantity, except that power driven construction equipment may be parked on site during periods of bona fide construction activity.

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ARTICLE 9

PARKING and LOADING

Section 9.01 Scope

Off-street parking and loading shall be provided in all districts in accordance with the provisions in this Article whenever a structure or use is established, constructed, altered, or expanded, an existing use is replaced by a new use (change of use), or the intensity of a use is increased through additional dwelling units, an increase in floor area or seating capacity, or by other means.

Section 9.02 General Requirements

The following general standards shall apply to all off-street parking or loading facilities:

- A. **Number of required spaces.** Off-street parking and loading spaces shall be provided for all uses in accordance with the requirements of this Article. The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by Section 9.03 (Schedule of Required Parking by Use).
- B. **Location of spaces.** Off-street parking spaces shall be located within five-hundred feet (500') of a primary building entrance to which such spaces are accessory.
- C. **Minimum Parking Required.** The minimum number of parking spaces that shall be provided in conjunction with any use are established in Section 9.03.
- D. **Maximum Parking Permitted.** The maximum number of parking spaces that may be provided is 120% of the minimum parking requirement. The Planning Commission may approve an increase in the maximum parking standard if the applicant can provide evidence demonstrating that the additional parking is necessary and that the proposed parking layout will not negatively impact the development layout.
- E. **Shared facilities.** The development and use of a parking or loading facility shared between two or more contiguous uses is encouraged where peak activity for each use will occur at different periods of the day or week. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners. Where shared parking facilities are provided, the number of parking spaces shall not be less than seventy-five percent (75%) of the sum of the minimum requirements for the various individual uses specified in Section 9.03 (Schedule Of Required Parking by Use).
- F. **Irrevocable use.** All required off-street parking and loading spaces shall be reserved irrevocably and shall not be changed to any other use unless spaces meeting the standards of this Article are provided elsewhere, or the parking requirements of the use change.
- G. **Storage, repairs and displays prohibited.** Parking lots and loading areas shall not be used for parking of inoperable vehicles, outside storage of any equipment,

products or materials, or dumping of refuse. Parking of an operable motor vehicle shall not exceed a continuous period of more than forty-eight (48) hours. Repairs, servicing or display of vehicles for sale is prohibited.

- H. **Restriction of parking on private property.** No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property.
- I. **Gross Floor Area.** When the minimum parking requirements in Section 9.03 are based on the floor area of the use, the gross floor area of the building shall be used in determining the minimum parking required.
- J. **Uses Not Listed.** Where a use is not specifically mentioned in this Article, the Planning Commission shall apply the standards for a similar listed use. If the Planning Commission determines that a similar use does not exist in Section 9.03, the Planning Commission may determine the minimum parking requirement based on evidence submitted by the applicant regarding expected parking generation for the use.
- K. **Residential Parking Spaces.** Parking spaces in garages and driveways may be counted towards the resident parking requirement for residential land uses, but may not be counted toward the visitor parking requirements.
- L. **On-Street Parking Spaces.** Where available, on-street parking spaces may be counted towards the minimum parking requirement.

Section 9.03 Schedule of Required Parking by Use

The minimum and maximum number of required off-street parking spaces shall be determined by the Planning Commission in accordance with the following table. Where calculations determining the number of required parking spaces result in a fractional space, the fraction shall be rounded-up to the next highest whole number:

USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL LAND USES	
Multiple-Family Dwellings	1.5 resident spaces per dwelling unit + 0.25 visitor parking spaces per unit
Townhouses and Stacked Flats	1.5 resident spaces per dwelling unit + 0.25 visitor parking spaces per unit
Residential Dwelling Units (2 nd floor or above)	1 resident space per dwelling unit

INSTITUTIONAL and RECREATION LAND USES	
Assisted Living Facilities	0.33 parking spaces per bed + 1 space for each employee present on maximum shift
Bowling Alley	4 parking spaces per lane
Churches and other places of worship	0.33 spaces per person permitted at maximum occupancy
Day Care Centers, Child Care Centers, and Child Caring Institutions	0.2 spaces per child at maximum occupancy, with a minimum of 5 spaces required
Golf Courses	8 parking spaces per hole
Health/Fitness Club	One space per 225 sq. ft. gross floor area
Museums and Libraries	One space per 400 sq. ft. gross floor area
Nursing and Convalescent Homes	0.33 parking spaces per bed + 1 space for each employee present on maximum shift
Recreation Facilities, Indoor	0.33 spaces per person permitted at maximum occupancy
Recreation Facilities, Outdoor	6 spaces per acre of gross site area
School, Elementary or Middle	0.2 spaces per student at maximum occupancy
School, High	0.25 spaces per student at maximum occupancy
Theatre, Movie	0.33 spaces per seat at maximum capacity
Theatre, Live	0.33 spaces per seat at maximum capacity

USE	MINIMUM PARKING SPACES REQUIRED
OFFICE and MEDICAL LAND USES	
Banks and Financial institutions	One space per 300 sq. ft. of gross floor area
Hospitals	3.75 spaces per bed
Medical Offices	One space per 275 sq. ft. of gross floor area
Professional Offices	One space per 350 sq. ft. of gross floor area
RETAIL and SERVICE LAND USES	
Convenience Store	One space per 275 sq. ft. of gross floor area
Grocery Store/Supermarket	One space per 225 sq. ft. of gross floor area
Hotel, Motel, Bed & Breakfast, or other Lodging	1.25 spaces per guest room, plus spaces for any conference, banquet, or restaurant facilities that are open to the public.
Pharmacy/Drugstore	One space per 450 sq. ft. of gross floor area
Restaurant, Sit Down without Bar or Lounge	0.35 spaces per seat at maximum capacity
Restaurant, Sit Down with Bar or Lounge	0.45 spaces per seat at maximum capacity
Restaurant, Fast Food	0.5 spaces per seat at maximum capacity
Retail Store, Freestanding	One space per 300 sq. ft. of gross floor area
Shopping Center	One space per 275 sq. ft. of gross floor area
INDUSTRIAL LAND USES	
Light Industrial	One space per 750 sq. ft. of gross floor area
Manufacturing	One space per 1,000 sq. ft. of gross floor area
Mini-Warehouse	One space per 6,500 sq. ft. of gross storage area
Research and Development Facilities	One space per 500 sq. ft. of gross floor area
Warehousing and Distribution Centers	One space per 2,250 sq. ft. of gross floor area

USE	MINIMUM PARKING SPACES REQUIRED
STACKING SPACES REQUIRED	
ATM Lane	
Car Wash	3 stacking spaces
Bank Drive-Through Lane	3 stacking spaces per stall or bay
Restaurant Drive-Through Lane	4 stacking spaces per drive-through lane
Other Drive-Through Lane	10 stacking spaces per drive-through lane
	4 stacking spaces per drive-through lane

Section 9.04 Design Requirements

- A. **Barrier-Free Parking Requirements.** Within each parking lot, signed and striped barrier-free spaces shall be provided at conveniently accessible locations in accordance with the following table, or with any revised standards of the Michigan Department of Labor, Construction Code Commission. Refer to the illustrations on the following page for barrier free space striping standards.

TOTAL PARKING SPACES REQUIRED	BARRIER-FREE PARKING SPACES REQUIRED	VAN-ACCESSIBLE BARRIER-FREE PARKING SPACES REQUIRED*
Less than 25	1	1
25 – 49	2	1
50 – 74	3	1
75 – 99	4	1
100 – 149	6	1
150 – 199	8	2
200 – 299	10	2
300 – 399	12	3
400 or more	14, plus 1 space for each 50 total parking spaces over 400	4, plus 1 space for each 15 total barrier-free spaces

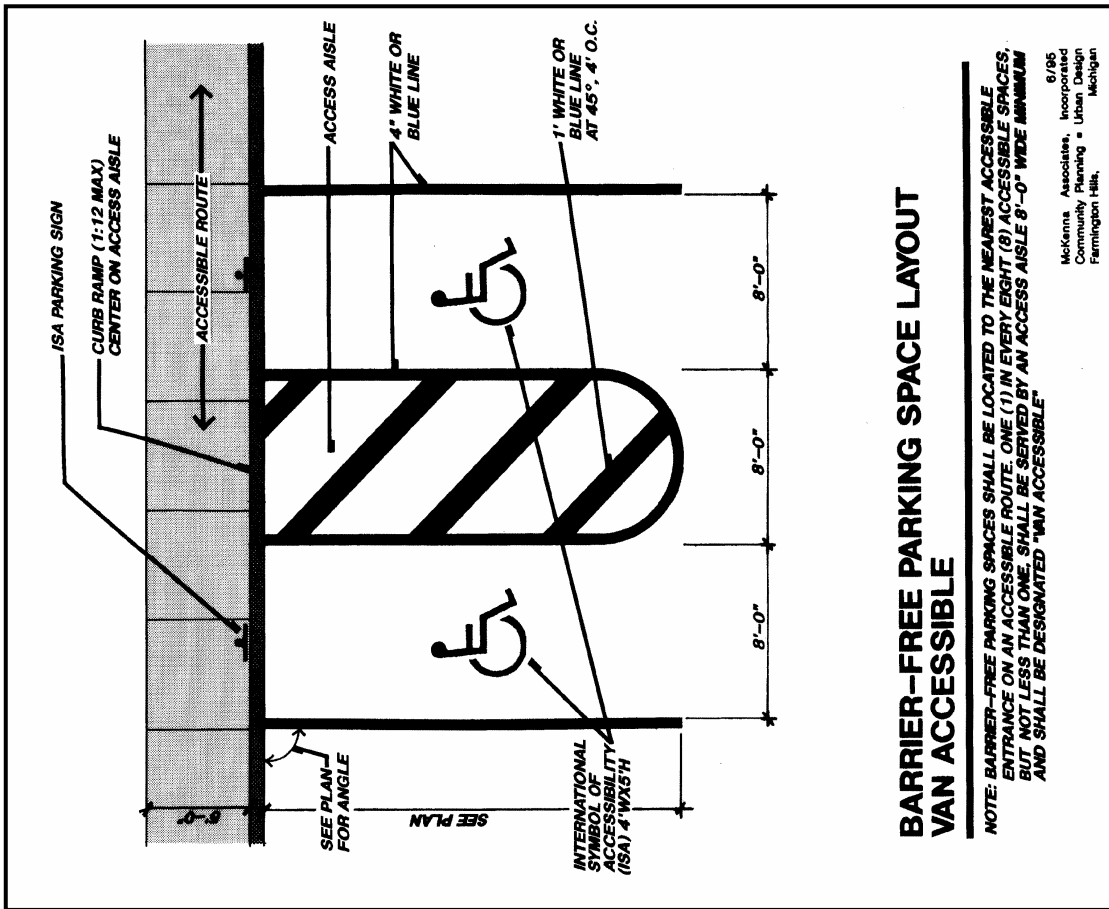
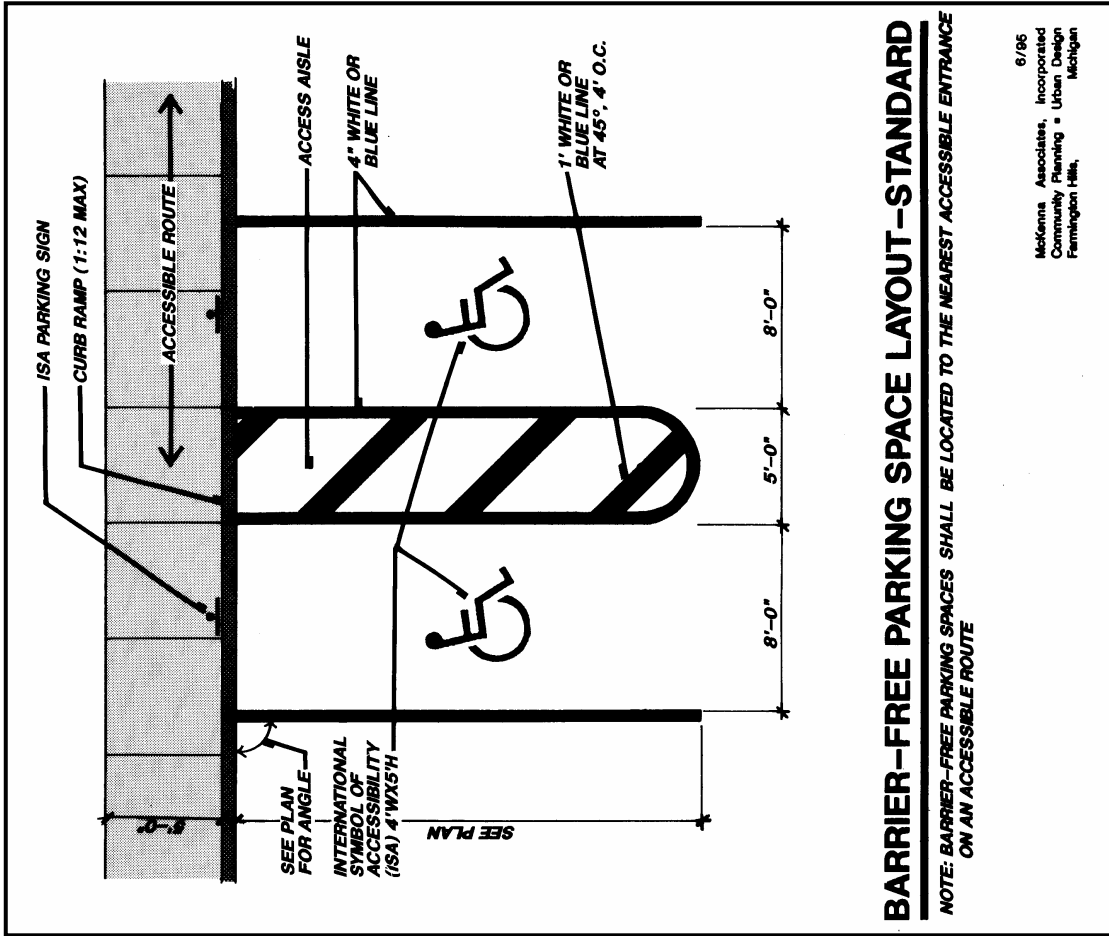
* Van spaces are counted towards the total number of barrier-free parking requirement, NOT in addition to.

B. **Paving.**

1. All parking lots shall be paved with bituminous or concrete surfacing and shall be graded and drained so as to dispose of surface water that might accumulate within or upon such areas.

2. The Planning Commission may waive the parking lot pavement requirement for a commercial land use requiring 20 or fewer parking spaces or an industrial use requiring 30 or fewer spaces if the alternate surfacing method will not negatively impact neighboring properties or the aesthetic quality of the area. The Planning Commission shall consider the potential for dust generation, aesthetic appearance from public streets, and any potential impact on neighboring sites or nearby residential areas that not paving the parking area may have.
 3. No surface water from any parking area shall be permitted to drain into adjoining property, across a public sidewalk, or into a public right-of-way without appropriate detention being provided.
- C. **Landscaping.** Landscaping, screening and buffering shall be provided for all parking and loading facilities in accordance with the provisions of Article 11 (Landscaping, Screening and Buffering).
 - D. **Exterior Lighting.** Exterior lighting shall comply with the standards of Article 14 (Exterior Lighting).
 - E. **Ingress/Egress.** Adequate means of ingress and egress shall be provided for all parking and loading facilities and such facilities shall be designed to prevent vehicles from backing into the street, backing into an access drive or requiring the use of the street for maneuvering between parking rows.
 - F. **Curbing.** Parking lots shall be provided with concrete curbs and gutters for the protection of adjoining properties, streets, sidewalks and landscaped areas. In the case of a building expansion or reuse, the Planning Commission may modify the curb requirement to permit reasonable use of the property, provided that the existing parking areas meet all of the other requirements of this Article 9.
 - G. **Sidewalks.** In all cases where off-street parking spaces directly abut a sidewalk, the sidewalk shall be widened to at least seven feet (7') in width to accommodate vehicle encroachment.
 - H. **Stacking spaces for drive-through facilities.** Where required by this Article, stacking spaces shall be nine feet wide by eighteen feet long (9' x 18'). Stacking spaces shall not intrude into any street right-of-way, public easement or sidewalk, nor shall stacking spaces obstruct access to the primary building entrance or primary vehicular circulation aisles within the site.
 - I. **Driveways and parking for single-and two-family (duplex) dwellings.** Parking spaces for a dwelling shall consist of an accessory driveway, garage or combination thereof, plus any on-street parking spaces located between the intersections of the side parcel boundaries and the street right-of-way. Such parking spaces shall be hard-surfaced with concrete, plant-mixed bituminous material, brick or stone.

Not more than one (1) parking space may be provided on a driveway within the required front yard, and no parking shall be permitted on lawns or other unpaved areas of a residential lot. A maximum of one accessory driveway shall be permitted per dwelling, with a maximum width not to exceed twelve feet (12') or the total width of all accessory garage doors served by the driveway plus 3 feet, whichever is greater.



J. **Parking Layout.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

PARKING PATTERN (degrees)	MANEUVERING LANE WIDTH (feet)	PARKING SPACE WIDTH (feet)	PARKING SPACE LENGTH (feet)	TOTAL WIDTH OF ONE ROW OF SPACES PLUS MANEUVERING LANE (feet)	TOTAL WIDTH OF TWO ROWS OF SPACES PLUS MANEUVERING LANE (feet)
0° (parallel)	24' (two-way)	8'	24'	20'	40'
30° to 53°	12' (one-way)	9.5'	20'	32'	52'
54° to 74°	15' (one-way)	9.5'	20'	35'	55'
75° to 90°	24' (two-way)	9.5'	20'	44'	64'

Section 9.05 Off-Street Loading

Where determined to be necessary by the Planning Commission, adequate space shall be provided for loading and unloading activities on the same premises with a use involving the receipt or distribution of vehicles, materials or merchandise to avoid undue interference with the public use of streets and alleys. Each loading or unloading space shall be ten feet wide by fifty feet long (10' x 50'), with a fifteen foot (15') height clearance, unless the Planning Commission determines that an alternative size is more appropriate for the site. Such spaces shall be provided in accordance with the following schedule:

GROSS FLOOR AREA (square-feet)	LOADING AND UNLOADING SPACES REQUIRED
0 to 5,000	None
5,001 to 50,000	1
50,000+	2 + one (1) space for each 100,000 sq. ft. in excess of 50,000 sq. ft.

- A. No loading space shall be located closer than fifty feet (50') to any residential district or use, except where located within an enclosed building or adequately screened to the satisfaction of the Planning Commission.
- B. Loading spaces shall not be provided in the front yard or on any building facade facing or visible from a public street, except where the Planning Commission determines such a location is necessary due to the location or placement of the building, existing street pattern or other factors.
- C. Loading spaces shall be paved with concrete or plant-mixed bituminous material in accordance with the requirements of the Village.

Section 9.06 Modification of Standards

- A. **Deferment of parking spaces.** Where an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of parking spaces is excessive, the Planning Commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space, and provided that the applicant agrees to construct the additional parking upon request by the Village after the Building Official documents three (3) incidents of problem parking on the site.

- B. **Special circumstances.** Under the following circumstances, the Planning Commission may permit alternative means (other than the construction of private off-street parking or loading facilities) of complying with the parking or loading requirements of this Article:
 - 1. Existing off-street parking and/or loading spaces on the lot can effectively accommodate the parking and loading needs of a given use.

 - 2. Existing on-street spaces adjacent to the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.

 - 3. Existing public parking lots and alleys near the lot can effectively accommodate the parking and loading needs of a given use without negatively impacting traffic safety or adjacent uses.

 - 4. An agreement for shared facilities is in place between adjacent property owners to set aside existing off-street parking and/or loading spaces on an adjacent lot to accommodate the requirements of a given use.

Section 9.07 Maintenance

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

- A. Any alterations to an approved parking or loading facility that is not in accordance with an approved site plan shall be a violation of this Ordinance.

- B. Parking and loading facilities for an established use shall not be encroached upon, unless an equivalent number of required spaces have been provided elsewhere in accordance with this Article.

- C. All land between the boundaries of the parking facility and required screening, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse and debris, and shall be landscaped to conform with the requirements of this Ordinance.

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**ARTICLE 10
RESERVED**

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ARTICLE 11

LANDSCAPING, SCREENING, and BUFFERING

Section 11.01 Purpose

Landscaping, screening and land uses buffers are critical site design elements that contribute to the positive aesthetic qualities, pattern of development, stability of property values, privacy of residential uses, and overall character of the Village. The purpose of this Article is to:

- A. Protect the character, appearance and value of land and neighborhoods through the judicious and thoughtful use of landscaping, screening and buffering techniques that present a finished and aesthetically pleasing appearance, preserve environmental quality, and enhance the appearance of the Village, thereby reducing conditions that may lead to blight.
- B. Protect the health, safety and welfare of motorists, pedestrians and children by establishing landscaping design standards that guide and orient traffic flow within a site, and separate and protect pedestrian areas from vehicular encroachment.
- C. Encourage flexibility in the administration of this Article, and creativity and innovation in landscape site design, including the incorporation of existing vegetation, topography and other site features into the design and placement of landscaping.
- D. Buffer the visual impact of parking lots, storage areas and similar activities from street rights-of-way and adjacent properties, provide adequate protective screening for residential uses adjacent to or near business or industrial zoning districts or uses, and establish minimum standards for the design, installation, and maintenance of landscaping, screening and buffer areas between uses.
- E. Establish realistic and achievable objectives for the screening or buffering of uses of a significantly different scale or character, and the enhancement of individual sites, street rights-of-way and other areas of the Village through appropriate landscaping.

The standards of this Article are considered the minimum necessary to achieve these purposes. Applicants are encouraged to provide additional landscaping and screening where possible to improve the function, appearance and value of their property and surrounding sites.

Section 11.02 Objectives

Consideration by the Planning Commission of site landscaping, screening and buffering shall reflect the purpose of this Article and the following objectives:

- A. Site landscaping shall be innovative and creative in design, and shall reflect the unique conditions and accommodate the specific circumstances of the site.
- B. At the time of installation, landscaping, screening and buffering elements shall be immediately effective in meeting the objectives of this Article, and shall maintain that effectiveness as the plant materials mature.

- C. Significant natural, historical and cultural site features, including but not limited to large trees, hedgerows, waterbodies, steep slopes, wetlands, archeological sites and historic elements, shall be preserved where practicable.
- D. Where existing sites have been developed without adequate landscaping, screening or buffering, the purpose of this Article shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other site improvements.
- E. Landscaping shall be designed to minimize the cost of general maintenance and upkeep.
- F. Site elements intended for screening purposes shall:
 - 1. Effectively form a complete visual and physical separation between uses of a significantly different scale or character, or between the street right-of-way and specific areas of a site (such as loading areas, off-street parking lots, service areas and storage areas) that require screening.
 - 2. Mitigate the adverse effects of a proposed use on adjacent uses, including but not limited to headlight glare, lighting, noise, and trash disposal areas.
- G. Site elements intended to establish a buffer area shall create a partial visual transition zone between uses of a significantly different scale or character, reduce the adverse effects of a proposed use on adjacent uses or break-up the visual pattern of large monotonous areas of a site, such as parking lots.

Section 11.03 Scope

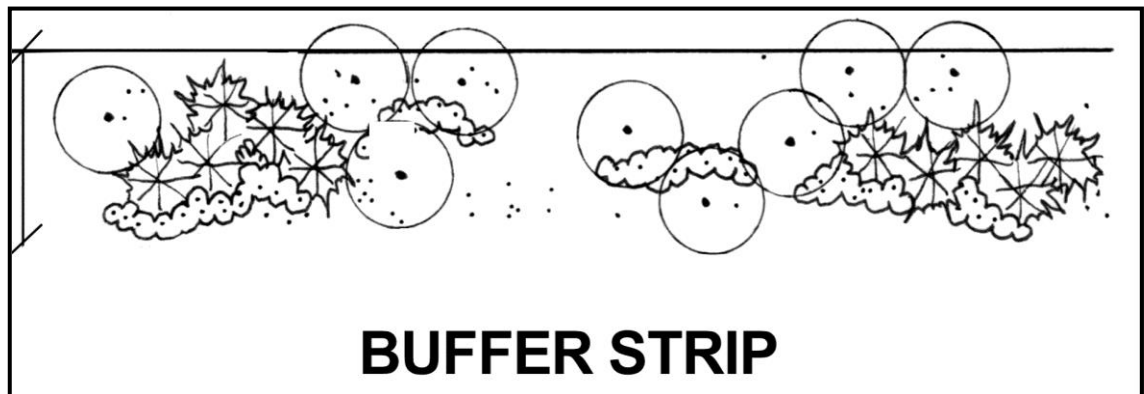
Every property owner and developer has the responsibility to ensure that the use of a lot in the Village does not adversely impact adjacent properties. The provisions of this Article shall apply to all sites that are subject to site plan or sketch plan review in accordance with Article 18 (Site Plan Review). Such sites shall be required to comply with all applicable provisions of this Article.

Section 11.04 Methods of Screening and Buffering

Screening and buffering elements shall satisfy the purpose and objectives of this Article, and shall be accomplished by any one of the following methods, or any combination of these methods or other alternatives that the Planning Commission determines to be best suited to the unique existing conditions of each site:

- A. **Screen wall (or fence) with planting strip.** This method shall consist of a decorative brick wall or ornamental fence up to four feet (4') in height, along with a six to ten foot (6' – 10') wide planting strip abutting the base of the wall or fence that includes a mixture of deciduous shade trees, ornamental trees and shrubs, at a minimum concentration of one (1) tree and five (5) shrubs per each thirty lineal feet (30').
- B. **Berms.** Berms shall consist of a combination of a raised earth berm and plantings, and shall meet the following standards:

1. A berm shall have side slopes no steeper than 4:1 (four feet (4') horizontal to one foot (1') vertical), and the top of all berms shall have a level horizontal area of at least four feet (4') in width. However, the interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Planning Commission.
 2. The berm shall be designed and graded to blend with existing topography, and shall be appropriately sodded, hydro-seeded or planted with appropriate groundcovers.
 3. A mixture of deciduous shade and ornamental trees, evergreen trees and shrubs shall be planted along the entire berm area at a minimum concentration of one (1) tree and two (2) shrubs for each twelve lineal feet (12') of berm and one (1) ornamental tree for each 30 lineal feet of berm.
- C. **Evergreen screen.** This method shall consist of evergreen trees, with year-round characteristics that meet the screening objectives of this Article, planted ten to fifteen feet (10' – 15') apart in a minimum of two (2) staggered rows ten to fifteen feet (10' – 15') apart.
- D. **Greenbelt buffer strip.** A buffer strip may be required, particularly where the adjacent uses (including uses that are adjacent across a street right-of-way) are residential in character or less intense than the use of the subject site. A required greenbelt buffer strip shall include the following:
1. Greenbelts shall have a minimum width of six feet (6'), with a preferred width of ten feet (10'), and shall contain appropriate grasses, groundcovers and mulch as necessary.
 2. A mixture of deciduous shade and evergreen trees and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and two (2) shrubs per each twenty lineal feet (20') of street frontage or length along a property line. Additional trees may be substituted for the required shrubs at the rate of one (1) tree per four (4) shrubs.

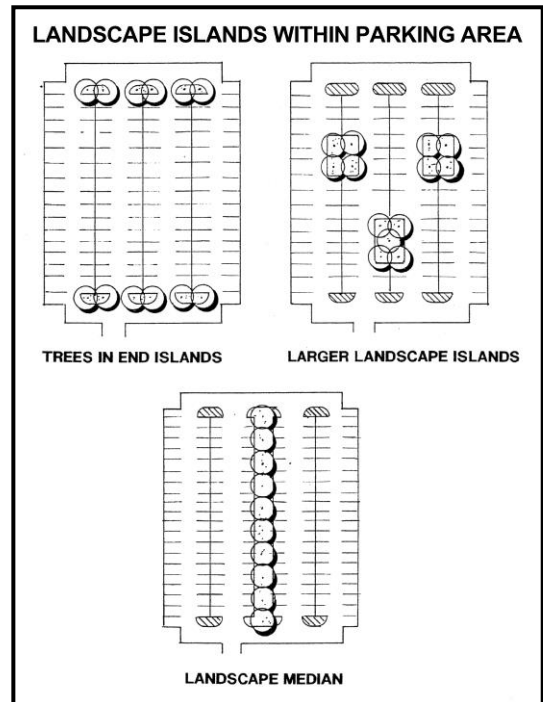


- E. **Hedgerow.** To provide a low screen to block headlight glare, screen parked vehicles from street rights-of-way, or other circumstances where ground-level screening is necessary to obscure a portion of a site without inhibiting visibility or light, the Planning Commission may require use of a continuous hedgerow consisting of twenty-four inch to thirty-six inch (24" - 36") high shrubs planted and maintained as a continuous visual screen, with full maturity within one full planting season, with the maximum permitted spacing to be determined by the type of shrub proposed.
- F. **Masonry wall.** Where required, a masonry wall shall be solid and decorative in nature, and at least two feet (2') and no more than six feet (6') in height above grade. Such walls shall be capped, and constructed of masonry (brick, stone, or decorative block) materials that complement the primary building materials.

Section 11.05 Standards for Specific Areas

The following standards are intended to address the specific landscaping, screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Article:

- A. **Parking lots.** Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:
 1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.
 2. Planting islands with a total minimum area equal to 5% of the paved surface area of the parking lot shall be provided within the boundaries of the parking lot. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
 3. Planting islands shall have a minimum width of ten feet (10') and a minimum area of one hundred sixty (160) square feet. A minimum of one (1) deciduous shade tree shall be provided for each eighty (80) square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.
 4. Planting islands shall be provided with an automatic underground irrigation system, unless an alternate form of irrigation is approved by the Planning Commission.



- B. **Island turnarounds.** Where cul-de-sac or other dead-end streets are planned within a development, adequate provision shall be made for landscape and maintenance of turnaround islands, including type, size, location and number of plantings, when the work will be completed, how the landscaping will be maintained, and who will be responsible for long-term maintenance. A minimum of 3 deciduous trees shall be planted in any cul-de-sac island.
- C. **Waste receptacle screening.** Waste receptacles shall be to the satisfaction of the Planning Commission screened in accordance with Section 11.04 (Methods of Screening and Buffering). Where the enclosure is required by the Commission, a steel-reinforced, lockable wooden gate shall be provided to secure the enclosure.
- D. **Utility, mechanical equipment and service area screening.** Loading areas, storage areas and service areas, public utility and essential service uses and structures, ground-equipment shelters for wireless communications facilities, ground-mounted transformers and HVAC units, electric sub-stations, gas regulator stations and similar facilities shall be screened from the street right-of-way adjacent properties in accordance with Section 11.04 (Methods of Screening and Buffering).
- E. **Street yard landscaping.** Street yard areas, including the area between the street pavement edge and the street right-of-way line plus any required front yard setback area, shall be landscaped in a manner that enhances the visual character of Village streets, minimizes adverse impacts of vehicular traffic on adjacent uses, and satisfies applicable Master Plan or other design guidelines or recommendations.
1. **Street trees.** Street tree plantings shall consist of deciduous shade trees planted in one (1) or more rows at regular intervals or in informal groupings in the street right-of-way, or as close as practicable to the front lot line if planting in the street right-of-way is not possible. A minimum of one (1) street tree shall be provided per forty linear feet (40') of frontage with all fractional measurements rounded up, as measured along the street right-of-way line.
 2. **Front yard setback area plantings.** Where a front yard setback is required by this Ordinance, the Planning Commission may require a berm, greenbelt or other landscaping materials within the front yard setback in accordance with the screening or buffering objectives of this Article.
- F. **Detention and retention basin landscaping.** Where a detention or retention basin, or similar stormwater management facility is required, landscaping shall be provided that shall comply with the following:
1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free-form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
 2. Plantings shall replicate a natural environment. Deciduous shade and ornamental trees, shrubs, perennials, grasses and other groundcover shall be clustered around the basin to achieve a variety of plant materials. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.

3. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.
 4. Basins may be planted with a mixture of groundcover plantings native to southeast Michigan, such as native grasses or wildflowers, provided that such plantings present a finished appearance with minimal maintenance.
 5. Basins shall be designed to avoid the need for perimeter fencing, and as such should not exceed a side slope of one on five. A decorative fence shall be provided around a detention or retention basin with a side slope that is steeper than one on five. The design and construction of the decorative fencing shall be subject to Planning Commission approval.
- G. **Special approval land uses.** Where deemed necessary by the Planning Commission, special approval land uses shall be screened or buffered in a manner that separates the use from the street right-of-way, the view of the general public or adjacent residential areas.

Section 11.06 Landscape Material Standards

- A. **General Standards.** The following shall apply to all plant materials:
1. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI)
 2. All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Village.
 3. All plant material shall be nursery grown, hardy to the climate of southeast Michigan, appropriate for the soil, climatic and environmental conditions, long lived, resistant to disease and insect attack.
 4. Artificial plant materials are prohibited.
 5. Landscaping shall not conflict with utilities and fire hydrant locations, visibility for motorists, and clearance for pedestrians.
 6. Where pavement and landscape areas interface adequate measures shall be taken to protect plants from vehicle encroachment.
- B. **Groundcovers.** The following shall apply to all groundcover materials:
1. Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or hydro-seeded and mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.

2. The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance that is reasonably complete after one complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.
 3. Stone and synthetic materials shall not be used as a groundcover.
- C. **Mulch.** Planting beds shall present a finished appearance, with shredded hardwood bark mulch or similar natural material at a minimum depth of three inches (3"). Mulch used around trees and shrubs shall be a minimum of four inches (4") deep, and shall be pulled one inch (1") away from tree trunks. Pine bark mulch shall be prohibited. An effective edge treatment must be provided to contain and prevent migration of the mulch.
- D. **Topsoil.** A minimum four inches (4") of topsoil shall be provided for all lawn areas, ground covers and planting beds.
- E. **Existing vegetation.** Existing vegetation to be preserved shall be protected during construction through the use of temporary snow fencing and stakes around the drip line. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.
- F. **Size and variety of plant materials.** To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any one plant species, and shall comply with the following schedule for minimum starting sizes:

LANDSCAPING MATERIALS	PERCENTAGE OF TOTAL AMOUNT	MINIMUM SIZE AT INSTALLATION
Deciduous Shade Trees	50%	2½ - 3 caliper-inches diameter
	50%	3 - 4 caliper-inches diameter
Evergreen Trees	50%	6.0 feet overall height
	50%	8.0 feet overall height
Deciduous Ornamental Trees	50%	2.0 caliper-inches diameter or 6 feet overall height
	50%	2.5 caliper-inches diameter or 8 feet overall height
Shrubs	50%	24 inches in height or spread (B & B)
	50%	30 inches in height or spread (B & B)
Vines	100%	30 inches in length

Section 11.07 Prohibited Plant Materials

The following trees, because of various problems, are not considered desirable plant materials and should not be proposed as plant materials to meet the landscaping requirements of this Article.

SPECIES	COMMON NAME
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus x	Ash varieties

Section 11.08 Installation

All landscaping shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved landscape plan, and the following:

- A. **Deadline for installation.** Required plant materials shall be planted within three hundred sixty five (365) days of final site plan approval, or one hundred eighty (180) days from the date of issuance of a certificate of occupancy.
- B. **Performance guarantee.** If it is determined that the landscape materials would be jeopardized by weather conditions, the Building Official may require a performance guarantee, in accordance with Section 1.06 (Performance Guarantees), to cover the cost and ensure the installation of required landscaping by the end of the next planting season. An inspection of plant materials shall be conducted by the Building Official before a performance guarantee may be released.
- C. **Deviations from approved plan.** Deviations in quantity, type, size and location of plant materials from the approved landscape plan shall be subject to Planning Commission review and approval.

Section 11.09 Maintenance

All landscaping materials shall be maintained in accordance with the approved landscape plan, and the following:

- A. Landscape maintenance procedures and frequencies to be followed shall be specified on the landscape plan, along with the manner in which the effectiveness, health and intended functions of the various landscape areas on the site will be ensured.
- B. Landscaping shall be kept in a neat, orderly and healthy growing condition, free from debris and refuse. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
- C. Pruning shall be minimal at the time of installation, only to remove dead or diseased branches. Subsequent pruning shall assure proper maturation of plants to achieve their approved purpose.
- D. All dead or diseased plant materials shall be removed and replaced with the same number, size and species of materials within thirty (30) days of written notice from the Village, or by the end of the next planting season if it is determined by the Village that the new materials would be jeopardized by weather conditions.
- E. The approved landscape plan shall be considered a permanent record and integral part of the approved site plan. Any replacement or removal of plant materials that is not in accordance with the approved landscape plan shall be a violation of this Ordinance.
- F. Adequate provisions shall be made to supply water to all landscape areas on a regular schedule.

Section 11.10 Exceptions and Alternatives

- A. **Alternative designs or materials.** The Planning Commission shall have the authority to modify the standards of this Article, provided that the alternative is determined to be in accordance with the purpose and objectives of this Article.
- B. **Existing sites.** Where an existing building is undergoing redevelopment, improvement, a change in use, or expansion, the Planning Commission may require landscaping, screening and buffering improvements in accordance with the purpose and objectives of this Article, provided that any required improvements shall be in reasonable proportion to the size and configuration of the site, and the scale of proposed building improvements, expansions or other site improvements.

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ARTICLE 12

FLOODPLAIN REGULATIONS

Section 12.01 Intent

It is the purpose of these regulations to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Village of South Rockwood to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactment and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Volume 41, No. 207, Tuesday, October 26, 1976, and redesignated as 44 CFR 31177, May 31, 1979.

Section 12.02 Objectives of the Flood Plain Overlay Zone

- A. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
- B. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
- C. The prevention of private and public economic loss and social disruption as a result of flood conditions;
- D. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
- E. To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and
- F. To preserve the ability of flood plains to carry and discharge a base flood.

Section 12.03 Definitions

The terms used in this section shall have the following meaning:

- A. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation of runoff of surface waters from any source.
- B. Flood, Base: The flood having a one percent change of being equaled or exceeded in any given year.

- C. Flood Hazard Area, Special: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- D. Flood Insurance Rate Map (firm): The official map(s) of the VILLAGE OF SOUTH ROCKWOOD issued April 20, 2000 by the Federal Emergency Management Agency, where the boundaries of the special flood hazards and the risk premium zones have been delineated.
- E. Flood Insurance Study: The official study for the County of Monroe, Michigan issued April 20, 2000 by the Federal Emergency Management Agency. This report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary Floodway Map.
- F. Flood, 100- Year: A one-hundred-year (100 year) flood shall mean a flood having a average frequency of occurrence in the order of once in one hundred (100) years, although the flood may occur in any year.
- G. Flood Plain: Flood plain shall mean the relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater.
- H. Floodway: Floodway shall mean the channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonable required to carry and discharge flood water.

Section 12.04 Delineation of the Flood Plain Overlay Zone

The flood plain overlay zone shall overlay existing zoning districts delineated on the official Village of South Rockwood Zoning Map. The boundaries of the flood plain area zone shall coincide with the boundaries of the area indicating as within the limits of the 100 year flood as shown on the Flood Insurance Rate Map(s) for the Village of South Rockwood, Michigan (Monroe County), dated April 20, 2000 being panel numbers 2603200109, 2603200117, 2603200136 and as may be amended. The Flood Insurance Rate Map(s) is adopted by reference, appended, and declared to be a part of this Ordinance. The term flood hazard area as used in this ordinance shall mean the flood hazard overlay zone.

Where there are disputes as to the location of a flood hazard overlay zone boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with the procedures and requirements of Article 1.

In addition to the other requirements of this ordinance applicable to development in the underlying zoning districts, compliance with the requirements of this section shall be necessary for all development occurring within the flood plain overlay zone. Conflicts between the requirements of this section and other requirements of this ordinance or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more.

Section 12.05 Principal Uses Permitted

Within the flood plain overlay zone, no land shall be used except for one or more of the following uses:

- A. Grazing and agriculture pasture land and animal grazing;

- B. Harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries and seeds;
- C. Harvesting of trees;
- D. Parks, picnic areas, playgrounds, play fields, athletic fields, golf courses, bridle paths, nature paths and trails;
- E. Wildlife preserves;
- F. Fishing, trapping and hunting in compliance with current laws and regulations;
- G. Historic sites and structures;
- H. Swimming beaches, fishing and boating docks in accord with the provisions of the inland Lakes and Streams Act of 1972;
- I. Required open space or lot area for structural uses that are landward of the overlay zone.

Section 12.06 Accessory Structures and Uses

Within the flood plain overlay zone, no structure shall be used except for one or more of the following uses and only in a manner consistent with the requirements of permitted uses and accessory structures in the underlying district, and with the following: off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pump houses, bleachers, bank protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances, provided each of the following requirements are met.

- A. The structure would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the flood plain.
- B. All equipment and structures shall be anchored to prevent flotation and lateral movement.
- C. Compliance with these requirements is certified by an engineering finding by a registered engineer.

Section 12.07 Filling and Dumping

Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the flood plain, the flow and impoundment capacity of the flood plain will be maintained or improved, and unless all applicable state regulations are met including but not limited to approvals pursuant to The Natural Resources and Environmental protection Act, Public Act 451 of 1994, as amended, being MCL 324.101-324.99904.

Section 12.08 General Standards for Flood Plain Reduction

No building or structure shall be erected, converted or substantially improved or placed, and no land filled or structure used in a flood plain district unless a zoning compliance permit, or variance from the Zoning Board of Appeals, is obtained which approved shall not be granted until a permit from the Department of Environmental Quality, under authority of Public Act 31, Water Resources Protection, of the Natural Resources and Environment Protection Act, Act

451, P.A. of 1994 being MCL 324.3101 TO 324.3133, has been obtained. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

- A. All public utilities and facilities shall be designated, constructed and located to minimize or eliminate flood damage.
- B. The Building Official, or his representative, shall review development proposals to determine compliance with the standards in this section.
- C. Land shall not be divided in a manner creating parcels or lots, which cannot be used in conformance with the requirements of this Article.
- D. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
- E. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.

Section 12.09 Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage.

This ordinance does not imply that areas outside the flood hazard areas will be free from flood damage. This ordinance does not create liability on the part of the Village of South Rockwood, or any officer or employee thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

ARTICLE 13

SIGNS

This Article includes the following sections:

- 13.101 Purpose
- 13.102 Permits
- 13.103 General Requirements
- 13.104 Signs Permitted in all Zoning Districts without a Permit
- 13.105 Signs Permitted in all Zoning Districts with a Permit
- 13.106 Prohibited Signs
- 13.107 Non-Conforming Signs
- 13.108 Sign Removal by Village Action
- 13.109 Building-Mounted Signs
- 13.110 Ground Signs
- 13.111 Waivers and Interpretations
- 13.112 Sign Definitions

Section 13.101 Purpose

The purpose of this Article is to provide a framework within which the identification and informational needs of business and industry can be harmonized with the desires and aesthetic standards of the general public. It is intended by this Ordinance to give recognition to the legitimate needs of business, industry and other activities, through appropriate guidelines, in attaining their identification and informational objectives. It is a basic tenet of this Article that unrestricted signage does not benefit the community, or individual businesses or property owners.

It is further the intent of this Article to:

- A. Regulate the construction, alteration, repair and maintenance of all signs with respect to structural and fire safety, location, type of sign, dimensions, height and method of illumination.
- B. Encourage free expression of ideas and dissemination of messages as protected by the First Amendment of the United States Constitution, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are seen.
- C. Avoid visual clutter that confuses or misleads traffic, obstructs vision and is potentially harmful to property values, business opportunities and community appearance.
- D. Protect the general public from damage and injury caused by distractions, hazards or obstructions caused by poorly designed or improperly constructed signage.
- E. Preserve the appearance of the Village by preventing the placement of oversized signs that are out of scale with surrounding buildings and structures.
- F. Authorize the use of signs that are compatible with their surroundings, and legible under the circumstances in which they are seen.

- G. Seek removal of illegal signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.

Section 13.102 Permits

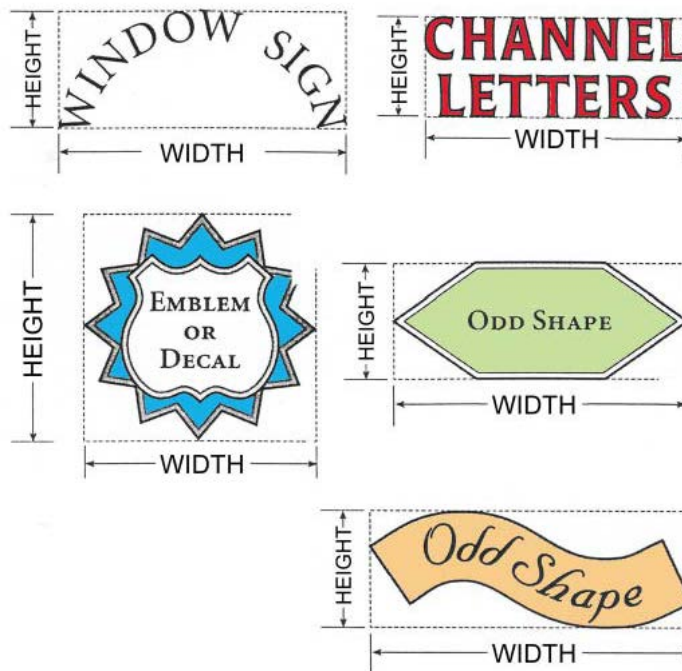
No person shall erect, alter, or relocate a sign without first obtaining appropriate permits from the Building Official. The owner of the property in question must apply for the sign permit and must sign all required forms. Tenants, renters, and others may not apply for sign permits. The following information shall be provided with any permit application:

- A. Name, address, email address, and telephone numbers for the applicant, property owner, sign owner and sign contractor or person, firm, corporation or association erecting the sign.
- B. Street address, parcel identification number or location of the property on which the sign is to be located.
- C. Type of sign, as defined in Section 13.112.
- D. Plot plan. A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all proposed and existing signs on the lot. Elevation drawings of all buildings on the site shall be provided showing the location of all existing and proposed building-mounted signs.
- E. Construction drawings. Plans, specifications, materials, designs, dimensions, structural supports, electrical components, methods of construction and type of illumination for each sign.
- F. License and insurance. Every person who engages in the business of erecting, altering or dismantling signs in the Village shall first submit proof of appropriate licenses and a liability insurance policy that indemnifies the Village of South Rockwood and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the Village Clerk at least thirty (30) days prior to the date of cancellation.
- G. Removal agreement or bond. The Building Official may require a signed removal agreement, bond or other acceptable surety to guarantee the future removal of a sign.
- H. Copy of stress sheets and calculations showing the structure is designed in accordance with applicable dead load and wind pressure standards. The Building Official may require approval of the structural design by a registered architect or engineer.

Section 13.103 General Requirements

The following general standards shall apply to signs in all zoning districts:

- A. **Standards of Measurement.** Dimensional standards and measurements for signs shall be subject to the following:
 - 1. Sign area is the gross surface area within a single continuous perimeter enclosing the limits of all sign copy or the surface of any internally illuminated sign.
 - a. Where a sign has two (2) or more faces, the sign area shall equal the total area of all sign faces.
 - b. Where two (2) faces are placed back to back and are at no point more than three (3) feet apart, the sign area shall equal the area of the larger single sign face.
 - c. The area of a sign shall be defined as the entire areas within a rectangle or square enclosing the extreme limits of the sign structure, regardless of the shape of the structure, excluding the necessary supports or uprights on which such sign is placed.



- 2. Sign height is the distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements.
- 3. Sign setbacks are measured from the closest street right-of-way or front property line to the leading edge of the sign.

- B. **Construction.** All signs shall be securely constructed in conformance with applicable building, fire and electrical codes, and the applicable standards of this Article. Wood products shall be treated to prevent deterioration. A lightning grounding device shall be provided where required. Letters, figures and characters shall be safely and securely attached to the sign structure. All signs shall have a surface or facing of noncombustible material. All signs shall be attached by means of metal anchors, bolts or expansion screws, and in no case shall any sign be secured with wire, strips of wood or nails.
- C. **Street rights-of-way and corner clearance areas.** Signs shall be located outside of any street right-of-way, or any corner clearance area as described in Section 5.303 (Corner Clearance Areas), except where otherwise permitted by this Article.
- D. **Substitution.** Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure, and any sign permitted by this Article may contain a non-commercial message.
- E. **Wind pressure and dead load requirements.** All signs shall be designed and constructed to withstand wind pressure and receive dead loads as required by this Article and applicable building codes, to satisfaction of the Building Official.
- F. **Illumination.** Sign illumination shall comply with the standards of Article 14 (Exterior Lighting), and shall further comply with the following:
1. External illumination of signs and awnings. External illumination of signs shall be limited to fully-shielded light fixtures. Such fixtures shall be mounted above the sign face with all light directed downward and concentrated on the area of the sign to prevent glare upon the street or adjacent property. Illuminating lights shall not exceed 10,000 nits.
 2. Internal illumination of signs. Internal illumination of signs shall be permitted in all commercial and industrial districts, provided that the illumination not exceed 10,000 nits. Internally illuminated signs may not shine towards residentially zoned or used property.
 3. Internal illumination or “back lighting” of awnings shall be prohibited.
 4. Un-shielded neon or fluorescent lighting prohibited. Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type.
 5. Animated Lighting Effects. The use of light emitting elements including but not limited to light bulbs, fixtures, LEDs, or fiber optic lighting to create a flashing, scrolling, or animated effect on an exterior sign is prohibited.
 6. Outlining prohibited. Illuminated tubes shall not be used to outline windows.
 7. Electronic Message Signs. Electronic message signs shall be subject to the following standards:

- a. The message shall change no more frequently than once per 30 seconds.
 - b. Images may not serve as the background for a text-based message.
 - c. Video display, animation, scrolling text, flashing, whirling or fading signs, dissolving transitions, or any other type of motion associated with an electronic sign are prohibited.
 - d. Wall signs, ground signs, and window signs may all contain electronic messages, however, only one electronic sign is permitted per lot and electronic messaging may not exceed 50% of the area of any one sign.
 - e. Electronic messages are prohibited on projecting signs.
 - f. The maximum brightness of any electronic message sign shall be 10,000 nits. A cut sheet for the electronic sign being installed must be submitted to the Village and must show the maximum brightness of the sign.
 - g. All electronic message signs must operate at 50% brightness, as measured in nits, at night. “Night” shall be defined as half an hour before sunset until sunrise.
 - h. Electronic Message Signs may shine not towards residentially zoned or used property.
- G. **Manual changeable copy area.** Manual changeable copy area shall not exceed fifty (50%) percent of the total sign area of a single sign.
- H. **Smooth sign face.** No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices.
- I. **Maintenance.** All signs, sign frames, sign copy area, panels, structural elements, lamps and electrical hardware shall be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted when necessary to prevent corrosion. Painting, servicing, cleaning or minor repairs to an existing sign are not subject to sign permit approval, provided that that the work does not create a non-conformity or increase an existing non-conformity. Electrical and structural permits may be required depending on the nature of the work. The owner of the lot shall be ultimately responsible for the adequate maintenance of all signage.

Section 13.104 Signs Permitted in All Zoning Districts without a Permit

The following non-illuminated signs shall be permitted in any zoning district without obtaining a sign permit prior to installation.

- A. **Temporary Wall and Temporary Ground Signs.** Temporary wall and temporary ground signs shall be subject to the following provisions:

1. Each sign of this type may not be larger than ten (10) square feet in residential districts and twenty-four (24) square feet in any other district.
 2. The total area for all signs of this type must not exceed thirty-six (36) square feet in residential districts and seventy-two (72) square feet in any other district.
 3. No lot shall have more than six (6) signs of this type posted at any given time.
 4. Signs of this type must be located solely on private property outside of any street right-of-way or corner clearance area.
 5. Signs of this type that are in place for longer than one (1) year shall be considered permanent signage and are subject to permit approval as well as the regulations of Section 13.109 and Section 13.110.
- B. Up to four (4) **Window or wall signs, each not exceeding two (2) square-feet in area** shall be allowed without permits.
- C. **Cornerstones.** Inscriptions in the cornerstone of a building shall not require a sign permit. The inscription shall not count towards the total permitted wall signage on the façade.
- D. Up to three (3) **Flags**, each not exceeding forty (40) square feet in area. Any flags over and above the three allowed without a permit shall be considered signage and shall be subject to the requirements of this Ordinance.
- E. **Changes to sign copy** within an approved changeable sign copy area.
- F. Any sign that is required to be placed by Village, County, State, or Federal law.
- G. **Murals**, as defined in Section 13.112.

Section 13.105 Signs Permitted in All Zoning Districts with a Permit

The following signs shall be permitted in any zoning district, subject to the approval of a sign permit.

- A. **Flagpoles.** Flagpoles designated for the display of flags or pennants, subject to the following:
1. Definition: “Flagpoles” shall be defined as objects affixed to the ground for the purpose of holding a piece of cloth with an insignia or symbol on it (i.e. a flag). Support posts for permanent signs shall not be considered flagpoles.
 2. Number of permitted flagpoles. The number of permitted flagpoles shall be based on the street frontage of the lot:

STREET FRONTAGE (feet)	MAXIMUM NUMBER OF PERMITTED FLAGPOLES
0' – 199'	1
200' – 299'	3

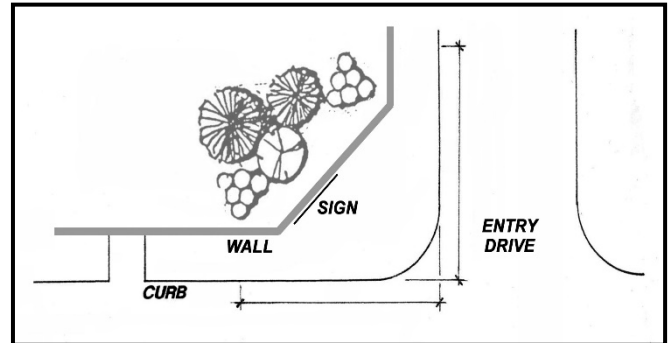
300' or more	5
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3. Location. Flagpoles shall be located in manner that prevents displayed flags from projecting into the street right-of-way or over adjacent properties at full extension. Flagpoles shall not be located on the roof of a building.
4. Height. A flagpole shall be considered a structure, as defined by this Ordinance, and shall conform to the height restrictions and setback requirements for structures in the district where it is located.
5. Flag Size. Flags shall not exceed forty (40) square feet.

B. **Site entry features including a sign.** Architectural features with signage to be located at each entrance to a residential subdivision, apartment community, condominium development, mobile home park or office, business or industrial park or similar development from a major street, are subject to the following:

1. Number of signs. Maximum of one (1) sign on each side of the entrance from a major street.

2. Setbacks. Site entry features with signage shall be located outside of any street setback area or corner clearance area, and shall be set back a minimum of ten (10) feet from the curb line of any driveway or street.



3. Sign area and height. The maximum height and area permitted for signs on an architectural feature shall be equal to the maximum permitted for ground signs, as defined in Section 13.110.
4. Planning Commission review. The location and design of each site entry feature with signage shall be subject to review and approval by the Planning Commission.

C. **Building directory.** Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use above the street level façade (such as a multiple-story office or commercial building), a building directory sign may be erected on the street level façade for these uses, subject to the following:

1. The building directory shall be separate from any permitted signs for the uses occupying the street level façade.
2. The maximum sign area of the building directory shall be equal to five percent (5%) of the signable area of the building.

D. **Construction signs.** Temporary signs on construction sites shall be subject to the following:

1. Number of signs. Maximum of one (1) sign per street frontage or entrance from a major street.
 2. Sign area, height and location. The maximum sign area shall not exceed twenty-four (24) square-feet, and the maximum sign height shall not exceed six (6) feet. Placement shall be wholly within the property boundaries of the construction site.
 3. Display period. For non-residential construction projects, the sign shall not be erected prior to issuance of a permit for the proposed construction project, and shall be removed upon issuance of a Certificate of Occupancy. For residential construction projects, the sign shall not be erected prior to approval of the site plan or final preliminary plat, and shall be removed upon completion of the final phase of the project.
- E. **Temporary signs.** Temporary signs, other than those listed elsewhere in this Article, shall be subject to the following:
1. Definition. “Temporary signs” shall be defined as signage that is not permanently affixed to the ground or to a building.
 2. Number of permitted signs. A maximum of one (1) such sign per street frontage, and one (1) sign per public entrance to the building shall be permitted per lot.
 3. Maximum sign area and height. Temporary signs shall be subject to the height and area standards in Sections 13.109 and 13.110.
 4. Sign removal. A removal agreement or security bond to guarantee removal of such signs may be required.
 5. Display period. Such signs shall be temporarily displayed for the specific time period defined on the approved permit. One permit may be issued for multiple display periods over one calendar year. The total display period for such signs on a single lot shall not exceed ninety (90) days per calendar year.

Section 13.106 Prohibited Signs

The following signs are prohibited in all zoning districts:

- A. **Obscene material.** Display of “Specified Anatomical Areas” and “Specified Sexual Activities” as defined in Article 25 shall be prohibited on all signage in the Village.
- B. **Traffic and pedestrian hazards.** No signs, other than municipal traffic control signs, shall be located within street rights-of-way or corner clearance areas, except where permitted by this Article. No sign shall obstruct vision, constitute a hazard, or be confused with any authorized traffic sign, signal or device. No sign shall make use of the words “stop,” “look,” “danger,” or other words or symbols in a manner that is confusing or misleading.

- C. **Signs on trees and utility poles.** Posting of placards, posters or other messages on posts, trees, fences, park-type benches, utility poles, streetlight poles or similar objects, whether public or private.
- D. Signs projecting above the roof line of the building they are attached to.
- E. Off-premises signs that advertise a business or use that does not occur on the lot where the sign is located.
- F. Signs that have any visible moving parts, mechanical movement or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents.
- G. Any abandoned or illegal sign, as defined in this Ordinance.
- H. Inflatable signs.
- I. Any signage in the public right-of-way without permission of the relevant jurisdiction for the right-of-way in question.
- J. In addition to the above, the following signs shall be prohibited in residential zoning districts:
 - 1. Illuminated signs (internally or externally)
 - 2. Electronic message signs.
 - 3. Wall Signs over 6 square feet.
 - 4. Projecting Signs
 - 5. Ground signs over 10 square feet.
- K. Signs not expressly permitted by this Article are prohibited.

Section 13.107 Nonconforming Signs

Nonconforming signs shall be permitted to continue as such until removed or altered, provided that such signs are maintained in accordance with the following:

- A. **General standards.** Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 13.102 (General Standards).
- B. **Expansion or relocation prohibited.** Nonconforming signs shall not be expanded or relocated.
- C. **Servicing.** Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes and the requirements for all signs specified in Section 13.102 (General Standards).
- D. **Alterations.** Alterations to a nonconforming sign, including changes to the sign frame, sign copy area, panels or structural elements shall be subject to the following conditions:
 - 1. The sign shall be brought into compliance with the requirements for all signs specified in Section 13.102 (General Standards).

2. The sign shall be brought into compliance with all applicable sign height and sign area standards for the type of sign, as specified in this Article.
3. Nonconformities caused by inadequate ground sign setback at a ground sign's current location may be permitted to continue so that the existing support structure and wiring may be re-used, provided that permitted alterations will not increase this nonconformity, and provided that the ground sign is located entirely outside of all street rights-of-way and corner clearance areas.
4. Approval of appropriate permits by the Building Official.

Section 13.108 Sign Removal by Village Action

- A. **Abandoned and illegal signs.** When there is a question or dispute over whether a sign is illegal or has been abandoned, as defined in this Ordinance, the Building Official shall have the authority to make such determinations and to require the removal of abandoned and illegal signs in the Village. If the owner of the property where the sign is located wishes to appeal, the appeal shall be to the Zoning Board of Appeals (ZBA) and shall have the following procedure:
1. Public hearing. Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use of the property upon which the sign is located shall be given an opportunity to present evidence to the ZBA as to whether the sign is abandoned or illegal, and whether the sign should be removed.
 2. Determination. Subsequent to the hearing, the ZBA shall make a determination as to whether the sign is an abandoned or illegal sign, as defined in this Ordinance. Written notification of the determination and any order for removal shall be provided to said owner, operator or person having beneficial use of the property upon which the sign is located.
 3. Removal. Abandoned or illegal signs shall be removed within thirty (30) days of the determination and order for removal by the Zoning Board of Appeals. All sign copy and component parts shall be completely removed, and the area where the sign was located shall be restored as nearly as possible to its original condition. Failure to remove the sign shall constitute grounds for the Village to seek Circuit Court approval to remove the sign at the expense of the owner of the property upon which the sign is located. The Village may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
- B. **Damaged Signs.** Signs determined to be in a damaged condition by the Building Official shall be repaired, replaced or removed to the satisfaction of the Building Official by the owner, operator or person having beneficial use of the property upon which the sign is located. If such action is not taken by the owner within ten (10) days, such signs may be repaired or removed by the Village at the expense of the owner of the property upon which the sign is located. The Village may then place a lien on the property, adding necessary removal expenses to the tax bill for the

property.

- C. **Nonconforming signs.** The elimination of nonconforming signs in the Village is hereby declared to be for a public purpose and for a public use. The Village Council shall have the authority to institute and prosecute proceedings for the condemnation of nonconforming signs determined to be in violation of the requirements for such signs specified in Section 13.107 (Nonconforming Signs), under the power of eminent domain and in accordance with currently applicable State Law. For the purpose of removal, the Village Council may, at its discretion, acquire and remove nonconforming signs by purchase, condemnation or otherwise with the cost paid from general funds.
- D. **Temporary signs.** Temporary signs erected or displayed within a street right-of-way or corner clearance area, or without a valid permit or after the expiration of a permit, may be removed by the Village without notice.
- E. **Unsafe signs.** Signs determined to be unsafe by the Building Official shall be immediately removed or repaired to the satisfaction of the Building Official by the owner, operator or person having beneficial use of the property upon which the sign is located. If such action is not taken by the owner within twenty-four (24) hours, such signs may be removed by the Village at the expense of the owner of the property upon which the sign is located. The Village may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

Section 13.109 Building Mounted Signs

The following regulations shall apply to all building-mounted signs in non-residential zoning districts and to signs on the premises of a non-residential use within a residential zoning district:

	TYPE OF SIGN			
	WALL	AWNING	PROJECTING	WINDOW
Permit required?	yes	yes	yes	yes
Maximum number of sign faces per sign	1	1	3	1
Minimum height above ground (feet)		7.5'	8.5'	
May be illuminated?	yes	yes	yes	yes

- A. **Wall signs.** The total sign area of all wall signs shall not exceed five percent (5%) of the area of the façade to which the signs are mounted.
- B. **Awning signs.** Sign lettering or logos may comprise not more than 35% of the total exterior surface of the awning. Awnings with back-lit graphics or other kinds of internal illumination are prohibited.
- C. **Window signs.** Window signs shall not exceed 25% of the area of the window they are attached to or visible through.

- D. **Projecting signs.** Projecting signs shall be secured to the building by metal anchors, bolts, supports, rods or braces, and shall be limited to twenty-four (24) square feet of sign area per sign face.

Section 13.110 Ground Signs

The following regulations shall apply to all ground signs in non-residential zoning districts and to signs on the premises of a non-residential use within a residential zoning district:

- A. **Base/Supports.** Ground signs shall be supported either with two posts, one at either end of the sign, or by a base that is at least 80% of the width of the sign. Bases are not included in the calculation of total square footage for purposes of compliance with this Ordinance.
- B. **Sign area.** The maximum permitted area for a monument sign is 48 square feet. For sites that have greater than 100 feet of frontage, the maximum permitted sign area shall be increased to 64 square feet.
- C. **Sign height.** The maximum height (the distance from grade to the top of the sign) for a monument sign is 8 feet.
- D. **Number of Signs.** One ground sign permitted per frontage on a public road.
- E. **Setback.** Monument signs shall be set back a minimum of 5 feet from the right-of-way of any street.
- F. **Landscaping.** Low level landscaping shall be provided around the base of the sign, but shall not obscure any part of the sign message.

Section 13.111 Waivers and Interpretations

A. Interpretation. The Building Official shall have the power to interpret this Article in the normal course of his or her duties. Appeals of the Building Official's interpretations shall be heard by the Zoning Board of Appeals.

B. Waivers. The Planning Commission shall have the authority to waive or modify any provision of this article, provided that the requested waiver or modification meets the following criteria.

1. The applicant provides all requested information and pays all applicable application and review fees, to be determined by the Village Council.
2. The proposed sign does not endanger the public health, safety, and welfare by virtue of being distracting to drivers, obscuring vision, being unnecessarily bright, being designed or constructed poorly, or in any other way.
3. The design of the sign is consistent with character of the surrounding area.
4. The sign does not block the view of other nearby signs to the extent that it would harm the ability of neighboring businesses to operate.

5. The sign will not be a nuisance to any residential uses.
6. A sign designed to meet the standards of the Ordinance would not adequately serve the purpose desired by the applicant.

C. Application of Waiver. A waiver granted by the Planning Commission under this section shall apply only to the sign in question and only for the life of the sign. This waiver shall not run with the land, and shall not constitute a variance as understood within the Michigan Zoning Enabling Act of 2008.

Section 13.112 Sign Definitions

A. Definition of Sign. A sign is defined as any surface, fabric, device, display or visual medium, including the component parts, which bears writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of the display to convey information or attract attention. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices. The term “sign” includes the sign structure, supports, braces, guy wires, and anchors. Specific types of signs are defined as follows.

1. **Abandoned Sign.** A sign or sign frame that has not born a message, or has been located on a lot where no active use is taking place, for more than one hundred eighty (180) days.
2. **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window, or related architectural feature. Such signs include, but are not limited to awning, projecting, wall and window signs.
 - a. Awning Sign. A sign that is painted on, attached to, or an integral part of an awning or canopy.
 - b. Projecting Sign. A display sign attached to or hung from a structure projecting from and supported by the building and extending beyond the building wall, building line or street right-of-way line. A marquee sign is a form of a projecting sign.
 - c. Wall Sign. A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature and projecting not more than eighteen inches (18”) from the wall.
 - d. Window Sign. A sign affixed to a window or so as to be observable from the opposite side of the window to which such sign is located or affixed.
3. **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
4. **Damaged Sign.** A sign or supporting structure which is torn, defaced, dented, smashed, broken, vandalized or destroyed.

5. **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public.
6. **Directional Sign.** A sign that uses arrows or words like “enter” and “exit” to regulate on-site traffic and parking.
7. **Site Entry Feature with Signage (Entrance Sign).** A sign located at the entrance from a thoroughfare or collector road to a residential subdivision, apartment community, condominium development, or mobile home office, business, or industrial park.
8. **Front Face Area.** The area of the front wall, including doors and windows, of the principal building facing a public street where the address or primary public entrance is located. Buildings on corner lots may have up to two front faces if each face satisfies the above criteria. If the building is devoted to two or more uses or businesses, the front face area for each use or business shall be determined by the Zoning Administrator based upon the proportionate share of the building occupied by each use or business.
9. **Ground Sign.** A freestanding sign supported by a pedestal or base with permanent attachment to the ground.
10. **Illegal Sign.** A sign for which no valid permit was issued by the Village at the time such sign was erected, or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
11. **Mural.** Any graphic painted upon the side of a building which does not carry a readily discernable message.
12. **Nameplate.** A wall sign denoting the name of the occupant in a residential dwelling unit or denoting only the name and profession of the occupants in a commercial, public or other institutional building.
13. **Noncombustible Material.** Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
14. **Nonconforming Sign.** A sign for which the Village issued a permit at the time such sign was erected, but which is not in compliance with current zoning ordinance provisions for signs. Such signs must be located outside of any existing right-of-way, away from any public or private easement and wholly upon the parcel to which it is associated. Such signs must have all necessary structural and decorative parts, including, but not limited to supports, sign box or enclosure and electrical equipment. The sign face or sign copy area must be intact and illuminated signs must be capable of immediate illumination.
15. **Off-Premises Sign.** Any sign that does not pertain to any use of the premises on which the sign is placed.

16. **Portable Sign.** A sign and sign structure which is not attached to a building and is capable of being moved within the zoning lot on which it is located or from one zoning lot to another.
17. **Roof Sign.** A display sign which is erected, constructed and maintained on or above the roof of the building, or that extends above the roofline.
18. **Sign Area.** The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Where a sign has two (2) or more faces, the sign area shall equal the total area of all sign faces, except where two (2) faces are placed back to back and are at no point more than three feet (3') apart, the sign area shall equal the area of the larger single sign face.
19. **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
 - a. Animated Copy. Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per hour.
 - b. Changeable Copy. Moveable letters or other forms of sign copy, not including animated copy that can be altered by natural, mechanical or electrical means without replacing the sign copy area.
20. **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
21. **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. Temporary signs must display the date by which the sign shall be removed in a manner that is legible from the property line or public right-of-way.
 - a. Festoons. A string of ribbons, tinsel, small flags or pinwheels.
 - b. Special Event Sign. Banners, pennants, balloons or festoons associated with a special event and displayed for a specified and limited period of time.
22. **Unsafe Sign.** A sign that is not properly secured, is in danger of falling or has otherwise been found to be in a condition that is hazardous to the public health, safety or welfare by the Building Inspector.

ARTICLE 14

EXTERIOR LIGHTING

Section 14.01 Purpose

The purpose of this Article is to preserve, protect, and enhance the lawful nighttime use and enjoyment of all properties in the Village through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity, and prevent the degradation of the nighttime visual environment. It is the further intent of this Article to encourage the use of innovative lighting designs and decorative light fixtures that enhance the character of the community while preserving the nighttime visual environment.

Section 14.02 Submittal Requirements

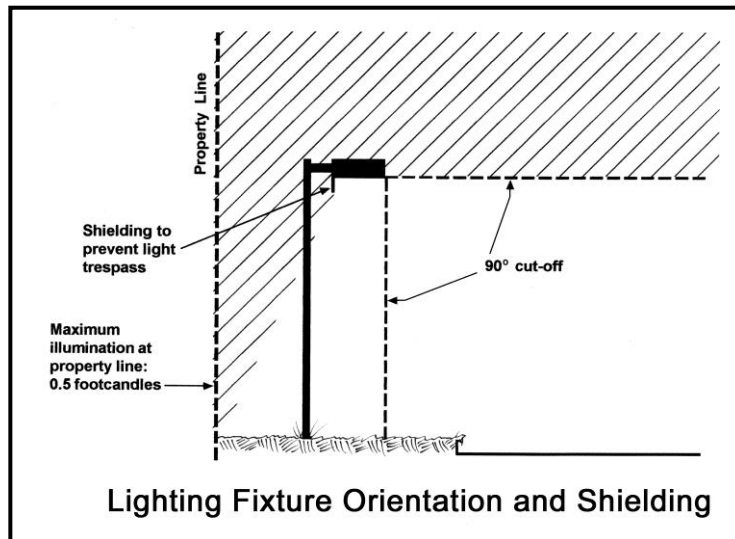
The following information shall be provided with all site plans, site condominium plans and subdivision plats where exterior lighting is proposed to be altered or installed. The Building Official may also require that any or all of the following information be provided with building, electrical or zoning permit applications where exterior lighting is proposed to be altered or installed:

- A. The location, type and height of all existing and proposed light fixtures, such as freestanding, building-mounted and canopy light fixtures, and all existing and proposed sign lighting.
- B. A photometric grid indicating the overall light intensity, measured in footcandles, throughout the site.
- C. Specifications and details for each type of light fixture, including the total lumen output, type of lamp and method of shielding.

Section 14.03 General Provisions

The design and illumination standards of this Article shall apply to all exterior lighting sources and other light sources visible from the public way or adjacent parcels, except where specifically exempted herein.

- A. **Fully-shielded.** Exterior lighting shall be fully shielded and downward directed, and shall incorporate a full cutoff housing to prevent off-site glare and minimize light pollution. The light emitting element of the fixture shall not be visible to pedestrians or vehicles, or from adjacent residentially zoned or used properties.



- B. **Intensity.** The intensity of light within a site shall not exceed ten (10) footcandles within any site (except that light intensity shall not exceed twenty (20) footcandles underneath a drive-through or gas station canopy), and one (1) footcandle at any lot boundary or street right-of-way line. Where a lot abuts a residential district or use, the intensity shall not exceed one-half (0.5) footcandle at the lot boundary.
- C. **Glare and light trespass.** Exterior lighting sources shall be designed, constructed, located and maintained in a manner that does not cause off-site glare or light trespass on neighboring properties or street rights-of-way.
- D. **Measurements.** Light intensity levels shall be measured in footcandles on the horizontal plane at grade level within the site, and on the vertical plane of the lot or street right-of-way boundaries at a height of five feet (5') above grade. Fixture height shall be measured from grade level to the highest point of the fixture.
- E. **Lamp options.** Lamps with a maximum wattage of two hundred fifty watts (250w) per fixture are recommended for use in the Village to maintain a unified lighting standard and to minimize light pollution. Low-pressure sodium lamps are preferred for security lighting in low traffic areas. High pressure sodium or metal halide lamps are preferred in parking lots and high traffic areas. The Planning Commission may permit the use of other lamp-types and wattages up to four hundred watts (400w) maximum for fully shielded fixtures, provided that such lighting is otherwise in compliance with this Article.
- F. **Animated lighting.** Exterior lighting of a flashing, moving, animated or intermittent type, and the use of laser light sources, searchlights or any similar high intensity light source for outdoor advertisement or entertainment is prohibited.

Section 14.04 Light Fixture Standards

- A. **Freestanding pole lighting.** The following standards shall apply to all freestanding pole-mounted light fixtures:
 - 1. Maximum overall height. The maximum height of pole-mounted fixtures shall be directly proportional to its proximity to a residential district or use, as follows:

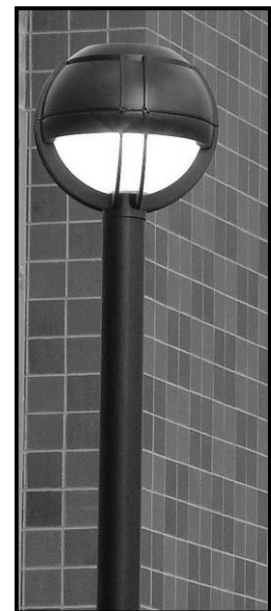
- a. Fifteen feet (15') high, where such fixtures are located within fifty feet (50') of a residential district or use.
 - b. Twenty feet (20') high, where such fixtures are located more than fifty feet (50') from a residential district or use.
 - c. Twenty five feet (25') high, where such fixtures are located more than three hundred feet (300') from a residential district or use.
2. Hours of operation. All exterior lighting systems in non-residential districts shall incorporate automatic timers, and shall be turned off between the hours of 11:00 p.m. and sunrise, except where used for security purposes, where the use of the property continues after 11:00 p.m, or to permit exterior lighting for a period of one hour after the close of business.

B. Building-mounted lighting. Unshielded luminous tube or fluorescent lighting shall be prohibited as an architectural detail on all buildings, including but not limited to areas along roof lines, cornices and eaves or around and within window and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, provided that such lighting accents would enhance the aesthetics of the site and would not cause off-site glare or light pollution.

C. Window lighting. Unshielded luminous tube and fluorescent lighting that is visible through a window from the public way shall be prohibited, except for "Open" signs not to exceed 3 sq. ft. in area. All light fixtures visible from the public way through a window shall be shielded to prevent glare at the property line.

D. Decorative light fixtures. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures would enhance the aesthetics of the site and would not cause off-site glare or light pollution. Such fixtures may utilize incandescent, tungsten-halogen, metal halide or high-pressure sodium lamps with a maximum wattage of one-hundred watts (100w) per fixture.

E. Alternative lighting designs. The Planning Commission may, as part of site plan review, approve an alternative lighting design, provided that the Commission finds that the alternative design would be in accordance with the purpose of this Article.



Section 14.05 Lamp or Fixture Substitutions

Light fixtures regulated under this Article shall not be altered or replaced after approval has been granted, except where the Building Official has verified that the substitution would comply with the provisions of this Article.

Section 14.06 Exempt Lighting

The following types of exterior lighting are exempt from the requirements of this Article, except that the Building Official may take steps to minimize glare, light trespass or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:

- A. Holiday decorations.
- B. Shielded pedestrian walkway lighting.
- C. Residential lighting that does not create off-site glare or contribute to light pollution.
- D. Cases where federal or state laws, rules or regulations take precedence over the provisions of this Article.
- E. Situations where fire, police, rescue, or repair personnel need light for temporary or emergency situations.

Section 14.07 Exceptions

It is recognized by the Village that there are certain uses or circumstances not otherwise addressed in this Article, such as athletic fields, street lighting, or lighting for monuments and flags that may have special exterior lighting requirements. The Planning Commission may waive or modify specific provisions of this Article for a particular use or circumstance upon determining that all of the following conditions have been satisfied:

- A. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
- B. The minimum possible light intensity is used that would be adequate for the intended purpose. Due consideration shall be given to the maximization of public safety, energy conservation, and the minimization of light pollution, off-site glare and light trespass onto neighboring properties or street rights-of-way.
- C. For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs or other passive means.

ARTICLE 15

WIRELESS COMMUNICATION FACILITIES

Section 15.01 Purpose

It is the general purpose and intent of the Village of South Rockwood to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It is the further purpose and intent of the Village to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- A. Facilitate adequate and efficient provision of sites for wireless communication facilities.
- B. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
- C. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- D. Limit inappropriate physical and esthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facilities.
- E. Promote the public health, safety and welfare.
- F. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities. This information shall be provided to neighborhood associations where such wireless communications facilities may be proposed.
- G. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities.
- H. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and building, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures. The use of lattice structures because of their increased visibility, as compared to other structures, should be avoided unless all other reasonable options have first been exhausted, taking into consideration the purposes and intent of this section.

- I. The Village Council finds that the presence of numerous tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to limit the number of towers and thereby minimize the adverse impact from the presence of numerous tower and/or pole structures, having recognized that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare

Section 15.02 Definitions

The following definitions shall apply in the interpretation of this section:

- A. WIRELESS COMMUNICATION FACILITIES shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (ham)radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
- B. ATTACHED WIRELESS COMMUNICATION FACILITIES shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, steeples and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- C. WIRELESS COMMUNICATION SUPPORT STRUCTURES shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- D. COLOCATION shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community

Section 15.03 Authorization

- A. The following are considered permitted uses, subject to the standards in this chapter and site plan approval by the Planning Commission:
 - 1. New wireless telecommunications towers 150 feet in height or shorter, in the I district.
 - 2. Wireless telecommunications facilities utilizing an existing structure, in any

Zoning District.

- B. The following are considered permitted uses, subject to the standards in this chapter and administrative approval by the Village Planner and Building Official:
 - 1. Co-locations at existing wireless telecommunications facilities.
 - 2. Modifications of existing wireless telecommunications facilities.
- C. The following are special uses, subject to the standards in this chapter and requiring approval as described in Article 17 and Section 15.04.B:
 - 1. New wireless telecommunications towers in any district except the I district.
 - 2. New wireless telecommunications towers over 150 feet in height, in any zoning district.s

Section 15.04 General Regulations

- A. **Standards and conditions applicable to all facilities.** All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions which may be imposed by the planning commission as part of its review process:
 - 1. Facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities; i.e., to utilize attached wireless communication facilities.
 - 2. Facilities shall be located and designed to be harmonious with the surrounding areas.
 - 3. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicant's licensed engineer.
 - 4. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Structures which require or are proposed to have high intensity (strobe) lighting shall not be permitted.
 - 5. All wireless communication facilities shall be monopole design. No lattice or other non-monopole structures are permitted.
 - 6. The following additional standards shall be met:
 - a. The maximum heights of the new or modified support structure and antenna shall be the minimum heights demonstrated to be necessary for reasonable communication by the applicant (and by other entities to

collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to maximum heights of twelve (12) feet, unless architectural features acceptable to the planning commission justify increased height.

- b. The setback of a support structure from any residential district shall be no less than the heights of the highest point of the support structure.
- c. Where the proposed support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structure, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located. (See Section 15.05, below.)
- d. There shall be unobstructed access to the support structure and switching equipment, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors, as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities, the location of buildings and parking facilities, proximity to residential districts and minimizing disturbance to the natural landscape, and the type of equipment that will need to access the site.
- e. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or in an accessory building. If proposed as an accessory building, it shall be compatible with existing buildings and conform with all the district requirements for principal buildings, including yard setbacks. For collocation facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
- f. The planning commission shall, in its discretion, with respect to the color of the support structure and all accessory buildings, review and approved as so to minimize distractions, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition and as dictated by the approved site plan.
- g. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- h. A maintenance plan, and any applicable maintenance agreement, shall

be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.

- i. The use of high intensity (strobe) lighting on a wireless communication facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
- j. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety-day tentative approval period, final approval is granted to authorize a wireless communication facility within two (2) miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expires unless the applicant granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval.
- k. The antenna and other attachments on a wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.

B. Standards and conditions applicable to special land use facilities. Applications for wireless communication facilities requiring special land use approval shall be reviewed in accordance with the following standards: The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:

- a. Proximity to an interstate or major thoroughfare.
- b. Areas of population concentration.
- c. Concentration of commercial, industrial, and/or other business centers. 4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstruction.
- d. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
- e. Other specifically identified reason(s) creating facility need.

Section 15.05 Application Requirements

- A. A site plan prepared in accordance with the requirements of Article 18 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

- B. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure based, accessory base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- C. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with the other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- D. The application shall include a description of security to be posted at the time of receiving building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the attorney for the community and recordable at the office of the register of deeds, established a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the community in securing removal.
- E. The application shall include a map showing existing and known proposed wireless communication facilities within the village, further showing exist and known proposed wireless communication facilities within areas surrounding the borders of the village in the location and in the areas which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If and to extend the information in question is on file with the community, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of government policy. MCL 15.243(1)(g). This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
- F. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- G. The application fee, in the amount specified by Village council resolution.
- H. The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in the general regulations above.

Section 15.06 Colocation

- A. **Statement of policy.** It is the policy of the Village to minimize the overall number of locations for wireless communication support structures within the community and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent set forth in Section 15.01. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Village that all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above. If a provider fails or refuses to permit co location on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of an indirect contradiction to the basic policy, intent and purpose of the Village. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Village.
- B. **Feasibility of colocation.** Colocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
1. The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.
 2. The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 3. The colocation being considered is technologically reasonable; e.g., the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structures, antennas, and the like.
 4. The height of the structures necessary for colocation will not be increased beyond a point deemed to be permissible by the planning commission taking into consideration the several standards contained in this Article 15.
- C. **Requirements for colocation.**
1. Approval of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
 2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.
 3. The policy of the community is to promote colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use and shall not be altered, expanded or extended in any respect.

4. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and use of a new wireless communication support structure, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Village. Consequently such party shall take responsibility for the violation and shall be prohibited from receiving approval for a new wireless communication support structure within the Village for a period of five (5) years from the date of the failure or refusal to permit the colocation. Relief from this five-year prohibition may be granted by the zoning board of appeals providing that the applicant, to the satisfaction of the ZBA, demonstrates that enforcement of the five-year prohibition would be an unreasonable discrimination among providers of functionally equivalent wireless communication services, or, that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

Section 15.07 Removal

- A. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of the following events:
 1. When the facility has not been used for more than one hundred eighty (180) consecutive days. The removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered, for purposes of this section, as the beginning of a period of nonuse.
- B. The situations in which removal of a facility if required, as set forth in paragraph (1) above, it may be applied and limited to portions of a facility.
- C. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, the property owner or person who had used the facility shall immediately apply or secure the application for any required demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the director of the building department, or his designee. Removal of the top six (6) feet of the concrete foundation and backfilling with acceptable clean fills shall be part of any demolition plan.
- D. If the required removal of a facility, or a portion of the facility, has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected or enforced from the security posted at the time application was made for establishing the facility.
- E. The person who had used the facility shall immediately notify the Village clerk in writing if and as soon as use of a facility ceased

Section 15.08 Effect and Approval

- A. Final approval under this section shall be effective for a period of six (6) months.

- B. If construction of a wireless communication facility is commenced within one mile of the land on which another similar facility has been approved, but on which construction has not started within the six-month period of site plan effectiveness, the approval for the similar facility shall be void in thirty (30) days, following notice from the Village of the commencement of the other facility unless the applicant granted approval of the similar facility which has not been commenced demonstrates that it would not be feasible for it to collocate on the facility that has been newly commenced.”

**ARTICLE 16
RESERVED**

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ARTICLE 17

SPECIAL APPROVAL USES

Section 17.01 Purpose

Special approval uses serve an area, interest or purpose that extends beyond the borders of the Village, create particular problems of control in relation to adjoining uses or districts, have detrimental effects upon public health, safety or welfare, or possess other unique characteristics that prevent such uses from being permitted as principal uses in a particular zoning district.

This Article is intended to provide a consistent and uniform method for review of special approval use applications, ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances and state and federal laws, achieve efficient use of the land, prevent adverse impacts on neighboring properties and districts, protect natural resources and facilitate development in accordance with the land use objectives of the Master Plan and any sub-area plans.

Section 17.02 Application Requirements

Special approval use applications shall be submitted in accordance with the following:

- A. **Eligibility.** The application shall be submitted by the owner or operator of the proposed use, the owner of an interest in the lot where the special approval use would be located, or by the owner or operator's designated agent. The applicant or agent is required to be present at all scheduled review meetings.
- B. **Requirements.** Special approval use applications shall be submitted to the Village on the forms and according to the guidelines provided by the Village, and shall include the following information:
 - 1. The applicant's name, address, telephone and facsimile numbers.
 - 2. The names and addresses of all owners of record, and proof of ownership. If the property is leased by the applicant, a copy of the lease shall be provided, along with the owner's signed authorization for the application.
 - 3. Legal description, address, location and tax identification number of the property.
 - 4. A detailed description of the proposed use.
 - 5. A site plan that meets the requirements of Article 18 (Site Plan Review).
 - 6. Appropriate review fees, as determined by Village Council.
 - 7. Any other information deemed necessary by the Planning Commission to determine compliance with the standards for approval set forth in this Ordinance.

Section 17.03 Review Procedure

After a complete and accurate application has been received with appropriate review fees, the application shall be reviewed in accordance with following procedure:

- A. **Acceptance for processing.** The application shall be placed on the agenda of the next available regularly-scheduled Planning Commission meeting to set a public hearing date.
- B. **Coordination with site plan review.** A site plan associated with a special approval use shall not be approved unless the special approval use has first been approved. The Planning Commission may, at its discretion, consider special approval use and site plan applications at the same meeting, or may require that the site plan be submitted for review following approval of the special approval use.
- C. **Technical review.** Prior to Planning Commission consideration, application materials and plans shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission, the application materials and plans may also be submitted to applicable outside agencies and designated Village consultants for review and comment.
- D. **Public hearing.** A public hearing shall be held for all special land uses in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures).
- E. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special approval use, together with any reports and recommendations from staff, consultants and other reviewing agencies, and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and Section 17.05 (Special Approval Use Standards). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the special approval use as follows:
 - 1. **Postponement.** The Planning Commission may postpone consideration of a special approval use application upon determining that the application is not sufficiently complete, or upon a request by the applicant.
 - 2. **Denial.** The Planning Commission may deny the special approval use upon determining that the application is not in compliance with the provisions of this Ordinance, including Section 17.05 (Special Approval Use Standards), or would require extensive modifications to comply with Ordinance standards and regulations. If a special approval use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Planning Commission to deny the special approval use.
 - 3. **Approval.** The Planning Commission may approve the special approval use upon determining that the use is in compliance with the provisions of this Ordinance, including Section 17.05 (Special Approval Use Standards). Upon approval, the use shall be deemed a conforming use, subject to any conditions imposed and final approval of any required site plan. Such approval shall affect only the lot or portion thereof upon which the use is located.

4. Approval subject to conditions. The Planning Commission may approve a special approval use subject to reasonable conditions that are in accordance with one or more of the following:
 - a. Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of the residents and landowners immediately adjacent to the special approval use, and the community as a whole.
 - b. Conditions shall be related to the valid exercise of the police power and purposes affected by the proposed special approval use, or necessary to meet the intent and purpose of this Ordinance.
 - c. Conditions shall be related to the standards established in this Ordinance for the special approval use under consideration, or necessary for compliance with those standards.

- F. **Recording of special approval use action.** Planning Commission action on the special approval use shall be recorded in the Commission meeting minutes, stating the name, description and location of the proposed use, and the grounds for the Commission's action. The Chairman or his designee shall forward one (1) copy of the written record to the applicant, and shall keep one (1) copy on file in the Village.

Section 17.04 Special Approval Use Resubmission, Appeals, Expiration or Revocation

- A. **Resubmission.** A special land use application that has been denied shall not be resubmitted for a period of three hundred sixty-five (365) days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.
- B. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of special approval use determinations by the Planning Commission.
- C. **Expiration of special land use approval.** Special approval use approval shall expire three-hundred sixty-five (365) days after the date of approval, unless the use has been established on the site, or the final site plan associated with the special approval use has been submitted to the Village for review. Special approval uses shall also expire upon expiration of the approved final site plan associated with a special approval use. Upon written request received by the Village prior to the expiration date, the Planning Commission may grant one (1) extension of up to one hundred eighty (180) days, provided that the special approval use conforms to current Zoning Ordinance standards.
- D. **Rescinding approval of special land uses.** Approval of a special approval use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special approval use approval. Such action shall be subject to the following:
 1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing

Procedures), at which time the owner or operator of the use or owner of an interest in land for which the special approval use was sought, or the owner or operator's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

Section 17.05 Special Approval Use Standards

Approval of a special approval use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards applicable to the use:

- A. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the community, neighborhood, or region, whichever may be applicable based on the characteristics of the use.
- B. **Compatibility with adjacent uses.** The use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
- C. **Compatibility with the Master Plan.** The location and character of the use is consistent with the general principles, goals, objectives and policies of the adopted Village of South Rockwood Master Plan and any sub-area plans.
- D. **Compliance with applicable regulations.** The use is in compliance with all applicable Zoning Ordinance provisions, Village codes and ordinances, federal and state laws and outside agency regulations.
- E. **Public services.** Approval of the proposed use will not have an undue impact upon public services, and will not exceed the existing or planned capacity of public services including but not limited to utilities, streets, police and fire protection services, and educational services.
- F. **Traffic impacts.** The use is designed and located in a manner that minimizes any potentially adverse traffic impacts.
- G. **Impact upon the environment and the public health, safety, and welfare.** The use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts.
- H. **Isolation of existing uses.** Approval of the use will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

Section 17.06 Operation and Maintenance

It shall be the responsibility of the owner of the property and the operator of the special approval use to develop, improve, operate and maintain the use, (including the site, buildings and all site elements), in accordance with the provisions of this Ordinance and all conditions of approval, until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of this Ordinance.

The Building Official shall investigate special approval uses as necessary to determine continuing compliance with this Ordinance.

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ARTICLE 18

SITE PLAN REVIEW

Section 18.01 Purpose

The purpose of this Article is to establish procedures and standards that provide a consistent method of review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances. Differing review processes are established to ensure that the type and intensity of review and amount of required information is directly proportional to the scale of the project and the intensity of the use. It is the further purpose of this Article to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the Village and the applicant, and facilitate development in accordance with the Village's land use goals, objectives and design guidelines as identified in the Master Plan.

Section 18.02 Type of Review Required

Construction and development activities will fall under one of three review classifications: exempt activities, administrative review, or site plan review.

- A. **Exempt Activities.** Activities that have a relatively low level of impact on adjacent land uses, or because compliance with applicable building, fire and zoning regulations can be addressed by other means are exempt from site plan review. Exempt activities include the following:
1. A single-family dwelling and accessory structures on a single lot, and family child day care homes, as licensed by the State of Michigan.
 2. Utility system improvements, and modifications to upgrade a building to improve barrier-free design or comply with the Americans with Disabilities Act or similar regulations.
 3. Any excavation, filling, soil removal, mining, or creation of ponds that are less than 1,000 square feet in area, provided that such activity is normally and customarily incidental to single family and agricultural uses described in this subsection for which site plan approval is not required.
- B. **Administrative Review.** The following activities shall be eligible for administrative plan review in accordance with Section 18.05:
1. Minor changes during construction due to unanticipated site constraints, or to improve safety, protect natural features or comply with unanticipated requirements of outside agencies.
 2. Landscape changes to similar species consistent with the standards of Article 11 that do not reduce the total amount of landscaping on the site.
 3. Changes to a structure or site required by the Building Official for safety considerations.

4. Establishment of home occupations specifically listed as a permitted use in Section 6.204 (Home Occupations) of this Ordinance.
 5. Bike path, pathway or sidewalk construction or relocation.
 6. Waste receptacle relocation to a more inconspicuous location or installation of screening around the waste receptacle.
- C. **Site Plan Review.** Site plan review is the most involved process, including most new developments or major expansions. Except as provided in the preceding Sections 18.02.A and 18.02.B, the development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require prior site plan approval pursuant to this Article. For example, site plan review shall be required for any of the following activities:
1. Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, other than a single family dwelling.
 2. Any development which would, if approved, provide for the establishment of more than one principal use on a parcel, such as, for example, a single family site condominium or similar project where a parcel is developed to include two (2) or more sites for detached single family dwellings.
 3. Development of non-single family residential uses in single family districts.
 4. Any change in use that could affect compliance with the standards set forth in this Ordinance.
 5. Expansion or paving of off-street parking and/or a change in circulation or access for other than a single family dwelling.
 6. Any excavation, filling, soil removal, mining or landfill, or creation of a non-exempt pond (i.e. a pond greater than 1,000 sq. ft. in surface area – see Section 18.02.A(3)).
 7. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single family dwelling.
 8. Any use or development for which submission of a site plan is required by the provisions of this Ordinance.

Section 18.03 Informal Review of Conceptual Plans

Applicants are encouraged to meet with the Planning Commission for informal review of conceptual site plans. The purpose of this informal review is to discuss applicable standards and technical issues, comment on the project's compliance with the standards of this Ordinance, and determine the appropriate type of review process. The applicant or Planning Commission may also request input from the Building Official and other Village staff or consultants. Conceptual plans should, at minimum, include the proposed use, building footprint, existing conditions, general site layout and conceptual grading. Conceptual plan review comments are non-binding, and should be considered by the applicant to be suggestions and recommendations only. A review fee may be required for conceptual plan review, as determined by Village Council resolution.

Section 18.04 Site Plan Review Procedure

All site plans shall be reviewed according to following procedures:

- A. **Application.** The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the Village. The site plan shall be prepared in accordance with the provisions of this Article, including all appropriate information required by Section 18.09 (Required Information). A site plan that does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.
- B. **Technical review.** Prior to Planning Commission consideration, the site plan and application shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission, the plans shall also be submitted to applicable outside agencies and designated Village consultants for review and comment.
- C. **Preliminary Site Plan Review.**
1. **Planning Commission Review.** Once a complete application form and site plan meeting all of the requirements of this Article is submitted, Village administration will place the item on an available Planning Commission agenda for consideration for preliminary site plan approval. The Planning Commission shall review the site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of Section 18.10 (Standards for Site Plan Approval). In the case of a condominium development, the Planning Commission shall recommend that the Village Council approve, approve with conditions, or deny the preliminary site plan.
 2. **Planning Commission Decision.** The Planning Commission (or, in the case of a condominium development, the Village Council) is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:
 - a. ***Postponement.*** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - b. ***Denial.*** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the Planning Commission to deny approval of the site plan.

- c. *Approval.* Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan shall be approved.
 - d. *Approval subject to conditions.* The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.
3. Effect of Preliminary Approval. Approval of the preliminary site plan shall mean that the proposed project generally meets the requirements of this Ordinance. Subject to any conditions imposed by the Planning Commission, final approval will be granted if:
- a. All state and county approvals are obtained; and
 - b. No unresolved negative comments are received by any governmental agencies or public utilities; and
 - c. All federal, state and local laws and ordinances are met; and
 - d. All conditions imposed during preliminary plan approval are met.
- D. **Final Plan Review.** The procedures for final site plan review are outlined below.
- 1. Planning Commission Review and Decision. The Planning Commission shall review the final site plan and any requested reports and recommendations from Village staff, consultants, and other reviewing agencies. The Planning Commission shall then approve, approve with conditions, or deny the site plan. Nothing in this ordinance shall prohibit the Planning Commission from granting final site plan approval without first granting a preliminary site plan approval if the plans are in compliance with the requirements of this Ordinance.
 - 2. Recording of site plan action. Planning Commission action on the site plan shall be recorded in the Commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the Commission’s action. The Chairman or his designee shall mark and sign two (2) copies of the site plan “APPROVED” or “DENIED” as appropriate, with the date that action was taken and any conditions of approval. One (1) copy shall be kept on file in the Village, and one (1) shall be returned to the applicant.
- E. **Outside agency permits or approvals.** The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies.
- F. **Review of construction plans.** The applicant shall submit construction plans to the Village for review and approval prior to the start of work on the site, along with copies of all necessary permits or approvals from outside agencies.

1. Approval of construction plans. Construction plans shall be subject to administrative review and approval by the Building Official, except under the following circumstances:
 - a. Construction plans for any multiple-family, condominium or other residential development not addressed by the Village Subdivision Regulations or Article 19 (Site Condominiums) of this Ordinance shall be submitted to the Commission for review and approval prior to approval by the Building Official.
 - b. A provision of this or other Village Ordinance requires Planning Commission and/or Village Council consideration of construction plans.
 - c. The Planning Commission may, as a condition of site plan approval, require that construction plans also be submitted to the Commission for review and approval prior to approval by the Building Official.
 - d. If the Building Official determines that the site design or improvements shown on the construction plans have been materially altered from that shown on the approved site plan, the construction plans shall be submitted to the Planning Commission for consideration as an amended site plan, prior to approval by the Building Official.

2. Standards for construction plan approval. Construction plan approval shall be granted when all of the following requirements are met:
 - a. The site design shown on the construction plans is consistent with the approved site plan, except for changes that do not materially alter the approved site design or address site plan or special approval use conditions of approval.
 - b. All applicable engineering standards and building and fire code requirements have been addressed to the satisfaction of the Building Official.
 - c. All local, county and state requirements that apply to the site or proposed use have been satisfied, and all necessary outside agency permits or approvals have been obtained by the applicant.

3. Recording of construction plan action. After action has been taken on the construction plans, at least two (2) copies of the construction plan shall be marked by the Building Official “APPROVED” or “DENIED” as appropriate, with the date that action was taken. At least one (1) copy shall be returned to the applicant, and one (1) copy shall be kept on file in the Village.

Section 18.05 Administrative Review Procedure

The following shall apply to all site plans eligible for administrative review:

- A. **Application requirements and procedures.** The application requirements and procedures for administrative review shall be the same as for Planning Commission site plan review, as outlined in Section 18.04 (Site Plan Review Procedure), except that the

Building Official shall have the authority to approve, approve subject to conditions, or deny the site plan.

- B. **Appeals to the Planning Commission.** The Building Official or the applicant shall have the option to request Planning Commission consideration of site plans eligible for administrative review. All appeals of administrative review determinations shall be made to the Planning Commission. In such cases, the Planning Commission shall review the site plan in accordance with the procedures outlined in Section 18.04 (Site Plan Review Procedure).
- C. **Reports to the Planning Commission.** The Building Official shall periodically make a report to the Planning Commission of all administrative site plan review actions.

Section 18.06 Approval of Phased Developments

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

- A. The site design and layout for all phases and outlots shall be shown on the preliminary site plan to ensure proper development of the overall site.
- B. Improvements associated with each phase shall be clearly identified on the preliminary site plan, along with a timetable for development. All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- C. Each phase shall be subject to a separate construction plan review by the Planning Commission. The Planning Commission may require changes to future phases of the development as part of construction plan review in response to changes in site conditions, Master Plan or any sub-area plans recommendations, or amended Zoning Ordinance provisions that affect the character, design or use of the site.

Section 18.07 Site Plan Resubmission, Appeals, Expiration or Revocation

- A. **Resubmission.** A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements and review procedures as a new site plan submitted in accordance with this Article.
- B. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of site plan determinations, except as follows:
 - 1. The Zoning Board of Appeals shall have the authority to consider appeals of determinations related to the type of review required under Section 18.02 of this Article (Type of Site Plan Review Required).
 - 2. When the Planning Commission approves a site plan contingent upon approval of one or more variances from specific requirements of this Ordinance, the applicant shall initiate such a request to the Zoning Board of Appeals. The Chairman or his designee shall provide copies of the site plan, application materials and Planning Commission meeting minutes to the Zoning Board of Appeals. Zoning Board of Appeals consideration shall be limited to the specific

variances identified as conditions of site plan approval by the Planning Commission.

C. Expiration of plan approval.

1. Site plan approval. Site plans shall expire three-hundred sixty-five (365) days after the date of approval, unless the construction plan for the project has been submitted to the Village for review.
2. Construction plan approval. Construction plans shall expire three hundred sixty five (365) days after the date of final approval, unless building permits have been issued or construction has commenced. If such construction has commenced, construction plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than one-hundred eighty (180) continuous days, said approval shall immediately expire.
3. Extension of approval. Upon written request received by the Village prior to the expiration date, the Planning Commission may grant one (1) extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan or construction plan remains in conformance with all applicable provisions of this Ordinance.

D. Rescinding approval of site plans. Approval of a site plan may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:

1. Public hearing. Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. Determination. Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

Section 18.08 Revisions to Approved Site Plans

Minor revisions to an approved site plan may be administratively reviewed by the Building Official, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. If, in the opinion of the Building Official, revisions to an approved site plan are not minor, the site plan shall be reviewed by the Planning Commission as an amended site plan following the procedures of Section 18.04.

Section 18.09 Required Information on Site Plans

A. Application Form. The application form shall contain the following information:

1. Applicant's name and address.
2. Name and address of property owner, if different from applicant.

3. Common description of property and complete legal description including the Tax Identification number.
 4. Dimensions of land and total acreage.
 5. Existing zoning.
 6. Proposed use of land and name of proposed development, if applicable.
 7. Proposed buildings to be constructed, including square feet of gross floor area.
 8. Proof of property ownership.
 9. Employment opportunities created, if applicable.
 10. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
- B. **Descriptive and Identification Data.** Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch = 20 feet for property less than 1 acre, 1 inch = 30 feet for property larger than 1 acre but less than 3 acres, and 1 inch = 50 feet for property larger than 3 acres. All plan sheets shall be 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:
1. Applicant's name and address, and telephone number.
 2. Title block indicating the name of the development.
 3. Scale.
 4. Northpoint.
 5. Dates of submission and revisions (month, day, year).
 6. Location map drawn to scale with northpoint.
 7. Legal and common description of property.
 8. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
 9. A schedule for completing the project, including the phasing or timing of all proposed developments.
 10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
 11. Written description of proposed land use.
 12. Zoning classification of applicant's parcel and all abutting parcels.

13. Proximity to driveways serving adjacent parcels.
14. Proximity to section corner and major thoroughfares.
15. Notation of any variances which have or must be secured.
16. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.

C. Site Data.

1. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
2. Front, side, and rear setback dimensions.
3. Topography on the site and within 100 feet of the site at one foot contour intervals, referenced to a U.S.G.S. benchmark. Spot elevations may also be required by the reviewing authority if necessary to determine drainage patterns on the site, particularly to ensure that stormwater runoff will not drain onto a neighboring property.
4. Proposed site plan features, including buildings, roadway widths and names, and parking areas.
5. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
6. Acceleration, deceleration, and passing lanes, where required.
7. Proposed location of driveway entrances and on-site driveways.
8. Typical cross-section of proposed roads and driveways.
9. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
10. Location and dimensions of wetland areas. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.
11. Location of sidewalks within the site and within the right-of-way.
12. Exterior lighting locations and method of shielding lights from shining off the site.
13. Trash receptacle locations and method of screening, if applicable.
14. Transformer pad location and method of screening, if applicable.
15. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.

16. Information needed to calculate required parking in accordance with Zoning Ordinance standards.
17. The location of lawns and landscaped areas, including required landscaped greenbelts.
18. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.
19. Location, sizes, and types of existing trees five (5) inches or greater in diameter, measured at one (1) foot off the ground, before and after proposed development.
20. Cross-section of proposed berms.
21. Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.
22. Designation of fire lanes.
23. Loading/unloading area.
24. The location of any outdoor storage of materials and the manner by which it will be screened.

D. Building and Structure Details.

1. Location, height, and outside dimensions of all proposed buildings or structures.
2. Indication of the number of stores and number of commercial or office units contained in the building.
3. Building floor plans.
4. Total floor area.
5. Location, size, height, and lighting of all proposed signs.
6. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
7. Building facade elevations, drawn to a scale of one (1) inch equals four (4) feet, or another scale approved by the Building Official and adequate to determine compliance with the requirements of this Ordinance. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory building, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers, including the method of screening such equipment. Such equipment shall be screened from view of adjacent properties and public rights of way. Such screening shall be designed to be perceived as an integral part of the building design.

E. Utility, Drainage, and Related Items.

1. Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; and, the location of gas, electric, cable, fiber-optic, telephone, and all other utility lines.
2. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.
3. Indication of site grading and drainage patterns.
4. Types of soils and location of floodplains and wetlands, if applicable.
5. Soil erosion and sedimentation control measures.
6. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
7. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
8. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.
9. Underground storage tanks locations.
10. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.

F. Information Concerning Residential Development.

1. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
2. Density calculations by type of residential unit (dwelling units per acre).
3. Lot coverage calculations.
4. Floor plans of typical buildings with square feet of floor area.
5. Garage and carport locations and details, if proposed.
6. Pedestrian circulation system.
7. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads.
8. Community building location, dimensions, floor plans, and facade elevations, if applicable.

9. Swimming pool fencing detail, including height and type of fence, if applicable.
10. Location and size of recreation open areas.
11. Indication of type of recreation facilities proposed for recreation area.
12. At least two conceptual plans shall be submitted if directed by the Planning Commission for its review of a proposed residential development twenty (20) acres or larger in area. The Planning Commission shall have the authority to select the conceptual plan that best meets the intent and requirements of this Ordinance and the Village Master Plan.

G. Information Applicable to Manufactured Home Parks.

1. Location and number of pads for mobile homes.
2. Distance between mobile homes.
3. Proposed placement of mobile home on each lot.
4. Average and range of size of mobile home lots.
5. Density calculations (dwelling units per acre).
6. Lot coverage calculations.
7. Garage and carport locations and details, if proposed.
8. Pedestrian circulation system.
9. Location and names of roads and internal drives.
10. Community building location, dimensions, floor plans, and facade elevations, if applicable.
11. Swimming pool fencing detail, including height and type of fence, if applicable.
12. Location and size of recreation open areas.
13. Indication of type of recreation facilities proposed for recreation area.

H. Information Applicable to Condominium Development. The following information shall be provided with all site plans including condominium development:

1. Condominium documents, including the proposed Master Deed, restrictive covenants, and condominium bylaws.
2. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau, or the successor Acts or Rules to P.A. 59 of 1978 and Rule 401.

- I. **Non-Applicable Items of Information.** If any of the items of information required by this Section 18.09 are not applicable to the review of a particular site, the applicant may submit a list of each item considered not applicable along with the reason or reasons why each listed item is not applicable. The Planning Commission shall review the list and determine if any of the items included in the list are necessary and must be provided on the site plan. The applicant must then provide the items of information on the site plan for Planning Commission review.
- J. **Other Information That May Be Required.** Village administrative officials, the Planning Commission, or the Village Council may require other information be provided if such additional information is deemed necessary to determine compliance with the provisions in this Ordinance. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

Section 18.10 Standards for Site Plan Approval

The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:

- A. **Adequacy of information and compliance with Ordinance requirements.** The site plan includes all required information in a complete and understandable form that provides an accurate description of the proposed uses, structures and site improvements. The site plan complies with all applicable Ordinance requirements, including but not limited to minimum floor space, height of building, lot size, yard space and density.
- B. **Site design characteristics.** All elements of the site design are harmoniously and efficiently organized in relation to topography, parcel configuration, adjacent properties, traffic operations, adjacent streets and driveways, pedestrian access, and the type and size of buildings. The site is designed in a manner that promotes the normal and orderly development of surrounding property for uses permitted by this Ordinance.
- C. **Site appearance and coordination.** Site elements are designed and located so that the proposed development is aesthetically pleasing and harmonious with adjacent existing or future developments. All site features, including vehicle and pedestrian circulation, building orientation, landscaping, lighting, utilities, recreation facilities, and open space are harmonious and coordinated with adjacent properties.
- D. **Preservation of site features.** The site design preserves and conserves natural, cultural, historical and architectural site features, including but not limited to architecturally or historically significant buildings, archeological sites, wetlands, topography, tree-rows and hedgerows, wooded areas and significant individual trees.
- E. **Pedestrian access and circulation.** The arrangement of public or common ways for pedestrian circulation connects to existing or planned sidewalks or bicycle pathways in the area, and is insulated as completely as possible from the vehicular circulation system. The site design complies with applicable federal, state, and local laws and regulations regarding barrier-free access.
- F. **Vehicular access and circulation.** Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site.

- G. **Building design and architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to texture, scale, mass, proportion, materials and color.
- H. **Parking and loading.** Off-street parking lots and loading zones are arranged, located and designed to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, enhance the character of the neighborhood, and promote shared-use of common facilities by adjoining properties.
- I. **Landscaping and screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.
- J. **Exterior lighting.** All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
- K. **Impact upon public services.** The impact upon public services will not exceed the existing or planned capacity of such services, and adequate public services (including but not limited to utilities (water, sanitary & storm sewers, county drains, natural gas, electricity and telephone), streets, police and fire protection, public schools and sidewalks/bicycle paths) are available or provided to the site, and are designed with sufficient capacity and durability to properly serve the development.
- L. **Drainage and soil erosion.** Drainage systems, stormwater facilities, and soil erosion, sedimentation and dust control measures are arranged, located and designed to promote shared-use of common facilities by adjoining properties. Adjoining properties, public rights-of-way and the capacity of the public storm drainage system will not be adversely affected by stormwater runoff and sedimentation.
- M. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed the Village's emergency response capabilities.

Section 18.11 Development and Maintenance in Accordance with an Approved Site Plan

It shall be the responsibility of the owner of the property for which site plan approval has been granted to develop, improve and maintain the site, including the use, buildings and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Building Official shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to rescind site plan approval.

ARTICLE 19

SINGLE FAMILY SITE CONDOMINIUM DEVELOPMENT STANDARDS

Section 19.01 Purpose

The purpose of this Article is to recognize that conventional single family developments, traditionally developed under the platting process, Act 218 of Public Acts of 1967 as amended (Subdivision Control Act) can now be developed pursuant to Act 59 of Public Acts of 1978 as amended (Condominium Act). This Article 19 is intended to set standards for developments in a single family residential district which will provide projects with the same physical attributes and features as a traditional subdivision, maintain the same checks and balances to protect the public health, safety and welfare while permitting the construction of the single family development under the Condominium Act as site condominiums.

Section 19.02 Administrative Procedures

- A. **Application.** Application for approval shall be made by the owner or their designated and authorized agent on a form prescribed for this purpose by the Village, of any tract where the Single Family Site Condominium is contemplated. The application shall be accompanied by a fee as indicated in the Schedule of Fees adopted by the Village Council and the information required by this Ordinance and such other information which shall permit the Planning Commission to make a determination concerning the purpose and requirements of this Ordinance.
- B. **Submittal Requirements and Approval Procedures.** Single Family Site Condominiums shall be reviewed and approved following the procedures for site plan review set forth in Article 18, with the exception that Village Council approval is required for preliminary site plan approval for a condominium development. All information required for a site plan in Article 18 must be submitted for Single Family Site Condominium review.

Section 19.03 Design Standards

- A. **Building Lots.** There shall be compliance with all requirements of the Schedule of Regulations, and other provisions of the Zoning Ordinance with the understanding that reference to "lot" in such regulations shall mean and refer to "building site" as defined in this Section, and reference to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "building envelope" as defined under this Section. In the review of a site condominium, it is recognized that it may not be feasible to precisely apply traditional definitions and measures applicable to developments. However, the review of plans submitted under this Section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the current village development standards for rights-of-way and utilities.

- B. **Frontage.** Each building site shall front on and have direct access to a public street or onto a private street that complies in all respects to the current standards for a public street.
- C. **Street Design and Layout.**
1. Block Length. The distance along a particular street between intersecting streets determines the length of a block face. No block face shall exceed 900 feet in a site condominium, unless topography, natural features, or other conditions exist that, in the opinion of the Planning Commission, justify a departure from this standard. Where blocks longer than 900 feet are permitted, pedestrian connections through the block are required. The width and location of such pedestrian ways shall be subject to approval by the Planning Commission.
 2. Parallel Access Roads. Where the proposed site condominium contains or is adjacent to a thoroughfare or limited access highway, provision shall be made for a marginal access street approximately parallel to the boundary of the thoroughfare right-of-way. No condominium unit may be located between the parallel access road and the thoroughfare or limited access highway.
 3. Culs-de-sac. Culs-de-sac are discouraged, but may be permitted by the Planning Commission where topography, natural features, design, or other identifiable conditions exist that prevent the use of loop roads or traditional grid patterns. If permitted, culs-de-sac shall comply with the following standards:
 - a. No cul-de-sac street may exceed 750 feet in length, measured along the center line from the intersection of origin to the end of the right-of-way.
 - b. The minimum right-of-way radius for the turnaround portion of the cul-de-sac shall be 100 feet.
 - c. The minimum outside roadway diameter shall be 70 feet.
 - d. A landscape planting island with a minimum diameter of 20 feet shall be provided within the turnaround area. A minimum of 3 street trees shall be planted in each landscape island.
 - e. A hammerhead turnaround may be provided in lieu of a cul-de-sac if fewer than 10 condominium units gain access onto the street terminating in a hammerhead. The hammerhead shall have a minimum width of 60 feet and a minimum depth of 20 feet to permit adequate space for an emergency vehicle turnaround.
 4. Connections.
 - a. Provision shall be made within a site condominium for connection to existing streets on neighboring properties, or stub streets shall be provided to permit the continuation of streets within a condominium project onto adjacent properties in the future.
 - b. A dead-end street may be provided only if the dead end street is provided in anticipation of a future connection being made, if the dead end street

terminates at a perimeter property line, and if no more than 2 units gain their sole access onto the dead-end street.

5. **Sidewalks.** Sidewalks shall be provided on both sides of all streets within the condominium project and along perimeter streets adjacent to the condominium project. Where a single-loaded street is proposed, the Planning Commission may waive the requirement for sidewalks on the side of the street that does not contain units. All sidewalks shall have a minimum width of 5 feet, and shall be located one foot inside the street right of way or easement.

D. **Natural Features.** The condominium design shall take into consideration and preserve to the greatest extent possible existing natural features present on the site, including watercourses, wetlands, floodplains, significant trees and tree stands.

E. **Modifications.** The Planning Commission may recommend to the Village Council that modifications from the strict design standards of this Section 19.03 be permitted upon finding that undue hardship may result from strict compliance with the specific provisions or requirements of the Ordinance; that application of such provisions is impracticable; or that a modification would result in superior site layout and design.

The Planning Commission shall only recommend modifications that it deems necessary or desirable for the public interest. In making such a finding the Planning Commission shall take into account the nature of the proposed use of land and the existing land use in the vicinity, the number of persons to reside or work in the proposed site condominium project, and existing and potential traffic conditions in the vicinity.

The Planning Commission shall hold a public hearing regarding the requested modifications. The public hearing shall be noticed following the requirements of Section 1.12. Further, no modification shall be recommended unless the Planning Commission can make all of the following findings:

1. That there are such special circumstances or conditions affecting said property that the strict application of the provision of this Ordinance would clearly be impracticable or unreasonable. In such cases, the applicant shall first state their reason in writing as to the specific provision or requirement involved and submit them to the Planning Commission.
2. That the granting of the requested modification will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
3. That such modification will not violate the provision of this Ordinance related to:
 - a. Purpose and intent of the zoning district in which the project is being developed
 - b. The resulting density in the project if the modifications are approved will not exceed the maximum density achievable on the site if all of the standard and conventional zoning standards and requirements were followed. The applicant must submit a parallel plan showing how the site could be developed following all standard zoning requirements.
 - c. All applicable State Acts.

4. Approval of the requested modification will not have the effect of nullifying the interest and purpose of this Ordinance and the Land Use Plan of the Village.
 5. The Planning commission shall include its findings and the specific reasons therefore in its report of recommendation to the Village Council and shall also record its reasons and action in its minutes.
- F. **Village Design Guidelines.** To the greatest extent possible, site condominium developments shall comply with the Village’s Site Design Guidelines, as may be amended from time to time. In case of conflict between the standards included in this Article 19 and the standards included in the Village’s Site Design Guidelines, the provisions of this Article 19 shall control.

Section 19.04 Building Permits

- A. **Issuance of Building Permits.** Prior to the issuance of building permits for units, the applicant must demonstrate approval by Village, County and State entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal, storm drainage and other utilities. As to the phase in which the unit is located, prior to the issuance of a building permit, the Building Official shall determine that all improvements such as roads, water supply, sewage disposal, storm drainage and other utilities have been completed in accordance with approved plans. Prior to issuance of a building permit within a given phase the applicant shall comply with the requirements for performance guarantees set forth in applicable ordinances.
- B. **Submittal of “As Built” Surveys.** With respect to each building envelope, within 90 days following final inspection of the improvement, the applicant shall submit to the Building Official an "as built" survey which complies with the requirements of MCL 560.125-.126; MSA 26.430(125) (126), including dimensions between each improvement and the boundaries of the building site, and distance of each improvement from any wetland, floodplain and/or floodway. Monuments shall be located in the ground in accordance with the requirements of MCL 560.125; MSA 26.430(125).

Section 19.05 Condominium Documents

- A. **Submittal.** The developer shall furnish the Village with one copy of the master deed, one copy of all restrictive covenants, and one copy of the proposed association bylaws for review and approval prior to final approval of the site condominium. The Village may grant final approval to a condominium project subject to the subsequent review and approval of the condominium documents.
- B. **Amendments.** Any proposed amendment of a master deed which would involve any change in subject matter reviewed or reviewable under this Section shall be reviewed and approved by the Planning Commission prior to recordation.

ARTICLE 20

RESIDENTIAL UNIT DEVELOPMENT

Section 20.01 Purpose

The purpose of the Residential Unit Development (RUD) is to permit optional methods of development on sites 40 acres and greater in all single-family residential districts thereby allowing a mixture of types of residential units. It is further the intent of this Article to permit development of residential patterns which encourage innovation in land use and variety in design, layout and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy and the provisions of public services and utilities; encourage useful open space and provide better housing suited to the needs of the residents of the Village while insuring integration of the proposed development with the characteristics of the general planning area. Development under this Article shall be in accordance with a comprehensive physical plan establishing functional use areas, density patterns, open space and recreation areas and a fixed system of residential streets without unduly inhibiting the advantages of modern large scale site planning for residential purposes. The following regulations shall apply to all RE, RL, R-1A, R-1B, and R-M districts and shall be subject further to the provisions of all applicable South Rockwood Ordinances.

Section 20.02 Development Option

The Residential Unit Development (RUD) is an optional method of development which may be permitted only after review and recommendation by the Planning Commission and approval of the Village Council, after having found that the proposed RUD reflects all of the following basic principles:

- A. The proposal is in conformity with the spirit and intent of the Residential Unit Development option as established in the Purpose Section of this Article.
- B. The site contains natural features or assets such as large stands of trees, rolling topography, significant views, floodplains, or wetlands which would be in the best interest of the community to preserve and which would otherwise be substantially destroyed under normal subdivision development.

This determination shall be made by the Planning Commission and Village Council after review of a documented site analysis to be submitted by the applicant. If, after review of the site analysis, a determination is made that the site does not contain any natural assets which would be in the best interests of the community to preserve, the Planning Commission and Council may give further consideration to the proposal if provisions are made within the development to provide open space which would provide a buffer between a major thoroughfare or expressway, or provide a usable recreation open space with reasonable access to all lots of the development (the intent being to provide neighborhood recreation open space and to supplement the existing natural features of the Village). The recreation open space and/or buffer area would be developed in a manner with tree planting, etc. which would, over time, create a natural asset for the development and the community as a whole.

- C. The proposed development shall be in harmony with the existing and proposed land patterns of adjacent properties, and the general planning area and shall not result in a negative impact on the stability and orderly development of adjacent lands and the general planning area as indicated by the Future Land Use Plan.
- D. The proposed height, bulk, location and character of the structures proposed shall be in harmony with the existing and proposed structures of adjacent lands and the general planning area and shall not result in a negative impact on the stability and orderly development of adjacent lands and the general planning area as indicated by the Future Land Use Plan.
- E. The proposed location of uses which are of a significantly different scale or character than that of the abutting residential districts such as access drives, parking areas, solid waste pick-up points, swimming pools, tennis courts and facilities of a similar nature, on the subject property, shall be in harmony with the existing and proposed land patterns of adjacent properties and the general planning area and shall not result in a negative impact on the stability of the overlay development of adjacent lands and the general planning area as indicated by the Future Land Use Plan.
- F. The site has a gross area of 40 acres or greater.

Section 20.03 Permitted Uses

The following uses shall be permitted in all projects developed under the RUD option:

- A. All principal permitted uses, accessory uses and uses subject to special conditions (upon approval after public hearing) allowed within the current residential zoning for the subject property shall be permitted. Said uses shall be subject to the requirements of the applicable zoning district
- B. Two (2) family dwellings
- C. Attached single family dwelling clusters, which shall be defined as the attaching of no more than four (4) single family dwellings. The method by which the units may be attached shall be limited to the following.
 - 1. Attachment may occur by the use of a common party wall in the garage portion of the unit only.
 - 2. Attachment may occur by the use of obscuring walls, architectural screens or fencing when the intent of these elements is to create a private outdoor area.
 - 3. Attachment may occur by the use of a common party wall which defines interior living or storage space provided that each dwelling unit shall be provided with a private exterior entrance with visual and physical separation from adjacent units and the exterior design of the structure is compatible with existing Single Family structures located in the development and the adjacent properties in architectural style, size overall floor area, height and with acoustic control standards as established by the Building Official for cluster housing.
 - 4. Detached single family dwelling clusters, which shall be defined as a group of two (2) or more detached single family dwellings located on a common parcel of

land held in one ownership or in condominium ownership, pursuant to the Condominium Act, and having any yard or court in common.

Section 20.04 Design Standards

RUDs shall comply with the following design standards:

- A. **Density.** The proposed density in an RUD shall not exceed that which could be permitted in the underlying zoning district. The number of dwelling units permitted in a RUD shall be determined by a parallel plan prepared by the applicant. The parallel plan shall be consistent with State, County, and Village requirements for a tentative preliminary plat, shall meet the requirements of the underlying zoning district for lot area, lot width, setbacks, public roads, and shall provide an area that conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope area to permit the construction of a reasonably sized house without impacting the area of any regulated wetland.

At the time of RUD Option plan review, the Planning Commission shall review the parallel plan and determine the number of units that could feasibly be constructed on the site. In no event shall the number of units permitted in the RUD exceed the number of units on the parallel plan plus ten percent (10%). The number of units determined by the Planning Commission shall be the maximum number of dwelling units permitted in the RUD, subject to the specific design standards of this Section.

- B. **Lot Size.** The minimum lot width and lot area may be reduced by 25% from that required in the underlying zoning district.
- C. **Open Space.** For each square foot of land gained in a residential subdivision through the reduction of lot size, at least an equal amount of land shall be dedicated to the common use of the owners and/or residents of the land as open space, and developed in a manner approved by the Planning Commission. A complete table illustrating the square footage reduction gained for each proposed lot shall be submitted with the proposal. The square footage reduction shall be determined by subtracting the proposed reduced lot area from the standard lot area as found in the Schedule of Regulations for the zoning of the subject property.

In no case shall open space account for less than 10% of the gross site area, regardless of the size of the requested lot reduction.

- D. **Building Separation.** Yard requirements for attached single family dwelling clusters and detached single family dwelling units shall be provided based on the following Sections. The actual arrangements of buildings, distance between buildings and intended use of yard areas shall be reviewed by the Planning Commission. The Planning Commission, after review of the proposed plan and based on the proposed use of yard areas and arrangements of buildings, may require additional distance between units or clusters of units in order to insure that the intent of the Ordinance and this Article is carried out and the public health, safety and welfare of the community is adequately served.
1. A minimum of ten (10) feet shall be provided between each detached unit except that the distance between garages or between a garage and living area may be reduced to eight (8) feet. In the above mentioned situations the applicant shall

clearly indicate the intended use of the area and the proposed elevations facing each other. Where the space between units is intended for use as an outdoor living space, the area shall be a minimum of twenty (20) feet.

2. Minimum spacing between cluster shall be determined by the number of living units that are arranged in any cluster group as shown in the following table.

Number of Living Units Per Cluster	Minimum Distance (feet) Between Clusters
1 Unit Cluster and 1 Unit Cluster	10
1 Unit Cluster and 2 Unit Cluster	15
1 Unit Cluster and 3 Unit Cluster	20
1 Unit Cluster and 4 Unit Cluster	25
2 Unit Cluster and 2 Unit Cluster	20
2 Unit Cluster and 3 Unit Cluster	25
2 Unit Cluster and 4 Unit Cluster	20
3 Unit Cluster and 3 Unit Cluster	25
3 Unit Cluster and 4 Unit Cluster	30
4 Unit Cluster and 4 Unit Cluster	30

E. Attached Dwelling Units.

1. Attached dwelling units may not represent more than thirty-five (35%) percent of the total number of dwelling units in the development.
2. The minimum floor area permitted for an attached dwelling unit shall be 1,200 square feet, and the average floor area of all attached dwelling units in the RUD shall be 1,300 square feet.
3. All attached dwelling units shall have at least a one car garage. The garage need not be attached to the building containing the dwelling units.
4. Carports are prohibited in an RUD.

F. Conditions Specific to RUDs Greater Than 80 Acres In Area. A perimeter strip of not less than three hundred sixty (360) feet in depth shall be placed around the outer boundaries of the total area where the proposed Residential Unit Development abuts, in whole or in part, land in a Single Family Residential Zoning District. The perimeter strip shall be developed in complete conformity with the requirements applicable to the abutting Single Family Residential Zoning District, and shall contain only single family dwellings; all other permitted uses or uses subject to special approval otherwise applicable to the zoning district shall be prohibited in the perimeter strip, provided, however, that a reduction in lot size may be permitted based upon the applicable abutting zoning district requirements. Provided further that the perimeter strip may be used for an elementary school, park, golf course, or other related open space which is recorded in perpetuity for said purpose. The perimeter strip may be permitted to be more or less than the required three hundred sixty (360) foot depth, when the total area of the development would be more properly related to a greater or lesser strip due to topography or existing development on the abutting land as determined by the Planning Commission.

The perimeter strip may contain attached single family dwelling clusters and detached single family dwelling clusters where the proposed Residential Unit Development abuts a major thoroughfare having an existing or ultimate right-of-way of one hundred twenty (120') feet or more. The density of such cluster shall not be greater than three and one-half (3.5) dwelling units per acre. The depth of the perimeter strip shall be measured from the nearest edge of street setback line, and shall not be less than three hundred sixty (360) feet depth.

G. Streets and Frontage.

1. Block Length. The distance along a particular street between intersecting streets determines the length of a block face. No block face shall exceed 900 feet in a site condominium, unless topography, natural features, or other conditions exist that, in the opinion of the Planning Commission, justify a departure from this standard. Where blocks longer than 900 feet are permitted, pedestrian connections through the block are required. The width and location of such pedestrian ways shall be approved by the Planning Commission.
2. Parallel Access Roads. Where the proposed site condominium contains or is adjacent to a thoroughfare or limited access highway, provision shall be made for a marginal access street approximately parallel to the boundary of the thoroughfare right-of-way. No condominium unit may be located between the parallel access road and the thoroughfare or limited access highway.
3. Culs-de-sac. Culs-de-sac are discouraged, but may be permitted by the Planning Commission where topography, natural features, design, or other identifiable conditions exist that prevent the use of loop roads or traditional grid patterns. If permitted, culs-de-sac shall comply with the following standards:
 - a. No cul-de-sac street may exceed 750 feet in length, measured along the center line from the intersection of origin to the end of the right-of-way.
 - b. The minimum right-of-way radius for the turnaround portion of the cul-de-sac shall be 100 feet.
 - c. The minimum outside roadway diameter shall be 70 feet.
 - d. A landscape planting island with a minimum diameter of 20 feet shall be provided within the turnaround area. A minimum of 3 street trees shall be planted in each landscape island.
 - e. A hammerhead turnaround may be provided in lieu of a cul-de-sac if fewer than 10 condominium units gain access onto the street terminating in a hammerhead. The hammerhead shall have a minimum width of 60 feet and a minimum depth of 20 feet to permit adequate space for an emergency vehicle turnaround.
4. Connections.
 - a. Provision shall be made within a site condominium for connection to existing streets on neighboring properties, or stub streets shall be provided to permit the continuation of streets within a condominium project onto adjacent properties in the future.

- b. A dead-end street may be provided only if the dead end street is provided in anticipation of a future connection being made, if the dead end street terminates at a perimeter property line, and if no more than 2 units gain their sole access onto the dead-end street.
- 5. **Sidewalks.** Sidewalks shall be provided on both sides of all streets within the condominium project and along perimeter streets adjacent to the condominium project. Where a single-loaded street is proposed, the Planning Commission may waive the requirement for sidewalks on the side of the street that does not contain units. All sidewalks shall have a minimum width of 5 feet, and shall be located one foot inside the street right of way or easement.
- 6. **Lot Access.** Each residential lot in a RUD shall have frontage on and each residential dwelling unit shall have direct access to an approved public road. Individual residential dwelling units in a RUD shall not have direct access onto a major thoroughfare, collector road or arterial road.
- H. **Natural Features.** The RUD shall take into consideration and preserve to the greatest extent possible existing natural features present on the site, including wetlands, floodplains, significant trees and tree stands.
- I. **Village Design Guidelines.** To the greatest extent possible, site condominium developments shall comply with the Village’s Site Design Guidelines, as may be amended from time to time. In case of conflict between the standards included in this Article 20 and the standards included in the Village’s Site Design Guidelines, the provisions of this Article 20 shall control.

Section 20.05 Review Procedures

A RUD application shall follow the process outlined herein subject to the public hearing and notice requirements for a special approval use, including a recommendation by the Planning Commission and approval by the Village Council. Approval granted under this Section 20.04, including all aspects of the final plan and documentation and conditions imposed thereon, shall constitute an inseparable part of the special approval use.

- A. **Summary of Review Procedure.** An RUD application shall proceed through the following review procedure:

Step	Review Procedure	Sub-Section
1	RUD OPTION REVIEW: <ul style="list-style-type: none"> • Planning Commission Public Hearing • Planning Commission recommendation to Village Council • Village Council decision 	20.04.C
2	PRELIMINARY SITE PLAN REVIEW: <ul style="list-style-type: none"> • Staff Review • Planning Commission review and decision 	20.04.D
3	FINAL SITE PLAN REVIEW: <ul style="list-style-type: none"> • Planning Commission review and recommendation to Village Council • Village Council decision • Village Council enacts RUD Agreement 	20.04.E

- B. **Pre-Application Conference.** In order to facilitate review of a planned residential development proposal in a timely manner, the applicant may request an informal pre-application conference with the Village staff and consultants. The purpose of a pre-application conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials.
- C. **RUD Option Review.** The first step in the RUD review process is Option review and approval. At this stage in the process the applicant must submit a RUD Option plan showing the proposed layout of the development, including the density, lot layout, lot size, and other major design features. This RUD Option plan, if approved, shall form the basis of future submittals. All site plans must be consistent with the approved RUD Option plan.
1. RUD Option Review Procedure. RUD Option review shall be conducted first by the Planning Commission and then by the Village Council at public meetings held pursuant to all applicable notice requirements. The Planning Commission shall hold a public hearing on the application and shall subsequently offer a recommendation to the Village Council. The Village Council shall then approve, approve with conditions, or deny the use of the RUD Option.
 2. Effect of RUD Option Approval. RUD Option approval shall mean that the proposed RUD project generally meets the requirements of this Ordinance. The approved RUD Option plan will establish the maximum density and appropriate site layout in a RUD. RUD Option approval shall not constitute approval of a preliminary plat, final plat, site plan, site condominium plan, or tree removal permit.
 3. Approval Period. Approval by the Council shall confer approval to develop the subject property under the terms and requirements of the RUD Option, conditions established by the concept plan and in the site analysis. Such approval shall be further subject to the following:
 - a. Approval Period: The approval of the Village Council grants the applicant a period of 18 months from the date of RUD Option approval by the Council to obtain final site plan or plat approval.
 - b. Extensions: Extensions of RUD Option approval may be granted by the Village Council upon written request of the applicant, and upon showing of good faith and effort by the applicant. Failure to request such extension shall be deemed an abandonment of the proposed RUD.
 4. Information Required for Conceptual Review. Refer to the table in subsection 20.04.F for the required information that must be submitted for RUD Option review.
 5. Review and Approval Criteria. The Planning Commission and Village Council shall consider the review criteria contained in sub-section E, below, in making a recommendation or decision on a RUD Option plan.
- D. **Preliminary Site Plan Review.** Once RUD Option approval is granted, the applicant may prepare a detailed site plan based on the RUD layout plan approved as part of RUD Option approval. The procedures for preliminary site plan review are outlined in this sub-section. The preliminary site plan shall be subject to the site plan review

requirements in Article 18 of this Ordinance, where applicable, as well as the additional requirements in this Section.

1. Planning Commission Review. Once a complete site plan meeting the requirements of this Ordinance is submitted, the site plan shall be forwarded to the Planning Commission for consideration. The Planning Commission shall review the preliminary plan and application for planned development, together with any requested reports and recommendations from Village consultants, staff and other reviewing agencies. The Planning Commission shall then approve, approve with conditions, or deny the proposed site plan.
2. Effect of Preliminary Approval. Approval of the preliminary site plan shall mean that the RUD project and plan generally meet the requirements of this Ordinance. Subject to any conditions imposed by the Planning Commission, final approval will be granted if:
 - a. All state and county approvals are obtained; and
 - b. No unresolved negative comments are received by any governmental agencies or public utilities; and
 - c. All federal, state and local laws and ordinances are met; and
 - d. All conditions imposed during preliminary plan approval are met.
 - e. If the Planning Commission determines that revisions are necessary to bring the RUD proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan for further review by the Planning Commission.
3. Information Required for Preliminary Plan Review. Refer to the table in subsection 20.04.F for the required information that must be submitted for preliminary site plan review.
4. Review and Approval Criteria. The Planning Commission shall review the proposed site plan against the approved RUD Option plan to ensure that the proposed site plan is consistent with the approved option plan. The Planning Commission shall also review the preliminary site plan for compliance with all Village standards and regulations that typically apply to a site plan.

E. Final Plan Review. The procedures for final RUD plan review are outlined below.

1. Planning Commission Review and Recommendation. The Planning Commission shall review the final RUD plan, RUD Agreement, and any requested reports and recommendations from Village staff, consultants, and other reviewing agencies. The Planning Commission shall then make a recommendation to the Village Council, based on the requirements and standards of this Ordinance.
2. Village Council Action Required. The Village Council shall review the final plan and proposed RUD Agreement, together with the findings of the Planning Commission and the Planning Commission minutes, and, reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the Village Council shall approve, approve with

conditions, or deny a RUD. If a plan is approved subject to conditions, then all such conditions shall be addressed prior to execution of the RUD Agreement. Denial of a final plan by the Village Council terminates the approval process.

3. RUD Agreement. If the Village Council approves the RUD proposal, the Village and applicant shall execute the RUD Agreement, which shall be recorded in the office of the Monroe County Register of Deeds. Final approval of the RUD plan shall become effective upon recording of the Agreement. Evidence of the recorded Agreement shall be submitted to the Village.

F. **Information Required.** The following information is required at the various stages in the RUD review process:

Item of Information	RUD Option Plan	Preliminary Site Plan	Final Site Plan
X = Required item of information			
1. The name address and telephone number of: <ul style="list-style-type: none"> • All persons with an ownership interest in the land on which the RUD will be located together with a description of the nature of each entity’s interest in the property. • All engineers, architects, attorneys, or registered land surveyors associated with the project. • The developer or proprietor of the RUD 	X	X	X
2. Legal description of the parcel, along with the tax identification number(s)	X	X	X
3. General location map	X	X	X
4. Zoning designations for the subject property and adjacent properties	X	X	X
5. The location of buildings, structures, and improvements located within 200 feet of the property boundaries	X	X	X
6. The area of the land (in acres) on which the RUD is proposed	X	X	X
7. Parallel plan developed according to conventional zoning standards	X		
8. Overall layout plan, including: <ul style="list-style-type: none"> • Number of proposed residential units • Layout of dwelling units, parking, open space, and recreation/park areas • Size and dimension of proposed lots and buildings in the RUD • General character of landscaping within the development • General location of qualifying natural features on the site • Vehicular circulation system • Open space layout plan 	X	X	X
9. Topographic survey	X	X	X
10. Description of the proposed utilities	X	X	X
11. Proposed storm water management system	X	X	X
12. All information required by Section 4.33		X	X
13. Detailed landscaping plans		X	X
14. Specific location, dimensions, size, and details of qualifying natural features, and tree survey for tree removal permit		X	X
15. Complete description of proposed utilities		X	X

Item of Information	RUD Option Plan	Preliminary Site Plan	Final Site Plan
X = Required item of information			
16. Storm water management system details		X	X
17. Location and width of sidewalks, bike paths, and other pedestrian circulation improvements		X	X
18. Identification, location, and details of proposed amenities		X	X
19. A specific phasing plan, including the phasing or timing of all proposed improvements		X	X
20. Detailed façade elevations and floorplans showing the appearance and building materials proposed on all buildings in the development			X
21. Detailed engineering plans			X
22. Subdivision or condominium documents			X
23. RUD Agreement			X

Section 20.06 Review and Approval Criteria

To be eligible for consideration for RUD Option approval, at the time of RUD Option approval the applicant must demonstrate that the proposed RUD will be consistent with the following criteria:

- A. **Concept.** The overall design and all uses proposed in connection with a RUD shall be consistent with and promote the intent stated in Section 20.01, as well with the specific RUD design standards set forth herein.
- B. **Land Use Pattern.** The proposed development, and in particular the height, location, bulk and character of structures proposed in the RUD shall be in harmony with the existing and proposed land use patterns of adjacent properties and the general area, and shall not negatively impact the orderly development of adjacent lands as indicated by the Future Land Use Plan.
- C. **Natural Features.** The RUD layout preserves natural assets such as large stands of trees, unique topography, significant views, flood plains, or wetlands that would be in the best interest of the community to preserve are located on the site, where such natural assets are present.
- D. **Public Services.** A RUD shall not exceed the capacity of existing available public services, including but not limited to utilities, roads, police and fire protection services and educational services, unless the RUD contains an acceptable plan for providing necessary service or evidence that such services will be available by the time the RUD is completed.
- E. **Compliance with Applicable Regulations.** A RUD shall comply with all applicable Federal, State and local laws and regulations, including but not limited to general provisions, special use requirements and site plan review requirements, as well as subdivision and/or condominium requirements, where applicable.

Section 20.07 Additional Requirements

- A. **Control and Reserves.** A RUD shall be under single ownership or control, such that there is a single person or entity having responsibility and financial capability for completing the RUD or assuring completion of the project in conformity with this Ordinance. The applicant shall provide legal documents of single ownership or control in the form of agreements, contracts, covenants and/or deed restrictions which indicate that the RUD can be completed as proposed and that cumulative financial reserves have been secured and designated for that purpose and further that all portions of the RUD that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all successors in title to any commitments made as a part of the documents. The provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Village Clerk.
- B. **Phasing.** When a RUD is to be constructed in phases, it shall be designed so that each phase, when completed, is capable of standing on its own in terms of the presence of services, facilities and open space and contains the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the RUD and the residents of the surrounding areas. In addition, proposed phasing shall comply with the following requirements:
1. Commencement. Construction of a RUD, or improvements therein, may commence at any time following final RUD approval, but also not prior to any related and required engineering, condominium and/or subdivision approval, provided that construction shall be commenced for each phase of the RUD within twenty-four (24) months of the schedule set forth on the approved plan for the RUD. Improvements to infrastructure including but not limited to paving of roads and installation of lights, signs and other traffic improvements, as well as installation of utilities and drainage improvements, etc., shall be completed prior to commencement of building construction in a RUD. Mitigation of other issues and impacts shall require a plan delineating funding and timing, etc., of installation of any required improvements.
 2. Revised Phasing Plan. The applicant may, however, submit a revised phasing plan for review and approval by the Village Council, upon recommendation from the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a RUD has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved RUD.
 3. Reconsideration and Revocation. In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Village Council, upon recommendation from the Planning Commission, may reconsider and revoke the RUD approval of the undeveloped portion of the RUD.
 4. Definition. For the purposes of this Section, “commencement of construction” shall mean sustained progress resulting in, by way of example, construction of utilities, roads, foundations or similar substantial improvements.

5. First Phase Projects. If proposed as a part of a RUD, improvements to be completed in the first phase of the RUD shall include but not be limited to sewer and water treatment and storm water management facilities and other infrastructure as determined by the Village, such as golf courses, improvements to common areas and community centers and facilities.

C. Revisions of Approved Plans.

1. Major Revisions. Major revisions to an approved RUD impacting the overall site layout, number of units, quality of improvements, or other changes that will, in the opinion of the Building Official, impact the plan's conformance with the review criteria set forth in Section 20.05 shall require a revised RUD Option approval following the procedures set forth in Section 20.04. In making this determination, the Director may request review of the proposed changes by Village consultants.
2. Minor Revisions. Minor changes to an approved RUD plan that will not substantively alter the conformance of the plan with the review criteria set forth in Section 20.05, or the layout or design of a RUD may be administratively approved by the Building Official, provided that the following criteria are met:
 - a. Such changes will not adversely affect the initial basis for granting approval.
 - b. Such minor changes will not adversely affect the overall RUD in light of the intent and purpose of such development, as set forth in Section 20.01.

D. Open Space Preserved in Perpetuity. Required open space in a RUD shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the plan for the RUD. Such conveyance shall include the following:

1. Indication of proposed use(s) of the required open space in a RUD.
2. Provision for privately-owned open space in a RUD to be maintained by property owners with an interest in the open space.
3. Provision of maintenance standards and maintenance schedule.
4. Provision of notice of possible Village assessment to property owners in a RUD for the cost of maintenance of open space in the event that it is inadequately maintained and/or becomes a public nuisance or in the event the other facilities are not maintained.
5. Recordation with the County Register of Deeds to provide notice of restrictions to all persons having interest in property contained in the RUD.

E. Redevelopment. Notwithstanding the requirements cited above, required open space may be redeveloped for another purpose, subject to the following conditions:

1. Redevelopment of required open space in a RUD shall require review and approval in accordance with the procedures by which the original plan for the RUD was approved.
 2. Redevelopment of open space in a RUD shall not be permitted for the first twenty-five (25) years after the date of the initial final RUD approval. Commencing on the twenty-fifth (25th) anniversary of the initial final RUD approval and at every subsequent twenty-five year interval thereafter, there shall be a one (1) year period during which proposals to redevelop the required open space may be submitted for review and action by the Village. Proposals to redevelop required open space may not be submitted at any other time except during these one (1) year periods.
 3. In the event that a proposal to redevelop required open space in a RUD is properly submitted during an appropriate one (1) year period, the Village shall proceed with review and shall take action on the proposal even if the review process extends beyond the one (1) year period.
 4. Proposals to redevelop required open space in a RUD shall require written consent of persons holding not less than ninety (90) percent of all ownership interest in the conveyed lots contained in the RUD at the time the proposal is submitted or such other higher percentage as may be otherwise required by law. Voting rights on such a proposal shall be based on the proportion of the total area of all conveyed lot owned.
 5. These provisions for redevelopment of required open space in a RUD may be included in the conveyance previously described.
- F. **Issuance of Building Permits.** Prior to the issuance of building permits for units, the applicant shall demonstrate approval by Village, County and State entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal, storm drainage and other utilities. As to the phase in which the unit is located, prior to the issuance of a building permit, the Building Official shall determine that all improvements such as roads, water supply, sewage disposal, storm drainage and other utilities have been completed in accordance with approved plans. Prior to issuance of a building permit within a given phase the applicant shall comply with the requirements for performance guarantees set forth in applicable ordinances.

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ARTICLE 21

PLANNED DEVELOPMENT

Section 21.01 Purpose

The intent of this Article is to provide a degree of flexibility in regard to the use, area, height, bulk, and placement regulations for large-scale developments which qualify as planned developments. These may include, but are not limited to residential developments, shopping centers, industrial, office and business park developments, and medical or educational campuses. Certain large developments may be of such size and configuration as to justify a controlled degree of flexibility, and to permit a mix of land uses that may not normally be permitted in the zoning district, but would, under specific circumstances, increase convenience, be compatible with the overall character of the district, and not be injurious to adjoining properties.

The further purpose of this Article is to:

- A. Provide a consistent and uniform method for review of planned development applications that encourages thoughtful and creative planning and design, and high quality development practices.
- B. Allow reasonable regulatory flexibility that results in a substantially higher quality of development, in accordance with the principles, goals and objectives of the Master Plan and any sub-area plans.
- C. Preserve natural resources and site features, and encourage economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities.
- D. Create usable open space particularly suited to the proposed uses within a planned development and the natural character of the land where it is located.
- E. Develop sites in such a way that proposed uses, buildings and site improvements are compatible with each other and with adjoining uses, and to prevent adverse impacts on neighboring properties and districts.
- F. Re-use or re-develop existing sites where an orderly change of use is determined to be desirable, especially where re-use of the site is restricted because of existing nonconformities or the strict application of conventional zoning standards.

Section 21.02 Qualification Requirements

Planned developments (PD) shall be considered an optional means of development, and thus shall only be permitted when mutually agreeable to the developer, Planning Commission and Village Council. Planned developments shall be in compliance with the following:

- A. **Site conditions.** The proposed PD site shall be in compliance with the following conditions:

1. **Area.** The proposed development site shall be at least ten (10) acres in area, except where the Village Council, upon recommendation from the Planning Commission, may permit a PD project on a site as small as one (1) acre where the proposal has unique benefits for the Village, or where the site has unique characteristics that significantly impact development, such as an unusual shape or proportion, unusual topography, or potentially incompatible land uses on surrounding properties.
 2. **Ownership.** The site shall be under a single ownership or control, and able to be planned and developed as an integrated unit.
 3. **Location.** PD sites shall be limited to locations that have one or more of the following characteristics:
 - a. Sites determined to be appropriate for redevelopment, including sites with buildings that are functionally obsolete, and sites where achieving economically sound development under a conventional zoning approach would be extremely difficult.
 - b. Sites where flexibility is necessary because of site constraints, including but not limited to incompatible adjoining land uses, traffic conditions that affect ease of access or irregular parcel boundaries.
 - c. Sites where the flexibility of the PD regulations is necessary to achieve a reasonable and desirable transition between land uses, without affecting the overall Village land use pattern, intensity of development or objectives of the Master Plan or any sub-area or corridor plans.
 - d. Sites where the large scale of a proposed development justifies permitting certain incidental uses not normally permitted in the zoning district.
 - e. Sites where the public health, safety and welfare is better served through creation of a planned development, because of the density of population, adequacy of schools, parks, or other public facilities, traffic volumes or circulation, neighborhood compatibility, adequate provision of light or air, or accessibility for fire and police protection.
 - f. Sites where the proposed development is compatible with the objectives of the Master Plan or any sub-area or corridor plans.
- B. **Uses.** The proposed PD may contain any use or combination of uses listed in Article 4 (Land Use Tables), provided that all proposed uses satisfy the following criteria:
1. **Compatible with the Master Plan.** Proposed uses shall be consistent or compatible with the types and intensities of uses specified for the site in this Ordinance, the Master Plan or any sub-area or corridor plans.
 2. **Harmonious relationship.** There shall be a reasonably harmonious relationship between the location of buildings and uses on the site, relative to buildings and uses on lands in the surrounding area.
 3. **Combination of residential and non-residential uses.** Residential and non-residential uses may be permitted together in a PD, provided that such uses are

carefully integrated in a manner that creates a high quality living environment, and are consistent with good site design and sound planning principles.

4. **Uses in areas planned for residential land uses.** Where the Master Plan designation is residential, non-residential uses shall be primarily for the use of the residents of the development, and shall be limited to three percent (3%) of the gross area of the residential land and three percent (3%) of the gross floor area of any building occupied by residential uses.

C. **Other conditions.** The proposed PD shall not:

1. Be used for the sole purpose of increasing the density or intensity of development, or avoiding the requirements for dimensional variances.
2. Be used in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
3. Materially add public service or facility loads beyond those contemplated in the Master Plan or other adopted policies or plans, except where the applicant provides a means of securing public improvements needed to serve the development, and demonstrates to the satisfaction of the Village Council that such added loads will be accommodated or mitigated by the PD.

Section 21.03 Development Standards

The purpose of this Section is to ensure that planned developments in all zoning districts are compatible with the surrounding neighborhood and Village. Wherever possible, the provisions of the underlying zoning district(s) and the design standards of this Ordinance shall be followed in the design of planned developments. Modifications to these standards may be approved as part of a Preliminary PD Plan in any zoning district, provided that such modifications are determined to be consistent with the purpose of this Article and the following:

- A. **Setbacks.** Minimum setbacks within the development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, and streets, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, and the need for adequate amounts of light and air between buildings. Reduced or increased setbacks or build-to lines may be required upon review of the Preliminary PD Plan in the interest of establishing a consistent relationship of buildings to the street and sidewalk, to form a visually continuous and pedestrian-oriented street-front, or to ensure adequate buffering between the PD and adjacent uses or districts.
- B. **Maximum height.** Buildings in PD developments shall not exceed forty feet (40') in height, except where taller buildings proposed on the Preliminary PD Plan comply with the following conditions:
 1. **Light and shadow.** Buildings or structures greater than forty feet (40') in height shall be designed so as to not have an unreasonable adverse impact on adjacent property as a result of the shadows or glare created from reflected or artificial light.

2. **Privacy.** Buildings or structures greater than forty feet (40') in height shall be designed to avoid infringing on the privacy of adjacent properties, particularly adjacent residential uses or districts.
 3. **Scale of development.** Buildings or structures greater than forty feet (40') in height shall be compatible with the scale of the neighborhood in which they are situated in terms of relative height mass, and scale.
- C. **Circulation system.** The vehicular and pedestrian circulation system within each development shall accommodate, where appropriate, the movement of vehicles, bicycles and pedestrians throughout the proposed development and to and from surrounding areas, safely and conveniently. Sidewalks and streets shall be connected into the overall Village network, and shall be extended to adjacent undeveloped properties to provide future connections.
- D. **Utility infrastructure.** Utilities shall be located underground wherever possible, and shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- E. **Additional considerations.** In their review of a proposed PD development, the Planning Commission and Village Council may review other considerations that are found to be relevant to a particular project, including but not limited to road capacity, utility systems, signage, lighting, building materials, noise reduction and visual screening.

Section 21.04 Residential Development Standards

Residential development in a PD shall comply with the development standards set forth in Article 20. For a PD in a non-residential zoning district that includes a residential component, the residential component shall be designed as if the underlying zoning is RM.

Section 21.05 Coordination with Subdivision Plat or Site Condominium Review

Where a PD includes a subdivision plat, the regulations, procedures and design standards of the Village of South Rockwood Subdivision Regulations shall apply in parallel with the review procedures of this Article. The Preliminary PD Plan shall include the Tentative Preliminary Plat, the Final PD Plan shall include the Final Preliminary Plat, and the Planned Development Agreement shall include the Final Plat. Where a PD includes a site condominium development, the regulations and procedures of Article 19 of this Ordinance (Site Condominiums) shall apply in parallel with the provisions of this Article.

Section 21.06 PD Plan Review Procedure

Planned Developments shall be approved following the procedures set forth for a Residential Unit Development in Article 20.

Section 21.07 Additional Requirements

A PD shall comply with all of the additional requirements set forth for a Residential Unit Development in Section 20.06 of this Ordinance.

ARTICLE 22

NONCONFORMITIES

Section 22.01 Intent and Purpose

This Article is established for the following purposes:

- A. **Recognition.** To recognize that within the districts established by this Ordinance there exist lots of record, structures, sites and uses of land that were lawful prior to the effective date of adoption or amendment of this Ordinance, but would be incompatible with permitted uses in the district and are therefore prohibited, regulated, or restricted under the terms of this Ordinance.
- B. **Determinations.** To provide procedures for determining whether a use of land is conforming, nonconforming or illegal in the district where it is located, or whether an existing nonconforming use of land has ceased, and to establish reasonable standards for making such determinations.
- C. **Regulation.** To regulate the use and development of nonconforming lots of record, the completion, restoration and reconstruction of nonconforming structures, the re-development and improvement of nonconforming sites, the extension, enlargement and substitution of nonconforming uses of land, and the circumstances and conditions under which nonconformities shall be permitted to continue.
- D. **Termination.** To require the termination and removal of illegal structures or uses of land.
- E. The further purpose of this Article is to permit the four (4) types of nonconformities (uses of land, structures, lots of record and sites) to continue until they cease or are removed, and to:
 - 1. **Uses of Land (Section 22.02).** Eliminate nonconforming uses of land that are incompatible with and more intense than permitted uses in a particular zoning district, or to encourage their redevelopment into more compatible land uses.
 - 2. **Structures (Section 22.03).** Permit construction that was lawfully begun prior to the adoption or amendment of this Ordinance and diligently carried on until completion without change in the plans, construction or designated use of the development.
 - 3. **Lots of Record (Section 22.04).** Address the circumstances under which lots of record may be developed that do not conform to current Ordinance standards.
 - 4. **Sites (Section 22.05).** Encourage the upgrading of sites that were developed in compliance with the standards in force at the time of their construction, but which do not meet the current site design standards of this Ordinance.

Section 22.02 Nonconforming Uses of Land

A. **Determination that a use of land is nonconforming.** This Section provides standards for determining whether a use of land is conforming, nonconforming or illegal in the district where it is located, as defined in Article 25 (Definitions). When there is a question or dispute over the status of a use, the Zoning Board of Appeals shall have the authority to make such determinations, subject to the following procedure and standards:

1. **Procedure.** The procedure for making such determinations shall be as follows:

- a. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use of the land in question shall be given an opportunity to present evidence and documentation about the status of the use of land.
- b. **Determination.** Subsequent to the hearing, the Zoning Board of Appeals shall make a determination with regard to whether the use of land is conforming, nonconforming or illegal in the district where it is located, and written notification provided to said owner, operator or person having beneficial use of the land in question.

2. **Standards for determining that a use of land is nonconforming.** The Zoning Board of Appeals shall determine that a use of land is nonconforming upon finding that the following statements (a – c) are true:

- a. The use of land does not conform to the purpose and use regulations of the district where it is located, and the nonconformity cannot be resolved by means available under this Ordinance, such as Article 17 (Special Approval Uses).
- b. The use of land is in compliance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.
- c. Evidence from a minimum of three (3) of the following sources demonstrates that the use of land was legally established prior to the effective date of adoption or amendment of this Ordinance:
 1. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
 2. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
 3. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
 4. Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles,

features or photographs that address the use of the land in question.

5. Dated aerial photos from Monroe County, the Southeastern Michigan Council of Governments (SEMCOG) or other sources accepted by the Zoning Board of Appeals.
6. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

3. **Standards for determining that a use of land is conforming.** The Zoning Board of Appeals shall determine that a use of land is conforming upon finding that the use of land is in compliance with the use regulations of the district where it is located, including any required permits or special approvals.
4. **Standards for determining that a use of land is illegal.** Any use of land that is not a conforming use in the district where it is located, or determined to be a nonconforming use of land, shall be considered an illegal use of land in the district that has been established in violation of this Ordinance.

B. **Determinations that a nonconforming use of land has ceased.** The following is intended to provide reasonable standards for determining whether a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question. When there is a question or dispute over whether a nonconforming use has ceased, the Zoning Board of Appeals shall have the authority to make such determinations, subject to the following procedure and standards:

1. **Procedure.** The procedure for making such determinations shall be as follows:
 - a. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 1.12 (Public Hearing Procedures), at which time the owner, operator or person having beneficial use of the land in question shall be given an opportunity to present evidence and documentation about the status of the use of land.
 - b. **Determination.** Subsequent to the hearing, the Zoning Board of Appeals shall make a determination with regard to whether the nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question, and written notification provided to said owner, operator or person having beneficial use of the land in question.
2. **Standards for determining that a nonconforming use of land has ceased.** The Zoning Board of Appeals shall determine that a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question upon finding that a minimum of three (3) of the following six (6) statements (a – f) are true:
 - a. **Local, county or state government files or records show that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.

- b. **Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.
 - c. **Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.
 - d. **Dated advertising or other information published in a newspaper or magazine show that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
 - e. **Dated aerial photos** from Monroe County, the Southeastern Michigan Council of Governments (SEMCOG) or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use of land has ceased.
 - f. **Other relevant information shows that the nonconforming use of land has ceased.** Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.
- C. **Restrictions on Non-Conformities.** Nonconforming uses of land shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:
- 1. **Compliance with other applicable standards.** The owner, operator or person having beneficial use of land occupied by a nonconforming use of land shall demonstrate that the use is maintained in compliance with all applicable federal, state, county and Village laws, ordinances, regulations and codes, other than the use regulations of this Ordinance for the district where the use is located. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within one-hundred eighty (180) days of their effective date, shall constitute grounds for the Village to seek court approval to terminate or remove the use at the owner's expense.
 - 2. **Expansion prohibited.** The use shall not be enlarged, increased in intensity, extended to occupy a greater area of land or building floor area, or moved in whole or in part to any other portion of the lot or structure. No additional signage shall be permitted.
 - 3. **Additional structures prohibited.** No additional structures may be constructed in association with a nonconforming use of land. If a structure associated with a

nonconforming use is removed, or damaged by any means to an extent that the repair cost is greater than the state equalized value of the property, the nonconformity shall be deemed removed and subsequent uses of such land shall conform to ordinance provisions for the district where it is located.

4. **Cessation of nonconforming uses of land.** If the nonconforming use is replaced by a conforming use or ceases for a period of more than three hundred sixty-five (365) days, the nonconforming use may not be resumed and subsequent uses of land shall conform to the use provisions for the district where it is located.

Section 22.03 Nonconforming Structures

Nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

- A. **Expansion restricted.** No such structure may be enlarged or altered in a way that increases its nonconformity. Such structures may be enlarged or altered in a manner that does not increase its nonconformity. By way of example, a structure that does not conform to the front yard setback requirements, but does comply with the rear and side yard setback requirements of the zoning district in which it is located may be enlarged by adding onto the back or side of the structure, but could not be enlarged by adding on to the front of the structure.
- B. **Normal repairs and maintenance.** This Article shall not prevent work required for compliance with the provisions of any building code in effect in the Village, or Michigan housing laws regulating the maintenance of buildings or structures. Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure, and provided that the cost of such improvements does not exceed the state equalized value of the property at the time such work is proposed.
- C. **Buildings under construction.** Nothing in this Article shall require a change in the plans, construction or designated use of any building or structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and diligently carried on until completion. Construction shall include the placement of materials in a permanent manner or demolition and removal of an existing structure preparatory to rebuilding in accordance with an approved site plan.
- D. **Damaged or unsafe structures shall be removed.** Nonconforming structures that are declared to be physically unsafe by the Building Inspector, or otherwise damaged or destroyed by any means to an extent that the repair cost is greater than the state equalized value of the property shall not thereafter be restored, repaired or rebuilt except in complete conformance with the requirements of this Ordinance.

Section 22.04 Nonconforming Lots of Record

Existing lots of record, as defined in Article 25 (Definitions), that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed or otherwise improved with principal or accessory structures in accordance with the following:

- A. **Division of lots of record.** A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots.
- B. **Combination of nonconforming lots of record.** Where possible, nonconforming lots of record shall be combined to create lots that comply with the dimensional requirements of this Ordinance. Nothing in this Ordinance shall prohibit two or more nonconforming lots of record from being combined to create a parcel that does not meet one or more requirements of this Ordinance.
- C. **Use of nonconforming lots of record.** Use of a nonconforming lot of record shall be subject to the regulations of this Ordinance for the district where it is located.
- D. **Lots in the Single Family Residential districts.** A single-family dwelling and customary accessory buildings may be erected on a nonconforming lot of record in a RA, RL, R-1A, or R-1B district, provided that all required yard dimensions and setbacks, other than minimum lot area or width, shall conform to the regulations for the district where the lot is located.

Section 22.05 Nonconforming Sites

The purpose of this Section is to encourage improvements to existing sites in the Village that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

- A. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
- B. The proposed site improvements shall resolve public safety deficiencies, including building and fire code violations, emergency access and pedestrian/vehicle conflicts.
- C. The proposed site improvements shall include exterior lighting, landscaping, screening and building improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other improvements.
- D. The proposed site improvements shall include the installation, restoration or expansion of sidewalks within and through the site, where appropriate.
- E. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of the approved site plan.

Section 22.06 Existing Residential Dwellings.

Residential dwellings, which are so used and so existing in non-residential zoning districts before the effective date of adoption or amendment of this Ordinance, are exempt from the regulations governing nonconforming uses of land in Section 22.02.C. Such dwellings and accessory structures may be used, repaired, expanded and replaced if destroyed, subject to the following conditions:

1. Any expansion of the dwelling or accessory structures shall conform with all applicable yard dimensions, setbacks and other requirements specified in this Ordinance for the same type of residential dwelling or structure.
2. If an existing structure is destroyed, any replacement dwelling or accessory structure shall conform with all applicable yard dimensions, setbacks and other requirements specified in this Ordinance the same type of residential dwelling or structure.
3. The use of the dwelling and associated parcel of land shall be maintained in conformance with the use provisions specified in this Ordinance for the same type of residential dwelling or structure.
4. The use, dwelling and accessory structures shall be maintained in conformance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.

Section 22.07 Change of Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming lot, structure, site, or use of land without any permit or approval by the Village.

Section 22.08 Appeals

All appeals of actions, orders, requirements, permits or determinations made by the Building Official, Planning Commission, or duly authorized agents charged with the administration or enforcement of this Article shall be taken to the Zoning Board of Appeals in accordance with Article 24 of this Ordinance.

Section 22.09 Cessation of a Nonconforming Use of Land by Village Action

The elimination of nonconforming structures and uses of land shall be considered to be for a public purpose and for a public use. The Village Council shall have the authority to institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain, in accordance with the General Law Village Act, Public Act 3 of 1895 as amended. The Village Council may, at its discretion, acquire private property by purchase, condemnation or otherwise for the purpose of removing a nonconforming use or structure, provided that the cost of acquiring such private property be paid from general funds or assessed to a special district established for that purpose.”

ARTICLE 23

VILLAGE PLANNING COMMISSION

Section 23.01 Creation

The Village Planning Commission heretofore created pursuant to the provisions of the Municipal Planning Act, Public Act 285 of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.), as amended, is hereby continued.

Section 23.02 Composition, Appointment, Terms, Vacancies and Compensation

The Planning Commission shall consist of not less than 5 or more than 11 members, as established by resolution of the Village Council and pursuant to the provisions of PA 285 of 1931 (as amended).

The term of any ex-officio members shall be determined by the Village Council and stated in the resolution selecting the ex-officio members, but shall not exceed the member's term of office as a member of the Village Council. The term of each appointed member shall be three (3) years. All members shall hold office until their successor(s) are appointed. A vacancy on the Planning Commission occurring for any reason other than the expiration of term shall be filled for the unexpired term by the Village President (in the case of a member appointed by the Village President) subject to approval by the Village Council, and by the Village Council (in the case of the ex-officio member selected by the Village Council). The ex-officio member shall have full voting rights.

The Planning Commission shall elect its chairman from amongst the appointed members and create and fill such other of its offices as it may determine. The term of chairman shall be 1 year, with eligibility for reelection.

Section 23.03 Zoning Commission

The Planning Commission is hereby designated as the Zoning Commission specified in Article III of Public Act 110 of 2006, as amended, and shall perform the duties of said Zoning Commission as provided in the statute.

Section 23.04 Removal of a Member for Cause

After a public hearing, a member other than the member selected by the Village Council may be removed by the Village President for inefficiency, neglect of duty, or malfeasance in office. The Village Council may for like cause remove the ex-officio member selected by the Village Council.

Section 23.05 Organization, Meetings, Records and Rules

The Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern all other Village employees. The Commission may consult with planners, engineers, architects, attorneys and other consultants for such services as it may require, as contracted by the Village Council. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Village Council, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

Section 23.06 Powers and Duties

The Planning Commission shall have such powers concerning the preparation and adoption of a master plan consisting of future land use, street and thoroughfare plan, community facilities, public improvements programs, zoning ordinances, subdivision regulations, approval of plats, and other such rights, powers, duties and responsibilities as are expressly provided for in this Ordinance, the Municipal Planning Act, Public Act 285 of 1931, as amended, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Section 23.07 Publicity, Education and Gifts

The Planning Commission shall have the power to promote public interest and understanding of the Village Master Plan and any sub-area or corridor plans, and to that end may publish and distribute copies of such plans. The Commission shall have the right to accept and use gifts for the exercise of its functions.

ARTICLE 24

ZONING BOARD of APPEALS

Section 24.01 Creation

There is hereby established a Zoning Board of Appeals (herein referred to as the “Board”), which shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be served, public health, safety and welfare protected and substantial justice done.

Section 24.02 Membership

The Zoning Board of Appeals shall consist of not less than three (3) members and not more than two (2) alternates appointed by the Village Council for three (3) year terms. One (1) member shall be a member of the Planning Commission, and one (1) member may be a member of the Village Council. Members of the Zoning Board of Appeals may be removed from office for inefficiency, neglect of duty or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the Village Clerk and a public hearing has been held by Village Council. Vacancies shall be filled by resolution of the Village Council.

In the event a Zoning Board of Appeals member is elected to Village Council and such election increases the number of Village Council members serving on the Board to more than one (1), then such member’s seat on the Board shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by appointment in the same manner as for regular appointments for full terms.

Section 24.03 Alternates

Alternate members may be called on a rotating basis to sit as members of the Zoning Board of Appeals in the absence of regular members. An alternate member may also be called on to serve in the place of a Board member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest.

Section 24.04 Rules of Procedure

The Zoning Board of Appeals shall adopt rules of procedure as may be deemed necessary to properly conduct business and organize meetings. The rules of procedure shall, at a minimum, include the following:

- A. The Board shall elect a Chair, Vice-Chair and Secretary from its membership. A member of the Village Council that is seated on the Zoning Board of Appeals may not serve as Chairperson of the Zoning Board of Appeals.
- B. All meetings of the Board shall be held at the call of the Chair at such times as the Board may determine.

- C. The Board shall render decisions upon all matters within a reasonable time.
- D. The Board may distribute the application materials to the Village Planner or other designated Village consultants to review the application and provide a report to the Board that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Master Plan and any sub-area plans.
- E. The Board may request that any or all of the following information be provided to the Board by the Village Clerk or Building Inspector, where available and applicable to the issue in question:
 - 1. The history of development on the site in question.
 - 2. A summary of past Village approvals, orders and decisions related to the site or issue in question.
 - 3. Whether all outstanding infractions related to this Ordinance or other Village ordinances have been resolved, other than the issue to be addressed by the Board.
- F. A concurring vote of a majority of the total Board membership shall be necessary to render a decision. The Board shall not conduct business unless a majority of its members are present.
- G. The Secretary shall keep minutes of the proceedings, record the vote of each member upon each question, indicate absences and abstentions, and keep records of hearings and other official action.
- H. The Board shall have the power to require the attendance of witnesses, and compel testimony and the production of documents, files and other information pertinent to the matters before it.

Section 24.05 Applications

Applications to the Zoning Board of Appeals shall be filed with the Village, and a fee established by Village Council shall be paid at the time the application is filed. Applications shall be accompanied by the following information, where applicable:

- A. Applicant's name, address, telephone and facsimile numbers.
- B. The address, location and tax identification number for each parcel involved in the request.
- C. Zoning classification of the subject parcel(s) and all abutting parcels.
- D. A plot plan, drawn to scale, with a north-arrow, existing lot lines, street rights-of-way, easements, buildings and structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
- E. A letter from the applicant summarizing the request, and stating the reasons for the request.

- F. Any additional information deemed necessary by the Zoning Board of Appeals to make a determination on the issue in question.

Section 24.06 Appeals of Administrative Decisions

The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the Board by the person, firm or corporation aggrieved, or by an officer, department, board or bureau of the Village affected by the order, requirement, decision or determination, provided that a notice of appeal application is filed with the Village within a reasonable time of the order, requirement, decision or determination. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Building Inspector certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

The Zoning Board of Appeals shall reverse an administrative decision only after finding that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.

Section 24.07 Interpretation of Zoning District Boundaries

Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the Board shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the Village of South Rockwood Zoning Ordinance and Master Plan. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, watercourses or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections “A” through “D” above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Appeals shall interpret the district boundaries.
- G. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals may permit, as a special exception, the

extension of the regulations for either portion of the lot not to exceed fifty feet (50') beyond the district line into the remaining portion of the lot.

Section 24.08 Interpretation of Zoning Ordinance Provisions

The Board shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance, the Master Plan, or any corridor or sub-area plans.

Section 24.09 Nonconforming Determinations

The Zoning Board of Appeals shall have the authority to determine whether a use of land is conforming, nonconforming or illegal in the district where it is located, and to determine whether a nonconforming use of land has been removed, discontinued or otherwise ceased to occupy the land in question, subject to the procedures and standards specified in Section 22.02 (Nonconforming Uses of Land).

Section 24.10 Variances

The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific dimensional variances from Zoning Ordinance regulations, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the purpose of the Zoning Ordinance. The Village may not grant use variances.

Dimensional variances shall be granted only if, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, the Zoning Board of Appeals finds that practical difficulties exist that prevent the applicant from conforming with the provisions of this Ordinance. The Board shall state the grounds upon which it justifies the granting or denying of a variance. In evaluating whether practical difficulty exists, the Board should consider the following criteria in making its decision:

- A. That special conditions and circumstances exist, unique to the land or structures involved, that are not applicable to other land or structures in the same district, and that do not result from the actions of the applicant.
- B. That the variance is the minimum necessary to permit a reasonable use of the land, building, or structure, and does not confer upon the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- C. That the variance will not be contrary to the spirit and intent of this Ordinance, and will not permit the establishment of any use that is not a principal permitted use in the Zoning District. The existence of nonconforming structures or uses of land in the same district, or structures or uses of land in other districts, shall not be considered grounds for the issuance of a variance.
- D. That the variance will not cause any adverse effect or substantial detriment to adjacent properties, the neighborhood or the Village, and will not increase the hazard of fire, endanger public safety, create a public nuisance or materially impair public health, safety, comfort, morals or welfare.

- E. That substantial justice will be done for the applicant and other property owners in the neighborhood, and that the 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.
- F. That exceptional practical difficulties in the use of the property or exceptional undue hardship upon the owner of such property exist, and literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance. The showing of mere inconvenience is insufficient to justify a variance.
- G. That the variance request does not result from action by the Planning Commission or Village Council on an amendment, special approval use, Class A nonconforming designation or planned development.
- H. That the conditions or circumstances pertaining to the property for which the variance is sought cannot be reasonably addressed by other means defined in this Ordinance.

Section 24.11 Hearings and Decisions

The Zoning Board of Appeals shall make no determination on a specific case until after a public hearing conducted in accordance with Section 1.12 (Public Hearing Procedures). Each decisions of the Board of Appeals shall include a written record of the Board's findings and determinations in the case.

Section 24.12 Fees

The Village Council may, from time to time, prescribe or amend a reasonable schedule of fees to be charged to applicants for applications to the Zoning Board of Appeals. Such fees shall be paid to the Village at the time of filing the application.

Section 24.13 Limitations of Authority

- A. No order of the Board permitting the erection or alteration of a structure shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.
- B. No order of the Board pertaining to the use of a structure or land shall be valid for a period longer than one (1) year unless such use is established within such period, except where such use is dependent upon the erection or alteration of a structure, in which case the one (1) year period shall begin after the certificate of occupancy is issued for the structure.
- C. It shall be the established policy of the Village that the Zoning Board of Appeals may not consider use variances, as defined in Article VI of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- D. The Board shall not consider appeals of any decisions by the Planning Commission or Village Council regarding requests for approval of amendments, special approval uses,

Class A nonconforming designations or planned developments, as defined in this Ordinance.

- E. The Zoning Board of Appeals shall not have the authority to alter this Zoning Ordinance or Zoning Map.

ARTICLE 25

DEFINITIONS

Section 25.01 Rules of Construction

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of 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 and discretionary.
- 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. The word “dwelling” includes “residence”. The word “lot” includes the words “plot” or “parcel”.
- F. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for” or “occupied for.”
- G. The word “person” includes an individual, a firm, an association, an organization, a corporation (public or private), a partnership or co-partnership, a limited liability company, an incorporated or unincorporated association, a trust, or any other entity recognizable as a “person” under the laws of Michigan.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and,” “or” 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 all the connected items, conditions, provisions or events shall apply singly or in any combination (i.e., “or” also means “and/or”).
 - 3. “Either ... or” indicates that the connected items, conditions, provisions or events may apply singly.
- I. The terms “this Zoning Ordinance” or “this Ordinance” includes the Zoning Ordinance of the Village of South Rockwood and any amendments there to.
- J. The terms “abutting” or “adjacent to” include property “across from”, such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.

- K. The word “he” includes “she.”
- L. The phrase “such as” shall mean “such as, but not limited to.”
- M. The word “including” shall mean “including, but not limited to.”
- N. Terms not defined in Article 25 (Definitions), or elsewhere in this Ordinance shall have the meaning customarily assigned to them.

Section 25.02 Definitions

For the purpose of this Ordinance certain terms and words are herewith defined as follows:

Access Management. A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to Property, Reasonable. A property owner’s legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.

Accessory Use. A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use on the premises.

Adult Care Facility. A facility which provides daytime care for any part of a day but less than twenty-four (24) hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client’s home.

Adult Foster Care Facility. An establishment that provides 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 for adults over eighteen (18) years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential center for persons released from or assigned to a correctional facility. These facilities are licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended, and rules promulgated by the Michigan Department of Consumer and Industry Services, and are classified as follows:

- A. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
- B. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.
- C. **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care.

- D. **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.

Adult Uses and Sexually-Oriented Businesses. Any business which primarily features sexually stimulating material and/or performances, including the following uses:

A. **Sexually-oriented Businesses and Adult Uses.**

1. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities” or “specified anatomical areas” as defined herein.
2. **Adult Book or Video Store.** An establishment having a substantial portion (more than twenty percent (20%)) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities” or “simulated nudity,” which are offered for sale or rental, or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
3. **Adult Entertainment Cabaret.** A nightclub, bar, lounge, or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by any one or more of the following:
 - a. An emphasis on the exposure of “specified anatomical areas;” or
 - b. An emphasis on “specified sexual activities;” or
 - c. An emphasis on “nudity,” “state of nudity,” or “simulated nudity;” or
 - d. A combination of any of the above.
4. **Adult Model Studio.** Any place where models who display “specified anatomical areas” (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

5. **Adult Motel.** A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
- a. Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities” and/or “specified anatomical areas”, and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
 - b. Offers a sleeping room(s) for rent for a period of time that is less than ten hours; or
 - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours. Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten-hour period creates a rebuttable presumption that the establishment is operated as an adult motel.
6. **Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body painting studios, wrestling studios and conversation parlors.

Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment:

- a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed or certified medical or healing arts professionals;
- b. Establishments which offer massages performed by certified massage therapists;
- c. Gymnasiums, fitness centers and health clubs;
- d. Electrolysis treatment by a licensed operator of electrolysis equipment;
- e. Continuing instruction in martial or performing arts, or in organized athletic activities;

- f. Hospitals, nursing homes, medical clinics, or medical offices;
 - g. Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
 - h. A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear “nude” or in “a state of nudity;”
 - i. Adult photography studios whose principal business does not include the taking of photographs of “specified anatomical areas” as defined herein.
7. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or features live performances which are distinguished or characterized by an emphasis on the exposure of “specified anatomical areas” or by an emphasis on “specified sexual activities”.
- a. **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” (as defined herein).
 - b. **Adult Motion Picture Theater.** A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing “specified sexual activities and/or “specified anatomical areas”.
 - c. **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
8. **Escort Service.** An establishment which provides the services of escorting members of the opposite sex for payment of a fee.
9. **Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or “specified sexual activities” while appearing in a “state of nudity,” “simulated nudity” or while displaying “specified anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.
10. **Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a “state of nudity,” “simulated nudity” or displays “specified

anatomical areas,” and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted to customers.

11. **Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons, or between persons of the same sex, when one or more of the persons is in a “state of nudity” or “simulated nudity” and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
 12. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage, of instruments, devices, or paraphernalia designed for use related to “specified anatomical areas” or as part of, in connection with, or related to “specified sexual activities” (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Special Definitions.** With respect to Adult Regulated Uses or Sexually Oriented Businesses, the following terms and phrases shall have the following meanings:
1. **Buttock.** The anus and perineum of any person.
 2. **Massage.** The manipulation of body muscle or tissue, by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another for a fee.
 3. **Massage Parlor.** An establishment wherein private massage is practiced, used or made available as a primary use of the premises.
 4. **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
 - a. Genitals, whether or not in a state of sexual arousal; or
 - b. Pubic region or pubic hair; or
 - c. Buttock(s); or
 - d. The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
 - e. Any combination of the above.
 5. **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual “state of nudity”.
 6. **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person’s body, or of any object, into the genital or anal openings of another’s body.
 7. **Sodomy.** Sexual bestiality.

8. **Specified Anatomical Areas.** Portions of the human body defined as follows:
- a. Less than completely and opaquely covered:
 - (1) Human genitalia and pubic region;
 - (2) Buttock and anus; and
 - (3) Female breast below a point immediately above the top of the areola; or
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. **Specified Sexual Activities.** The explicit display of one or more of the following:
- a. Human genitalia in a state of sexual stimulation or arousal;
 - b. Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breast;
 - c. Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy;
 - d. Human excretory functions as part of, or as related to, any of the activities described above;
 - e. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to, any of the activities described above.
10. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any one or more of the following: stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.

Alley. A dedicated public right-of-way providing a secondary means of ingress to or egress from land or structures thereon.

Alterations.

- A. **Structural.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
- B. **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
- C. **Sign.** A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.

Animal, Wild or Exotic. Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to, the following: alligator and crocodile (family); deer (family); opossum (family); badger; wild dog or wolf (family); primate excluding humans (family); bear; raccoon; ferret; skunk; wild cat (family); lemur; spider (poisonous); coyote; lizard, snake, and other reptile (poisonous); weasel (family); wild boar or swine (family); and marten.

Appeal. An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

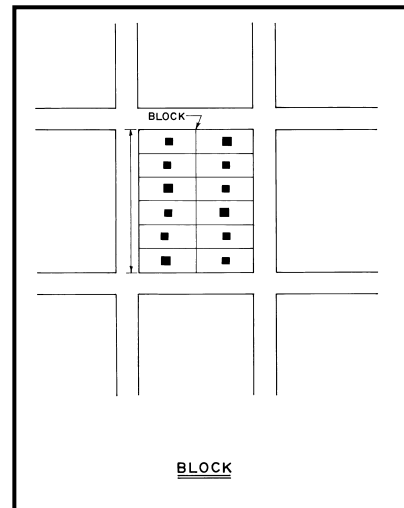
Automobile Service Station. A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the temporary storage of vehicles not over forty-eight (48) hours, minor repair, or servicing, but not including bumping, painting, refinishing, steam cleaning, rust-proofing, or high speed washing thereof.

Basement. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement, and shall not be used for dwelling units, offices, retail sales or manufacturing, but may be used for storage, heating and utility facilities, etc. Should the vertical distance between the floor and midpoint, and ceiling and midpoint, be equal the area shall be counted as a basement.

Bedroom. A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

Berm. A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

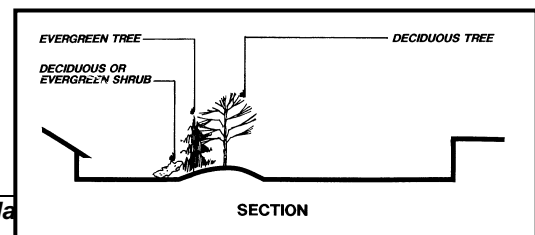
Block. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating, between the nearest such street or unsubdivided acreage, railroad right-of-way, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.



Boarding House. A dwelling where meals, or lodging and meals, are provided for compensation to three or more persons by pre-arrangement for definite periods and not exceeding then (10) persons. A boarding house is to be distinguished from a hotel, motel, or a convalescent home.

Brewpub. A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than five-thousand (5,000) barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises in the manner provided for in MCLA 436.31b and 436.31c.

Buffer Strip. A strip of land often required between certain zoning districts or land uses reserved for plant



material, greenbelts, berms, walls, or fencing to serve as a visual barrier.

Build to Line. An alignment that dictates the front yard setback from a street or public right-of-way, to be followed by buildings or structures fronting thereon. The build-to line does not apply to building projections or recesses.

Buildable Area. The space remaining on a lot after compliance with the minimum required setbacks and open space requirements of this Ordinance.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

- A. **Accessory Building or Structure.** A building or structure, or portion of a primary building, subordinate to and on the same premises as the primary building(s) and use(s), the use of which is incidental to, customarily associated with, and subordinate to that of the primary building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses and swimming pools.
- B. **Primary Building.** A building in which is conducted the primary use of the lot on which said building is situated.

Building Official. The Building Official or his authorized representative.

Building Permit. The written authority issued by the Building Official permitting the construction, removal, repair, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

Building Setback or Building Line. The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this Ordinance. Such line, when adjacent to a building, is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

Caliper. The diameter of a tree trunk measured 18 inches above the ground level. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.

Canopy Tree. A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.

Care Facility. An institutional use of a building or property whereby a publicly or privately funded program enables persons to receive medical, psychological, emotional or other rehabilitative care as an out-patient or live-in patient. This definition does not include those institutional uses provided for elsewhere in this Ordinance, nor does it include foster care programs or homes.

Cemetery. Land used or intended to be used for burial of the human dead and dedicated for such purpose.

Certificate of Occupancy. A certificate issued after final inspection indicating that all the provisions of this Ordinance are being complied with. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

Child Care Organization. A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended, or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:

- A. **Child Day Care Center.** A facility, other than a private residence, receiving one (1) or more 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 that two (2) consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a child care center, day care center, day nursery, 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.
- B. **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 twenty-four (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.
- C. **Family Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to six (6) 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.
- D. **Foster Family Home.** A private home in which 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.
- E. **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.
- F. **Group Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to 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.

Church, Temple, Place of Worship, or Religious Institution. A religious institution, or a site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

Class C Liquor License Establishment. A Class C Liquor establishment shall mean any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine, and spirits for consumption on the premises.

Clerk. The Clerk of the Village of South Rockwood.

Clinic. Offices for one or more health practitioners engaged in treating the sick or injured on an outpatient basis.

Civic Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit. See also **Lodge**.

Cocktail Lounge or Night Club. An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

Commercial Vehicle. Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six-thousand-five-hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

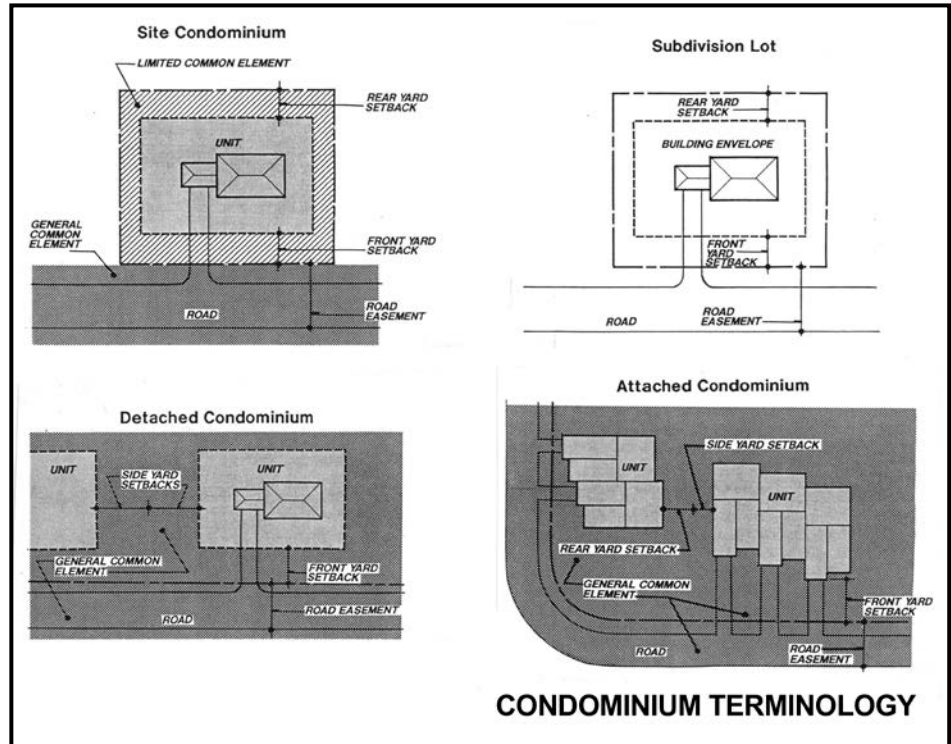
- A. **Semi-trailer.** A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.
- B. **Truck Tractor.** A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
- C. **Other Commercial Vehicles.** Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment and similar vehicles.

Common Land. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision or a planned unit development.

Common Open Space. An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

Community Center. A building dedicated to social or recreational activities, serving the Village or a neighborhood and owned and operated by the Village of South Rockwood, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the Village.

Condominium. A condominium is a system of separate ownership of individual units and/or multiple-unit projects according to the state Condominium Act, Public Act 59 of 1978, as amended (MCL 559.101 et seq.). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.



- A. **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- B. **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.
- C. **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- D. **Site Condominium.** All allocation or division of land permitted under the State of Michigan Condominium Act, Act 59 of 1978 as amended, which permits single family detached housing pursuant to a master deed.
 - 1. **Site Condominium Project.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
 - 2. **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations,

the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

3. **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term “condominium unit site” shall be equivalent to the term “lot” for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
 - a. **Front Yard Setback.** The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from fifteen (15) feet from the nearest pavement edge to the foundation of the unit.
 - b. **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
 - c. **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.
4. **Condominium Master Deed.** The condominium document recording the condominium project as approved by the Village including attached exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
5. **Condominium Unit.** The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
6. **Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents and in accordance with the Village of South Rockwood Code of Ordinances and the Condominium Act.
7. **Condominium Conversion.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Congregate Living Dwelling. A building or portion thereof containing a minimum of twenty-four (24) living units designed for occupancy by senior citizens living independently of each other except that cooking, kitchen, and dining accommodations are provided in a central area and not located within the individual living units.

Congregate Living Unit. The individual area within a given congregate living dwelling or project that provides an enclosed living environment for those activities relating to self-maintaining behavior such as sleeping, grooming, bathing and toileting. Each living unit may be occupied by no more than two persons.

Convalescent or Nursing Home. A home for the care of children, the aged or the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. Such home shall also conform to and qualify for a license under applicable State laws (Public Act 139 of 1956, as amended).

Corner Clearance Area. A triangular area, formed at an intersection of any two street rights-of-way by a straight line drawn from one right-of-way line to the other at a distance along each line of ten (10) feet from their intersection point.

Courtyard or Court. An open unoccupied space other than a yard, on the same lot with a building and which is bounded on three or more sides by the building.

Cul-de-Sac. A dead-end public or private street which terminates in a circular or semicircular section of street which allows for vehicle turnaround.

Deceleration Lane. An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Density. The number of dwelling units situated on or to be developed per net or gross acre of land.

Detention basin. A facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

Development. The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Diameter Breast Height (D.B.H.). The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.

District. A portion of the Village of South Rockwood within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term “zone” or “zoning district.”

Drainage Ways and Streams. Existing permanent or intermittent watercourses.

Drive-In Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in or momentarily stepped away from their motor vehicles,

rather than within a building or structure, so that consumption within motor vehicles may be facilitated.

Drive-Through Establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off the premises may be facilitated.

Driveways. A driveway shall be hard-surfaced access connecting such parking space with a street or alley and permitting ingress and egress of a motor vehicle.

Dumpster Enclosure. Any exterior space which secures or screens containers, structures, or other receptacles intended for temporary storage of solid waste materials.

Dwelling. A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, cooking, eating and sanitation.

A. **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

1. **Accessory Apartment.** A dwelling for one (1) family located within a primary building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. “mother-in-law” apartment).
2. **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.

B. **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

C. **Detached Dwelling.** A dwelling unit which is not attached to any other dwelling unit by any means.

D. **Group Dwelling.** A group of two or more detached or semi-detached one-family, tow-family or multiple dwellings occupying a parcel of land in common ownership and having yards and courts in common.

E. **Manufactured Dwelling.** A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended;
2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities;
3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

- F. **Manufactured (Mobile) Home.** A type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered manufactured homes for the purposes of this Ordinance.
- G. **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.
- H. **Multiple Family Building.** A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families with each floor having two (2) means of egress, exclusive of an elevator.
- I. **Site Built Dwelling.** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.
- J. **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one family.
- K. **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane in an appropriate manner for multiple-family uses. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property.
- L. **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building with no visible separation between walls or roof. Each townhouse dwelling shall be capable of individual use and maintenance without trespassing upon adjoining dwellings, and access, utilities and service facilities shall be independent for each dwelling.
- M. **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two (2) families.

Easement. A grant of one (1) or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

Erect. To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill and drainage activities.

Essential Services. The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, or collection, communication, supply or disposal

systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this ordinance. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this ordinance.

Estate Sale. The sale of used personal property belonging to the occupants of a residential dwelling and conducted on the residential lot to liquidate an estate.

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

Exterior Architectural Feature. The architectural style, design, general arrangement and components of all of the outer surfaces of a building or structure, as distinguished from the interior surfaces enclosed by such outer surfaces. Such exterior architectural feature shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such building or structure, such as cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Facade. The vertical plane of the exterior surface of a building, including all visible architectural, decorative and structural features.

Family.

- A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than two (2) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- C. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuous, 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, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable periods.

Farm. A platted or unplatted parcel of land not less than three (3) acres used for agricultural purposes.

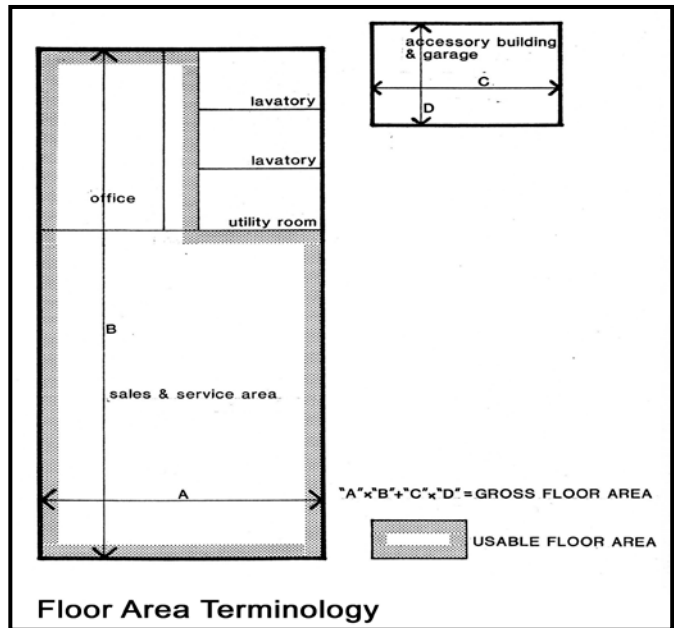
Fence. Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to property ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use. Hedges, ornamental shrubs, trees and bushes shall be considered fences for the purpose of this Ordinance when placed in a manner or position to serve as such.

- A. **Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Building Official for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.

- B. **Industrial fence.** A chain-link or ornamental fence constructed for the purpose of enclosing or securing an industrial use.
- C. **Living fence.** A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.
- D. **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than forty percent (40%). Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
- E. **Privacy fence.** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than forty percent (40%) for the purpose of obscuring or screening an area from public view.
- F. **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet (6') apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty percent (40%).

- G. **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the Building Official for the purpose of enclosing or securing an area for a limited period of time.

- 1. **Construction.** A fence erected for the purpose of securing a construction site against unauthorized access.
- 2. **Special Events.** A fence erected for the purposes of public safety at a special event. Such fences shall not be erected across street rights-of-way except as authorized by the Village Council and Monroe County Road Commission, where appropriate.



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

Flood Plain. The area adjoining a river stream, water course or lake subject to a one hundred (100) year recurrence-interval flood, as delineated by the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA) "Flood Hazard Boundary" maps. The floodplain shall include the stream channel and the overbank area (the floodway) and the fringe areas of the floodway.

Floor Area. The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a building or structure used for parking of motor vehicles shall not be computed in the

floor area. Courtyards or balconies open to the sky and roofs which are utilized for recreation, etc., shall not be counted in the floor area but shall be a part of the recreational space.

- A. **Floor Area, Gross (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The “floor area” of a building, which is what this normally is referred to as, includes the basement floor area when more than one-half (½) of the basement height is above the established curb level or finished lot grade, whichever is higher. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.
- B. **Floor Area Ratio (FAR).** The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Example: a FAR of 2.0 would allow floor space of twice the lot area, or a four-story, building covering one-half (½) of the lot. A FAR of 0.5 would allow floor space of one-half (½) the lot area, or a two-story building covering one-quarter (1/4) of the lot.
- C. **Floor Area, Usable (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

Foster Child. A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and/or education.

Frontage. All the property adjacent to one side of a street, as measured along the street right-of-way line, or at the front yard setback line for pie-shaped lots on cul-de-sacs.

Garage Sale. The sale of used tangible household personal belongings to the householder and conducted on an individual lot used as a one-family, two-family, or multiple-family dwelling. The items offered for sale shall be limited to personal property that is usual to a residence and commonly used in a family. A garage sale is not for the sale, display, or trading of articles of commerce obtained either new or used for the purpose of sale or resale nor for the sale, display or trading of goods manufactured or processed either on or off the lot for the purpose of sale or resale.

Garage, Commercial. Any premises used for the storage, care, repair or refinishing of motor vehicles, but not including a place where any vehicles are for hire or sale.

Garage, Community. A series of private garages located jointly on a parcel of land under a single ownership.

Garage, Private. Space in a principal building, or in an accessory building or on the same lot, used for storage and maintenance of occupant-owned motor vehicles as an accessory use only.

Garage, Storage. A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

Garbage. Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables, including spoiled food, dead animals, animal manure and fowl manure.

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

Grade. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building/dwelling.

- A. **Grade, Average.** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.
- B. **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
- C. **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.

Hedgerow. A row of eight (8) or more trees having a four (4) inch diameter or greater at a height of four (4) feet; the drip line of the trees defines the land area of the hedgerow.

Height, Building. The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

Home Occupation. Any business, occupation, or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. One (1) non-illuminated name plate, not more than one (1) square foot in area, may be attached to the building which shall contain only the name and occupation of the resident of the premises. Clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist homes, animal hospitals, kennels, millinery shops, and child care nurseries, among others, shall not be deemed to be home occupations.

- A. **Hobby.** An accessory use carried on by the occupant of the premises in a shop, studio or other workroom, purely for personal enjoyment, amusement or recreation; provided that the articles produced or constructed in said shop, studio, or workroom are not sold either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

- B. **Home Office.** An accessory use within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation is undertaken, including, but not limited to: receiving or initiating correspondence, such as telephone calls, mail, facsimiles, or electronic-mail; preparing or maintaining business records; word or data processing; and telephone, mail order, and off-premise sales.

Hospital, General. An institution providing in-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time. Included as an integral part of the institutions are such related facilities as laboratories, out-patient departments, educational facilities, food services and staff offices.

- A. **Hospital, Long Term.** An institution providing in-patient medical treatment of an intensive and specialized nature for the chronically ill, who are generally confined for periods of time exceeding thirty (30) days. Long-term hospitals include homes for alcoholic, narcotic, or psychiatric patients, and institutions for patients with a contagious disease, such as tuberculosis sanitariums.

Hotel. One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services. This definition shall include hotels, extended stay hotels, motels and inns.

Junk. Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

Junk Yard or Motor Vehicle Storage or Dismantling Yard. An open area where waste, used or secondhand material is 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 hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. The term “junk yard” does not include drop-off stations for residential recyclables.

Kenel, Commercial. The boarding, breeding, raising, grooming, or training of four or more dogs, cats, or other household pets of any age either 1) not owned by the owner or occupant of the premises, or 2) for commercial gain.

Kenel, Private. The keeping, breeding, raising, showing, or training of four or more dogs over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

Laboratory. A place devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Land Use Plan. The Land Use Plan of the Village of South Rockwood, as adopted and amended by the Village of South Rockwood Planning Commission.

Lighting. The following definitions are related to lighting:

- A. **Awning.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

- B. **Floodlight.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- C. **Footcandle.** A unit of illuminance, which is the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, amounting to one lumen per square foot.
- D. **Fully Shielded Fixture.** A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.
- E. **Glare.** Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- F. **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.
- G. **Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
- H. **Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of property in which it is located.
- I. **Luminaire.** The complete lighting system including the lamp and light fixture.
- J. **Luminaire Cut-Off Angle.** The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
- K. **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.
- L. **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.

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.

Lodge. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.

Lodging House, Rooming House. A building other than a hotel where lodging is provided for three (3) or more persons for compensation pursuant to previous arrangement, but not open to the public or transients and not exceeding ten (10) persons.

Lot. A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any structures, and having frontage upon a public or private street or road.

- A. **Corner Lot.** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, where any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle or not more than one hundred thirty-five (135) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner).
- B. **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one street will be designated as the front street in the plat and the request for a building permit.
- C. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a street.
- D. **Zoning Lot.** An area of land that, at the time of filing for site plan review or a permit, is designated to be used, developed or built upon as a unit. A zoning lot may include one or more lots of record, and shall satisfy the dimensional requirements of this Ordinance. Multiple adjacent lots under common ownership shall be deemed a single zoning lot if they are occupied by or designated for occupation by a single primary use or integrated primary uses and are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.
- E. **Lot Area.**
1. **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and waterbodies.
 2. **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.

Lot Coverage. A ratio, expressed as a percentage, of the lot area covered or occupied by buildings or structures, including accessory buildings or structures, to the net lot area of the zoning lot.

Lot Depth. The mean horizontal distance measured from the front street right-of-way line to the rear lot line, including front, rear, side, street or alley lot line.

Lot Line. Any line dividing one lot from another lot, or from a street right-of-way or from any public place. Specifically:

- A. **Front Lot Line.** For lots abutting two or more street right-of-ways, the Village shall determine the front lot line, for the purpose of this Ordinance, based on the location of the main entrance to the principal structure on the lot. If the main entrance to the principal structure is not clear, or there is no structure on the lot, then the front lot line shall be the line abutting a public or private right-of-way with the smallest frontage width. Appeals of the Village's determination of the front lot line shall be heard by the Zoning Board of Appeals, which shall approve the property owner's preferred front lot line provided that it would not be injurious to the existing, or the desirable future development of adjacent properties.

B. **Rear Lot Line.** The boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Building Inspector shall designate the rear lot line.

B. **Side Lot Line.** Any lot line not a front lot line or a rear lot line.

Lot Of Record. A parcel of land, the dimensions and legal description of which are on file with the Monroe County Register of Deeds, or any lot or parcel described by metes and bounds, and accuracy of which is attested to by a Professional Engineer or Land Surveyor (so registered and licensed in the State of Michigan) and has been created in accordance with the provisions of state laws and local ordinances regulating the division of land and has been assigned a parcel (tax) identification number by the Assessor for the Village of South Rockwood and on file with the County.

Lot Width. The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines. Where the side lot lines are not parallel, the lot width shall be considered as the average of the width between such side lot lines.

Major Street. An arterial street which is intended to serve as a large volume traffic-way for both the immediate municipal area and the region beyond, and is designated as a major street in the Village of South Rockwood Master Plan.

Manufactured Home. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).

Manufactured Home Site. An area within a mobile home park that is designated for the exclusive use of a specific mobile home.

Manufactured Housing Park. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

Marquee. A structure of a permanent nature projecting from the wall of a building.

Massage Therapist. An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

A. **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic,

relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

Master Plan. The comprehensive plan(s) including graphic and written proposals indicating the development goals and objectives, the planned future use of all land within the Village of South Rockwood, as well as the general location for streets, parks, schools, public buildings, and all physical development of the Village of South Rockwood, and includes any unit or part of such plan(s), and any amendment to such plan(s) or part(s) thereof. Such plan(s) shall be adopted by the Planning Commission and may or may not be adopted by Village Council.

Mean. Quantity or measurement having a value midway between two extremes. Example: The mean of measurements of numbers 1 and 11 is the number 6.

Mechanical Amusement Arcade. Coin-operated amusement machine and/or device establishments shall be defined as a place of business that has in operation an excess of five (5) coin-operated machines and/or devices.

Mechanical Amusement Device. A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table, or any other similar machine, instrument, or contrivance which may be operated or set in motion upon the insertion of a coin, or under normal use is designed to have a coin; however, in lieu of said coin, the proprietor charges a flat rate to use said device.

Mezzanine. An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

Microbrewery. A brewer licensed by the State of Michigan which produces and manufactures in total less than thirty-thousand (30,000) barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the thirty-thousand (30,000) barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

Mixed Use. A structure or project containing residential and nonresidential uses.

Motor Home (Trailer Coach). A self-propelled motorized vehicular unit primarily designed, used, or constructed for travel and/or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."

Motor Vehicle Repair. The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; overall painting, but not including undercoating of automobiles unless conducted in a completely enclosed spray booth.

Motor Vehicle Wash Establishment. A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

New Construction. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

Nonconformities:

- A. **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.
- B. **Class A Nonconforming Designation.** A nonconforming structure or use of land that has been designated by the Planning Commission to be allowed to be perpetuated and improved in accordance with the provisions of this Ordinance and an approved site plan.
- C. **Class B Nonconforming Status.** Nonconforming structures or uses of land, other than those designated as Class A, are considered to be Class B and are allowed to continue within the restricted provisions of this Ordinance.
- D. **Illegal Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure, or is not in compliance with all applicable federal, state, county and Village laws, ordinances, regulations and codes.
- E. **Illegal Use Of Land.** A use that occupies one or more contiguous parcels of land, or structures and land in combination, which is not a conforming or a nonconforming use, or is not in compliance with all applicable federal, state, county and Village laws, ordinances, regulations and codes.
- F. **Nonconforming Lot of Record.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- G. **Nonconforming Sign.** See **Signs**.
- H. **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
- I. **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.
- J. **Nonconforming Use Of Land.** A use that lawfully occupied a parcel or contiguous parcels of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located, or does not have special approval where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and Village laws, ordinances, regulations and codes.

Noxious. An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.

Nuisance Factors. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical

characteristics of an activity or use across a property line which can be perceived by or affect a human being, or the generation of an excessive or concentrated movement of people or things such as noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, or invasion of non-abutting street frontage by traffic.

Nursery, Day Nursery, Nursery School or Child Care Center. An establishment wherein three or more children, not related by bonds or consanguinity or fostership to the family residing on the same permanent premises, are, for remuneration, cared for. Such nurseries or centers need not have a resident family on premise.

Nursery, Tree and Shrub. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Obscene Material. As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].

Obscuring Screen. A visual barrier between adjacent areas or uses consisting of structures, such as a wall or fence, or living plant material.

Occupancy. The purpose for which a building or part thereof is used or intended to be used.

Occupancy Load. The number of individuals normally permitted to occupy a building or part thereof, as determined by the Building Official.

Occupied. Includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited," not necessarily for dwelling purposes.

Offset. The distance between the center lines of driveways or streets across the street from one another.

Off-Street Parking Lot. A facility located outside of the street right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

Open Air Business Uses. See OUTDOOR SALES or DISPLAY.

Open Space. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use. Grading in the open space shall be minimal, with the intent to preserve existing topography.

Outdoor Sales or Display. The placement or exhibition of products or services on a lot outside of a building, excluding garages sales that are otherwise regulated in this Ordinance.

Outdoor Motor Vehicle Storage or Dismantling Yard (Junk Yard).

Any business and any place of storage or deposit which displays, or in or upon which there are displayed, to view from a public right-of-way, two or more registered or unregistered motor vehicles which are unfit for reconditioning for use on the public highways, or used parts of motor

vehicles, or old iron, metal, glass, paper, cordage, or other waste, or discarded or secondhand material which has been a part or intended to be a part of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing or operation on privately owned drag strips or raceways, vehicles retained by the owner for antique collection purposes rather than for salvage or for transportation, and vehicles stored as the property of a member of the armed forces of the United States who is on active duty assignment outside the continental and territorial limits of the United States.

Outlot. A parcel of land designated on a site plan for future development.

Package Liquor Store. A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

Parapet Wall. An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Park. Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts, or otherwise intended for active or passive recreational pursuits.

Park, Public. Any park within the jurisdiction and control of a government agency.

Parking Area, Public. An open area other than a street, alley or place used for the temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

Parking Space. A space set aside for the sole purpose of parking an automobile on a temporary basis.

Pavement or Hard Surface. Plant-mixed bituminous material, concrete, and brick or masonry pavers meeting the construction specifications of the Village of South Rockwood.

Pawn Shop. A shop that lends money in exchange for valuable personal property as security. This definition includes the sale of such securities after repossession and the sale of new merchandise generally found in retail stores.

Permit. Authorization given by the Village of South Rockwood to erect, construct, renovate, maintain, or conduct any other specified activity on any building or structure, or on any installations or facilities therein in conformity with this Ordinance. The term “permit” shall include but not be limited to building, electrical, mechanical, plumbing and zoning permits.

Planned Development. A form of comprehensively planned land development which permits flexibility in site design, arrangement and types of permitted uses.

Planning Commission. The Village of South Rockwood Planning Commission, being the agency designated to prepare and to recommend amendments to this Ordinance in accordance with authority of Section 2, Act 285, Public Act 1931, as amended.

Planting Season. The period of time during the year, as determined by a registered arborist or landscape architect, during which trees, shrubs and other plant materials may be planted with the greatest likelihood of successful growth and development.

Plat. A map of a subdivision of land.

Porch, Enclosed. A completely enclosed (with materials other than mesh screening) and roofed space that serves as an entrance to a building or structure and a sheltered transition zone between indoor and outdoor areas.

Porch, Open. A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure with a roof that serves as an entrance to a building or structure and a transition zone between indoor and outdoor areas.

Premises. A single zoning lot, or multiple adjacent lots under common ownership occupied by a single primary use or integrated primary uses that are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruptions.

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

Public and Semi-Public Institutional Buildings, Structures and Uses. Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not limited to, office buildings, churches, municipal parking lots, post offices, libraries, and community centers.

Public Services. Such uses and services that provide a service to the general public, such as voting booths, pumping stations, fire halls, police stations, public health activities and similar uses.

Public or Private Utility. A person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this ordinance.

Radioactive Materials. Materials defined as radioactive under state or federal regulations for transportation of radioactive materials.

Recreation Establishment, Indoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation Establishment, Outdoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

Recreation Area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as

swimming, picnicking, hiking, nature study, hunting, boating, and fishing lot or parcel that is utilized for recreation.

Recreational Vehicle. A vehicle which is: 1) built on a single chassis; 2) four hundred (400) square feet or less when measured at the largest horizontal projections; 3) self-propelled or permanently towable by motor vehicle or light duty truck; 4) designed primarily not for use as permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and 5) required by Michigan law to have a valid vehicle registration when traveling upon public streets.

Repair And Maintenance, Ordinary. Any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or property, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original and all of which must comply with applicable codes and ordinances. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

Restaurant. Any establishment whose primary business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation and whose design and principal method of operation includes the following:

- A. Suitable seating for customers and/or a service counter for carry-out orders.
- B. Adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night.
- C. Customers are served their food and beverages by a restaurant employee at the table where such items will be consumed, or at the counter where such items are ordered by the customer.

Restaurant, Carry-Out. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

- A. Food and beverages are usually served in edible containers, or in paper, plastic or other disposable containers.
- B. The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.

Restaurant, Drive-In. Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design or method of operation, or any portion of whose business, includes one or both of the following characteristics:

- A. Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicle.

- B. The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.

Retail Stores and Retail Sales. A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares, or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items. Included in this definition are convenience stores, department stores, variety stores, “big-box” stores, supermarkets, wholesale club stores, shopping centers and shopping malls. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the primary use of retail sales to the customer in the building. This definition does not include temporary uses, outdoor display or sales areas, or adult uses and sexually-oriented businesses.

Retaining Wall. A permanent, solid barrier of brick, stone or similar material approved by the Village of South Rockwood, intended to enclose an area. All supporting members, posts, stringers, braces, pilasters or other construction features shall be located and placed on the inside of the wall away from public view, and all visible exterior surfaces shall be constructed, painted, tinted or colored. No signs shall be placed, affixed, painted or designed on retaining walls.

Right-Of-Way. A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles or placement of public and semi-public utilities and under the legal authority of the agency having jurisdiction over the right-of-way.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a “den,” “library,” or other extra room shall count such extra room as a bedroom for the purpose of computing density.

School, Nonpublic. A nonpublic school is any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

School, Public. A public school is a public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or by the department or state board.

Second Hand Dealers. Any person, corporation or member or members of a corporation or firm who primarily engage in the retail sale of used merchandise, antiques, and secondhand goods; such as, clothing, shoes, furniture, books, rare manuscripts, musical instruments, office furniture, phonographs and phonograph records, store fixtures and equipment. Excluded from

this definition are dealers primarily engaged in selling used motor vehicles, trailers, boats, mobile homes, automobile parts and accessories, scrap and waste dealers.

Self-Storage Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Senior Housing. An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily sixty (60) years of age or older. Housing for the elderly may include:

- A. **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
- B. **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- C. **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.
- D. **Elderly Housing Complex.** A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older.
- E. **Senior Apartments.** Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.

Separate Ownership. Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.

Service Drive. An alley or other paved vehicular access that generally parallels the public right-of-way and provides shared access to multiple lots.

Setback. The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or street rights-of-way.

- A. **Parking Lot Setback.** The minimum horizontal distance between the street right-of-way or property line and the near edge of pavement in an off-street parking lot.
- B. **Required Setback.** The minimum horizontal distance between a front, rear, or side lot line and a building line required to comply with required yard provisions of this Ordinance.

Shopping Center. A group of commercial establishments, planned, developed, owned and managed as a unit, and related in location, size and type of shops to the trade area it serves.

Sign. See Section 13.112.

Site Plan. A scaled drawing illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this ordinance and the Village Code of Ordinances.

Site, Developed. A site that contains existing structures or buildings for which a building permit was required.

Site, Undeveloped. A site that does not contain a structure or building for which a building permit was required.

Soil. The word soil as used herein shall be topsoil, subsoil, sand, gravel, muck or any other type of natural earthy material.

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

Special Approval Use Permit. An authorization by the Village Council or Planning Commission specified herein to use a parcel of land and/or structure for a special approval land use.

Stable, Commercial. A structure in which livestock used for pleasure riding or driving are housed or kept for hire, including a riding track.

Stable, Private. Space in a principal building or an accessory building on the same lot used for stabling of livestock owned by the occupants, exclusively as an accessory use.

State Equalized Valuation. The value shown on the Village Assessment roll as equalized through the process of State and County equalization.

State Licensed Residential Facility. A structure constructed for residential purposes that is licensed by the state pursuant to the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, as amended (MCLA 400.701 et seq.), or the Child Care Organizations Act, Public Act 116 of 1973, as amended (MCLA 722.111 et seq.), which facility provides resident services and twenty-four (24) hour supervision or care for six (6) or fewer persons in need of supervision or care.

Steep Slopes. Slopes with a grade of twelve percent (12%) or more.

Store. A retail facility offering a variety of merchandise, including but not limited to the following: food, beverages, clothing, automotive supplies, personal hygiene items, toys, sports equipment, books, electronic equipment and household items.

A. **Home Improvement or Hardware Store.** A retail facility the primary focus of which is to offer a variety of merchandise for home improvement, including but not limited to building materials and supplies, appliances, plants, gardening supplies and home furnishings.

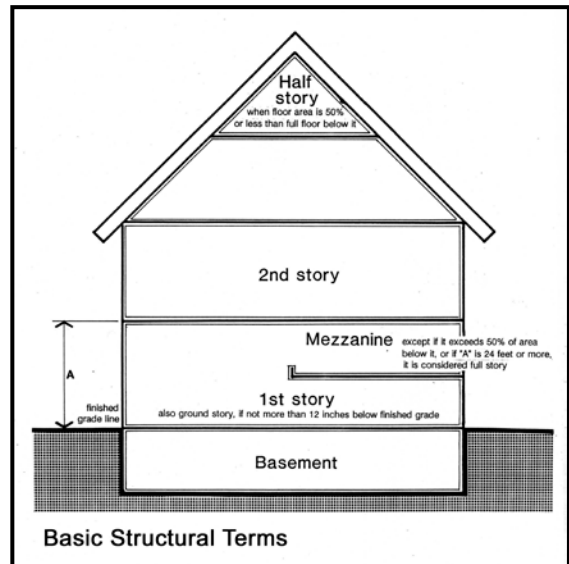
B. **Hypermarket.** A retail store with more than forty-thousand (40,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have

facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services, and includes departments for various hardline merchandise (such as hardware, lumber and building supplies, automobile parts and supplies, paint, floor coverings, furniture, home improvement supplies, sporting goods, toys, housewares, cookware, pets and pet supplies, gardening supplies, appliances, jewelry, etc.) and softline merchandise (such as clothing, shoes, cosmetics, health supplies, personal hygiene products, books and magazines, stationery and office supplies, greeting cards and gifts, infant and toddler materials, fabric and sewing supplies, household decorations, etc.).

- C. **Supermarket.** A retail store with ten thousand to forty thousand (10,000 – 40,000) square feet of gross floor area offering groceries, meats, poultry, seafood, dairy products, produce, bakery products, other food products, and other associated merchandise, and may have facilities for a butcher shop, fresh seafood, a delicatessen, a bakery, a party store, a restaurant, an ice cream parlor, a florist, a pharmacy, a financial institution, or other services.

Story. That part of a building, other than a mezzanine, included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. Specifically:

- A. **Basement.** A story if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building, including the family of the same.
- B. **First Story.** The highest story having its interior floor surface not more than four feet above the curb level, or the average elevation of the finished grade along the front of the building were it set back from the street.



- C. **Half-story.** That part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half ($\frac{1}{2}$) of the floor area of such full story, provided the area contains at least two-hundred (200) square feet, with a clear height of at least seven (7) feet six (6) inches.
- D. **Mezzanine.** A full story when it covers more than fifty percent (50%) of the area of the story underneath such mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- E. **Top Story Attic.** A half story when the main line of the eaves is not above the middle of the interior height of said story.

Street Right-of-Way Line. The dividing line between the street and a lot.

Street. A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley. A Public Street is a street accepted

by dedication or otherwise by the Village of South Rockwood. A Private Street is a street not so accepted, or any street designated as a private street upon a recorded plat.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

Structure, Outdoor Advertising. Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statutory.

Subdivision. A subdivision as defined in the Village of South Rockwood Code of Ordinances.

Subdivision Regulations. Regulations governing the subdivision of land, providing for the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record of final plats, approval of the plat by the Village Council, providing for platting regulations and requirements in regard to conformity to the Village Land Use Plan, as to streets, alleys, easements, blocks and lots, and to provide penalties for the violation thereof, as promulgated and created by the Planning Commission of the Village of South Rockwood.

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, (1) before the improvement or repair is started, or (2) 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 (1) 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 (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pool. Any structure or container located above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and intended for swimming or bathing. A swimming pool shall be considered an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

Tavern (Pub). An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and other mechanical amusement devices.

Temporary Building. A structure permitted to exist during periods of construction or for special events.

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

Tourist Home. A dwelling in which overnight accommodations are provided or offered for transient guests.

Treasurer. The Village Treasurer of the Village of South Rockwood.

Truck Gardening. The use of land for growing edible vegetables, fruits and other crops for resale and commercial purposes. Household gardening by a property owner for a hobby or purely local consumption by the property owner's family residing in the same premises shall not be construed to be truck gardening.

Truck Storage. An area used for the temporary storage of private trucks or trucks for hire.

Truck Terminal. The use of property or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

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

A. **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the primary use or building of the premises.

B. **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.

1. **Principal Use.** An activity permitted by right in the district, subject to the requirements and standards of this Ordinance.

2. **Special Approval Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.

C. **Primary Use.** The main use to which the premises are devoted and the main purpose for which the premises exist.

D. **Seasonal Use.** A temporary use permitted and regulated pursuant to this ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers and Christmas trees.

E. **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance, including, but not limited to carnivals, circuses, farmers market, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events.

Utility Room. A room or space, located other than in the basement specifically designed and constructed to house any home utilities or laundry facilities.

Variance. A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals.

Veterinary Clinic Or Hospital. An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

Village Engineer. The Village Engineer of the Village of South Rockwood or his authorized representative.

Wading Pool. For the purposes of this Ordinance a wading pool shall be any receptacle utilized for holding water which has a water depth not exceeding two (2) feet.

Walls.

- A. **Decorative.** A screening structure walls of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.
- B. **Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete or similar material.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps, or marshlands. Wetlands shall also have one (1) or more of the following attributes:

- A. At least periodically, the land supports predominantly hydrophytes.
- B. The substrate is predominantly un-drained hydric soil.
- C. The substrate is saturated with water, or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) under the provisions of Public Act 203 of 1979, as amended, that have any of the following characteristics:

- A. Contiguous to an inland lake, pond, river or stream;
- B. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- C. Other wetlands where the MDEQ determines, with notification to the property owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.

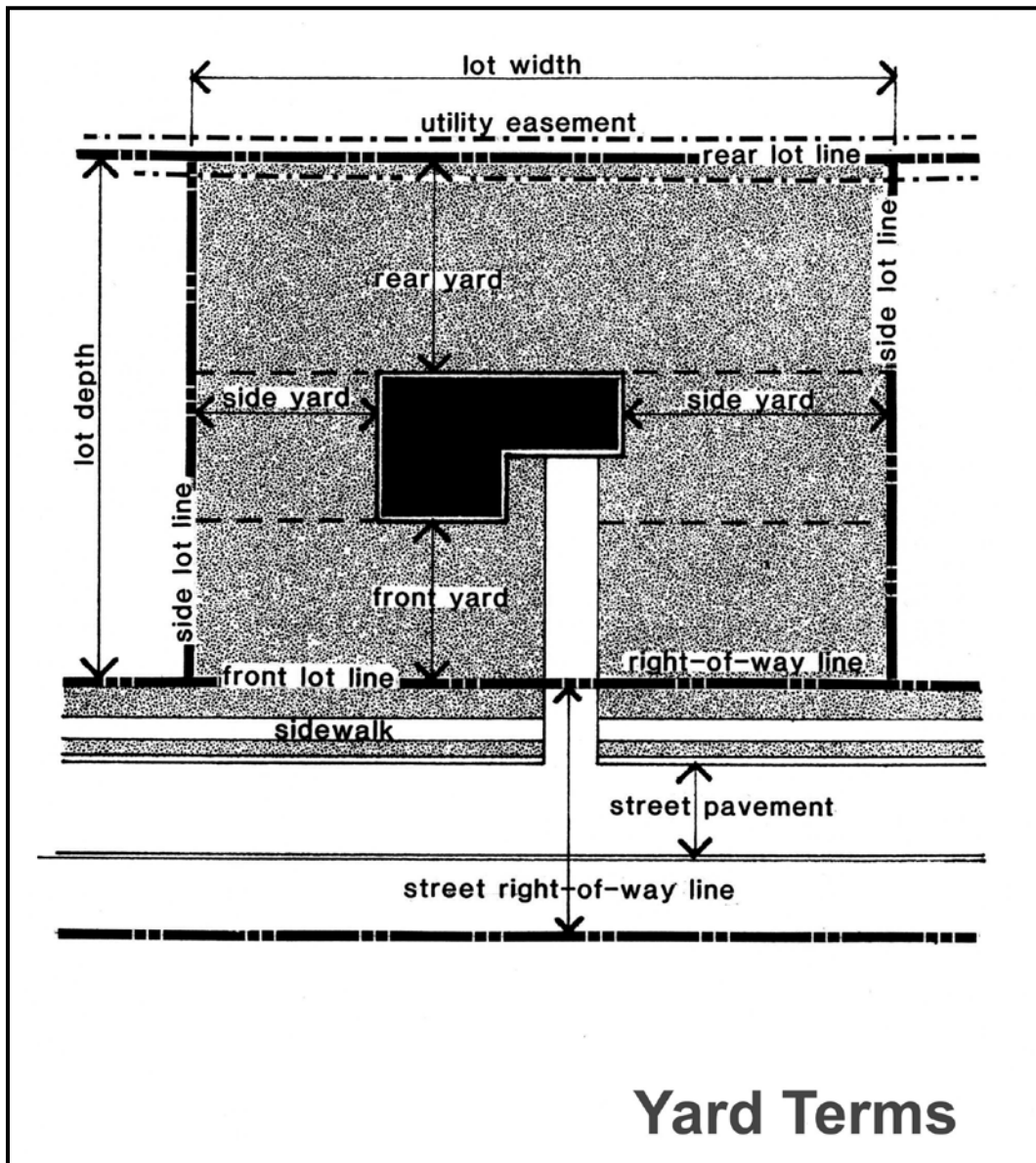
Wine Shop (Specialty). A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of wine or beer with an alcohol content under twenty-one percent (21%) by volume for consumption off the premises, however no more than ten percent (10%) of the gross floor area shall be dedicated for the storage, display, and sale of beer.

Wireless Communications Facility. All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

- A. **Abandoned Tower Or Antenna.** An antenna that is not operated for a continuous period of twelve months, or a tower constructed or maintained without an operational antenna shall be considered abandoned.
- B. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
- C. **AM Array.** One or more tower units with a supporting ground system that function as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.
- D. **Amateur Radio Communications Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.
- E. **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 or analog signals, radio frequencies (except radar) or other wireless communication signals.
- F. **Backhaul Network.** The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
- G. **Co-Location.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower or building.
- H. **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
- I. **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.
- J. **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

Yard. An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein.

- A. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or street right-of-way and the nearest point of the primary building.
- B. **Rear Yard.** An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the primary building.
- C. **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback or other open space requirements.
- D. **Side Yard.** An open space extending from the front yard to the rear yard on the side of the primary building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the main building.



Zone or Zoning District. A portion of the Village of South Rockwood within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Zoning Board of Appeals. The Zoning Board of Appeals of the Village of South Rockwood, created pursuant to the provisions of Michigan Public Act 110 of 2006, as amended.

Zoning Permit. Written approval by an authorized agent of the Village required before commencing any construction, reconstruction, or alteration of any building or structure, or before establishing, extending, or changing any use on a lot.

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ARTICLE 26

ESTABLISHMENT and AMENDMENT

Section 26.01 Enabling Authority

This ordinance is adopted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006 (as amended). Said Act is made a part of this Ordinance as if it were word for word repeated herein.

Section 26.02 Adoption and Effective Date

The previous Zoning Ordinance adopted by the Village Council on _____ known as the Village of South Rockwood Zoning Ordinance is hereby repealed and replaced by this Ordinance, along with all amendments thereof and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance.

This Ordinance, which specifically includes the Zoning Map, is hereby ordered to be given immediate effect and be in force from and after the earliest date allowed by law. This Ordinance is hereby ordered to be published in the manner provided by law on the 21st day of April, 2008.

This Ordinance was adopted by the Village Council of South Rockwood by authority of Act 110 of the Public Acts of Michigan, 2006 (as amended) at a meeting thereof duly called and held on the 7th day of April, 2008.

Section 26.03 Amendments

The Village Council may, after recommendation from the Planning Commission, amend, supplement or change the regulations or the district boundaries of this Ordinance as established herein, subsequently pursuant to the authority and procedure set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

- A. **Initiation of Amendment.** Amendments to the provisions of this Ordinance may be initiated by the Village Council or Planning Commission, or by petition from one (1) or more residents or property owners of the Village. An amendment to the zoning district boundaries contained on the official Zoning Map may be initiated by the Village Council or Planning Commission, or by the owner or owners of property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Village Council or Planning Commission.
- B. **Application.** An amendment to this Ordinance, except those initiated by the Village Council or Planning Commission, shall be initiated by submission of a completed application form to the Village. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit such fee, as established by Village Council, with the Village Treasurer at the time that the petition is filed to cover publication and other miscellaneous costs. In the case of an amendment to the official Zoning Map, the following information shall accompany the application form and fee:

1. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
 2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
 3. The existing and proposed zoning district designation of the subject property.
 4. A written description of how the requested amendment meets the criteria stated in this Section.
 5. An impact assessment, if required by the Planning Commission or Village Council, in compliance with Section 1.13 of this Ordinance (Impact Assessments).
- C. **Amendment Review Procedure.** The amendment and application materials shall be prepared in accordance with the provisions of this Section, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:
1. Technical Review. Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Village officials and staff for review and comment. If deemed necessary by the Planning Commission, the proposed amendment and application materials shall also be distributed to applicable outside agencies and designated Village consultants for review.
 2. Public hearing. A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in Section 1.12 of this Ordinance (Public Hearing Procedures).
 3. Planning Commission consideration of the proposed amendment. Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the Village Council.
 4. Village Council action on the proposed amendment. Upon receipt of the report and recommendation from the Planning Commission, the Village Council shall consider the proposed amendment. If determined to be necessary, the Village Council may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the Village Council shall approve or deny the amendment, based upon its consideration of the criteria contained herein this Section.
- D. **Re-application.** Whenever an application for an amendment to this Ordinance has been denied by the Village Council, a new application for the same amendment shall not be accepted by the Planning Commission for consideration for a period of three hundred

sixty five (365) days, unless the Planning Commission determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.
2. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.
3. The new application is materially different from the prior application.

E. **Criteria for Amendment of the Official Zoning Map.** In considering any petition for an amendment to the official zoning map, the Planning Commission and Village Council shall consider the following criteria in making its findings, recommendations, and decision:

1. Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.
4. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
5. The capacity of the Village's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Village.
6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
7. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
8. If a rezoning is appropriate, the requested zoning district considered to be more appropriate from the Village's perspective than another zoning district.
9. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

10. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

Section 26.04 Rezoning with Conditions

Pursuant to MCL 125.584.g, the Village Council, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

A. **Conditional Rezoning Agreement.** The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A conditional rezoning agreement shall contain the following information:

1. A statement acknowledging that the rezoning with conditions was proposed by the applicant to induce the Village to grant the rezoning, and that the Village relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Village.
2. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement.
3. Agreement and understanding that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and Village, and their respective heirs, successors, assigns, and transferees.
4. The date upon which the rezoning with conditions becomes void, as specified in Section 26.04(C), below. If an extension of approval is granted by the Village Council, a new conditional rezoning agreement with the new expiration date shall be recorded.
5. Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in this Section 26.04(C), below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
6. Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
7. A legal description of the property affected by the rezoning with conditions.
8. Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, etc.

9. Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.
 10. A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the Village Council in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for preliminary and final Site Plan, subdivision, condominium, or special land use review and approval, as the case may be.
- B. **Amendment.** A proposed amendment to a conditional rezoning agreement shall be reviewed and approved in the same manner as a new rezoning with conditions.
- C. **Period of Approval.** Unless extended by the Village Council for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the Village commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.
1. Expiration. In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and the conditional rezoning agreement shall be void and of no effect. The landowner may apply for a one (1) year extension one (1) time. The request must be submitted to the Village Clerk before the two (2) year time limit expires. The landowner must show good cause as to why the extension should be granted.
 2. Effect of Expiration. If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:
 - a. The property owner may seek a new rezoning of the property; and/or
 - b. By the automatic reverter set forth in MCL 125.584g, the land shall revert to its former zoning classification upon the approval of a resolution by the Village Council.
- D. **Zoning Map.** If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoning accompanied by a reference to “CR Conditional Rezoning.” The Zoning map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be “C-1 Village Center District with CR Conditional Rezoning,” with a Zoning Map designation of “C-1 CR.”
- E. **Review and Approval Process.** An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in Section 26.03, with the exception that the conditional rezoning agreement shall be executed between the applicant and the Village Council at the time of Village Council approval of a rezoning with conditions.
- F. **Recordation of a Conditional Rezoning Agreement.** A rezoning with rezoning conditions shall become effective following publication in the manner provided by law,

and after recordation of the conditional rezoning agreement with the County Register of Deeds, whichever is later.

- G. **Violation of Conditional Rezoning Agreement.** If development and/or actions are undertaken on or with respect to the property in violation of the conditional rezoning agreement, such development and/or actions shall constitute a nuisance per se. In such case, the Village may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the conditional rezoning agreement, the Village may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates in addition to or in lieu of such other lawful action to achieve compliance.

Section 24.05 Validity and Severability

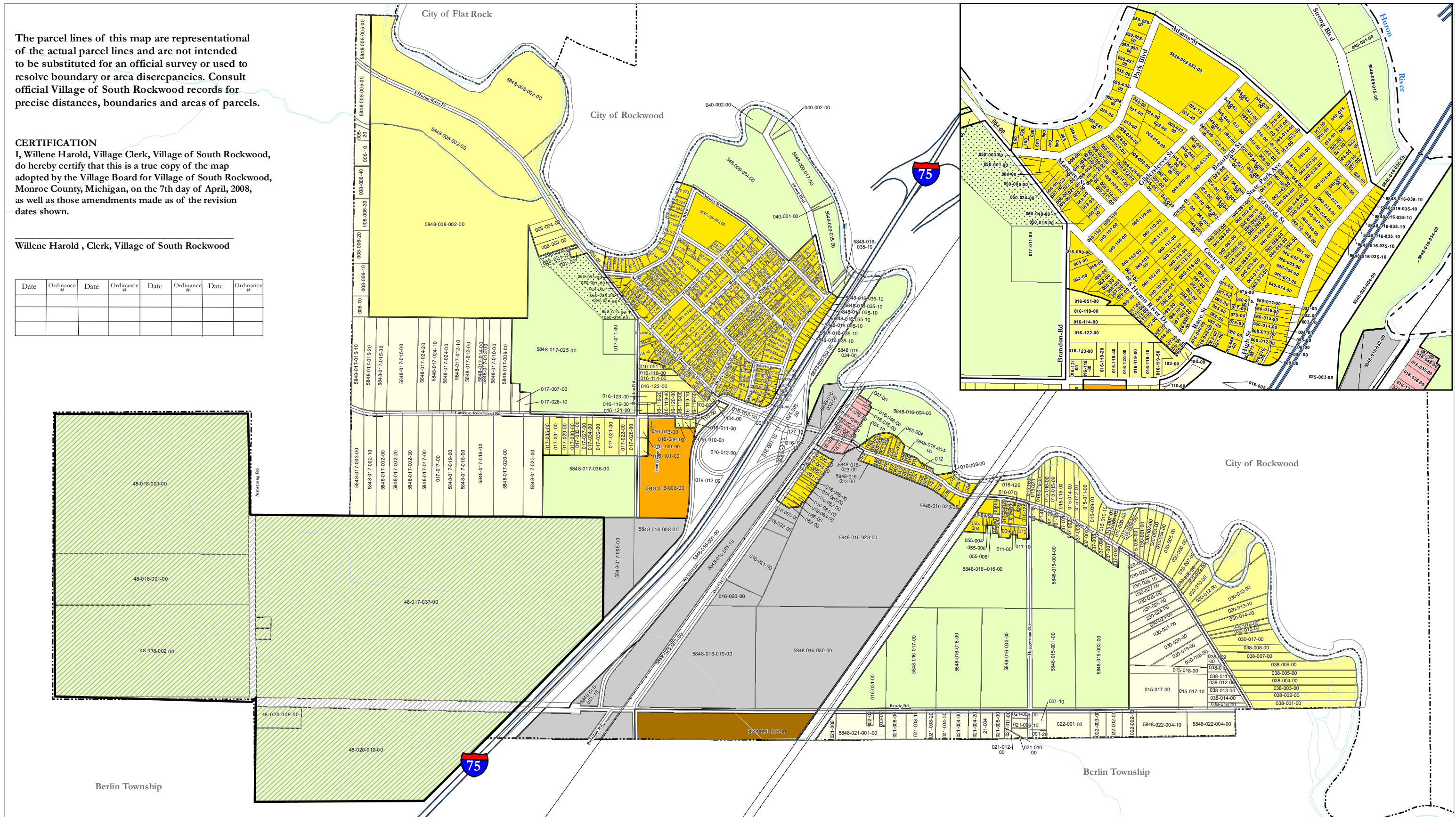
This ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

The parcel lines of this map are representational of the actual parcel lines and are not intended to be substituted for an official survey or used to resolve boundary or area discrepancies. Consult official Village of South Rockwood records for precise distances, boundaries and areas of parcels.

CERTIFICATION
 I, Willene Harold, Village Clerk, Village of South Rockwood, do hereby certify that this is a true copy of the map adopted by the Village Board for Village of South Rockwood, Monroe County, Michigan, on the 7th day of April, 2008, as well as those amendments made as of the revision dates shown.

Willene Harold, Clerk, Village of South Rockwood

Date	Ordinance #	Date	Ordinance #	Date	Ordinance #	Date	Ordinance #



Zoning Map with Parcel Numbers

Village of South Rockwood, Michigan

- RUD
- RE
- RL
- R-1A
- R-1B
- R-M
- R-MH
- C-1
- C-2
- I
- Subject to Conditional Rezoning Agreement

Base Map Source: Monroe County Planning, 1998
 Data Source: McKenna Associates, Inc. 10/2007

11/13/2014



McKenna
 ASSOCIATES