

## **CHAPTER 1**

### **General Provisions**

The Village of Lakewood Club hereby ordains these regulations for the use of land and structures within the Village.

#### **SECTION 101. SHORT TITLE.**

This Ordinance shall be known as the Village of Lakewood Club Zoning Ordinance.

#### **SECTION 102. PURPOSE AND OBJECTIVES.**

It is the general purpose of this Ordinance to promote the public safety, health, morals, convenience, and general welfare. To accomplish this purpose, the Ordinance will address the following objectives.

- (1) Guide the use and development of land, buildings and natural resources according to their suitability for particular activities.
- (2) Protect the community's quality of life and enhance the social and economic stability of the Village.
- (3) Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land uses.
- (4) Guide efforts to provide public services, such as water supply, sewer, storm drainage, waste disposal, transportation, education, recreation and public safety.
- (5) Establish standards to guide physical development of each Zoning District and of the Village as a whole, and provide for enforcement of these standards.
- (6) Educate citizens and public officials about their shared responsibilities for wise use of community resources.
- (7) Strive to balance one property owner's right to the peaceful use and enjoyment of his or her parcel with the rights of neighboring property owners to the peaceful use and enjoyment of theirs.

#### **SECTION 103. INTERPRETATION.**

The provisions of this Ordinance shall be held to be minimum requirements, adopted to promote public health, safety, comfort, convenience and general welfare. This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing provisions of law or ordinance. Nor is it intended to overturn any previously approved or adopted rules, regulations or permits

which relate to the use of land or buildings. Nor is this Ordinance intended to interfere with, abrogate or annul any lawful easements, covenants or other agreements.

Where this Ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinances, or by rules, regulations permits, easements, covenants or agreements that may be in force, the provisions of this Ordinance shall control. Where provisions of any other Ordinance or regulation of the Village of Lakewood Club impose stricter requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

**SECTION 104. SEVERABILITY.**

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not affect the validity of remaining portions of the Ordinance. It is intended that this Ordinance shall stand notwithstanding the invalidity of any part thereof.

**SECTION 105. REPEAL.**

The existing zoning regulations of the Village of Lakewood Club, as amended, are hereby repealed. However, said repeal shall not abate any action now pending under or by virtue of the ordinance herein repealed. Nor shall said repeal discontinue, abate, modify, or alter any penalty accrued or to occur. Nor shall it affect the rights of any person, firm, or corporation. Nor shall said repeal waive any right of the Village under any section or provision of the Ordinance hereunder repealed that was existing at the time of the passage and effective date of this Ordinance.

**SECTION 106. EFFECTIVE DATE.**

The Ordinance shall take effect October 23, 2003 which is 30 days following the date of adoption by the Village of Lakewood Club.

**SECTION 107. LIABILITY.**

The Village of Lakewood Club Zoning Administrator or any person charged with the interpretation and enforcement of this ordinance, acting in good faith and without malice for the Village in the discharge of his duties shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties.

## CHAPTER 2

### Definitions

#### SECTION 201. RULES APPLYING TO THE TEXT.

For the purpose of this Ordinance, certain rules of construction apply to the Text, as follows:

- (1) Words used in the present tense include the future tense; and, the singular includes the plural, unless the context clearly indicates the contrary.
- (2) The word "person" includes a corporation or firm as well as an individual.
- (3) The word "structure" includes the word "building."
- (4) The word "lot" includes the words "plot," "tract," or "parcel."
- (5) The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- (6) The words "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (7) Any word or term not herein defined shall be used with a meaning of common standard use.
- (8) The term "he" shall be read as he, or she.

#### SECTION 202. DEFINITIONS.

**ABUT.** To physically touch or border upon; to share a common property line.

**ACCESSORY STRUCTURE.** A structure attached or detached from a principal building on the same lot and customarily incidental to and subordinate to the principal building or use.

**ACCESSORY USE.** An accessory use includes a building or structure and is a use clearly incidental to, customarily found in connection with, and located on the same lot as the principal use to which it is related.

**ACTIVITY.** See "Use."

**ADJACENT.** A lot or parcel of land which shares all or part of a common lot line with another parcel of land.

**ADULT CABARET.** A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the *primary live entertainment*

is distinguished or characterized by an emphasis on the exhibition of *specific sexual activities* or *specified anatomical areas* for observation by patron therein.

**ADULT MEDIA.** Magazines, books, slides, CD roms or devices used to record computer images, or other *media* that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to *hard-core material*.

**ADULT MEDIA STORE.** An establishment that rents and/or sells media, and that meets any of the following three tests:

1. 40 percent or more of the gross public floor area is devoted to *adult media*.
2. 40 percent or more of the stock in trade consists of *adult media*.
3. It advertises or holds itself out in any form as “XXX,” “adult,” “sex,” or otherwise as a *sexually oriented business* other than *adult media store*, *adult motion picture theater* or *adult cabaret*.

**ADULT MOTION PICTURE THEATER.** An establishment emphasizing or predominately showing sexually oriented movies.

**AGRICULTURAL RETAIL FACILITY.** A booth or stall located on a farm from which produce and farm products are sold to the general public.

**ALLEY.** A service-way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**ALTERATIONS.** Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

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

**ASSEMBLY BUILDING.** A building for the primary purpose of group gatherings of 50 people or more for any purpose.

**AUTOMOBILE CAR WASH.** An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

**AUTOMOBILE/VEHICLE GAS/FUEL SALES.** An establishment primarily engaged in the sale of gas or other fuels for use in vehicles. The primary use must constitute over 50% of vehicle traffic to the establishment.

**AUTOMOBILE/VEHICLE MAJOR REPAIR.** An establishment primarily engaged in engine and transmission repair that may require removal of the engine. All repair work on the body of cars constitutes major repair. The primary use must constitute over 50% of vehicle traffic to the establishment.

**AUTOMOBILE/VEHICLE MINOR REPAIR.** An establishment primarily engaged in all vehicle repairs other than those defined as major engine repair. The primary use must constitute over 50% of vehicle traffic to the establishment.

**AUTOMOBILE SALES.** An establishment engaged in the sale, rental or leasing of new or used automobiles, vans or pickup trucks. The primary use must constitute over 50% of vehicle traffic to the establishment.

**BANK.** See "Financial Business."

**BAR.** A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

**BASE AREA.** The area, which is the length times the width, in square feet as of the effective date of this Ordinance.

**BASEMENT.** A story having part but not more than one half (1/2) of its height above finished grade. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes.

**BEAUTY SALON.** See PERSONAL SERVICE BUSINESS.

**BERM.** A mound of earth graded, shaped and improved with grass, plant materials, and/or ground cover in such a fashion as to be used for visual and/or audible screening.

**BED AND BREAKFAST.** An owner or manager occupied dwelling or part thereof, in which lodging for seven consecutive nights or less, is provided by the owner or operator to one or more persons.

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

**BODY SHOP.** See AUTOMOBILE/VEHICLE MAJOR REPAIR.

**BUILDING.** Any structure erected on-site, a mobile home or mobile structure, a premanufactured or pre-cut structure, above or below ground, intended primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

**BUILDING, FRONT LINE OF.** The line that coincides with the face of the building nearest the front of the lot. This face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front lot line and measured as a straight line between the intersecting points with the side yard.

**BUILDING, HEIGHT OF.** The vertical distance measured from the mean elevation of the finished grade line of the ground above the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eave and ridges for gable, hip, and gambrel roofs.

**BUILDING INSPECTOR/OFFICIAL.** An individual appointed by the Village Council delegated to administer the Village Building Code Ordinance if any. (See also **ORDINANCE ENFORCER**)

**BUILDING LINE.** A line defining the minimum front, side or rear yard requirement outside of which no building or structure may be located.

**BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which it is located.

**BULK STATION.** A place where crude petroleum, gasoline, naphtha, benzene, kerosene, or any other flammable liquid is stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6000) gallons.

**BUSINESS SERVICES.** A business service establishment provides services to other businesses as their primary clientele and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas, sign production and installation, equipment rental or repair, building maintenance, and self service storage).

**CEMETERY.** Property used for interring of the dead.

**CLINIC.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

**CLUB.** An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership and purpose of such club.

**COMMERCIAL RECREATIONAL USE.** See **RECREATIONAL USE, COMMERCIAL.**

**COMMERCIAL SCHOOL.** A commercial school is a private educational facility not operated as a nonprofit entity and offering instruction in art, business, music, dance, trades, continuing professional education or other subjects.

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

**CONDOMINIUM ACT.** Act 59 of 1978, as amended.

**CONDOMINIUM UNIT.** A portion of a building, or group of buildings, designed for separate ownership. Common areas and facilities are owned by all the owners on a proportional, undivided basis. A condominium is differentiated from other dwellings types based on ownership and as such is not regulated as a dwelling unit type.

**CONTRACTOR.** A business establishment that provides construction services and involves outdoor site use, such as storage of materials and/or equipment, other than licensed motor vehicles, and fabrication or other activities that may cause noise or vibrations.

**CONVALESCENT OR NURSING HOME.** A building wherein infirm or incapacitated persons are furnished shelter, care, food, lodging, and needed attention for compensation.

**CONVENIENCE STORE.** A retail operation selling a variety of items which are primarily grocery products. They include items that may be required by neighborhood residents on a day to day basis. Non grocery items frequently sold in this kind of establishment include newspapers, magazines, seasonal needs, etc.

**COUNTRY CLUB.** A land area and buildings containing recreational facilities, clubhouse and usual accessory uses, open only to members and their guests for a membership fee.

**COVERAGE, LOT.** That percent of the plot or lot covered by the building area.

**CUL DE SAC.** A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

**DAY NURSERY.** A private establishment enrolling four or more children between 2 and 5 years of age and where tuition, fees, or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as a child care center.

**DEGREE OF NONCONFORMANCE.** A measure of a property's relative lack of conformance, to be computed using whichever of the following standards applies.

- (a) **USE.** In the USES table from the DISTRICT REGULATIONS chapter of this Ordinance, the number of changes in Zoning Districts required to move FROM the District in which a use would be permitted as a use by right in the District in which it is located.
- (b) **SETBACK.** The square footage of a building which lies within a required setback area.

- (c) AREA. The square footage by which a building or parcel varies from the maximum or minimum area required for its Zoning District.
- (d) WIDTH OR DEPTH. The distance in feet by which the width or depth of a parcel varies from the minimum or maximum dimension for its Zoning District.
- (e) PARKING. The number of off-street parking spaces which a parcel lacks to conform with the requirements of Supplementary Off-Street Parking Regulations and with the TABLE OF OFF-STREET PARKING REQUIREMENTS.

DENSITY. The number of dwelling units developed per acre of land.

DEPTH. For the purposes of interpreting the Dimensions Table, depth is the distance from a property line to a structure.

DEVELOPMENT. The construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use, and/or any man made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

DEVELOPMENT PLAN. A comprehensive long range plan intended to guide the growth and development of a community. The Plan includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

DISPLAY PUBLICLY. The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal, unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than *adult media* are on display to the public.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking space for motor vehicles so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-In is also interpreted to include "fast food" operations which serve food in disposable containers.

DUMPSTER. A container used to hold trash, garbage, refuse, or rubbish which is designed to be emptied into a garbage collection truck by mechanical means.

DWELLING. A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

DWELLING TYPES. For the purposes of this Ordinance, dwellings are separated into the following categories:



- (a) SINGLE FAMILY DWELLING is a detached building containing one (1) dwelling unit.
- (b) TWO FAMILY DWELLING is a building containing not more than (2) dwelling units.
- (c) MULTIPLE DWELLING is a building or portion thereof containing three (3) or more dwelling units.

DWELLING UNIT. One or more rooms including a single kitchen, in a dwelling designed for occupancy by one family for living and sleeping purposes.

EASEMENT. A grant of one or more property rights by a property owner to another person or public entity.

ENTERTAINMENT. For the purposes of this ordinance, "entertainment" means live performance. Video machines, billiards, etc. are not considered entertainment.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance of underground surface or overhead electrical gas, water and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

EXCAVATION. Removal or recovery by any means, of soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land, on or beneath the surface, whether exposed or submerged.

EXPLICIT SEXUAL MATERIAL. Any hard core material.

FAMILY. An individual or two or more persons related by blood, marriage, or adoption, living together in a dwelling unit or group of not more than four (4) persons, who need not be related, living together in a single dwelling unit.

FARM. A tract of land which is directly devoted to agricultural purposes. A farm includes cultivation of crops, and/or horticulture. A farm does not include establishments operated as roadside stands, greenhouses, nurseries, orchards, chicken hatcheries, apiaries or include keeping or operating establishments for farm animals of any kind, fur bearing animals, riding or boarding stables, kennels, quarries or gravel or sand pits.

FAST FOOD RESTAURANT. See Drive-In Restaurant.

FENCE. A permanent or temporary partition or structure erected as a divider, barrier, or enclosure between two or more properties.

FLAG LOT. A lot not fronting entirely on or abutting a public road and where access to the public road is by a narrow, private right-of-way.

**FUNERAL HOME.** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GARAGE.** See ACCESSORY STRUCTURE.

**GARBAGE.** Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

**GOLF COURSE.** A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

**GOLF COURSE, MINIATURE.** See RECREATIONAL USE, COMMERCIAL.

**GREENBELT.** A landscaped or grassy area intended as part of a required yard or buffer.

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

**GROSS FLOOR AREA.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

For the purposes of calculating parking and loading requirements, the gross floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and packaging of merchandise.

**HARD-CORE MATERIAL.** Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

**HARD SURFACE.** At least four (4") inches of reinforced concrete or two (2") inches of bituminous surface laid over five (5") inches of compacted crushed stone. Paved and hard surface shall have the same meaning for purposes of this Ordinance.

**HEIGHT, MEASUREMENT OF.** The height of a building at any given level is the height above the natural grade of any portion or portions of a wall or walls along the length of the building. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

**HOME OCCUPATION.** Any business carried on by one or more members of a family residing on the premises, providing it:

(a) is operated in its entirety within the principal dwelling or attached garage;

- (b) does not have a separate entrance from outside the building;
- (c) does not constitute a nuisance or annoyance to adjoining residents for reasons of noise, smoke, odor electrical disturbance, night lighting or the creation of unreasonable traffic on the premises;
- (d) Does not sell goods from the premises;
- (e) Does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, nonilluminated, wall sign having an area of not more than two (2) square feet.
- (g) Does not employ any persons other than family members residing on the premises

**HORTICULTURE.** The cultivation of a garden or orchard.

**HOSPITAL.** An institution for the diagnosis, treatment or care of aged, sick or injured people. The term "hospital" shall include sanatorium, rest home, nursery home and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.

**HOTEL.** See MOTEL.

**INCARCERATION FACILITY.** Any jail, prison, holding facility, work camp or detention center of any kind.

**INDIVIDUAL STORAGE FACILITY.** A structure containing separate storage spaces of varying sizes, leased or rented on an individual basis.

**INDOOR USE.** A use, of which the majority is contained within a structure.

**INSTITUTION, EDUCATIONAL.** A school for kindergarten through twelfth grade or any colleges or universities authorized by the state to award degrees.

**INSTITUTION, HUMAN CARE.** A public or private facility for physical or mental care. A human care institution may include hospitals, convalescent or nursing homes, homes for the mentally or physically impaired, mental, physical or substance abuse rehabilitation facilities, and the like.

**INSTITUTION, RELIGIOUS.** A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

**INSTITUTION, SOCIAL.** Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations.

**JUNK/RUBBISH.** A general term for solid waste, excluding food waste and ashes taken from residences, commercial establishments and institutions. Junk/Rubbish also includes scrap materials, debris and reclaimable material including but not limited to tires, vehicle parts, scrap metal, paper, rags, wood, glass, appliances, dismantled, wrecked or abandoned motor vehicles and any other used material not contained within a licensed Junk Yard. See JUNK/SALVAGE YARD.

**JUNK/SALVAGE YARD.** A licensed open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot with or without a license. Operations with the characteristics of salvage yards which are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

**KENNEL.** Any facility, on a single parcel, where more than three (3) dogs over four (4) months old are kept, housed or boarded for a fee, or where such animals are kept for breeding purposes.

**LABORATORY.** A building or part of a building used for conducting scientific research or manufacturing chemicals, medicines, etc.

**LINGERIE MODELING STUDIO.** An establishment or business that provides the services of live models modeling lingerie to individuals, couples or small groups in rooms smaller than six hundred (600) square feet.

**LOADING BERTH/SPACE.** An off-street space at least ten (10') feet wide, fifty (50') feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

**LOT.** A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street.

**LOT AREA.** The total horizontal land area within the lot lines of the lot.

**LOT: CORNER, INTERIOR AND THROUGH.**

**CORNER LOT** is a lot which has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than one hundred thirty five (135) degrees.

**INTERIOR LOT** is a lot other than a corner lot.

**THROUGH LOT** is an Interior Lot having frontage on two streets which do not intersect at a point contiguous to such lot.

**LOT COVERAGE.** The portion or percentage of a lot occupied by buildings or structures.

**LOT LINE, FRONT.** The lines abutting a lot as defined herein: That line separating the lot from a street right-of-way. In the case of a corner lot or through lot the lines separating the lot from each street. In the case of lots abutting the lake, the front lot line will be construed to be at the lake line.

**LOT LINE, REAR.** Lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot. In the case of lots abutting the lake, the rear lot line will be construed to be the lot line abutting the road.

**LOT LINE, SIDE.** Any lot line that is not a front or rear lot line.

**LOT, WIDTH OF.** The distance from one side lot line to the other side lot line, measured parallel to the front lot line at the minimum building setback.

**LOT OF RECORD.** A parcel of land, the dimensions of which are shown on a document or map recorded with the County Register of Deeds.

**LUMBER YARD.** A lumber yard is a business which emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed-type structures.

**MANUFACTURED HOME.** See Mobile Home.

**MASSAGE PARLORS.** An establishment wherein a substantial or significant portion of its business involves the administration of nontherapeutic massage, erotic touching or fondling, including but not limited to fondling of or erotic touching of human genitals, pubic region, buttock or breasts. A massage parlor does not include medical or therapeutic massage businesses such as state licensed chiropractors and physical therapists or other state licensed, medically-related practitioners. All practitioners employed by such businesses must be licensed.

**MASTER DEED.** The condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

**MASTER PLAN.** See "Development Plan".

**MEDIA.** Anything printed or written, or any picture, drawing, photograph, motion picture, film, video tape or videotape production, or pictorial representation or any electrical or electronic reproduction of anything that is or may be used as a means of communication., Media includes

but shall not be necessarily limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media and undeveloped pictures.

**MEDIA SHOP.** A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to *adult media shops*. IN that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop be treated as an adult media outlet. See special conditions in Chapter 13, Special Use Permits, for media shops in which adult media constitute more than ten (10%) percent but less than forty (40%) percent of the stock in trade or occupy more than ten (10%) percent but less than forty (40%) percent of the floor area.

**MINISTORAGE.** See INDIVIDUAL STORAGE FACILITY.

**MOBILE/MANUFACTURED HOME.** A detached single family dwelling unit with all of the following characteristics:

- (a) Designed for long-term occupancy.
- (b) Contains sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (c) Designed to be transported after fabrication on its own wheels, flatbed, trailer, or detachable wheels.
- (d) Arriving at a site to be occupied as a dwelling unit complete, meeting minimum square footage requirements of nine hundred and eighty (980) square feet for single wide homes and one thousand sixty (1,060) sq. ft. for double wide homes and ready for occupancy except for minor incidental location operations.

**MOBILE/MANUFACTURED HOME CONDOMINIUM PROJECT.** A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

**MOBILE/MANUFACTURED HOME PARK.** A parcel 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 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 mobile home.

**MOBILE/MANUFACTURED HOME SPACE.** A plot or parcel of land within the Mobile Home Park designed to accommodate one (1) mobile home.

**MOBILE/ MANUFACTURED HOME STAND.** That part of a Mobile Home Space which has been reserved for the placement of the Mobile Home, appurtenant structures, or additions.

**MOTEL.** A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term "motel" shall include buildings designed as "auto courts," "tourist courts", "motor courts", "motor hotels", and similar names which are designed as integrated units of individual rooms under common ownership. For the purposes of this ordinance, "motel" and "hotel" have the same meaning.

**NONPROFIT ORGANIZATION.** The term "nonprofit organization" shall include any church, school, governmental agency, service club or similar organization which owns or leases property in the Village of Lakewood Club.

**NONCONFORMITY.** Any use of land or building, any parcel of land, or any building or other structure which does not comply with all of the District Regulations for the Zoning District in which it is located.

**NONCONFORMING USE.** Any use of a building, structure, or land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

**NURSERY.** Land or greenhouses used to raise flowers, shrubs and plants for sale.

**OFFICE.** An office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting or bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.

**OPAQUE.** Not pervious to light.

**OUTDOOR USE.** A use, of which the majority is carried out outside of a structure of any kind.

**PARCEL.** A parcel is a continuous piece of land under uniform ownership which is occupied or intended for occupancy by principal building or use and any accessory structures or uses thereto. Every parcel shall abut upon and have permanent access to a public street. Also "Lot."

**PARKING SPACE.** An off-street space, exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

**PAVED SURFACE.** See **HARD SURFACE.**

**PERSONAL SERVICE BUSINESS.** A personal service business primarily serves needs of individual people or families, including but not limited to hair or skin care, grooming, dry cleaning, millinery or tailoring, shoe repair, and repair of small appliances, watches or jewelry.

**PLANNED UNIT DEVELOPMENT.** An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.

**POND.** An artificially or naturally confined body of still water, excluding pools.

**PORCH.** A roofed area, which may be glassed or screened, and is attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated or air conditioned and, if glassed, when the percentage of window area to wall area is less than 50%.

**PRIMARY LIVE ENTERTAINMENT.** On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

**PRINCIPAL BUILDING.** A building in which is conducted the principal use of the lot on which it is located.

**PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for which the premises exist.

**PUBLIC STREET.** Any vehicular way which: (1) is an existing state, county, or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; and includes the land between the street or right-of-way lines, whether improved or unimproved. A public thoroughfare which affords the principal means of access to abutting property.

**PUBLIC UTILITY.** Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water service.

**RACE TRACK.** See "Recreational Use, Commercial."

**RECREATIONAL USE, COMMERCIAL.** Commercial recreational facilities are for profit establishments providing recreational activities for a fee. In general, these activities are participatory in nature. Commercial recreational facilities include such uses as bowling alleys, roller rinks, race tracks, arcades, indoor driving ranges, etc.



RECREATIONAL USE, PRIVATE. A recreational use carried out entirely on private land for the property owner and his guests' pleasure. Private recreational uses are not open to the public or admissible by a fee.

RECREATIONAL VEHICLE/EQUIPMENT. A vehicular type portable structure without permanent foundation that can be towed, hauled or driven. It may be used for temporary living accommodations for recreational, camping and travel use. These vehicles include but are not limited to campers, travel trailers, truck campers, or motor homes. Other vehicles/equipment also included in this definition are trailers of any kind, personal watercraft, off road vehicles of any kind, snowmobiles and similar vehicles/equipment that may propel a person or is used to transport such vehicles. All described vehicles and/or equipment must have a valid and current license, issued by the State of Michigan in prominent display to be considered licensed.

RESTAURANT. An establishment where food and drink are prepared, served, and consumed primarily within the principal buildings.

RESTAURANT WITH ENTERTAINMENT. Any restaurant, as defined above, with live presentations of any kind.

RETAIL. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAIL, FOOD. See RESTAURANT.

RIGHT-OF-WAY. Publicly owned property including a street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or utilities.

SADOMASOCHISTIC PRACTICES. Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

SALES AREA. The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.

SEASONAL USE. See "Temporary Building Use" and "Temporary Outdoor Use."

SERVICE AREA. Anywhere fuel is dispensed or any service of the business is performed.

S.E.V. The State Equalized Valuation of the property in question. This is presumed to be fifty percent (50%) of the property's true cash value.

SERVICE BUSINESS. A service business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer's place of business or residence or within the building occupied by the service business. See also "Office Business," "Financial Business," "Personal Service Business."

**SETBACK.** The distance between the street right-of-way or front lot line and the front line of a building or any projection of the building, excluding uncovered steps.

**SEXUALLY ORIENTED BUSINESS.** An inclusive term used to describe collectively: adult cabaret, adult motion picture theater, video arcade, bathhouse, massage shop and/or sex shop.

**SHOWROOM.** A structure used for the display and sale of goods or merchandise.

**SIGN.** A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" shall not include a sign located completely within an enclosed building.

For the purpose of this ordinance the following sign or sign-related terms are defined:

- (a) **AREA, OR SURFACE AREA, OF SIGN.** (See Chapter 5)
- (b) **ELECTRONIC MESSAGE BOARD.** Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than 20 seconds. Signs displaying time and temperature only may change messages with a frequency of no less than 5 seconds.
- (c) **ILLUMINATED SIGN.** A sign that provides artificial light directly or through any transparent or translucent material.
- (d) **INTEGRAL SIGN.** Names of buildings or farm, date of erection, monumental citations, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).
- (e) **MARQUEE.** An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.
- (f) **MONUMENT or GROUND MOUNTED.** A freestanding sign where the base of the sign structure is on the ground or integrated into landscaping or other solid structural features other than support poles.
- (g) **NONDWELLING USE SIGN.** A sign located on a parcel that does not have a dwelling as its principle structure and is located in the AG, R-1A, R-1, or R-2 district. Examples of the uses that may be associated with nondwellings in these districts include but are not limited to subdivisions, schools, religious institutions, public buildings and cemeteries.
- (h) **POLITICAL CAMPAIGN SIGNS.** Signs announcing candidates for public political office and other data pertinent to an upcoming election.

- (i) **ROOF LINE.** This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.
- (j) **STREET BANNERS.** Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Village of Lakewood Club Road Administrator.
- (k) **PORTABLE SIGN.** A display, informational sign, banner, pennants, pinwheels, ribbons, streamers, strings of light bulbs or similar devices intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one location to another.
- (l) **WALL SIGN, FLAT.** One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18") inches at all points.

**SITE, AREA.** The total area within the property lines excluding rights-of-way, easements, etc.

**SITE CONDOMINIUM.** See PLANNED UNIT DEVELOPMENT

**SITE PLAN.** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations of this Ordinance. Its purpose is to show how the intended use relates to the major landscape features and surrounding area.

**SPECIAL USE.** The term applies to a use which may be permitted by the issuance of a Special Use Permit by the Village Planning Commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.

**SPECIFIED ANATOMICAL AREAS.** (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola; and/or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**STABLE, PRIVATE.** An accessory building in which horses are kept for private use and not for hire, remuneration, or sale, and further that no more than three (3) horses are boarded.

**STATE LICENSED RESIDENTIAL FACILITY.** A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. Note that the licensee must be a member of

the household and an occupant of the residence. Note also that none of the following may be construed to be a State Licensed Residential Facility: a nursing home, home for the aged, or hospital as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1973; a Veterans' facility as defined by Act 152 of 1885; nor an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, a hotel or a rooming house, nor a residential facility licensed by the State to care for four (4) or fewer minors.

**STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3') feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for the use. A half-story (1/2) containing independent apartments or living quarters shall be counted as a full story.

**STORY, HEIGHT OF.** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joints.

**STREET LINE.** The legal line of demarcation between a street right-of-way line and land for service, benefit or enjoyment.

**STRUCTURE.** SEE BUILDING.

**SUBDIVISION CONTROL ORDINANCE.** An Ordinance enacted by the Village Council to regulate subdividing of land pursuant to P.A. 288 of 1967 as amended.

**TATTOO AND PIERCING PARLOR.** An establishment whose principle business activity, either in terms of operation or as conveyed to the public, is the practice of one or more of the following: (1) placing designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**TEMPORARY BUILDING USE.** A use in a temporary or permanent structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.

**TEMPORARY OUTDOOR USE.** A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

**TRACTOR.** A vehicle that may be separated from a trailer, but is principally used to haul a trailer.

**TRAILER.** A structure, standing on wheels, towed or hauled by another vehicle and used for short term occupation, carrying materials, goods or objects or for use as a temporary office.

**TRUCK TERMINAL.** An area and buildings where cargo is stored and where trucks are loaded and unloaded on a regular basis.

**USE.** The employment or occupation of a building structure or land for service, benefit or enjoyment.

**VARIANCE.** A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Zoning Board of Appeals on Zoning.

**VETERINARIAN.** One qualified and authorized to treat diseases and injuries of animals.

**VIDEO VIEWING BOOTH OR ARCADE BOOTH.** Any booth, cubicle, stall or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to film, video or magnetic tape, laser disc, cd-rom, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than six hundred (600) square feet.

**VILLAGE BOARD.** The Board of Trustees of the Village of Lakewood Club.

**VISUAL SCREEN.** A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms or densely planted vegetation.

**WAREHOUSE.** A building used primarily for the storage of goods and materials.

**WHOLESALE BUSINESS.** A wholesale business is an enterprise which buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.

**WILD ANIMAL.** Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law, absent a license or permit to possess. Wild animals shall include, but not be limited to, the following family groups: Alligators, deer, opossum, badger, dog (wild family), primate (excluding human), bear, wolf, wolf-dog interbred, raccoon, ferret, skunk, cat (wild family), lemur, poisonous spider, coyote, poisonous lizard, weasel, marten.

**YARD.** An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line (property line) and the building line.

**YARD, FRONT.** A yard between the front lot line and the nearest point of the main building.

**YARD, REAR.** A yard between the rear lot line and the nearest point of the main building.

**YARD, SIDE.** A yard between the nearest point of the main building and any side line.

**ZONING ADMINISTRATOR.** An individual or consulting firm appointed by the Village Board to administer the Village of Lakewood Club Zoning Ordinance.

**ZONING DISTRICT.** Zoning Districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this Ordinance are the same.

## **CHAPTER 3**

### **District Regulations**

#### **SECTION 301. DIVISION OF THE VILLAGE.**

For the purposes of this Ordinance, all land within the Village of Lakewood Club excepting streets and alleys, is divided into the following Zoning Districts. Generally speaking, the following zoning classifications, for uses permitted by right, are listed in order of least restrictive to most restrictive.

- R-1 Residential: Single Family
- R-2 Residential: Multiple Family
- R-3 Manufactured/Mobile Home Park
- B-1 Commercial: Central Business District
- B-2 Commercial: Regional
- I-1 Industrial: Light

#### **SECTION 302. OFFICIAL ZONING MAP.**

The boundaries of Zoning Districts are defined and established as shown on a map entitled "Village of Lakewood Club Zoning Map" which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Village of Lakewood Club Clerk or his/her designee.

#### **SECTION 303. INTERPRETATION OF BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply.

- (1) Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of said roadways.
- (2) Boundaries indicated as approximately following Village boundary lines or property lines shall be presumed to follow said lines.
- (3) Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel thereto and at such distance therefrom as indicated by given distance or scaled dimension.

#### **SECTION 304. SCOPE OF REGULATIONS.**

No building or structure or part thereof shall be hereafter erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms with the provisions of this Ordinance, including the regulations for the Zoning District in which it is located.

The regulations applying to Zoning Districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District Regulations of any Zoning District.

### **SECTION 305. DISTRICT REGULATIONS TABLES.**

Regulations for all Zoning Districts are contained together in the following four tables. Each table specifies a related set of information for all Zoning Districts. These tables do not include general requirements of this Ordinance. Thus, the reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in the Village of Lakewood Club.

- (1) **PURPOSES TABLE.** This table appears on a single page. It sets forth the intent and purpose of each of the Zoning Districts. These brief statements form the objectives to be accomplished by regulations for each of the Zoning Districts.
- (2) **USES TABLE.** This table appears on three (3) pages. Each page describes permitted activities for two to four related Zoning Districts which are identified in the left-hand column of each page. Each Zoning District may be host to several types of activity, but only the activities specified for a given Zoning District will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this Ordinance. Uses permitted by Special Permit are subject to the process described by the Special Use Permits chapter.
- (3) **DIMENSIONS TABLE.** This table appears on one page. The table specifies parcel dimensions and setback requirements for parcels in each Zoning District.
- (4) **TABLE OF OFF-STREET PARKING REQUIREMENTS.** This table appears on a single page. It identifies the number of parking spaces required for specific uses based upon measures of activity intensity. Zoning Districts in which these requirements apply are listed for reference only. Identification of a zoning category using only its letter designation means that all similar districts are included, such as "R" for all Residential districts.



**VILLAGE OF LAKEWOOD CLUB ZONING DISTRICTS**  
**TABLE I**

<b>ZONING DISTRICT</b>	<b>STATED INTENT AND PURPOSE</b>
R-1 RESIDENTIAL: SINGLE FAMILY	This district is intended primarily for single family residential uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low density dwellings.
R-2 RESIDENTIAL: MULTIPLE FAMILY	The intent and purpose of this district is to provide a variety of housing styles, design and cost to meet the needs of existing and potential residents while promoting the development and preservation of neighborhoods of higher density than in the R-1 district, but with equivalent quality.
R-3 RESIDENTIAL: MANUFACTURED HOME PARK	This district is intended to preserve the interests of alternate types of residential developments which should be permitted in every community and to protect the residents of any manufactured home type development.
B-1 COMMERCIAL: CENTRAL BUSINESS DISTRICT	It is the intent and purpose of this district to provide neighborhood shopping areas to meet the day-to-day convenience shopping, service and professional needs of area residents.
B-2 COMMERCIAL: REGIONAL	It is the intent and purpose of this district to provide essential service needs to the highway traveler and to accommodate businesses serving a regional market.
I-1 INDUSTRIAL: LIGHT MANUFACTURING	This district is intended for light industrial uses with few nuisance characteristics, but also permits nonretail commercial and service establishments. It is designed to permit manufacturing, production, processing, assembling, packaging, and treatment of products from previously prepared materials. The purpose of this district is to promote industrial areas which are protected from incompatible uses.

**VILLAGE OF LAKEWOOD CLUB TABLE OF PERMITTED USES FOR ZONING DISTRICTS**

<b>DISTRICT</b>	<b>Uses by Right</b>	<b>Uses by Special Permit</b>
<b>R - 1 RESIDENTIAL: SINGLE FAMILY</b>	Accessory Structures Cemeteries Home Occupation Ponds Public building Public Service Installations Single family dwelling State Licenses Residential Facility	Bed and Breakfast Day nurseries Golf courses Planned Unit Development Private recreational use Religious, social, educational and human care institutions Two family dwellings
<b>R - 2 MULTIPLE FAMILY RESIDENTIAL</b>	Uses permitted in R-1 Accessory Structures Home Occupation Multiple Family Dwellings Two-family dwellings	Bed and Breakfast Day nurseries Planned Unit Development
<b>R - 3 MANUFACTURED HOME PARK</b>	Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this article. Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile home park residents. Accessory uses or structures such as the park business office, laundry. Public Service Installations	None
<b>B-1 CENTRAL BUSINESS DISTRICT COMMERCIAL</b>	Accessory uses Commercial schools Funeral homes Gas Sales Minor vehicle repair Multiple family residential above ground floor Personal services Prof. & Admin. offices and services, banks, Public buildings Religious, social, educational and human care institutions Restaurants, EXCLUDING restaurants with entertainment, Retail food, clothing, goods Retail service/repair Utility service installations	Assembly buildings Bars Bed and Breakfast Car wash Commercial recreational facilities Passenger terminals Planned Unit Development Restaurants with entertainment Retail and Outlet mall Temporary outdoor uses Veterinary Hospitals

DISTRICT	Uses by Right	Uses by Special Permit
<b>B-2 COMMERCIAL</b>	Uses permitted in B-1  Auto sales Auto service and repair Building supply, and equipment showrooms Commercial Recreation Contractors Day nurseries Drive-in establishments Hotel/motel Miniature golf Outdoor Sales Wholesale Establishments	Uses permitted in B-1,  Car Wash Golf/driving range Industrial Park Ministorage Mobile Home Sales/Service Outdoor assembly Planned Unit Development Race Track Recreational Vehicle parks Wireless Communication
<b>I-1 INDUSTRIAL: LIGHT</b>	Commercial schools Laboratories Manufacturing of molded products, electronic/electrical devices Production, processing, assembling, treatment, or packaging of goods Public utility installations Soil Resource Extraction Warehouse and storage	Industrial Park Sexually Oriented Business Wireless Communication

## DIMENSIONS TABLE

(Regulations for Accessory Structure Setbacks are shown in parentheses)

ZONING DISTRICT	Existing R-1 lots	Newly Created R-1 lots	R-2	R-3	B-1	B-2	I-1
Lot Area, Min. (i)	20,000	30,000	40,000	See district regulations.	NA	NA	NA
Lot Width, Min.	100'	100'	150'		NA	NA	NA
Front Yard, Min.	40'	40'	40		NA	NA	NA
Back Yard, Min.	20'	30'	30		25' c	25' c,g	40' c
Side Yard, Min. Total	26'	40'	50		20' c	20' c,g	20' c
Side Yard, Min. 1 side	13'	20'	25		20' d, e	20' d, g	20' e
Corner Lot, Street, min.	30'	50'	50		25'	25' g	25'
Corner Lot, Other, min.	30'	50'	50		NA	NA	NA
Housing Unit., Min. s.f.	1,060 s.f.	1,400 s.f.	960 s.f.		NA	NA	NA
Housing Unit, Min. dim.	24' across any front, side or rear elevation				NA	NA	NA
Height, Max. Feet	(15')	(15')	(15')		40' b	40' b	40' b,f
Height, Stories	2.5 (1)	2.5 (1)	2.5 (1)		3.0	3.0	NA
Coverage, Max. Percent	25%	25%	25%		NA	NA	NA
Accessory Structures	Parcels <30,000 max 1,280 s.f. 20' height Parcel >30,000 max 1,600 s.f., 20' height Setback is 6' for side and rear yards. See Sec. 403 (15)	Max 864 s.f., 20' height. Setback is 6' for side and rear yards. See Sec. 403 (15)	Parcels <30,000 max 1,280 s.f. 20' height Parcel >30,000 max 1,600 s.f., 20' height Setback is 6' for side and rear yards. See Sec. 403 (15)	Parcels <30,000 max 1,280 s.f. 20' height Parcel >30,000 max 1,600 s.f., 20' height Setback is 6' for side and rear yards. See Sec. 403 (15)			

### Footnotes to the Dimensions Table

Accessory structure setback regulations in all districts are shown in parentheses in the Dimensions Table. No accessory building may be located closer than 10' to the principal structure.

- a. The minimum square footage for housing units in the R-2 zone are, One story units: 960 sq. ft. per unit, One and a half story units: 800 sq. ft. on first floor, 400 sq. ft. on second floor. Two story units: 600 sq. ft. on first floor, and not less than 1200 sq. ft. per unit in total.
- b. For uses permitted, structures may be erected in excess of forty (40') feet provided front, side and rear yard setbacks are increased one (1') foot for each foot above forty (40') feet.
- c. On a parcel of three (3) acres or more, side and rear yard setbacks shall be sixty (60') feet in depth when abutting a residential district.
- d. In the B-1 and B-2 districts, side yards are only required on sides abutting residential districts.
- e. Off-street parking shall be permitted in a side yard setback.
- f. In the I-1 district, height restrictions apply only when the parcel abuts a residential district.
- g. Multiple family uses above the ground floor in the B-1 zone are subject to the unit size and parking requirements of the R-2 zone.
- h. No detached accessory building or structure shall be located closer than ten (10') feet to any main building. No accessory building shall be erected in any required yard except a rear yard.
- i. Newly platted lots in and out of subdivisions must have a minimum of 30,000 s.f. in area and a dwelling unit a minimum of 1,400 s.f. on the first floor.

**SECTION 306. R-3 MANUFACTURED HOUSING DISTRICT.**

- (A) **COMPLIANCE WITH MOBILE HOME PARK COMMISSION.** No manufactured home park shall be established within the R-3 District unless the park complies with the rules of the Mobile Home Commission.
- (B) **GREENBELT BUFFER.** Within the premises upon which a manufactured home park is located there shall be constructed a greenbelt buffer. After approval as a part of the preliminary plan review process, there shall be no requirement that the buffer be changed due to future development.
  - 1. The greenbelt buffer shall be twenty (20') feet wide on all side and rear lot lines abutting adjoining property. Existing manufactured housing developments are not required to buffer between the existing development and any new adjacent development that did not exist at the time the preliminary plan was approved.
  - 2. **Landscaping Materials.** If the mobile home park abuts an existing residential development, screening shall be required in the buffer zones. Screening shall be

with plants of six (6') feet in height at the time of planting, which shall obscure fifty (50%) percent of the view of the park, or a solid fence eight (8') feet in height obscuring one hundred (100%) percent of the view, or any combination of the above may be used to meet the intent of this Ordinance, to screen the mobile home park from abutting developed residential use district classifications, or residences, and also from any previously existing adjoining single-family residence, regardless of the zone in which the latter residence is located.

All the screening shall obscure one hundred (100%) percent of the view at maturity. Property owners are allowed flexibility in material selection as long as these standards are met. If a wood fence is used, the materials shall be pressure-treated lumber. If a masonry fence is used, it shall have a foundation of at least forty-two (42") inches deep in the ground. Trees, shrubs and all planted vegetation within the buffer, must be appropriate to the climate and provided further, that they are not infested with pests, insects or diseases. The buffer shall be landscaped in such fashion as to assure that it will not erode and shall be landscaped with grass or ground cover appropriate for the climate.

Screening shall be maintained in a condition very similar to the condition at the time of installation. This means fences shall be straight and broken boards shall be replaced. Dead trees, bushes, shrubs and vegetation shall be replaced with new, live, smaller plants which will grow to the same height as the dead plant being replaced. Masonry fences shall have all cracks repaired and maintained by pointing.

The Planning Commission shall be authorized to grant an exception from the foregoing screening requirements where the screening would serve no useful practical purpose in providing peace and quiet for the occupants of the adjoining premises and may grant any exception during the preliminary plan review process.

3. The greenbelt buffer, whether utilizing a fence, or trees and plantings, or both, shall in any event be compatible with the surrounding environment.

(C) **STREETS, SIDEWALKS AND PUBLIC WAYS.** Every Manufactured/Mobile home park shall be provided with a network of streets with access points to adjacent public ways, at least as set forth hereinafter:

1. Access to public ways. Where adverse topographic conditions of entry streets are encountered, a second entry street must be provided. Such adverse conditions might be, but are not limited to, a stream, swamp and/or steep grade. The purpose of the second entry street is to provide adequate access to the community in cases of emergencies, poor weather or heavy traffic conditions.
2. All streets within the mobile home park shall be paved with a hard surface in accordance with the most recent edition of the Standard Specifications for Construction that includes Construction Details of the Michigan Department of Transportation.

3. Every street shall be provided with storm drains so as to allow for the drainage of water without flooding adjacent property or buildings, with the drains designed according to the design standards of the Michigan Department of Environmental Quality drainage standards.
4. Two-way streets within the mobile home park shall have a minimum traveled width of twenty-one (21') feet of pavement with no parking. One-way streets shall have a minimum traveled width of thirteen (13') feet with no parking. Notwithstanding the foregoing, all streets and street rights-of-way shall be of adequate width to allow for snow storage and removal. In the event that parking is permitted on any street within the mobile home park the minimum width of each street, in addition to the traveled portion, shall be ten (10) feet wide for each parallel parking lane and sixteen (16') feet wide for each diagonal parking lane. If a parking lane is not provided, "no parking" signs will be installed and enforced on the side of the street.
5. Each street intersection within the mobile home park shall have an adequate safe sight distance. No object or planting shall be allowed in a yard or corner lots closer than thirty (30') feet from the intersection or taller than three (3') feet from the center line elevation of the street.
6. Each intersection within the mobile home park shall be designated by a reflective street name sign, located at the intersection, identifying each street by name.
7. If curbing is used, it shall be concrete with the exception of integral valley curb and gutter (gravity drains) that may be either concrete or asphalt.

(D) OFF STREET PARKING AND DRIVEWAYS.

1. All mobile home sites within the mobile home park shall be provided with not less than two (2) hard-surfaced parking spaces. If the parking spaces are off-street, they shall be hard-surfaced and shall be sized to accommodate at least one (1) full-sized vehicle. All off-street parking shall be connected to an adjacent mobile home park street by hard-surfaced driveway at least ten (10') feet in width. Parking may also be provided on-street, provided that the parking lane width requirements are complied with. Driveways shall also be provided for access to service entrances and buildings for delivery and collection points for fuel, refuse and other materials and elsewhere as needed. Every driveway entrance shall have a flare or radii in horizontal alignment necessary for safe and convenient ingress and egress.
2. A minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Each visitor parking site shall be located within five hundred (500') feet of the mobile home site it is intended to serve.
3. In addition to the foregoing, a separate parking area may be provided for vehicles that cannot be accommodated within the parking areas set forth above, such as recreational vehicles, travel trailers, snow mobiles, and the like.

- (E) **ILLUMINATION.** All streets and sidewalk and areas open to travel by mobile home park residents shall be illuminated as follows:
1. Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
  2. At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
  3. All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.
  4. If a central park mailbox or park directory or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.
  5. All outdoor recreational facilities shall be provided with illumination adequate to facilitate their intended use.
  6. All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile home park.
- (F) **WATER SUPPLY, FIRE HYDRANTS, AND SANITARY SYSTEM.** Each mobile home park shall be connected to a common water supply and sanitary sewage disposal system. Adequate water supply shall be provided for firefighting purposes. Water supply shall be designed and installed and sewer service provided in accordance with the Michigan Department of Public Health Engineering Standards and the Safe Drinking Water Act, Section 325.1105 administrative rules and shall be properly maintained and readily accessible for immediate use at all times. Fire hydrants shall be situated within the mobile home park in such locations and at such intervals such that no lot shall be more than three hundred (300) feet measured parallel to the street from a fire hydrant. Each fire hydrant shall be located within ten (10) feet of the edge of the street paving surface. If the central water system cannot support fire hydrants, 'dry' fire hydrants shall be installed. When the property is more than one hundred fifty (150) feet along a public right-of-way from either municipal water or sewer supply lines or sewers, a private system may be installed as approved by the County Health Department. Otherwise, each mobile home park shall be connected to the Village water and/or sanitary sewage disposal systems, if available, and each mobile home site shall be connected.
- (G) **SOLID REFUSE, GARBAGE AND RECYCLABLES.** The disposal of solid refuse shall comply with all Township and other government requirements for refuse disposal.
- (H) **UTILITIES.** All local distribution lines for telephone and electric services, exclusive of main supply and perimeter feed lines shall be placed entirely underground throughout the mobile home park.



- (I) OPEN SPACE. An open space dedicated to use by Mobile Home Park residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided. The areas shall consist of not less than two (2%) percent of the park's gross acreage but not less than twenty-five thousand (25,000) square feet. The areas shall not be included in the border greenbelt buffer and shall not be swamp or other marshland. This open space requirement shall not apply to mobile home developments with less than fifty (50) sites. If a development is built in stages, when the fifty-first site is developed, this requirement shall apply to all the sites in both stages of the development.
  
- (J) MOBILE HOME INSTALLATION. Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

**TABLE OF PARKING REQUIREMENTS  
WHERE HARD SURFACED PARKING IS REQUIRED**

Note: Every land use that has employees working on the site, must have one parking space for each employee in addition to the parking required for a use of its type.

**THE FOLLOWING REQUIREMENTS ARE IN ADDITION TO EMPLOYEE PARKING**

<b>LAND USE</b>	<b>SPACES PER ACTIVITY</b>
-Animal Boarding	1 per 8 Animals Boarded
-Barber/Beauty	2 per Chair
-Bowling Alley	4 per Lane
-Church, Theater, Stadium	1 per 6 Seats or 6 ft. of Auditorium bench or pew length
-College/Technical School	1 per 8 Students
-Day Nurseries	1 per 6 Children, per license
-Doctor/Dentist/Veterinarian	1 per Exam or Treatment Room
-Drive-In Restaurant	1 per 50 sq.ft. Gross Fl. Area
-Funeral Homes	1 per 100 sq.ft. of Public Area
-Gas Station, Truck Stop	2 per Gas Pump (12'X70'/Trk.)
-Hall, Community Center, Skating, Bingo	1 per 5 persons, or Fire code capacity
-High School	1 per 20 Students
-Hospital, Doctors	1 per Staff Member
-Hospital, Visitors	1 per 5 Beds
-Hotel/Motel	1 per Guest Room
-Industry/Wholesale	1 per 1500 sq.ft. Gross Fl. Area
-Laundromats	1 per 5 washing machines
-Library, Museum, Gallery	1 per 1000 sq.ft. Gross Floor area
-Mobile Home Park, Multifamily	2 per dwelling unit
-Nursing Homes	1 per 6 Beds
-Post Office	1 per 30 boxes
-Private Club	1 per 2 Member Families
-Restaurant/Bar	1 per 4 Seats
-Retail/Office/Bank	1 per 300 sq.ft. of Public Area
-Service Bus. not listed	1 per 100 sq.ft. of Public Area
-Vehicle Sales	1 per 1000 sq.ft. of Sales Area
-Vehicle Service/Wash	1 per Stall, Rack, Pit, Washer

**GRAVEL SURFACED PARKING IS ALLOWED**

Every land use that has employees working on the site, must have one parking space for each employee in addition to the parking required for a use of its type.

**THE FOLLOWING REQUIREMENTS ARE IN ADDITION TO EMPLOYEE PARKING**

-Campground/RV Park	1 per Campsite
-Cemetery	None
-Driving Range	1 per Tee
-Miniature Golf	2 per Hole
-Park, Golf Course, outdoor uses	1 per 5 Acres
-Picnic Area	1 per Picnic Table
-Team Sports	10 per Court or Field
-Tennis	1 per Court

## CHAPTER 4

### General Requirements

#### SECTION 401. NONCONFORMITIES.

- (1) **INTENT.** It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the Village and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- (2) **HISTORIC PROPERTIES.** Any nonconforming property in the Village of Lakewood Club which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.
- (3) **LEGALITY OF NONCONFORMITIES.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.

ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations.

LEGAL nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.

- (a) The nonconformity existed legally before the effective date of this Ordinance.
  - (b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
  - (c) Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right of way.
  - (d) Nonconforming Buildings or Structures only: The building or structure does not extend into a public right of way, or over a neighboring property line.
- (4) **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of six (6) consecutive months or more, any reuse of the land or structure must conform to all requirements of this Ordinance.

- (5) **EXPANSION OF NONCONFORMITY PROHIBITED.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.
- (6) **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use that is damaged may be restored, rebuilt, or repaired **PROVIDED** that such restoration does not exceed fifty percent (50%) of its assessed value, as determined by the assessing officer, exclusive of foundations, provided that said use be the same or more nearly conforming with the provisions of the district in which it is located.
- (7) **REPAIR.** Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed an aggregate cost thereby increasing the assessed value by more than thirty (30%) percent as determined by the assessing officer unless the subject building is changed by such repair to a conforming use. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity.
- (8) **CHANGING USES.** If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, **PROVIDED** the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- (9) **PRIOR CONSTRUCTION APPROVAL.** Nothing in this Section shall prohibit the completion of construction and use of a legal nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that all terms of the permit are fully complied with.
- (10) **DISTRICT CHANGES.** Whenever changes occur in the boundaries of Zoning Districts, the provisions of this Section shall apply to any uses or parcels that become nonconforming as a result of the boundary changes.

**TABLE 5  
REGULATIONS OF NONCONFORMITIES**

Instructions: Locate the situation in top line and nonconformity type in column.  
Move down the form to the situation and across from the type to find required action.

<b>TYPE</b>	<b>IF DISCONTINUED FOR 6 MONTHS</b>	<b>IF DAMAGED MORE THAN S.E.V.</b>	<b>IF DAMAGED LESS THAN S.E.V.</b>	<b>CHANGE IN USE (INCLUDING NEW BUILDINGS)</b>	<b>REMODELING, MAINTENANCE, CODE WORK</b>
ILLEGAL NONCONFORMING PARCEL	N.A.	N.A.	N.A.	Not permitted unless use is conforming.	Property must be kept in safe condition
ILLEGAL NONCONFORMING USE OF LAND	May not be resumed.	N.A.	N.A.	Not permitted unless use becomes conforming.	Property must be kept in safe condition.
ILLEGAL NONCONFORMING USE OF BUILDING OR STRUCTURE	May not be resumed.	Use must stop and may not be resumed.	Repairs allowed if use is not expanded.	Not permitted unless use becomes conforming.	Permitted so long as use is not expanded.
ILLEGAL NONCONFORMING DIMENSIONS OR SETBACK OF BUILDING	N.A.	Building must be rebuilt to fully comply with applicable district regulations.	May repair, but must reduce degree of nonconformance. Requires a variance.	New use and new building must adhere to ALL District Regulations.	Permitted, but may not create any greater degree of nonconformance.
ILLEGAL NONCONFORMING DIMENSIONS OR SETBACK OF STRUCTURE	N.A.	Structure must be removed.	Structure must comply with ALL district regulations. (May need to be removed.)	Structure must comply with ALL District Regulations. (May need to be removed.)	Permitted, but may not create any greater degree of nonconformance.
LEGAL NONCONFORMING PARCEL	N.A.	N.A.	N.A.	Permitted, but requires a variance.	Property must be kept in safe condition.
LEGAL NONCONFORMING USE OF LAND	May not be resumed.	N.A.	N.A.	Permitted, but must reduce degree of nonconformance	Property must be kept in safe condition.
LEGAL NONCONFORMING USE OF BUILDING OR STRUCTURE	May not be resumed.	May rebuild if all plans meet All OTHER district regulations.	May repair to pre-damage status.	Permitted, but must reduce degree of nonconformance	Permitted so long as use is not expanded.
LEGAL NONCONFORMING DIMENSIONS OR SETBACK OF BUILDING OR STRUCTURE	N.A.	May rebuild, but must reduce degree of nonconformance.	May repair to pre-damage status.	Permitted, but requires a variance.	Permitted, but may not create any greater degree of nonconformance.

- (11) **NONCONFORMING LOTS.** In any district in which single family dwellings are permitted, a single family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.
- (12) **REGULATION OF NONCONFORMITIES.**
- (a) **TABLE 5.** This table prescribes actions to address various types of nonconformities in several situations. It is presumed that each of these situations will result in an application for a building or zoning permit and that sufficient information will be obtained to determine the legality of the nonconformity before any action will be taken by Village Officials.
  - (b) **INTERPRETATION.** Should any question arise concerning the interpretation of any provision of the **REGULATION OF NONCONFORMITIES TABLE**, or if a situation is encountered which was not anticipated by the Table, the question shall be submitted to the Zoning Board of Appeals for their interpretation which shall be final.
- (13) **INVENTORY OF NONCONFORMITIES.** The Village Zoning Administrator is required to establish and maintain an Inventory of Legal Nonconformities known to exist in the Village. Listed properties shall be arranged in the order of the Village Assessor's parcel identification numbers. This inventory should not list illegal nonconformities. Illegal nonconformities are violations of the ordinance and should be kept in the active files of the Code Enforcement Officer. In theory, the inventory of legal nonconformities should only expand if a Board of Appeals action allowing the nonconformity is issued.

All listed properties shall also be identified on a large scale map of the Village which shall be available for public inspection.

Each listing in the Inventory of Nonconformities shall include the following information.

- (a) Date each parcel listed on inventory.
- (b) Parcel identification number.
- (c) Property address.
- (d) Current owner(s).
- (e) Property description.
- (f) Parcel dimensions.

- (g) Sketch showing dimensions and setbacks of any buildings, structures, and parking areas on the parcel.
- (h) Current zoning district.
- (i) Current use of property.
- (j) Number of off-street parking spaces provided.
- (k) Description of all nonconformities (Use, lot, structures, and signs), and date nonconforming status occurred, if known.
- (l) Criteria met by the property allowing its listing as a legal nonconformity.
- (m) Any expansion of the base area of use made since the effective date of this Ordinance and the date this occurred.

**SECTION 402. USE REGULATIONS.**

- (1) **BUILDING PERMITS REQUIRED.** Any construction related to any type of zoning administrative approval shall be commenced only after written approval has been obtained from the Building Inspector. Construction involving minor repairs or alterations and which has a value of less than five hundred (\$500.00) dollars and does not conflict with this Ordinance shall not require a building permit.

If the Building Inspector finds that the structure or work being performed is in violation of this Ordinance, the building permit shall be revoked and all work immediately stopped. A notice of this action will be posted on the premises and the owner, agent or contractor shall be notified in writing by the Building Inspector that the structure or work being performed is in violation of this Ordinance. If the said person or persons shall fail or refuse to comply with this order and make the necessary corrections, then all work on the parcel shall stop immediately.

- (2) **PRIOR BUILDING PERMITS.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within one hundred and eighty (180) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- (3) **OCCUPANCY PERMIT.** Upon completion of a structure and all required site improvements per approved site plan, and before moving into a building in any district, an occupancy permit is required.
- (4) **ACCESSORY USES.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.

- (a) Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
  - (b) Buildings or structures necessary for provision of essential services.
  - (c) Gardens, garden ornaments and usual landscape features within required yard space.
  - (d) Fences, walls, and screens within required yard space.
  - (e) Retaining walls.
  - (f) Public playgrounds.
  - (g) Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one (1) ton rated capacity.
  - (h) Home Occupations.
  - (i) Use of premises as a voting place.
  - (j) Storage sheds, playhouses, and shelters for transit or school bus passengers.
  - (k) Radio or TV antennas.
  - (l) Swimming Pools.
  - (m) Front yard handicap access facilities in residential districts, when proof of need is shown.
- (5) **REQUIRED WATER SUPPLY AND SANITARY SEWAGE FACILITIES.** No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable **indoor** water supply and with a safe and effective means of collection, treatment, and **indoor** disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Village of Lakewood Club and applicable State agencies. No outside toilet or privy shall be constructed on any premise. Portable toilets shall be permitted during construction of a structure or for special events on a temporary basis only.
- (6) **EXTERIOR LIGHTING.** All lighting for parking areas or for the external illumination of building or for the illumination of signs shall be directed away from and shall be shielded from adjacent districts and shall also be arranged so to not adversely affect driver visibility on adjacent thoroughfares.



- (7) CORNER CLEARANCE. No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of thirty (30') feet from their point of intersection.
- (8) STORAGE OF GARBAGE. All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.

When there is accumulated trees or brush on a parcel, the owner shall have sixty (60) days to remove brush and tress and clean up all residue from trees and brush upon receipt of a written permit from the building inspector.

In addition to any other penalties or remedies that may be available to the Village, the Village may have any junk, garbage, rubbish or other offensive materials removed from the parcel and the costs for such removal charged to the owner of the property and/or the person in possession of the property and may be collected as any other debt or assessed as a lien on the property and added to the taxes in the following year.

(9) FENCES, WALLS AND NONBOTANICAL SCREENS. Amended: April 25, 2005

A. Fences on all lots of record, in residential districts which enclose property, are permitted in any yard, subject to the following conditions contained in the following sub-section of this article. These restrictions apply only to fences located in areas of the Village zoned residential.

B. No fence may be constructed until:

- 1. A permit application and \$10.00 is submitted to the Village Office.
- 2. A Site Plan is submitted to the Village Office and approved.

C. The Site Plan shall include:

- 1. Setback lines from main structures.
- 2. Lot dimensions in relation to building structure.
- 3. Side, front and back yards:

**A front yard is:** A yard across the full width of the lot extending from the front line of the dwelling to the front line of the lot. All front yards shall be 40 feet in depth. In the case of a dwelling fronting on a street or highway on which there are existing neighborhood buildings or structures having front yards less than 40 feet, the minimum allowable front yard of all dwellings, hereafter

erected and fronting on such street or highway shall be as determined by the Building Inspector.

- a. **A side yard is:** A yard extending from the front yard or rear lot line, and from the side line of the dwelling to the side lot nearest that side of the dwelling, or of any accessory building attached thereto. Every dwelling hereafter erected on any lot or plot with sidelines of record shall be so located so that the side yard shall be not less than 13 feet.
- b. **A rear yard is:** A yard across the full width of the lot extending from the rear line of the dwelling to the rear line of the lot. Every dwelling hereafter shall have a rear yard not less than 15 feet in depth, provided however, that where a public alley or street abuts the rear of any lot or premises, the setback shall be 40 feet. Where it is impractical to provide a rear yard of the depth specified above, the Building Inspector shall have discretionary authority to reduce the required depth of rear yard, provided however, that in no case shall the rear yard be less than 12 feet in depth and provided further, that the minimum requirement for the narrower side yard shall be increased by six inches for each foot of reduction in depth in the rear yard, when both sides are of equal width, or where the total width of side yards is equal width or where the total width of side yards is less than 11 feet, six inches shall be added to each side yard for each foot of reduction in the depth of the rear yard. If the yard shape or lot make the above provisions inapplicable, the Building Inspector shall prescribe such yard requirements.

(Definitions are the same as found in the Village of Lakewood Club Building Code, Article II).

4. Closest point from house to road with measured footage.
- D. All fences shall be maintained in good condition as determined by the Village Ordinance Enforcement Officer.
  - E. Fences shall not exceed four (4) feet in height with fifty percent (50%) visibility, or three (3) feet in height if less than fifty percent (50%) visibility, if erected in the front yard where the property abuts a lake, stream, or street, or where the front is the yard on the lake, stream or street side. All other fences shall not exceed six feet in height.
  - F. Fences shall not extend into the street right-of-way at the front property line.

Exceptions: for the consideration of fence construction only, the front property line is deferred as the front line of record (address) and where the front yard abuts a lake or stream. Amended July 27, 2015

- G. Fences shall not obstruct vision at intersections.
- H. Fences on platted lots of record shall not contain barbed wire, electric current, charge of electricity, broken glass, bottle caps or chain link type fences with sharp wire edges upwardly exposed. Exception: Fences enclosing domesticated animals, and for bona fide farm operations may use barbed wire, electric current, or other materials necessary.
- I. No plantings fences, walls, hedges, berms or screens shall be established or maintained on any lot which will obstruct the view of any vehicle driver approaching the intersection of public roads, private streets or any combination thereof. The Building Inspector may require a distance of more than ten feet of unobstructed vision if necessary to provide for a clear vision area.
- J. All fence heights shall be measured at the vertical distance from the average elevation of the finished grade within 20 feet of the fence to the highest point of the fence.
- K. Fences which enclose public or institutional parks, playgrounds or public landscaped areas shall not exceed nine feet in height.
- L. Fences that are erected on the property line shall have the good side facing the street. Fences that are erected off the property line by two feet or more may have the good side facing the property owner.

**M. ENFORCEMENTS AND PENALTIES**

- 1. The enforcement of this Ordinance and penalty for violations shall be pursuant to Section 904.
- 2. Each day on which any such violation shall continue shall constitute a separate offense.

Fence Ordinance Amended: May 8, 2005

- (10) **STORAGE OF EQUIPMENT AND MATERIALS.** In all commercial and industrial districts, the open storage of any equipment, vehicles and all materials, shall be screened from public view, from a street and from adjoining properties by an enclosure consisting of a wall equal in height to the equipment, vehicles and all materials to be stored. In no instance shall said wall be less in height than four feet six (4'6") inches measured from the surface of the adjacent building flooring, or greater than eight (8') feet.
- (11) **PARKING OF LICENSED RECREATIONAL EQUIPMENT.** Parking of licensed recreational equipment outside of an enclosed structure, including travel trailers, campers, snowmobiles, boats, and similar items in any Residential Zoning District must conform to required setbacks for accessory structures and to overall limitations for lot coverage. All recreational equipment parked in the front yard must be parked on a driveway. Not more than one (1) piece of recreational equipment may be parked on a

parcel. Licensed and unlicensed recreational equipment may not be used for dwelling purposes except within a licensed campground.

- (12) **HEAVY TRUCKS.** Overnight parking of commercial vehicles in excess of one (1) ton rated capacity, including all semitruck tractors with trailers or semitruck trailers separate from tractors, is prohibited within any Residential Zoning District. Parking of semitruck tractors without trailers is allowed. This regulation does not apply to emergency vehicles or equipment.
- (13) **GLARE AND RADIOACTIVE MATERIALS.** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be performed in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (14) **FIRE AND EXPLOSIVE HAZARDS.** The storage, utilization of, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
  - (a) Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the Building Code of the municipality.
  - (b) All such buildings or structures shall be set back at least forty (40') feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
  - (c) The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the state rules and regulations as established by Public Act 207 of 1941 as amended.
- (15) **GARAGE/YARD SALES.** Garage/yard sales may take place on any parcel for purposes of selling personal household goods and effects not including machinery or vehicles of any kind. A garage/yard sale requires a permit from the clerk of the Village. A fee for such permit will be charged at a rate established by the Village Council. Sales may take place between the hours of 8:00am and 5:00pm. Each sale may last no more than two (2) days. No more than two (2) sales may take place on any one parcel in any twelve-month period. All advertisement for such sale(s) must be removed immediately following the close of the sale.

## **SECTION 403. DWELLING REGULATIONS.**

- (1) **MUST COMPLY WITH CODE REQUIREMENTS.** Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a Mobile Home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the United States Department of Housing and Urban Development.
  - (a) **BUILDING CODE ADOPTED.** Pursuant to the provisions of Act 3 of the Public Act of 1895, as amended, the Village of Lakewood Club hereby adopts by reference the Michigan Building Code, that being MCL 125.1501, *et.seq.*, except where otherwise provided in this ordinance.
- (2) **MANUFACTURED/MOBILE HOME INSTALLATION.** In the event that a dwelling is a Mobile Home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the Village Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each Manufactured/Mobile Home must have a perimeter wall of block or brick which has the same dimensions as the Dwelling. No Manufactured/Mobile Home shall have any towing mechanism, undercarriage or chassis exposed.
- (3) **USE OF MANUFACTURED/MOBILE HOME FOR TEMPORARY DWELLING.** A Temporary Zoning Permit may be issued for placement and occupancy of a Manufactured/Mobile Home which meets the U.S. Department of Housing and Urban Development's "Mobile Home Construction and Safety Standards" and the manufacturer's specifications for its installation, subject to the conditions in item (4), following.
- (4) **SITUATIONS IN WHICH TEMPORARY DWELLINGS ARE ALLOWED.** Use of a Manufactured/Mobile Home for a temporary Dwelling may be authorized under the following circumstances, within the limitations listed.
  - (a) **SINGLE FAMILY HOME UNDER CONSTRUCTION BY OWNER.** One (1) Manufactured/Mobile Home, housing only the owner(s) of a Parcel and their immediate family members, may be placed on any Parcel in any Zoning District which conforms to all dimensional requirements of this Ordinance during the construction of a Single Family Home to be occupied by the Parcel owner(s). Said Temporary Permit shall be valid for up to six (6) months, and may be renewed not more than once for the same period by the Zoning Administrator.
  - (b) **REPAIR OF DAMAGED CONFORMING SINGLE FAMILY DWELLING.** One (1) Manufactured/Mobile Home may be placed temporarily, as noted, on any Parcel in the R-1 or R-2 Zoning Districts which conforms to all dimensional requirements of this Ordinance. Said Manufactured/Mobile Home may house only

the owner(s) of the Parcel and immediate family members during the repair of a Single Family Home which conformed to all dimensional requirements of this Ordinance and which they had occupied up to the date on which it was damaged to the degree that it cannot be occupied. Said Temporary Permit shall be valid for up to three (3) months and may be issued by the Zoning Administrator under emergency conditions. The permit may be renewed not more than once for the same period by the Zoning Administrator.

- (c) **ADDITIONAL REQUIREMENTS.** All of the following requirements must be met before any Temporary Zoning Permit may be issued for placement and temporary occupancy of a Manufactured/Mobile Home.
1. **BUILDING PERMIT.** A building permit must have been issued to the Parcel owner(s) for construction or repair of a Single Family Home on the Parcel.
  2. **COMPLY WITH DISTRICT REGULATIONS.** Placement of the Manufactured/Mobile Home must comply with all Setback and Lot Coverage requirements for the applicable Zoning District.
- (5) **STRUCTURES TO BE OF UNIFORM QUALITY.** Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
- (6) **AESTHETICALLY COMPATIBLE.** Dwelling must be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6") inches on all sides and contain steps connected to said exterior door areas where a difference of elevation requires the same.
- (7) **MAINTENANCE.** A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- (8) **ONE SINGLE FAMILY DWELLING PER PARCEL.** Unless the structure is part of an approved Planned Unit Development, only one (1) single family detached dwelling will be allowed to be erected on a parcel.
- (9) **FOUNDATION.** All single-family dwellings, except mobile homes located in mobile home parks, must be firmly attached to a permanent foundation meeting the Michigan Building Code requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
- (10) **DIMENSIONS.** All single family dwellings must have a minimum width across any front, side and rear elevation of twenty-four (24') feet and comply in all respects with the Michigan Code, excluding minimum heights for habitable rooms, regulated by

Manufactured Home Construction and Safety Standards, as amended for ceiling height of habitable rooms.

- (11) **ROOF.** All one or two-family dwellings, other than mobile homes located inside mobile home parks, must have a pitched roof, the principal portion of which has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project no less than six (6") inches beyond the walls.
- (12) **EXTERIOR DOORS.** Every single family dwelling must have exterior doors on not less than two sides with steps and porches connected to said doors where required due to a difference in elevation.
- (13) **GARAGES IN RESIDENTIAL ZONING DISTRICTS.** The total square footage of garages may not exceed eight hundred and fifty (850) square feet. Garages for any dwelling units may provide storage for no more than the number of vehicles noted below.
  - (a) **SINGLE FAMILY DWELLINGS.** Three (3) vehicles, including not more than one (1) commercial vehicle with a load capacity of no more than one (1) ton.
  - (b) **ALL OTHER DWELLINGS.** Two (2) vehicles, including not more than one (1) commercial vehicle with a load capacity of no more than one (1) ton.
- (14) **ACCESSORY BUILDING NOT FOR DWELLING USE.** No portion of an accessory building in an R-1 or R-2 Zoning District is to be used as a dwelling.
- (15) **ACCESSORY BUILDING SIZE.** Accessory buildings on parcels greater than thirty thousand (30,000) square feet shall be permitted accessory buildings totaling one thousand six hundred (1,600) square feet and twenty (20') feet in height. Accessory buildings on parcels less than thirty thousand (30,000) square feet shall be permitted accessory buildings totaling one thousand two hundred eighty (1,280) square feet and twenty (20') feet in height.

No accessory structure may be located in the front yard. The front of the accessory building may be at the front building line of the principal building. All accessory buildings must be located at least ten (10') feet from all other buildings. The side yard setback shall be (6') feet and the back yard setback shall be (6) feet.
- (16) **ATTACHED GARAGE YARD REQUIREMENTS.** Attached garages shall be considered part of the principal building for the purpose of computing required yards.
- (17) **STATE LICENSED RESIDENTIAL FACILITY.** No State licensed residential facility for six people or less shall be located within one thousand (1000') feet of another state licensed residential facility.
- (18) **PONDS.** Ponds of less than one (1) acre in area may be constructed as a landscaping enhancement to residential uses in the R-1 districts after plan review and issuance of a

building permit by the Village. Soils excavated for creation of these ponds may not be taken off the parcel site. The pond may only be located in a rear yard, have a surface area of fifteen (15%) percent or less of the lot area and must meet all setback requirements of principal structures in the district in which it is located. Design and construction specifications.

- (19) HOME OCCUPATION. A Home Occupation is any business carried on by one or more members of a family residing on the premises, providing it:
- (a) is operated in its entirety within the principal dwelling or accessory structure;
  - (b) does not have a separate entrance from outside the building;
  - (c) does not involve alteration or construction not customarily found in dwellings or accessory structures;
  - (d) does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
  - (e) does not use more than twenty-five (25%) percent of the total actual floor area of the dwelling, or fifty (50%) percent of the total actual floor area of the accessory structure, with a maximum total area for the home occupation of five hundred (500) square feet;
  - (f) does not display, or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, nonilluminated, wall sign having an area of not more than two (2) square feet.
  - (g) does not employ any persons other than family members residing on the premises.
  - (h) is not conducted such that it requires parking in excess of that required for the residential structure in which it is located.
- (20) MOVING STRUCTURES. Structures intended to be moved into the Village must first have an approved site plan and necessary permits. All aspects of this ordinance and the Building Code must be complied with prior to the structure being moved into the Village.

## **SECTION 403, (21) RAZING BUILDINGS/BURYING DEBRIS**

### **A. INTENT OF ORDINANCE:**

1. Prevent the burying of any building materials or debris associated with the building construction of any portion of residence, fence, garage, outbuildings, swimming pool or commercial endeavor.



2. Prevent the burying of any demolition materials or debris associated with the demolition, razing or deconstruction of any residence, fence, garage outbuilding, swimming pool or commercial endeavor.
3. This section is not intended to prohibit the construction of a basement below ground, surface level, or any in-ground swimming pool.

**B. DEFINITIONS:**

1. Building: Any structure or portion of a structure whether constructed for commercial, residential, storage purposes or entertainment purposes.
2. Razing: The demolition or deconstruction of any building, part of building, foundation, swimming pool or fence.
3. Building material: Any material in any form used for, or part of, the construction or razing or any building, foundation, fence or swimming pool.
4. Burying: Placing any building material debris or demolition material debris, regardless of intent under or partially under the surface of the soil or under a building or foundation regardless of intent. Burying does not apply to the construction of a basement below ground surface level or any in-ground pool.

**C. ORDINANCE:**

1. Burying Building Material/Debris
  - a. It shall be unlawful to bury any building material or debris associated with the building of a structure.
  - b. It shall be unlawful to bury any building materials or debris associated with razing, demolition, deconstruction of a structure or part of a structure.

**E. ENFORCEMENT AND SANCTIONS:**

1. The illegal burying of debris as set forth in this ordinance shall constitute a misdemeanor offense of 93 days in jail and a fine of \$500.00.

**SECTION 403, (22) DEMOLITION / RAZING**

**A. INTENT OR ORDINANCE:**

To provide for a permit for the demolition of any demolition/deconstruction or razing of any building, part of building, foundation or swimming pool.

**B. DEFINITIONS:** Refer to Section 403, (21).

**C. ORDINANCE:**

Any demolition of any building or portion of building shall require the property owner to obtain a demolition permit before demolition begins.

Fee: The permit application fee is \$25.00

Location: The permit application shall be available at the Village Hall, 6681 Automobile Way.

**D. PENALTIES:**

Failure to obtain a permit for demolition shall result in a stop order on the demolition and a fine of \$100.00 for each day the homeowner is without permit.

Failure to obtain a permit for demolition is a 93 day misdemeanor.

**SECTION 404. PARCEL REGULATIONS.**

- (1) **MINIMUM LOT FRONTAGE.** The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the Front Lot Line equal to the required parcel width. Flag lots are not permitted. In the case of a cul-de-sac, parcel width is measured at the Front Yard Setback Line.
- (2) **ACCESS TO A STREET.** Any parcel created after the effective date of this Ordinance, and in a commercial Zoning District, or with access points to a street with curb and gutter, shall have a hard surfaced approach to a public street. All parcels created after the effective date of this Ordinance shall have access to a public street.
- (3) **SPACE USED ONCE.** Any yard or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure except where one is to be demolished upon completion of the other.
- (4) **ADDITIONAL FRONT SETBACK.** Where the current right-of-way width of an arterial or collector street is less than its future right-of-way width as determined by the Village of Lakewood Club, an additional front yard setback from said street is required. The front yard setback for properties fronting on such a street shall be measured from a line which lies a distance of one half of the future right-of-way width from the centerline of the current right-of-way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this Ordinance.

**SECTION 405. STRUCTURE REQUIREMENTS.**

- (1) **PERMITTED YARD ENCROACHMENTS.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS table of the DISTRICT REGULATIONS chapter, must be adhered to, as well as any requirements listed herein.

- (a) Open porches, open decks, paved terraces and patios, provided the following restrictions apply. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements. Amended 9/26/2016
    - (1) The highest finished elevation of the paved area or porch is not over three (3') feet above the average surrounding finished grade. Amended 9/26/2016
    - (2) If roofed, a porch is unenclosed, and the roof is no higher than one (1) story. A roofed area may not exceed ten (10%) percent of the required side or rear yard and must meet required side and/or rear yard setbacks.
    - (3) If unroofed, paved areas or porches may have non-continuous wind breaks or walls not over six (6') feet high and not enclosing more than one half (1/2) the perimeter of the paved area or porch.
    - (4) If unroofed, decks may project a maximum of eight (8) feet into the front yard or side yard setback area, and may project a maximum of twelve (12) feet into a rear setback area. Amended 9/26/2016
  - (b) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one-half (2.5') feet.
  - (c) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet into the yard.
  - (d) Signs, subject to provisions of Chapter 5.
- (2) PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS table of the DISTRICT REGULATIONS chapter, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.
- (a) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in any Commercial Zoning District and sixty (60') feet in any Industrial Zoning District.
  - (b) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy five (175') feet in the B-1, B-2 and B-3 Zoning Districts or in any Industrial Zoning District.
  - (c) Water towers or standpipes shall be permitted to a maximum height of one hundred fifty (150') feet in any Zoning District.

- (d) Residential television antennas or flagpoles shall be permitted to a maximum height of forty five (45') feet in any Residential Zoning District. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15') feet.
- (e) Flagpoles in any B, or I Zoning District are permitted to a maximum height of sixty (60') feet.
- (3) TRAILERS OR OTHER TEMPORARY STRUCTURES. May not be used for commercial uses, except as allowed by special use permit in conjunction with Temporary Outdoor Uses.
- (4) ROOF AND SURFACE DRAINAGE. If a building is equipped with gutters or other means for collection of roof water, the down spouts and/or roof water conductor pipes shall be discharged on unpaved ground or paved surface at a distance of at least three (3') feet from the building wall. Further the grade line at the building wall shall be sloped away from the wall at the rate of at least one inch per foot (1":1'), for a minimum of five (5') feet. Where settlement of the ground has occurred at the building wall, then the property owner is required to add fill to correct the condition to conform with this requirement.

**SECTION 406. OFF-STREET PARKING REGULATIONS.**

- (1) INTENT. This Section is intended to balance the need for efficient performance of streets with the need for efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.
- (2) TABLE OF OFF-STREET PARKING REQUIREMENTS. This Table is used to determine the number of parking spaces required for fixed levels of various Activities. The Table is contained in Chapter 3.
- (3) CALCULATIONS. To calculate the total number of spaces required for any Parcel, add the requirements for each existing or proposed Activity. Read down the "Land Use" column, identifying all Uses which apply to the Parcel. For each Use identified, determine the number of activity units involved and calculate the required number of parking spaces to serve that many units. Finally, add the requirements for all Uses to find the total number of spaces.
  - (a) USES NOT LISTED. Requirements for any Use not listed shall be the same as for the most similar Use which is listed. This is determined by the Zoning Administrator, with any disagreements submitted to the Zoning Board of Appeals.
  - (b) ADDITIONS. Added parking spaces must be provided in proportion to any changes in floor area or use on a Parcel.

- (c) **AVAILABILITY OF SPACES.** Parking spaces may count toward the requirement for a Parcel if they are located on it or on an adjoining Parcel where the farthest space is not over five hundred (500') feet from the nearest public entrance to the Principal Building, with a continuous paved walkway between the lot and entrance.
- (4) **REDUCTIONS IN PARKING REQUIREMENTS.** Parking requirements may be reduced in the following situations.
- (a) **MIXED USES.** In the case of mixed Uses, where each occupies at least twenty (20%) percent of the floor area of a Building and the operating schedules of any two such uses vary by a total of three hours in a typical day, the parking requirement for the Building, as determined using the Table, may be reduced by ten (10%) percent.
  - (b) **JOINT PROVISION OF OFF-STREET PARKING.** Where two or more abutting Parcels in any B or I Zoning District provide paved drives and sidewalks between parking areas, allowing travel between Parcels without use of a Public Street, the number of parking spaces required for each Parcel may be reduced by ten (10%) percent, in addition to reductions allowed by other provisions of this Section.
  - (c) **REDUCTIONS FOR FURTHER PUBLIC BENEFITS.** In any B or I Zoning District, the parking requirement for a Parcel which fronts on a County Primary or State Highway, other than an expressway, may be reduced by ten (10%) percent if any three (3) of the following conditions are met. This is in addition to other reductions allowed by this Section.
    - 1. No driveways open onto the major road.
    - 2. There are no Freestanding Signs in the Front Yard Setback area.
    - 3. The Principal Building is set back at least one hundred (100') feet from the major road Right of Way.
    - 4. At least twenty five (25%) percent of the parcel is devoted to natural woodlands, wetlands or landscape plantings.
    - 5. Sidewalks, including barrier-free curb cuts, are provided along the full length of all road frontages on the Parcel, with at least one walkway connection between any such frontage and the Building's main entrance.
    - 6. A service drive is provided along the entire major road frontage and connecting to parking areas on adjoining properties. Entrances to this drive from any Public Street may not be located within two hundred (200') feet of any intersection, unless said entrance is configured as a fourth leg of a "T" intersection.

- (5) **FRONT YARD PARKING.** No part of any front yard shall be used for any accessory building, garage, or other structure, nor shall any motor vehicle be parked in any front yard except upon a regularly constructed driveway. In addition, on a corner lot no motor vehicle shall be parked in the side yard abutting a public street except upon a regularly constructed driveway. In the case of driveways formed by a portion of a circle with two access points on the street, the portion of the driveway closest to the structure must be outside of the required front yard. Parking in the front yard is allowed for a period of 24 hours or less to accommodate necessary parking for a special event taking place on that parcel.
- (6) **RESIDENTIAL LOCATION.** Required residential off-street parking spaces shall consist of a parking bay, driveways, or combination thereof, and shall be located on the premises they are intended to serve. Parking shall be constructed to minimize the amount of pavement necessary.
- (7) **ALLEY ACCESS.** If permanent access is provided to the rear of the property by a public alley or a driveway, the side yard requirement may be waived except as otherwise specified in applicable Building Codes, provided that if walls of structures facing interior side lot lines contain windows, or other openings, side yards of not less than twenty (20') feet shall be provided.
- (8) **PARKING DEVELOPMENT AND CONSTRUCTION REQUIREMENTS.**
- (a) **PERMIT.** A site plan for all parking improvements is required, prior to the issuance of a Building Permit. A Building Permit is required for construction of any new, or expansion of any existing parking lot.
- (b) **SIZE OF SPACES.**
1. **STANDARD.** Parking spaces must be nine (9') feet wide by eighteen (18') feet long.
  2. **HANDICAPPED.** Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.
  3. **OTHER.** Spaces for special vehicles, such as cars with boat trailers, must conform to dimensions as noted in the **TABLE OF OFF-STREET PARKING REQUIREMENTS.**
- (c) **HANDICAPPED SPACES.** Off-street parking facilities required for buildings shall be provided in accordance with the following table and identified by signs as being reserved for handicapped persons. Signs shall be located approximately six (6') feet above grade. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient not more than one (1') foot in twelve (12') feet and a width of not less than four (4') feet shall be

provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance.

Total in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 to 1,000	2% of total
over 1,000	20, plus 1 for each 100 over 1,000

(d) SURFACE.

1. GRAVEL. Where the TABLE OF OFF-STREET PARKING REQUIREMENTS allows parking areas to be gravel surfaced, this surface must be of a material that provides a durable, smooth and dustless parking lot which is graded to properly drain and dispose of storm water.
2. PAVED (HARD SURFACED). Where the TABLE OF OFF-STREET PARKING REQUIREMENTS requires parking areas to be paved, this pavement must consist of at least six (6") inches of reinforced concrete or two (2") inches of bituminous surface laid over six (6") inches of compacted crushed stone. Hard surface must be in place within one year of occupancy.
3. MIX OF SURFACE TYPES. For some combinations of Uses, the Table of Off Street Parking Requirements may specify both gravel and paved spaces. If some gravel surfaced spaces are to be built, they must be constructed as a separate parking lot, located farther from the Principal Building than any paved spaces. Access to the gravel lot may be only from the paved lot, not from any Public Street. If all spaces are paved, the total number of spaces may be reduced by up to ten (10%) percent.
4. NO PARKING ON FRONT LAWN. No portion of a residential front lawn area may be used for parking.

- (e) **PARKING AREA DESIGN, DRIVEWAYS AND AISLES.** In any required parking area larger than two (2) spaces, no space may be situated so that vehicles enter it directly from a Public Street. Driveways and aisles must be clearly identified and meet the following requirements:
1. **DRIVEWAY.** Each driveway opening to a Public Street must be approved by the agency having jurisdiction over the street. If the Public Street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a Public Street at a ninety (90) degree angle.
  2. **STACKING AREA.** Each driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to at least five (5%) percent of the spaces in the parking area.
  3.  **AISLES.** Parking lot aisles shall be at least twenty (20') feet wide.
  4. **CLEAR VISION AREA.** All driveways shall have a clear vision area, unobstructed by Accessory Structures or plantings, within thirty (30') feet of any Public Street Right Of Way, for a sight distance of one hundred (100') feet along the near edge of the pavement in either direction.
  5. **STRIPING.** Except for parallel parking, all parking spaces shall be clearly striped and maintained.
  6. **LANDSCAPING.** Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- (f) **DRIVEWAY SPACING.** Each Parcel shall have no more than one driveway entrance and exit opening to any Public Street for each three hundred (300') feet of frontage, or fraction. Where more than one driveway is allowed, they shall be located at least one hundred fifty (150') feet apart. No driveway shall be located within fifty (50') feet of a street intersection.
- (g) **LIGHTING.** Off-street parking areas provided for any multiple family housing, business, industrial or institutional use must be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback standards for Accessory Structures for the applicable Zoning District. No direct rays from said fixtures shall be directed at adjacent properties or Public Streets.



- (h) **SETBACKS.** Parking areas must be set back at least twenty (20') feet from any Public Street and conform to Side or Rear Yard Setbacks for Accessory Structures. Parking spaces shall be no closer than five (5') feet to any Principal Building. Bumper guards or curbs shall be installed to prevent yard encroachment.
  - (i) **SCREENING FOR RESIDENTIAL.** Any parking area larger than ten (10) spaces must have a Visual Screen not less than five (5') feet high running the full length of any side which adjoins a Parcel in the R-1 or R-2 Zoning Districts.
- (6) **ROADSIDE STAND OR TEMPORARY OUTDOOR USE.** Parking areas for such uses shall be so arranged that vehicles are not required to encroach upon the right-of-way with any portion of the vehicle when parked, or to back onto the right-of-way in reverse gear.

**SECTION 407. OFF-STREET LOADING REGULATIONS.**

- (1) **INTENT.** This Section is intended to provide adequate access for commercial vehicles to major generators of truck traffic and minimize traffic interference caused by trucks parked for loading or unloading.
- (2) **DIMENSIONS OF LOADING SPACE.** Each loading space must be at least ten (10') feet wide and thirty (30') feet long. If roofed, it must have at least fifteen (15') feet of vertical clearance. Where it is expected that semitrucks will make daily deliveries, the loading space must be at least sixty (60') feet long.
- (3) **HARD SURFACE.** Loading spaces must be paved with a surface providing the equivalent load strength of five (5") inches of concrete. Hard surface must be in place prior to occupancy.
- (4) **LOCATION AND SETBACKS.** A loading space must be located within a side or rear yard, or adjacent to the building it serves and arranged so that trucks entering or using the space do not block any portion of a public street or alley. Loading spaces must conform to Setbacks for Accessory Structures for the applicable Zoning District.
- (6) **SOLID WASTE COLLECTION FACILITIES.** Loading areas for "dumpsters" present a different set of conditions than standard off-street loading spaces. These rules are intended to prevent unhealthy or unsightly solid waste handling facilities. They apply to any solid waste container so large that a mechanical device is required to empty it.
  - (a) **SCREENING AND ENCLOSURE.** Each container must be obscured from view from any adjoining Parcel by a Visual Screen which is at least as high as the container. Containers are to be protected by a fenced enclosure with a lockable gate, unless each container has a lid which is kept locked when waste is not being deposited or removed.

- (b) PAVING (HARD SURFACE). Each container site and an approach area for trucks shall be paved with reinforced concrete not less than five (5") inches thick.
- (c) SITING. Containers shall be located inside rear yards and meet all setback requirements for accessory structures. Trucks collecting waste shall not conflict with the orderly flow of traffic onto or through the Parcel or any parking areas thereon, nor block any portion of a Public Street or alley.

#### **SECTION 408. SEVERABILITY**

The provisions of this Ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

#### **SECTION 409. REPEAL OF CONFLICTING ORDINANCES**

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

#### **SECTION 410. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon publication

Amended December 18, 2006



**CHAPTER 5**  
**SIGN REGULATION**

**SECTION 501. SCOPE.**

These Standards are adopted to:

- A. Maintain and enhance the aesthetics of the community.
- B. Enhance pedestrian and traffic safety.
- C. Preserve public health, safety, and welfare.
- D. Minimize the adverse effects of signs on nearby public and private property.
- E. Minimize driver distraction.
- F. Encourage appropriate plants and landscaping material.
- G. Avoid excessive signage.
- H. Protect and enhance the scenic views and natural landscapes.
- I. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
- J. Promote the use of aesthetically pleasing sign materials and colors.
- K. Avoid obstacles, distractions, or traffic hazards which impair a traveler's ability to see pedestrians, traffic signs, or vehicles.
- L. Preserve the right to enjoy scenic amenities.
- M. Enhance the effectiveness of necessary directional and warning Signs.
- N. Preserve property values.
- O. Provide for the effectiveness of Permitted Signs.
- P. Avoid adverse lighting or reflection.
- Q. Require structurally safe Signs.

## **SECTION 502. PERMIT PROCEDURE.**

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the Village Zoning Enforcement Officer. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit.

- A. **ACTIONS EXEMPT FROM PERMITTING.** The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.
  - 1. **REPLACING COPY.** The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
  - 2. **MAINTENANCE.** Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
  
- B. **APPLICATIONS.** Application for a permit to construct or locate a permanent sign shall be obtained from the Village Zoning Administrator. The application shall include the following information.
  - 1. Name, address, telephone number of the landowner, developer, or petitioner.
  - 2. A map of the property at a scale of one (1") inch equals twenty-five (25') feet showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.
  - 3. An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
  - 4. In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
  - 5. The proposed dates of construction and completion of the sign.
  - 6. Structural information necessary to comply with all current building codes.

7. In the case of a portable sign, the length of time the proposed sign will be on the site.
  8. A fee shall be paid to Village of Lakewood Club for each sign permit. A schedule of fees shall be established and amended from time to time by the Village Board.
- C. **DURATION OF PERMIT FOR PORTABLE SIGNS.** All portable signs are subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than three (3) days.

Zoning District	Duration of Permit	Permits per Parcel
RESIDENTIAL(Non-Profit)	14 days	2 per year
AG/RES (All Other)	14 days	1 per year
COMMERCIAL	30 days	2 per year
INDUSTRIAL	30 days	2 per year

**SECTION 503. MEASUREMENT OF A SIGN.**

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area. The height of a sign shall be measured from the average grade of the lot at the setback line. If a sign includes a numeric address, the portion of the sign containing the address numbers shall not be counted toward the total square footage of the sign.

**SECTION 504. TABLE OF SIGNS PERMITTED.**

<b>District</b>	<b>Type</b>	<b># per Parcel</b>	<b>Size</b>	<b>Placement</b>	<b>Height</b>
<b>R-1</b>	• Non dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
<b>R-2</b>		1	6 sq. ft.	Within required yard	4 ft.
<b>R-3</b>	• Small sign	1	2 sq. ft.	Any wall	Any wall
	• Wall Sign	1	32 sq. ft.	Within required yard	5 ft.
	• Portable				
<b>B-1</b>	• Wall	1	64 sq. ft.	Any wall	Any wall
<b>B-2</b>	• Monument	1	32 sq. ft.	Within required yard	8 ft.
	• Marquee/Canopy	1	64 sq. ft.	On structure	Height of highest eave
	• Portable	1	32 sq. ft.	Within required yard	8 ft.
	• Street Banners	see notes	see notes		8 ft.
	• Electronic message board	1	32 sq. ft.	Within required yard	n.a. 8 ft.
<b>I-1</b>	• Wall	1	60 sq. ft.	Any wall	Any wall
	• Monument	1	32 sq. ft.	Within required yard	8' at grade of lot line
	• Pole	1	32 sq. ft.	Within required yard	12' at grade of lot line
	• Portable	1	32 sq. ft.	Within required yard	5' at grade of lot line

**NOTES TO TABLE**

1. In the case of through lots (a lot or lots held under one ownership fronting on two (2) streets), on a street, one sign may be allowed per access.
2. In the case of a corner lot, situated on two (2) or more streets, signs may be permitted on each street.
3. Only one (1) monument sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street frontage. A business center shall be allowed one (1) sign not exceeding one (1') foot by four (4') feet for each business within the business center. The entire sign shall not exceed eight (8') feet in height. If more than five (5) businesses are located in one (1) center, additional monument signs will be allowed using the same one (1') foot by four (4') foot signs. One (1) wall is allowed per individual business of thirty-two (32) square feet in a business center.

4. No premises other than through or corner lots shall be permitted more than two (2) signs of different types or more than one (1) sign of any particular type.
5. The height of wall signs may be up to the height of the wall or the maximum height.
6. Each business occupancy other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.
7. One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance , exit or service window.
8. Parcels with greater than four hundred (400') lineal feet of frontage may be granted additional signage at the site plan review phase.
9. STREET BANNERS. Fabric signs suspended across streets advertising a public entertainment or event. A copy of the Village Road Commission permit must be on file with the Zoning Administrator prior to display of the banner. These signs may be displayed during the event being advertised and for no more than 14 days before and 4 days after it. Banners, streamers, pennants, balloons, and any fabric signs are considered temporary signs.
10. POLITICAL CAMPAIGN SIGNS. Signs up to an area of six (6) square feet for each parcel. Signs between six (6) and thirty-two (32) square feet require a permit and are not exempt from these requirements. These signs may be erected no more than thirty (30) days before, and must be removed no more than four (4) days after, the election for which they were made.
11. ELECTRONIC MESSAGE BOARDS. The message/symbol/picture change cycle of a changeable message sign shall be not less than thirty (30) seconds per message/symbol/picture.
12. NONDWELLING USE SIGNS. In the R-1, R-2 and R-3 districts, only nondwelling use signs may be illuminated.

#### **SECTION 505. SIGNS EXEMPT FROM PERMIT REQUIREMENTS.**

The following exempt Signs are allowed in all zoning districts within the Village. All exempt signs shall comply with setback provisions for the Zoning District in which they are located.

- A. CONSTRUCTION SIGNS. These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of twenty (20) square feet. The signs shall be confined to the site of the construction and shall be removed no more than four (4) days after the beginning of the intended use of the project.



- B. **SMALL SIGNS.** In the R-1, R-2 and R-3 zoning districts, one (1) sign, no greater than six (6) sq. ft. or four (4') ft. in height is permitted without a permit, provided it is located within the required yard.
- C. **PRIVATE TRAFFIC DIRECTION SIGNS.** Signs located on private property, necessary to promote vehicular and pedestrian safety are exempt from permitting. These may include directional signs, parking signs, and other related signs at the discretion of the owner.
- D. **FLAGS.** Two (2) flags are allowed to be exempt from these regulations. If additional flags will be displayed no more than the time period allowed for a portable sign, the flag will be considered a portable sign and is subject to portable sign regulations. If the flag will be displayed more than the time period allowed for portable signs, the flag becomes a permanent sign and must be calculated into the total sign area allowed for a parcel. American flags are exempt from all regulation.

**SECTION 506. PROHIBITED SIGNS.**

Signs are prohibited which:

- A. Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
- B. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
- C. Are not properly anchored or secured to a building or the ground.

**SECTION 507. ILLUMINATION.**

- A. There shall be no flashing, oscillating, or intermittent, illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections.
- B. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences.
- C. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Ordinance Enforcement Officer.
- D. In the R-1 and R-2 districts, only nondwelling use signs may be illuminated.

**SECTION 508. NONCONFORMING SIGNS.**

- A. Portable signs are not considered to be acceptable nonconforming structures.
- B. Nonconforming signs: Shall not be changed in such a way to remain nonconforming.

Shall not be altered structurally so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.

#### **SECTION 509. CONSTRUCTION AND MAINTENANCE.**

- A. The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.
- B. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements.
- C. No sign permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation.
- D. A sign shall not be erected or installed until a permit is first obtained from the Building Inspector.

#### **SECTION 510. VIOLATIONS AND REMOVAL.**

- A. Any sign erected, altered, or converted subsequent to the passage of this Article and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
- B. Upon discovery of a violation of this Chapter the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the Township/Village Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Chapter or removed.
- C. The Zoning Administrator or his representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.
- D. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in B. above, the Ordinance Enforcer or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in B. and C. above.
- E. If the Zoning Board of Appeals determines that the sign involved is in violation of this

Chapter he shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony the Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.

- F. If the decision and order provided for in E. above are not complied with in the specified time, the Ordinance Enforcement Officer may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
- G. Nothing in this Section shall prevent the Ordinance Enforcement Officer or Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

#### **SECTION 511. ABANDONED SIGNS.**

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within thirty (30) days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

## CHAPTER 6

### SPECIAL USE PERMITS

#### SECTION 601. INTENT, PURPOSE AND PROCESS.

- (1) **INTENT.** In contrast to the clear cut and objective process desired for most zoning decisions, the Special Use Permit process is intended to be at least partly subjective. It relies upon the judgement of the Planning Commissioners, the sincerity of the applicant, and the opinions or feelings of people who live or own property near the site of a proposed Special Use. The Special Uses which are designated for a particular Zoning District are generally complementary to the uses permitted by right. However, because of their unique characteristics or more intensive natures, these uses require special consideration of the welfare of adjacent properties and the community as a whole.
- (2) **PURPOSE.** This Chapter provides procedures and standards for regulating activities identified as use "Special Use Permit" for each Zoning District in the Uses Table found in Chapter 3 of this Ordinance. Special Uses represent a middle range between uses that are clearly permitted and uses that are clearly denied in any Zoning District. The purpose of designating special uses is to allow practical latitude for a property owner or developer to use a parcel of land while maintaining protection of the health, safety, comfort, convenience and general welfare of neighbors and the community at large.
- (3) **PROCESS.** Regulation of Special Uses includes two separate steps. First is the review of the Site Plan for the proposed use. Second is the decision of whether a Special Use Permit will be granted.
  - (a) **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements which must always be met.
  - (b) **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
  - (c) **PRECAUTION.** No person should think that compliance with the standards defined by this Chapter automatically grants them the right to establish a Special Use in a given Zoning District. Rather, the privilege of establishing a Special Use is granted or denied by the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on neighboring parcels, the

input of neighboring residents or property owners is a legitimate factor for the Village Council to consider when deciding whether to allow such uses.

- (d) PERMANENCE. Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that is transferred when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may be revoked..

## **SECTION 602. PERMIT PROCEDURES.**

- (1) SUBMISSION OF APPLICATION. The application package is to be submitted to the Village of Lakewood Club Zoning Administrator.
  - (a) CONTENTS. The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the Council and a site plan.
  - (b) APPLICATION DEADLINE. The complete application package must be submitted to the Zoning Administrator at least twenty (20) days before the Planning Commission meeting at which it will be considered.
- (2) SIMULTANEOUS CONSIDERATION OF REZONING AND SPECIAL USE PERMIT. In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
  - (a) SEPARATE. The rezoning shall be considered separately from the Special Use Permit.
  - (b) PROCEDURES. The Ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Board.
  - (c) STANDARDS. All standards required by this Ordinance shall be observed for each action.
  - (d) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- (3) VILLAGE COUNCIL REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and

Special Use Permit considered at a single Village Council meeting, the following process occurs:

- (a) PUBLIC HEARING ON SPECIAL USE. The Village Council shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
  - (1) NOTICE. A notice of public hearing shall be mailed to all parties specified by law and published in a newspaper of general circulation in the Village not less than five (5) nor more than fifteen (15) days before the date of such hearing.
  - (2) DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask for consideration of the Special Use Permit, including the public hearing to be postponed. However, postponing the hearing requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.
- (b) CONSIDERATION OF SPECIAL USE PERMIT. Following the close of the public hearing, consideration of the Special Use permit shall take place.
  - (1) OPEN MEETING. Note that the Open Meetings Act requires this vote to take place in an open public meeting.
  - (2) PROMPT DECISION. In the interest of fairness and a timely response for all concerned parties, the Village Council shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Village Council to be held on a specific date which is identified in the motion to table.
  - (3) ISSUANCE OF ZONING PERMIT. Only upon approval of a Special Use Permit by the Village Council may a Zoning Permit for the proposed use be issued by the Zoning Administrator.
- (c) SITE PLAN REVIEW. The Village Council shall conduct a Site Plan Review for the proposed use. The Village Council may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
  - (1) PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Village Council may choose to accept public comments or questions relating only to design considerations of the site plan.

- (2) **IF THE SITE PLAN IS DENIED.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
- (4) **REAPPLICATION.** An application for a Special Use Permit which has been denied, may not be resubmitted until one (1) year after the date of denial has passed.
- (5) **TERMS OF PERMIT.** A Special Use Permit issued pursuant to this Chapter consists of a Zoning Permit which specifies the Special Use which is to be allowed and any conditions which were attached by the Village Council. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
- (6) **REVOCAION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item (5), the permit remains valid as long as all of those conditions are met. However, the Village , via the Village Council, shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated. The Special Use Permit is a condition of the approval of the Zoning Permit, and revocation of it shall void the Zoning Permit.
- (a) **FIRST NOTICE.** The Zoning Administrator shall send written notice of a violation to the holder of the Zoning Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Village Council will revoke the Special Use Permit and order the use to cease.
- (b) **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use. Actions specified by the Regulation of Nonconformities Table shall be taken whenever they apply.
- (c) **VILLAGE COUNCIL ACTION.** The Zoning Administrator shall notify the Village Council of the violation of conditions of the Special Use Permit at the next regular Village Council meeting, and revocation of the Special Use Permit shall be considered then. The Village Council's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.

- (d) **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
- (e) **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

**SECTION 603. PERMIT STANDARDS.**

- (1) **STANDARDS ATTACHED TO SITE PLAN REVIEW.** Before approving or denying a Special Use Permit Application, the Village Council reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards and any applicable standards from this Chapter. Standards are included in the Table of Special Use Permit Standards and in supplementary sections that follow the Table.
- (2) **ADDITIONAL CONDITIONS.** The Village Council may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Village Council's minutes, written on the site plan itself, and communicated to the applicant in writing. The permit will not take affect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Village Council chairman.
- (3) **ENFORCEMENT OF CONDITIONS.** The breach of any condition shall be cause for the Village Council to revoke a Special Use Permit.

**SECTION 604. BED AND BREAKFASTS.**

- (1) **AUTHORIZATION.** Due to the growing popularity of bed and breakfast establishments in single family dwellings, it is of evermore importance that any potentially adverse impacts resulting from such developments be property addressed. It is the intent of the Village to permit the development of such operations when developed in a way which emphasizes the protection of detrimental change in the single family character of any site proposed for a bed and breakfast operation.
- (2) **USES THAT MAY BE PERMITTED.** Bed and breakfast establishments where provided and as permitted under the appropriate zoning district.



- (3) **DEVELOPMENT REQUIREMENTS.** The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:
- (a) The residence is the principal single family detached dwelling unit on the property and is owner-occupied at all times.
  - (b) The rooms utilized for the sleeping area are part of the primary residential use and not specifically constructed or significantly remodeled or altered for rental purposes.
  - (c) The maximum stay for any occupants of bed and breakfast operations shall be seven (7) days.
  - (d) Paved parking shall be provided at a ratio of spaces to bedrooms as set by the Zoning Administrator.
  - (e) Occupancy of any bed and breakfast operation is limited to eight (8) or fewer guests, and the use is further limited to not more than two (2) rental sleeping rooms.
  - (f) Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. Such list shall be available for inspection by Village officials at any time.
  - (g) Breakfast is the only meal that may be served to overnight bed and breakfast guests, and this meal shall comply with restrictions of the State and County Health Departments for nonresidential uses. There shall be no separate cooking facilities for use by the bed and breakfast guests.
  - (h) A minimum lot width of one hundred (100') feet will be required for all bed and breakfast operations.
  - (i) Bed and breakfast operations shall not be permitted on any premises where there exists any violation of a Village Ordinance or in any building or on any parcel of land which does not conform to the requirements of the Village Zoning Ordinance and adopted Construction Codes.
  - (j) No bed and breakfast operation shall be established without prior approval by the Village Council, in accordance with the Special Use Permit requirements of Chapter 6. Two sets of floor plans of the establishment, drawn to a scale of not less than one eighth inch (1/8"=1') foot shall also be submitted to the Zoning Administrator. One set shall remain on file in the Village Offices, and one set shall be filed with the Fire Department.

#### **SECTION 605. CAR WASHES.**

- (1) **DRAINAGE.** Adequate provisions shall be made to keep all water from washing operations on the site. Where mechanical or manual drying is not done, a mechanical

device shall be provided to insure that each vehicle shall wait on the site a minimum of sixty (60) seconds following the end of each washing operation.

- (2) **OFF STREET VEHICLE WAITING AREA.** A vehicle waiting area shall be provided on the site which will accommodate a number of vehicles, under actual operating conditions, equal to fifty (50%) percent of the maximum hourly capacity of the washing facility. In determining the number of vehicle waiting spaces available to meet requirements, the number of vehicles normally accommodated within the building can be counted.
- (3) **BUILDING EXIT.** The building exit shall be no closer than two hundred thirty (230') feet to the nearest street intersection, measured according to how a vehicle would be forced to travel. If there is a drying operation associated with the car wash, either mechanical or hand operated, no minimum footage from a street intersection is required.

### **SECTION 606. INDUSTRIAL PARK.**

- (1) **PERMITTED USES IN INDUSTRIAL PARK.** Uses primarily engaged in research and light manufacturing activities.
  - (a) Uses are allowed that do not have or create external noise, light, or effluents. Uses that meet these requirements are at the determination of the Village Council.
  - (b) Distribution and Warehousing Plants
  - (c) Administrative professional and business offices associated with and accessory to a permitted use.
  - (d) Cafeteria, cafe, restaurant or auditorium accessory with and incidental to any of the foregoing uses.
- (2) **DEVELOPMENT STANDARDS.**

**SETBACKS.** No building shall be located on any one or more lots nearer to the front lot line or nearer to the side lot line than the minimum setback set forth below:

- (a) **Front Yard Setback.** Twenty (20') feet, except that unsupported roofs or sun screens may project six (6') feet into the setback area.
- (b) **Side Yard Setback.** Ten (10) feet provided that if a single building is constructed on two or more Lots. No fences shall be constructed within the required side yard.
- (c) **Rear Yard Setback.** No rear yard setback is required except where a lot abuts a residential district, the rear yard shall be thirty (30') feet.

- (3) **SITE COVERAGE.** Maximum building coverage of fifty (50%) percent of a Site is allowed. Parking structures shall not be calculated as a building area; however, said structures shall be used only for the parking of company vehicles, employee's vehicles, or vehicles belonging to persons visiting the subject firm.
- (4) **BUILDING HEIGHT.** The maximum building height shall be thirty-five (35') feet.
- (5) **BUILDINGS PER LOT.** One building, other than a parking structure shall be erected on any one lot, unless the erection and use of more or less than one building on any one lot is specifically approved and consented to by the Village of Lakewood Club in writing.
- (6) **BUILDING CONSTRUCTION AND MATERIALS.** All buildings shall create a credible and acceptable appearance on all four sides. Buildings, including ancillary buildings, shall be constructed of a material other than unfinished galvanized steel or sheet aluminum for exterior walls. All appurtenant equipment, including roof mounted units, shall be screened from view from any public street. At least thirty-five (35%) percent of the wall area on the front of the building shall be of facing brick, stone, exposed aggregate or of other architectural masonry of equal standard.

The owner shall take appropriate measures to minimize dust, storm water runoff, and construction debris during construction and shall be prohibited from allowing construction activities from injuring other properties.

- (7) **SIGNS.** No sign shall be erected or maintained on the Park except in conformity with the following:
  - (a) Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed as to rotate, gyrate, blink or move in any animated fashion.
  - (b) All signs attached to the building shall be flush mounted.
  - (c) Only one (1) single faced or double faced sign shall be permitted per street frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.
  - (d) No ground signs shall exceed five (5') feet above grade in vertical height. Also, ground signs in excess of one hundred (100) square feet in area (single face) shall not be erected in the first twenty (20') feet, as measured from the property line, of any street side set back area.
  - (e) A wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area closed by such line.

- (8) **PARKING.** Each owner of a parcel shall provide adequate off-street parking to accommodate all parking needs for the parcel. Required off-street parking shall be provided on the parcel of the use served, or on a contiguous parcel or within eight hundred (800') feet of the subject parcel. Where parking is provided on other than the parcel concerned, a recorded document shall be filed with the Village and signed by the owners of the alternate parcel stipulating to the permanent reservation of the use of the parcel for said parking.

The following guide shall be used to determine parking requirements: Office, Manufacture, Research and Assembly: One (1) space for each full time employee (per shift) and one space per two thousand (2,000) square feet of total office space (excluding such areas as pedestrian corridors, restrooms, elevator shafts, equipment areas). Warehouse: One (1) parking space for each full time employee (per shift).

- (9) **LANDSCAPING.** The front yard setback area of each site shall be landscaped with an effective combination of street trees, trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.
- (a) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
- (b) Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.
- (10) **LOADING AREAS.** No loading shall be allowed which is visible from adjacent streets. Street side loading shall be allowed provided the loading dock is set back a minimum of seventy (70') feet from the street right-of-way line, or one hundred ten (110') feet from the street center line, whichever is greater. Said loading area must be screened from view from adjacent streets.
- (11) **STORAGE AREAS.** No outdoor storage shall be allowed.
- (12) **REFUSE COLLECTION AREAS.** All outdoor refuse collection areas shall be visually screened from access streets, freeways, and adjacent property by a complete opaque screen made of materials compatible with the buildings materials used in the principal structure. No refuse collection areas shall be permitted between a frontage street and building line.
- (13) **LIGHTING.** All employee, public and loading entrances shall be lighted. Lights shall be deflected in such a way as to not create a traffic hazard.

- (14) TELEPHONE AND ELECTRICAL SERVICE. All on site electrical lines and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view streets and adjacent properties.
- (15) NUISANCES. No portion of the Park shall be used in such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical disturbance, radiation, air or water pollution, dust emission of odorous, toxic or noxious matter. The result of every action or omission whereby any restriction or covenant in this document is violated in whole or in part is hereby declared to be a nuisance.

#### **SECTION 607. MINISTORAGE/INDIVIDUAL STORAGE FACILITIES.**

- (1) DISTRICT REGULATIONS. All district regulations of the B-2 district shall apply to Individual Storage Facilities/Ministorage.
- (2) DIMENSIONAL REQUIREMENTS. Multiple buildings on one site must be at least fifteen (15') feet apart. All internal circulation must be on hard surfaces, at least fifteen (15') feet in width.
- (3) SETBACKS. The minimum front, side and rear yards shall conform to all district regulations. All sites abutting residential uses shall be developed so that access to storage facilities on the sides abutting residential uses face the interior of the site. No access to the rear of the building, by vehicle, shall be allowed on sides abutting residential uses. Where lights from vehicles can shine on residential uses from anywhere on the site, the residential use shall be screened by a completely obscuring fence, berm or landscaping, at least four (4') feet in height.
- (4) USE OF BUILDING. All Individual Storage/ Ministorage must be entirely contained within the building and in no way visible or otherwise apparent from outside the building. No retail commercial, manufacturing or rehearsing operations of any kind may be carried out inside or outside of the building.
- (5) MATERIALS ALLOWED TO BE STORED. No hazardous, toxic, flammable or refrigerated products may be stored inside or outside the building, excluding gas tanks attached to and intended to fuel vehicles and tanks of propane or kerosene, intended as fuel for appliances attached to the vehicle.
- (6) LIGHTING. All access points to each storage space and driveway must be lighted.

#### **SECTION 608. OUTDOOR USES.**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the Uses Table in Chapter 3.

These uses are: **Outdoor Assembly, Assembly buildings, Mobile Home Sales and Service and Race Tracks.**

- (1) **DRIVEWAYS REMOTE FROM INTERSECTIONS.** All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200') feet from the intersection of any two (2) streets or highways.
- (2) **SIGHT DISTANCE.** All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100') feet of the street for a sight distance of five hundred (500') feet in either direction along the street.

#### **SECTION 609. PLANNED UNIT DEVELOPMENT.**

- (1) **INTENT.** This Section is intended to encourage innovation in land use patterns and variety in design for development of large Parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.
- (2) **APPLICABILITY.** Planned Unit Developments are identified as Special Uses in the R-1, R-2, B-1, and B-2 Zoning Districts. This Section provides additional standards used in the Special Use Permit process. Note that Site Condominiums, one type of Planned Unit Development, are permitted only in the R-1 or R-2 Zoning Districts.
- (3) **PERMITTED USES AND STANDARDS.** A Planned Unit Development (PUD) may include all Uses By Right and Special Uses listed for the Zoning District which applies to its site, AND for the Zoning Districts which immediately precede and follow it in the Uses Table in Chapter 3. Excluding all uses in the Industrial district. For example, a PUD proposed for a Parcel zoned R-2 could include all Uses identified for the R-1, R-2, and B-1 Zoning Districts.

When a Use is listed only as a Special Use for the applicable Zoning Districts, all Special Use Permit Standards for said Use will apply. When a Use is listed as a Special Use in one of the applicable Zoning Districts, and as a Use By Right in another, it may be treated as a Use By Right for the PUD.

- (4) **USE DENSITY AND PARCEL COVERAGE.** Parcel Coverage limits for the applicable Zoning District must be met overall, with the following additions.
  - (a) **RESIDENTIAL COVERAGE IN COMMERCIAL ZONING DISTRICTS.** For a PUD located in the B-1 or B-2 Zoning Districts, up to fifty (50%) percent of the allowable Parcel Coverage may be devoted to structures for residential Uses.
  - (b) **NONRESIDENTIAL COVERAGE IN RESIDENTIAL ZONING DISTRICTS.** For a PUD located in the R-1 or R-2 Zoning Districts, up to twenty (20%) percent of the allowable Parcel Coverage may be devoted to structures for nonresidential Uses.
- (5) **DIMENSIONAL REQUIREMENTS.** Front Yard Setback requirements for the applicable Zoning District shall apply to all boundaries of the PUD. Building Height

limitations and minimum Yards between Dwelling structures shall be as specified for the B-1 Zoning District by the DIMENSIONS Table in Chapter 3.

- (6) **BUFFERING FOR RESIDENTIAL USES.** When a PUD contains a mix of residential and other Uses, the following provisions shall be enforced.
  - (a) **SEPARATE BUILDINGS.** In any PUD, a Building devoted to nonresidential use must be separated from adjacent residential Buildings by a Yard area not less than thirty (30') feet across, developed as landscaped open space and not used for parking or circulation of motor vehicles. This area may apply toward satisfaction of the PUD's Open Space requirement, as noted below.
- (7) **OPEN SPACE.** At least twenty (20%) percent of any Parcel containing a PUD must be devoted to landscaped open space. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may Yard areas of individual residential lots be included. However, landscaped Yard areas for Multiple Dwellings or nonresidential Uses may be included. If the PUD includes Multiple Dwellings, it must have at least one thousand (1,000) square feet of open space per Dwelling Unit.
- (8) **SIGNS.** Sign regulations as described in Chapter 5 shall apply for the PUD.
- (9) **PARKING AND CIRCULATION.** Parking for Uses in a PUD shall conform to the requirements of individual uses as required in Chapter 4. Roadways in a PUD are intended to be Public Streets, and must be built to the standards of the applicable public agency.

#### **SECTION 610. OUTDOOR RECREATIONAL FACILITIES, COMMERCIAL.**

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the Uses Table in Chapter 3.

These uses are: **Public or private Golf Courses and Driving Range. This section does not include uses that are accessory uses to a residential use.**

- (1) **SITE LOCATION.** Site location should be allowed which enhance the natural environment and amenities of urban life.
- (2) **DEVELOPMENT REQUIREMENTS.** The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction, or alteration of permitted structures.
  - (a) Minimum site shall be one (1) acre and access shall be so designed as to provide all ingress and egress directly onto or from an arterial or principal collector thoroughfare.

- (b) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

## **SECTION 611. RESTAURANTS WITH ENTERTAINMENT AND BARS**

- (1) **SITE LOCATION PRINCIPLES.** The following principles shall be utilized to evaluate the proposed location of any restaurant within a permitted district. The principles shall be applied by the Village Council as general guidelines to help assess the impact of the use upon the district in which such use is proposed.
  - (a) Uses should be developed on sites where areas of ecological significance such as bogs, swamps, and marshes will not be disturbed.
  - (b) Restaurants should be located on sites which will not significantly increase the noise, air pollution, and traffic congestion levels of a neighborhood.
- (2) **SITE DEVELOPMENT REQUIREMENTS.** The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
  - (a) **ACCESS DRIVES.** No more than one (1) driveway approaches shall be permitted directly from any major or minor thoroughfare not more than one (1) driveway approach from any minor street, each of which shall not exceed thirty-five (35') feet in width at the property line. Drive-in restaurants shall be allowed no more than two (2) driveways per site. All other developments shall be allowed one driveway per site.
    - (1) The driveways shall be located as far from the street intersection as practicable, but no less than fifty (50') feet.
    - (2) Joint access and parking shall be provided with adjacent properties whenever physically possible.
  - (b) **CURBING AND PAVING.** A raised curb at least six (6") inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
  - (c) **FENCING.** An opaque fence or wall, a minimum of five (5') feet in height, shall be erected along all property lines abutting any lot within a residential district.
  - (d) **LIGHTING.** Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets as set forth in Chapter 4.
  - (e) **LANDSCAPING.** The front yard setback area of each site shall be landscaped with an effective combination of street trees, trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The



entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway in said area.

- (1) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
- (2) Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition.

(3) **DRIVE-THRU ESTABLISHMENTS.**

(a) **USES THAT MAY BE PERMITTED.** Accessory drive-thru uses to financial institutions, fast food businesses, automatic teller machines, dry cleaners, convenience stores, or other uses as may be determined by the Village Council.

(b) **DEVELOPMENT REQUIREMENTS.** The following requirements for site development, together with any other applicable requirements of this Ordinance, shall be complied with:

- (1) The drive designated for the drive-thru shall have a minimum width of twelve (12') feet and a minimum length of one hundred (100') feet. Said drive length shall not interfere with on-site traffic flow or parking arrangements.
- (2) Curbing of at least seven (7") inches in height and/or steel concrete bumper poles must be installed between the drive-thru lane and any structure.
- (3) All pedestrian walkways crossing the drive shall be accessible to handicapped persons, properly painted and posted with signs warning drivers of pedestrians.
- (4) Lighting shall be installed so as to provide adequate illumination of any walkways intersecting with said drive.
- (5) An opaque fence or wall a minimum of five (5') feet in height shall be erected along all property lines where a drive-thru lane or associated structure are within forty (40') feet of any residential district or property.
- (6) No drive-thru lane may be closer than five (5') feet to any residential property or district.
- (7) Drive-thru lane shall not result in an additional curb cut unless approved by the Village Council as necessary to ensure the safety of motorists and/or pedestrians.

**SECTION 612. RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND.**

- (1) **TEMPORARY OCCUPANCY ONLY.** Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short term housing or shelter

arrangements. Spaces shall be rented by the day or week only, and no occupant of such spaces shall remain in the same park or campground more than sixty (60) days.

- (2) **RESIDENT MANAGER.** Each RV park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented. The manager's residence shall include the business office for the park and at least one thousand (1,000) square feet of living area for the manager's family.
- (3) **REGULATORY COMPLIANCE REQUIRED.** RV parks or campgrounds must maintain compliance with all regulations of the Michigan State Health Department and the Michigan Department of Natural Resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance, subject to enforcement action as provided by Chapter 9.
- (4) **GREENBELT, FENCE AND SETBACK.** Further, there shall be a greenbelt planting strip not less than fifteen (15') feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20') feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6') feet planted not more than six (6') feet apart. All individual campsites are to be setback at least seventy five (75') feet from any street right-of-way or neighboring property line.
- (5) **ACCESS AND CIRCULATION.** Each park shall be served by not more than one (1) point of access to each abutting street or road. Clear vision areas shall be maintained for drivers, extending one hundred fifty (150') feet in each direction on any abutting road and for twenty five (25') feet on the park entrance road. Roadways within the park shall be hard-surfaced, dust-free, and at least twenty four (24') feet wide for two-way traffic or twelve (12') feet wide for one-way traffic. Parking shall not be permitted on these roadways, and they shall be posted for a maximum speed of ten (10) miles per hour.
- (6) **PERSONAL CARE FACILITIES.** Each RV park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, wash basins, toilets, showers and waste containers. These facilities shall be provided uniformly through out the park at a ratio not less than one (1) toilet and sink for each eight (8) camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.
- (7) **OTHER PUBLIC FACILITIES.** Each RV park or campground shall provide at least one (1) public telephone for each forty (40) sites. Also, each park shall have waste pump-out facilities for recreational vehicles which shall have an approved connection to a municipal sewage collection and treatment system or shall have waste removed by a licensed waste hauler for treatment at a municipal treatment facility. Each park shall be served by a commercial solid waste disposal service, providing on-site storage container(s) large enough to accommodate a three-day (3) accumulation of solid waste with all sites in the park occupied. Said service shall provide pick up of waste at least

weekly when the park is operating and frequently enough to insure that said container(s) are never overloaded. Finally, at least twenty (20%) percent of the site, not including the greenbelt and setback areas as defined in this Section, shall be devoted to shared open space uses, including, but not limited to, playgrounds, picnic areas, court or field sports, or natural areas. This shall not include parking and vehicle circulation areas.

**SECTION 613. SEXUALLY ORIENTED BUSINESSES AND ADULT MEDIA STORES.**

- (1) INTENT. There are some uses that because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse affects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.
- (2) DISTANCE RESTRICTIONS.
  - (a) Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000') feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
  - (b) It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500') feet of any agriculturally or residentially zoned property or within one thousand five hundred (1,500') feet of any religious or educational institution, library, day care centers, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.
- (3) SIGNS AND PUBLIC OR EXTERIOR DISPLAY. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "Sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.

- (4) **PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS.** When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.
- (a) **ORDINANCE INTENT.** The proposed Use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
  - (b) **BLIGHTING INFLUENCE.** The proposed Use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
  - (c) **NEIGHBORHOOD CONSERVATION.** The proposed Use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
  - (d) **OTHER STANDARDS.** The proposed Use, and its Principal Building, shall comply with all other regulations and standards of this Ordinance.

#### **SECTION 614. SOIL RESOURCE EXTRACTION.**

- (1) **SCOPE OF REGULATIONS.** This Section regulates extraction, filling or repositioning of soil, sand, gravel, clay or other geologic deposit involving disturbance of more than one thousand (1,000) cubic yards of material, when such disturbance is not related to construction of a building, structure, or parking lot. This Section also applies to artificial ponds created by soil excavation or intervention in watercourses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity. Ponds created by embankments or dams across streams or watercourses are not permitted in the Village . Finally, oil wells are specifically exempted from this Section, and are solely regulated by the Michigan Department of Natural Resources.
- (2) **ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN.** The Site Plan for any activity regulated by this Section must include the following additional information.
- (a) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5') foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
  - (b) A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
  - (c) The specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.

(3) EXCAVATION SITE REQUIREMENTS.

- (a) Avoid sites of ecological significance, such as wetlands or mature forest. If wetlands are to be affected, a State permit may be needed.
- (b) Excavations which create ponds should be located to minimize the chance of pollution from sources such as feedlots, corrals or septic tanks.
- (c) Excavations may be no closer than fifty (50') feet, measured horizontally, to a power line, and may not be within a public utility or transportation easement.

(4) CONSTRUCTION AND OPERATION REQUIREMENTS.

- (a) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
- (b) Any pond banks shall have a maximum slope of one (1') foot vertical to four (4') feet horizontal which extends below the projected low water surface elevation to a depth of at least eight (8') feet.
- (c) Minimum designed water depth of a pond must be fifteen (15') feet to insure proper aeration and circulation of the water.
- (d) All required environmental permits shall be obtained and obeyed, including the soil and sedimentation control permit under Act 347 of PA 1972.
- (e) Any excavated material not removed from the site shall be graded to a continuous slope which does not exceed one (1') foot vertical to three (3') feet horizontal and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.
- (f) By October 15 of each year, the completed portion of an excavation and any disturbed area around it, shall be graded and seeded.
- (g) No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.
- (h) Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or soil while a site is being excavated.
- (i) When two (2) or more Dwellings are located within two hundred (200') feet of the edge of any water body on an excavation site or on any parcel, said water body shall be enclosed by a fence at least four (4') feet high with a lockable gate.
- (j) Ponds constructed for recreational purposes must be located behind the principle structure and outside of the rear and side yards.

## **SECTION 615. SITE PLAN REVIEW.**

The standards that apply to the following Special Uses are those required as a result of the site plan review. These uses are: **Accessory Uses to the principle use, Commercial Recreational facilities, Day Nurseries, Passenger Terminals, Religious, Social, Educational and Human Care institutions in the R-1 district, Retail Malls, Two family dwellings in the R-1 district, and Veterinary Hospitals.**

## **SECTION 616. TEMPORARY OUTDOOR USES.**

- (1) **EXEMPT ACTIVITIES.** School fund raising or nonprofit activities are exempt from the special use permit requirements of this section. Private garage and yard sales in any R district are exempt from the special use permits requirements of this section.
- (2) **EVIDENCE OF OWNERSHIP OR PERMISSION.** Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- (3) **LENGTH OF PERMIT.** A temporary permit may be granted by the Village Council for a maximum of three (3) consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one (1) month following the expiration of the previous permit. The total time period for all temporary permits granted to one proponent shall not exceed six (6) months in one calendar year.
- (4) **STRUCTURES-OUTDOOR USES.** Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
  - (a) It is no larger than one hundred and fifty (150) square feet,
  - (b) There is no foundation,
  - (c) No portion of the structure may become unattached or move as a result of wind,
  - (d) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed **PRIOR** to expiration of the permit.

- (5) **STRUCTURES-INDOOR USES.** Structures for the display of indoor sales items are allowed provided they are not used for human shelter.

One structure for sales items is allowed under the following conditions:

- (a) There is no foundation,

- (b) No portion of the structure may become unattached or move as a result of wind,
- (c) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.

Structures of any kind must be removed PRIOR to expiration of the permit.

- (6) **USES REQUIRING AN OFFICIAL SITE PLAN AND VILLAGE COUNCIL REVIEW.** If the use is for greater than three (3) days, within a thirty (30) day period, a site plan, in conformance with the requirements outlined in Chapter 7, must be submitted to the Village Council, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.
  - (a) **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted without a permit from the Village Council.
  - (b) **PORTABLE SIGNS.** Portable signs shall be allowed, by permit, for a total of thirty (30) days in any six (6) month period. A total of two portable sign permits may be granted for one parcel in a year.
  - (c) **SANITARY FACILITIES.** Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
  - (d) **DISPLAY OF GOODS.** Display and sale of goods may not be within the required yards for the zoning district.
- (7) **USES NOT REQUIRING AN OFFICIAL SITE PLAN OR VILLAGE COUNCIL APPROVAL.** Private temporary outdoor uses and those associated with nonprofit organizations meeting the definition of **NONPROFIT ORGANIZATIONS**, in Chapter 2, may be granted temporary use permits by the Zoning Administrator/Building Inspector, at no cost to the organization if,
  - (a) The use is for three (3) days or less within a thirty (30) day period,
  - (b) A drawing of the site and description of activity is provided and,
  - (c) No structures for display, sale or storage remain on the site other than during the hours of operation,
  - (d) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.

- (e) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
- (f) The temporary use location must meet all yard requirements of the zone in which it is located.
- (g) **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted without a permit from the Village Council.

**SECTION 617. WIRELESS COMMUNICATION FACILITIES.**

(1) **INTENT AND PURPOSE.**

The intent and purpose of these regulations is to accommodate the communications needs of people while protecting the public health, safety and general welfare of the community. These regulations will:

- (a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Village ,
- (b) Minimize adverse visual effects of towers through design and siting standards,
- (c) Avoid potential damage to adjacent property from tower failure through structural standards and setback requirements, and
- (d) Maximize the use of existing approved towers and buildings to accommodate new wireless telecommunication facilities in order to reduce the number of towers necessary to serve the community.

(2) **DISTRICT REGULATIONS.** A wireless communication facility shall require a building permit in all instances and may be permitted as follows:

- (a) All districts: A Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in the Height Regulations in this Ordinance. Such installations shall be permitted by right in all zoning districts and be permitted through the site plan review process by the Village Council .
- (b) Towers in Residentially zoned areas are only allowed if they are:
  - (1) Towers supporting amateur radio antennas and conforming to all applicable provisions of this ordinance shall be allowed in the rear yard of parcels.



- (2) Towers supporting commercial antennas and conforming to all applicable provisions of this Ordinance shall be allowed only in the following locations by right and shall be permitted through the site plan review procedures outlined in this Ordinance:
  - (a) Church sites, when camouflaged as steeples or bell towers;
  - (b) Park sites, when compatible with the nature of the park; and,
  - (c) Government, school, utility and institutional sites, according to the Statement of Priority of users and minimum requirements for use of Village-owned properties.
  - (d) Wireless telecommunication antennas on roofs, walls and existing towers may be approved by the Village staff provided the antennas meet the requirements of this ordinance after submittal of a final site plan and a report prepared by a licensed, professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
- (c) Towers in commercially or industrially zoned areas are allowed by right if they qualify as towers allowed by right in residentially zoned areas.
- (d) Newly constructed towers in commercially or industrially zoned areas are allowed by Special Use Permit in the Wireless Communication Facility overlay zone as shown on the Village 's most recently adopted zoning map under the following situations:
  - (1) The telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:
    - (a) The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    - (b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

- (c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonable as documented by a qualified and licensed professional engineer.
- (d) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

- (2) A tower structure built by other than a licensed carrier may not be constructed until at least two carriers have been secured to occupy the structure. Contracts with such carriers will be required by the Village as proof that two carriers will occupy the structure.

(3) **COLLOCATION.**

Licensed carriers shall share wireless service facilities and sites where feasible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities. All applicants for a Special Use Permit for a wireless service facility shall demonstrate a good faith effort to collocate with other carriers. Such good faith effort includes:

- (a) A survey of all existing structures that may be feasible sites for collocating wireless service facilities,
- (b) Contact with all the other licensed carriers for commercial mobile radio services operating in the County and,
- (c) Sharing information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation.

In the event that collocation is found to be infeasible, a written statement of the reasons for the lack of feasibility shall be submitted to the Village . The Village may retain a technical expert in the field of RF engineering to verify if collocation at the site is not feasible or is feasible given the design configuration most accommodating to collocation. The cost for such a technical expert will be at the expense of the applicant. The Village may deny a Special Use Permit to an applicant that has not demonstrated a good faith effort to provide for collocation.

(4) **TOWER CONSTRUCTION.**

Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. Towers shall be constructed to ANSI EIA TIA-222-F "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" and National Building Code construction standards for steel structures.

(5) TOWER, ANTENNA AND ACCESSORY BUILDING DESIGN.

Proposed or modified towers and antennas shall meet the following design requirements:

- (a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- (b) Commercial wireless telecommunication service towers shall be of a monopole design unless the Village Council determines that an alternative design would better blend into the surrounding environment.
- (c) Accessory Utility Cabinets and Buildings. All utility buildings and structures accessory to a transmission structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

(6) TOWER SETBACKS.

Towers shall conform with each of the following minimum setbacks requirements:

- (a) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback areas, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.
- (b) Towers shall be set back from planned public right-of-ways as shown on the Village's Master Plan by a minimum distance equal to the height of the tower including all antennas and attachments.
- (c) Towers shall not be located between a principal structure and a public street, with the following exceptions:
  - (1) In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
  - (2) On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
- (d) Tower's setback may be reduced or its location in relation to a public street varied, at the discretion of the Village Council to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

- (e) Towers and associated structures, including fencing, may not be constructed within five hundred (500') feet of a dwelling unit, except where they are being collocated on existing towers or structures.
  
- (7) **TOWER HEIGHT.**  
In all zoning districts, the maximum height of any tower, including antennas and other attachments, shall not exceed one hundred seventy-five (175') feet except as granted by the Zoning Board of Appeals.
  
- (8) **TOWER LIGHTING.**  
Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.
  
- (9) **SIGNS AND ADVERTISING.**  
The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.
  
- (10) **ABANDONED OR UNUSED TOWERS OR PORTIONS OF TOWERS.**  
Abandoned or unused towers or portions of towers shall be removed as follows:
  - (a) All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property.
  
  - (b) Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new special use permit.
  
- (11) **INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS.**  
No new or existing telecommunications service shall interfere with public safety telecommunications. The Village Council may request an intermodulation study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Village at least ten calendar days in advance of such changes and allow the Village to monitor interference levels during the testing process.

(12) MODIFICATIONS.

A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a Special Use Permit when the following events apply:

- (a) The applicant and/or coapplicant wants to alter the terms of the Special Use Permit by changing the wireless service facility in one or more of the following ways:
  - (1) Change in the number of facilities permitted on the site;
  - (2) Change in the technology used for the wireless service facility.
- (b) The applicant and/or coapplicant wants to add any equipment or additional height not specified in the original design filing.

(13) SITE PLAN SUBMISSION REQUIREMENTS.

(a) General Filing Requirements

- (1) Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.
- (2) Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.
- (3) Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photo reproductions of signatures will not be accepted.

(b) Location Filing Requirements

- (1) Identify the subject property by including the Town and Range as well as the name of the locality, name of the nearest road or roads, and street address, if any.
- (2) Tax map and parcel number of subject property.
- (3) Zoning district designation for the subject parcel.
- (4) A line map to scale showing the lot lines of the subject property and all properties within three hundred (300') feet and the location of all buildings, including accessory structures, on all properties shown.

(c) Siting Filing Requirements

- (1) A one-inch-equals-40 feet vicinity plan showing the following:
  - (a) Property lines for the subject property.
  - (b) Property lines of all properties adjacent to the subject property within three hundred (300') feet.
  - (c) Tree cover on the subject property and adjacent properties within three hundred (300') feet, by dominant species and average height, as measured by or available from a verifiable source.
  - (d) Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within three hundred (300') feet.
  - (e) Proposed location of antenna, mount and equipment shelter(s).
  - (f) Proposed security barrier, indicating type and extent as well as point of controlled entry.
  - (g) Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300') feet including driveways proposed to serve the personal wireless service facility.
  - (h) Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.
  - (i) All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.
  - (j) Representations, dimensioned and scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.
- (2) Siting elevations, or views at-grade from the north, south, east and west for a fifty (50') foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter (1/4") inch equals one (1) foot or one-eighth (1/8") inch equals one (1) foot scale and show the following:
  - (a) Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.

- (b) Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
- (c) Any and all structures on the subject property.
- (d) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- (e) Design Filing Requirements
  - (1) Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
  - (2) Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.
  - (3) If lighting of the site is proposed, the applicant shall submit manufacturer's computer-generated point-to-point printout, indicating the horizontal foot candle levels at grade, within the property to be developed and twenty-five (25') feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.
- (f) Radio Frequency Radiation (RFR) Filing Requirements. The Village Council reserves the right to request RFR requirements in the form of a certification that the following studies have been completed. The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed personal wireless service facility, for the following situations:
  - (1) Existing, or ambient: the measurements of existing RFR.
  - (2) Existing plus proposed personal wireless service facilities: maximum estimate of RFR from the proposed personal wireless service facility plus the existing RFR environment.
  - (3) Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines.

## CHAPTER 7

### COMMERCIAL AND INDUSTRIAL SITE PLAN REVIEW

Various provisions of this Ordinance require review of site plans before certain types of administrative approval may be granted. This section defines the procedures and standards to be used for such a review.

#### SECTION 701. SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW.

- (1) The Village Planning Commission must review and approve site plans before granting approval to Special Use Permits, including those for Planned Unit Developments, or subdivision plats.
- (2) All new commercial and industrial development requires a Site Plan Review by the Planning Commission or a Village appointed firm.
- (3) In the case of existing development, a Site Plan Review is required when,
  - (a) The project includes an increase of the building footprint. Amended 9/26/2016
  - (b) The project involves expansion of an acceptable nonconforming use, building or structure. Unacceptable nonconforming uses may not expand.
  - (c) Is a Special Use.
- (4) All accessory structures, sheds and additions require a site plan. Amended 9/26/2016
- (5) AT NO TIME SHALL A SITE PLAN REVIEW BE REQUIRED AS A PART OF THE DECISION PROCESS FOR A REZONING! This is because the decision to rezone property should be based on consideration of its effects on long range plans for the Village, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

#### SECTION 702. SITE PLAN REVIEW PROCESS.

- (1) APPLICATION DEADLINES. If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process will apply.
- (2) APPLICATION MATERIAL. Applications requiring Site Plan Review, must be accompanied by a fee as established by the Village Council and by at least four (4) copies of a site plan which meets the following Site Plan Requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.



- (3) **SITE PLAN REQUIREMENTS.** All applicants shall complete the site plan review checklist. The site plan review check list is available at the Village offices. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer or architect with civil engineering or architecture qualifications.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the Occupancy Permit issued pursuant to site plan approval, and is subject to the enforcement provisions of this Ordinance.

- A) **SCALE.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three (3) acres or less, or one inch equals two hundred (1" = 200') feet for larger sites.
- B) **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- C) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Muskegon County Register of Deeds will be the legal description upon which a site plan decision is based.
- D) **SITE FEATURES.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- E) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
- F) **UTILITIES.** The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping

stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.

G) **STRUCTURES.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.

H) **SUPPLEMENTARY MATERIAL.** The site plan shall be complemented by any additional information which, in the Building Inspector's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social, or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.

(4) **STAFF REVIEW OF SITE PLAN.**

A) **PERSONS INVOLVED.** Before the site plan is reviewed by the Planning Commission, the Village Building Inspector, Engineer, or contracted engineering services and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Building Inspector may submit the site plan to any other Department of Village government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Building Inspector at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. After receiving any staff comments, the Building Inspector shall recommend to the Planning Commission what action should be taken.

B) **STANDARDS TO BE USED.** Reviewers shall address the considerations identified by the Review Standards. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.

(5) **PLANNING COMMISSION REVIEW BOARD REVIEW OF SITE PLAN.** The planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Village Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review

does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.

- 1) **APPROVAL.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. The Site Plan must then be forwarded to the Village Council for final approval.
- 2) **CONDITIONAL APPROVAL.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The Site Plan must then be forwarded to the Village Council for final conditional approval. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission and shall be reflected in any Occupancy Permit granted for the project.

Approval of any proposed site plan which must also receive approvals from other public agencies must obtain approvals from those agencies before seeking site plan review. This shall include any variances which must be issued by the Village of Lakewood Club Zoning Board of Appeals. Approval of a variance for conditions which differ from those depicted on the site plan must be obtained prior to site plan review by the Planning Commission.

- 3) **DENIAL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The Site Plan must then be forwarded to the Village Council for final denial or approval. The applicant shall be notified in writing of the Planning Commission's and/or the Village Council's denial of the site plan, with the full text of the motion to deny reproduced in the communication.

- (g) **DEVIATIONS FROM APPROVED SITE PLAN.** It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Building Inspector determines that all Site Plan Review Standards have been complied with. These deviations shall be documented.

However, if the Building Inspector finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall notify the permit holder immediately, the Village Building Inspector, and the Planning Commission, in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a Stop Work Order shall be issued by the Building Inspector, affecting that portion of the project which is not in compliance with the Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the Review Standards, or of restarting the Site Plan Review process. When the issue has been resolved, the Building Inspector shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Building Inspector before the Building Inspector issues final approval for the project and before any performance guarantee attached to the Occupancy Permit may be fully refunded.

- (h) **RECORD TO BE MAINTAINED.** The record relating to any approved site plan shall be maintained by the Building Inspector together with the records pertaining to the Occupancy Permit for said project. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Building Inspector. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Building Inspector.

### **SECTION 703. SITE PLAN REVIEW STANDARDS.**

All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- (a) **DISTRICT REGULATIONS.** The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it

must be presumed for this purpose that the use of the site will conform to the District Regulations.)

- (b) **SUPPLEMENTARY REGULATIONS.** The project must comply with any and all of the Supplementary Regulations that may apply to it.
- (c) **SPECIAL USE PERMIT STANDARDS.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be shown on the site plan.
- (d) **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
- (e) **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons.
- (f) **DRIVEWAYS.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
- (g) **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
- (h) **UTILITIES.** Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including

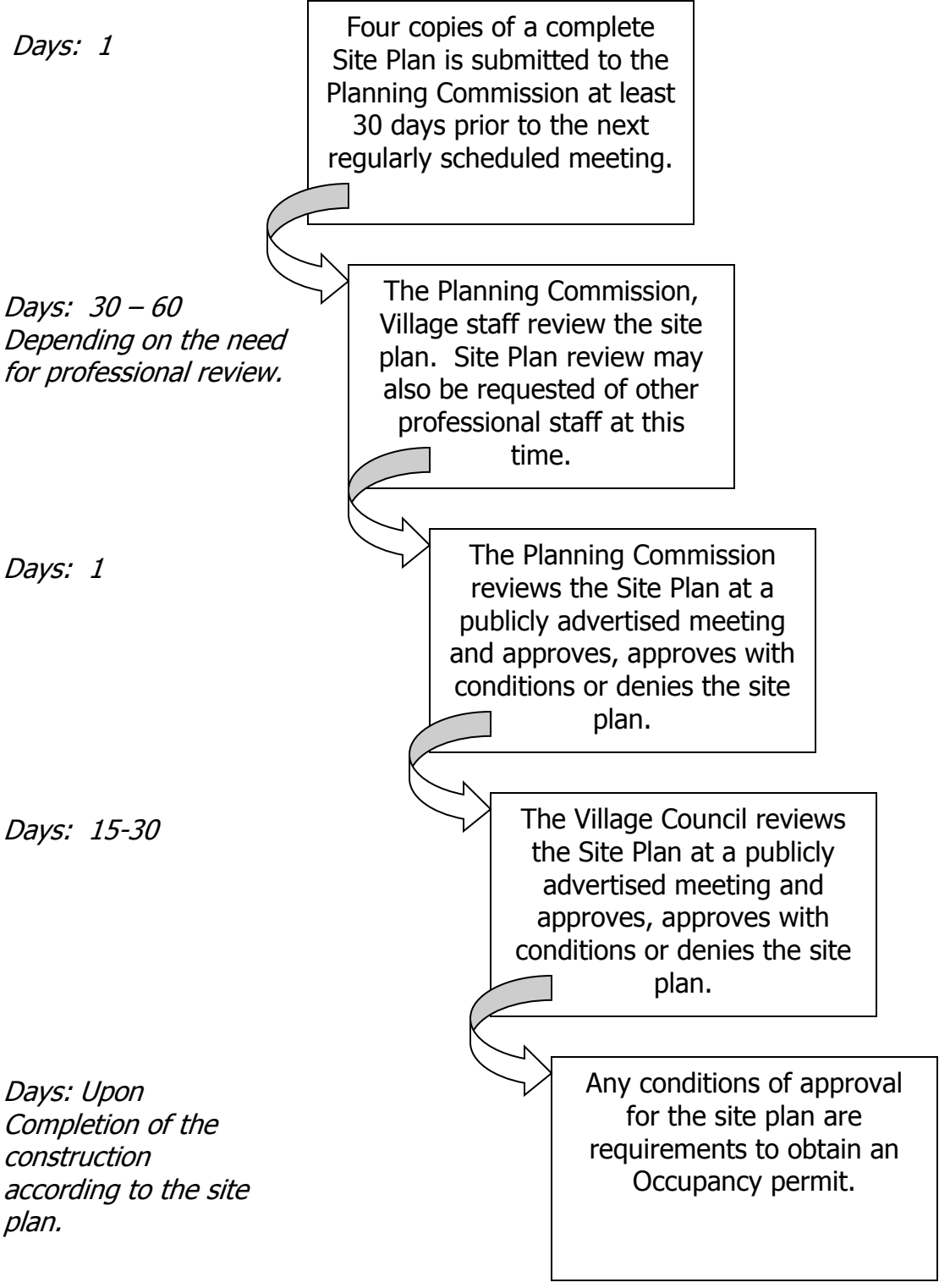
electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.

- (i) **SIGNS AND LIGHTING.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground mounted standards adjacent to or the parking lot or vehicular use areas.
- (j) **FIRE PROTECTION.** The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.
- (k) **ENVIRONMENT.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property (ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources or other agencies.
- (l) **STORM DRAINAGE.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- (m) **CONSISTENCY WITH ORDINANCE INTENT.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located, as expressed in the Purposes Table in Chapter 3.

#### **SECTION 704. REVIEW OF SUBDIVISION PLANS.**

See the adopted Subdivision Control Ordinance of the Village of Lakewood Club.

## COMMERCIAL AND INDUSTRIAL SITE PLAN REVIEW FLOW CHART



## CHAPTER 8

### RESIDENTIAL SITE REVIEW

#### SECTION 801. PURPOSE AND APPLICABILITY.

In order to promote the purpose of this Chapter and ensure compliance with the intent as well as the letter of the regulations, it is deemed prudent and necessary to exercise Site Planning controls that will encourage good development and minimize undesirable effects on surrounding properties and upon transportation systems, utilities and other public facilities. The purpose of this chapter also includes the expressed intent to maintain all existing trees to the greatest extent possible in residential areas and to encourage a variety of housing styles, sizes and types in residential areas. The purpose of such controls is to protect the public health, safety and general welfare of the community. The provisions of this Chapter shall apply only in the following circumstances:

- (1) Any change in the current use of any parcel within the Village, and/or
- (2) Any new construction of a residential use, (For subdivisions, see the adopted Subdivision Control Ordinance of the Village of Lakewood Club.)
- (3) Any new additions, out buildings and parking for residential use requires a site plan.  
Amended 9/26/2016

#### SECTION 803. EXEMPTIONS.

**Exemptions to Site Plan Review by the Planning Commission; Site Plan Review for which an existing structure does not change by more than a 25% increase in height or footprint may be reviewed by the Zoning Administrator. The Zoning Administrator may request any Site Plan Review to be performed by the Planning Commission.** amended 9/26/2016

#### SECTION 804. REVIEW FEES.

- (1) FEES. Review fees shall be established for “Site Plan Reviews” and “Site Plan Review Appeals” by resolution of the Village Council upon adoption of this ordinance, and annually there after with adoption of the Village fiscal budget.

#### SECTION 805. SITE PLAN SUBMITTAL REQUIREMENTS.

- (1) INFORMATION REQUIRED. Each Site Plan submitted shall contain the following information, provided however, that the Planning Commission or Site Plan Review Board may waive one (1) or more of these information requirements if such a requirement would be an unnecessary hardship.

An accurate plot plan, drawn to a minimum of one (1”) inch to fifty (50’) feet scale. The Plot plan must show all of the following items.

- (a) Property boundaries, dimensions and north arrow.



- (b) Location, size and use of all buildings.
  - (c) Location of public and private streets, drives, alleys, easements, pedestrian walkways and loading areas.
  - (d) Location and quality of parking areas, as specified in this Ordinance. Also the location of exterior lighting.
  - (e) The location of all existing and proposed landscaping and vegetation, including number of trees and shrubs. Also the location, height and type of existing and proposed fences, walls and retaining walls.
  - (f) The location and size of all existing and proposed drainage facilities, and any wetlands or bodies of water.
  - (g) A vicinity map showing the approximate locations of all structures on properties within five hundred (500') feet of any lot line of the subject properties. Include a photograph, as viewed from the front street, for each residential structure within the five hundred (500') area. The photographs should be four (4") inches by five (5") inches or larger, with the structure clearly in focus and filling approximately eighty (80%) percent of the picture.
  - (h) A topographic map showing existing contour lines at one (1') foot intervals. Where excavation, fill or re-contouring of the site is involved, final contours shall also be shown. Spot elevation on a fifty (50') grid may be substituted for contours on the map.
  - (i) Deed restrictions or other covenants affecting the land.
  - (j) Any additional information that is deemed reasonably necessary to evaluate the project and its effect on the Village.
- (2) **SITE PLAN SUBMISSION.** The Site Plan, including additional or related information required by the SPRB, shall be presented to the Village Clerk by the applicant or property owner or his or her designated agent, in four (4) copies, (working copy, record copy, Building Inspector's copy, and applicant's copy).

When a change to an approved Site Plan is requested four (4) copies of the Site Plan shall be presented to the Village Clerk by the applicant or property owner or his or her designated agent. The Village Clerk may request that the applicant supply additional copies.

- (3) **FEE.** All site plans must be accompanied by the site plan review fee upon submission.

**SECTION 806. SUBMITTAL AND REVIEW PROCEDURE.**

- (1) **PLACEMENT ON AN AGENDA.** The Village Clerk shall cause the submittal to be placed on the agenda of the next regular SPRB meeting upon payment by applicant of a fee. The SPRB or the Chairperson of the Planning Commission shall

review and respond to the application within fifteen (15) days of receipt of the Site Plan application.

- (2) **REVIEW PROCEDURE.** The SPRB shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the subject Site Plan in accordance with this Chapter.
- (3) **CONDITIONS OR MODIFICATIONS.** Any conditions or modifications desired by the SPRB shall be recorded in the minutes of the SPRB meeting. The SPRB may, as it deems necessary to promote the purpose of this Chapter, require landscaping, walls, fences, drives, and other improvements.

The resolution of the SPRB shall state the basis relied upon in approving a Site Plan or denial thereof, and any conditions imposed.

- (4) **RESUBMITTAL.** Any application, which has been denied in whole or approved subject to conditions by the SPRB, may be resubmitted with the payment of a new site plan review fee.
- (5) **APPROVED SITE PLAN.** When approved, by either the SPRB or Planning Commission, four (4) copies of the approved Site Plan shall be signed and dated by the Chairperson of the SPRB. One (1) copy of the approved Site Plan shall be kept on file with the village clerk, one (1) copy as a working copy, one (1) copy shall be for the Building Inspector, and one (1) copy shall be returned to the applicant. A Site Plan, as approved by the SPRB, shall become part of the record of approval.

#### **SECTION 807. CHANGES TO APPROVED SITE PLANS.**

Changes to an approved Site Plan must be reviewed by the SPRB.

#### **SECTION 808. SITE PLAN REVIEW STANDARDS.**

- (1) **PURPOSE.** The following standards shall be utilized by the SPRB in reviewing all Site Plans. These standards are intended to provide a frame of reference for the applicant in the preparation of Site Plans as well as for the reviewing authority in making judgments concerning them. These standards will not be regarded as inflexible requirements. They are not intended to discourage creativity, invention or innovation.
- (2) **DIMENSIONAL REQUIEMENTS.** The dimensional arrangement of buildings and structures conforms to the required yards, setbacks and height restrictions of the Building Code.
- (3) **BUILDING ARRANGEMENT.** The proposed buildings and structures should have a harmonious relationship to the site terrain, landscaping, open space, and the other buildings and structures, existing and proposed. The bulk, location and height of proposed buildings and structures as well as the general character of the development should minimize any adverse effect to other private development in the surrounding area and should not impose undue burdens on the public facilities that can be avoided by modification in the Plan. A proposed residential building should have an architectural

character different from other residences located within five hundred (500') feet of the property lines, on the same street of the proposed building site. Buildings, which are mirror images or which have minor facial differences compared with another residential building within the five hundred (500') feet distance, are considered to be identical or similar in architectural character and shall be considered inconsistent with the intent of this requirement.

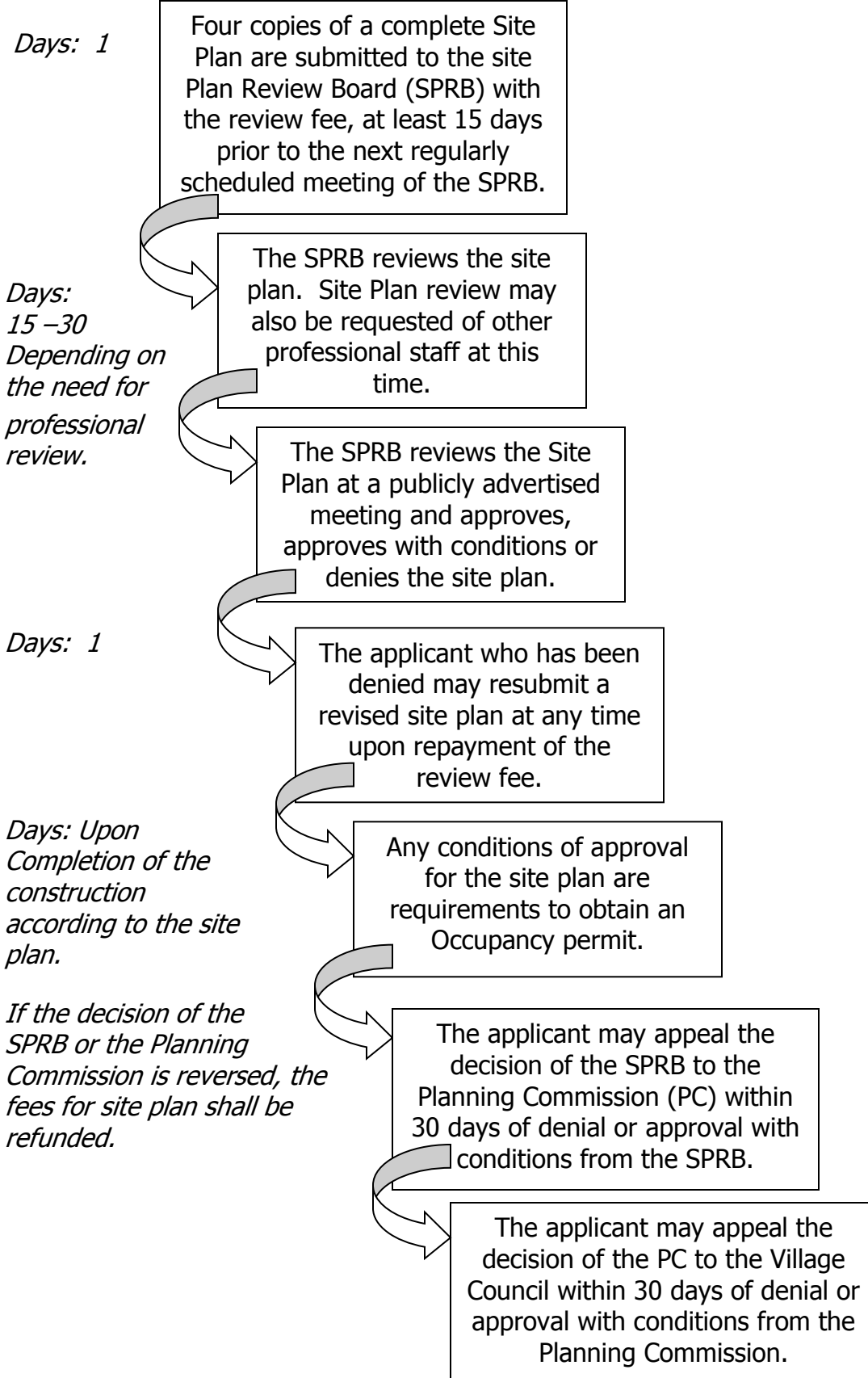
- (4) **SURFACE WATER DRAINAGE.** Attention shall be given to proper site surface drainage so that discharge of surface waters will not adversely affect neighboring properties, the public right-of-way or storm drainage facilities.
- (5) **VEHICULAR ACCESS.** The provisions for vehicular loading and unloading and parking, and for vehicular and pedestrian circulation on the site and onto adjacent public streets and right-of-ways shall not create hazards to safety, nor impose a significant burden upon public facilities which could be avoided by modifications in the Plan.
- (6) **PESDESTRIAN ACCESS.** Pedestrian movement along the street right-of-way should not be hindered by rocks, boulders, fences or other obstructions.
- (7) **EXTERIOR LIGHTING.** Exterior lighting shall not create undue hazards to motorists traveling on adjacent public streets nor damage the value and diminish the usability of adjacent properties. Lighting should be adequate for the safety of occupants or users of the site.
- (8) **LANDSCAPING.** The landscaping shall be preserved in its natural state insofar as practicable. Tree and soil removal should be minimized, however as a minimum there shall be at least one (1) tree for every three thousand (3000) square feet of property. The trees considered for meeting this standard shall be healthy, with a minimum caliper size of three (3) inches measured four (4) feet above the ground. The spacing and species of the tree shall be subject to review and approval of the SPRB. Plant materials should be used to enhance the appearance of the site, to screen unsightly or harsh elements, and to provide visual relief from large monotonous features such as parking lots. Any grade changes should be in keeping with the general appearance of neighboring developed areas.
- (9) **SPECIAL FEATURES.** Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features should be located and/or screened so as to be unobtrusive and not interfere with access to or circulation within the site or detract from the visual impression of the site.
- (10) **EMERGENCY ACCESS.** All buildings and structures are to be accessible to emergency vehicles.

#### **SECTION 809. SITE PLAN REVIEW APPEALS.**

- (1) **APPEAL TIME PERIOD.** An applicant for a Site Plan Review may appeal the decision(s) of the SPRB to the Planning Commission for consideration. The appeal request must be submitted to the Village Clerk within thirty (30) days after the site plan has been either denied or approved with conditions or modifications by the SPRB.

- (2) **CONTENTS OF APPEAL.** The appeal must be submitted in writing, clearly state the reason(s) for the appeal, include all supporting documentation and a Site Plan Review Appeal Fee. The Village Clerk shall place the appeal on the agenda for the next scheduled Planning Commission meeting. Should the Planning Commission reverse or modify the decision of the SPRB, the Site Plan Review Appeal Fee will be refunded to the applicant forty-five (45) days after a decision regarding the appeal has been made by the Planning Commission. Should the applicant decide to appeal the Planning Commissions decision, the refund will be held until after the Village Council has ruled on the second appeal.
  
- (3) **APPEAL PROCEDURE.** An applicant may appeal the decision(s) of the Planning Commission to the Village Council. The appeal request must be submitted to the Village Clerk within thirty (30) days after the Site Plan Review Appeal has been either denied or approved with conditions or modifications by the Planning Commission. The appeal must be submitted in writing and clearly state the reason(s) for the appeal and include all supporting documentation and another "Site Plan Appeal Review Fee". The Village Clerk shall place the appeal on the agenda for the next scheduled Village Council meeting. Should the Village Council reverse or modify the decision of the Planning Commission, all Site Plan Review Appeal Fees shall be refunded to the applicant forty-five (45) days after a decision regarding the appeal had been made by the Village Council.

## RESIDENTIAL SITE PLAN REVIEW FLOW CHART



## CHAPTER 9

### Administration, Enforcement and Amendments

#### SECTION 901. PEOPLE INVOLVED IN THE ZONING PROCESS.

The provisions of this ordinance shall be carried out by the Village of Lakewood Club Planning Committee/Village Council, the Zoning Board of Appeals, the Village Council, and the Village Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

- (1) **ZONING ADMINISTRATOR.** The Lakewood Club Village Council, with the recommendation of the Planning Committee, shall employ staff and a Building Inspector to carry out day to day administration and enforcement of this Ordinance. The Village Council may designate the Building Inspector as the Zoning Administrator. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Village Council. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Village Council or provisions of this Ordinance.

- (a) **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.**  
All applications for site plans shall be submitted to the Zoning Administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Zoning Permit for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action. The Zoning Administrator shall maintain a record of all applications and related Zoning Permits, including documentation for each.
- (b) **ISSUE WRITTEN DENIAL.** When any application for a use is denied, the Planning Committee/Village Council shall provide the applicant with a written denial, stating the reasons for the denial.
- (c) **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Planning Committee/Village Council or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
- (d) **INSPECTIONS.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- (e) **RECORD NONCONFORMING USES.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.

- (f) RECORD SPECIAL USES. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- (g) RECORD INTERPRETATIONS OF ORDINANCE. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- (h) PUBLIC INFORMATION. The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
- (i) RESPOND TO COMPLAINTS. The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Committee/Village Council meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
- (j) MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

(2) PLANNING COMMITTEE/VILLAGE COUNCIL.

- (a) MEMBERSHIP. The Planning Committee/Village Council shall be composed of nine (9) members, appointed by the President with the approval of the Village Council.
- (b) TERMS OF OFFICE. The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
- (c) RULES OF PROCEDURE. The Planning Committee/Village Council shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Committee/Village Council shall choose its Chairperson, Vice chairperson and Secretary.
- (d) MEETINGS. The Planning Committee/Village Council shall meet monthly and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.

- (e) PER DIEM OR EXPENSES. Members of the Planning Committee/Village Council may be compensated for their services as provided by the Village Council. The Planning Committee/Village Council may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Committee/Village Council.
- (f) DEVELOPMENT PLAN. The Planning Committee/Village Council shall make and adopt a basic plan as a guide for the development of the Village. Plan contents, adoption, amendment, approval by the Village Council, hearing and publication shall be according to The City and Village Zoning Act, P.A. 207 of 1921 as amended.
- (g) ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
- (h) ADMINISTRATION AND ENFORCEMENT. The Planning Committee/Village Council shall be responsible for the following administrative and enforcement activities under this Ordinance:
  - (1) SITE PLAN APPROVAL. The Planning Committee/Village Council shall review Site Plans and issue its approval, conditional approval or denial of same.
  - (2) SPECIAL USE PERMITS. The Planning Committee/Village Council shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Committee/Village Council shall review and approve or deny said application. The Planning Committee/Village Council shall also take any necessary action to revoke a Special Use Permit.
  - (3) REZONING OR AMENDMENT. The Planning Committee/Village Council shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Committee/Village Council shall make its recommendation regarding the proposed rezoning or text change to the Village Council. The Planning Committee/Village Council may initiate a text change or rezoning, subject to the requirements for notice, hearing and Village Council approval.
- (3) ZONING BOARD OF APPEALS.
  - (a) ESTABLISHMENT. The Village Council, exercising the authority of Act 207 of the Public Acts of 1921, as amended, hereby provides that a Village Zoning Board



of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members thereof.

- (b) **MEMBERSHIP.** The Village of Lakewood Club Zoning Board of Appeals shall consist of at least three (3) members. The first member of the Board of Appeals shall be a member of the Village Planning Committee, two members shall be property owners within the Village. An elected officer of the Village may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Village Council may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Village Council for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- (c) **TERMS OF OFFICE.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Committee/Village Council or Village Council, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. Rotation of membership is encouraged.
- (d) **RULES OF PROCEDURE.** The Board of Appeals may adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair may be appointed.
- (e) **MEETINGS.** Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- (f) **RECORDS.** Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Village Clerk and shall be public records.
- (g) **DECISIONS.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date

of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

- (h) MAJORITY VOTE. The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.
- (i) CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- (j) DUTIES. The Village of Lakewood Club Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.
  - (1) ADMINISTRATIVE REVIEW. The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official administering or enforcing provisions of this Ordinance.
  - (2) INTERPRETATION. The Board of Appeals shall have the power to interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance as defined by Section 703.
  - (3) VARIANCES. The Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance where practical difficulties or unnecessary hardships prevent carrying out the strict letter of this Ordinance. Creation of nonconforming lots is prohibited.
  - (4) VILLAGE COUNCIL. On recommendation of the Planning Committee/Village Council, the Village Council has adopted the Zoning Ordinance, making it the enforceable policy of Village government. Likewise, the Village Council may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The Village council may

review all zoning decisions of the Planning Committee. The Village Council shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Council may also act to waive any fee.

## **SECTION 902. ADMINISTRATIVE PROCESSES.**

- (1) **BUILDING PERMIT REQUIRED.** The issuance of a Building Permit, showing compliance with the zoning ordinance, signifies compliance with the requirements of this Ordinance. A Zoning Permit must be obtained from the Zoning Administrator before any of the following activities may legally take place:
  - (a) Occupancy and use of vacant land (including parking lot construction),
  - (b) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building which requires issuance of a Building Permit by the Village Building Inspector, (A Zoning Permit must be obtained before a Building Permit may be issued. When erected at the same time as the principal building, accessory buildings shall not require a separate Zoning Permit.)
  - (c) Any use of land or a building which would be identified as a Use by Special Use Permit for the Zoning District in which the parcel is located,
  - (d) Any change of a nonconforming use or building.
- (2) **APPLICATION FOR BUILDING PERMIT.** Application for a Building Permit shall be made ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material.
  - (a) **APPLICATION FORM.** Applicants for a Building Permit shall submit a Zoning Application Form with all requested information completely filled in.

When a Building Permit is also required, application for a Zoning Permit may be made at the same time. If the Village Building Inspector also acts as Zoning Administrator, the Inspector may elect to accept information submitted for a Building Permit without duplicating it on the Building Application Form.
  - (b) **PROPERTY INFORMATION.** The Building Application Form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.
  - (c) **SITE PLAN.** The Building Application Form must also be accompanied by a

plot plan drawn at size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed buildings or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.

- (3) **APPLICATION REVIEW PROCESS.** On submission of an application for a Zoning Permit, the Zoning Administrator will review the application material as described by the REVIEW PROCESS Table which accompanies this Section. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Zoning Permit. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of his or her options. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.
- (4) **RECORD MAINTAINED.** The Zoning Administrator shall keep a record of each application for a Zoning Permit which has been submitted, including the disposition of each one. This record shall be a public record, open for inspection upon request.
- (5) **VALIDITY OF BUILDING PERMIT.** A Building Permit remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the Zoning Permit must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced. The validity of a Zoning Permit may be extended by the Zoning Administrator not more than one (1) time, for a period not to exceed one (1) additional year. Said extension must be requested in writing by the permit holder before the expiration of the initial permit period.
- (6) **VOIDING OF A BUILDING PERMIT.** If the permit holder fails to initiate the activity authorized by the Zoning Permit by the end of the one (1) year extension, the Zoning Permit is automatically null and void. Any additional rights associated with the Zoning Permit which have been granted by the Planning Committee/Village Council or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Zoning Permit.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Village which were to be covered by the guarantee. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

Reissuance of a Building Permit which has expired requires a new Building Application Form to be filed with the Zoning Administrator and processed without consideration of any previous action.

### **SECTION 903. ADMINISTRATIVE ACTIONS BY THE ZONING BOARD OF APPEALS.**

- (1) **DUTIES OF THE BOARD OF APPEALS.** The Board of Appeals may only hear requests for a variance, administrative review or interpretation of the Ordinance or Zoning Map as defined in items (1) - (3) of this section. Circumstances resulting from an act of the applicant, after adoption of this ordinance, shall not be allowed to be heard by the Board of Appeals.
  - (a) **VARIANCE.** The Zoning Board of Appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be brought before the Zoning Board of Appeals to be considered for a variance.
  - (b) **ADMINISTRATIVE REVIEW.** The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this Ordinance. The Board is not empowered to overturn decisions of the Planning Committee/Village Council regarding Special Use Permits, including such permits for Planned Unit Developments. The Board may not overturn the denial of a site plan in connection with any Special Use Permit proceedings.
    - (1) **REQUESTS FOR ADMINISTRATIVE REVIEW.** An Administrative Review by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the Zoning Administrator's decision. The request shall be filed with the Zoning Administrator and shall specify the grounds for the review. The Zoning Administrator shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken.
    - (2) **STAY.** An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows; if a Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.
  - (c) **INTERPRETATION.** The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of

Appeals, the earlier interpretation shall apply without requiring further action by the Board. Interpretation issues do not include dimensional variance issues. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

- (1) The Board may determine the precise location of the boundary lines between zoning districts.
  - (2) The Board may classify any activity which is not specifically mentioned in the Uses Table in Chapter 3 (District Regulations) for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
  - (3) The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose.
  - (4) The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.
- (2) **CONDITIONS FOR GRANTING A VARIANCE.** A variance may be granted when any ONE (1) of the following special conditions can be demonstrated clearly:
- (a) There are **PRACTICAL DIFFICULTIES** or **UNNECESSARY HARDSHIPS** which prevent carrying out the strict letter of the Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
  - (b) There are exceptional **CIRCUMSTANCES** or **PHYSICAL CONDITIONS** such as narrowness, shallowness, shape, or topography of property involved. Or, due to the intended use of the property, that will not apply to other property or uses in the same zoning district. Circumstances resulting from an act of the applicant, after the adoption of this Ordinance, shall not be allowed a variance.
  - (c) Variation is necessary for the preservation of a **SUBSTANTIAL PROPERTY RIGHT** possessed by other properties in the same zoning district.
- (3) **FEES.** A fee as established by the Village Council shall be paid to the Village Treasurer at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals in connection with the appeal.
- (4) **RULES FOR ZONING BOARD OF APPEALS ACTIONS.**

- (a) A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance, an administrative review or interpretation which relates to a specific parcel. Mailed notice shall be given not less than five (5) days nor more than fifteen (15) days before the date of the meeting at which the action will be considered. The contents and distribution of said notice shall be as specified by this chapter.
- (b) Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.
- (c) In no way may a variance, site plan approval, or finding of an administrative review be construed to allow the establishment within a Zoning District of any use which is not permitted by right or by Special Use Permit within that Zoning District. The Zoning Board of Appeals may only expand the list of permitted uses for any Zoning District as a result of an interpretation regarding a use that is not listed anywhere in the Uses Table in the District Regulations.
- (d) Prior to any decision by the Board of Appeals, the Planning Committee/Village Council may comment on the issue before the Board and provide a written recommendation of action.
- (e) In making any decision, the Zoning Board of Appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property, nor shall such actions have the effect of substantially impacting property values for land in the Zoning District in which the subject property is located.
- (f) Any action brought before the Zoning Board of Appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.
- (g) Approval by the Zoning Board of Appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is NOT an objective of this Ordinance.
- (h) Any request which has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or changed conditions are found, the Board may elect to rehear a case, subject to all notice requirements defined by the ACTIONS Table.
- (i) The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any Zoning Permit granted

pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed.

- (j) A variance must be necessary to overcome practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties are to be evaluated in terms of the applicant's ability to physically locate a permitted use on the particular parcel of land. Creation of a nonconforming lot is prohibited.
- (k) When a variance is being considered to overcome unique circumstances or physical conditions regarding the configuration of the property involved, these circumstances or conditions must not have resulted from any act of the applicant or property owner subsequent to the adoption of this Ordinance.
- (l) A variance granted under the provisions of this Ordinance becomes a condition of the Zoning Permit granted pursuant to the variance or approval. If a Zoning Permit issued pursuant to such action is allowed to expire under the provisions of this chapter, any rights granted by the action expire together with the Zoning Permit.
- (m) The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, administrative review or interpretation shall include the grounds used by the Board in making said decision, and any conditions that may have been attached to authorization for issuance of a Zoning Permit.
- (n) If the specific conditions relating to a certain class of property are so general or recurrent in nature as to make similar variances a perennial issue for the Board of Appeals, the Board shall suggest a general regulation for such conditions for the Planning Committee/Village Council's consideration.

#### **SECTION 904. ENFORCEMENT.**

- (1) **RESPONSIBILITY.** The Ordinance Enforcer shall enforce the provisions of this Ordinance.
- (2) **VIOLATIONS AND PENALTIES.** Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Village Official or employee, shall be reported to the Zoning Administrator.
  - (a) **INSPECTION OF VIOLATION.** The Ordinance Enforcer shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.



- (b) **CORRECTION PERIOD.** All violations shall be corrected within a reasonable time period determined by the Ordinance Enforcer, but not to exceed thirty (30) days.
  - (c) **ACTION BY VILLAGE ATTORNEY.** A violation not corrected within this period shall be reported to the Village Attorney, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the Village Attorney, any legal action which the Attorney deems necessary to restore compliance with all terms and conditions of this Ordinance is hereby authorized.
  - (d) **PENALTIES.** Every person, whether as principal agent, servant, employee, or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this Ordinance shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this Ordinance, shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of five hundred (\$500.00) dollars and/or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the Court. For each and every day the violation continues beyond the correction, a separate offense shall be declared. Additionally, the proper court shall have power and authority to issue an injunctive order in connection with any violation of the provisions of this Ordinance.
  - (e) **CUMULATIVE RIGHTS AND REMEDIES.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- (3) **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

#### **SECTION 905. AMENDMENT.**

- (1) **VILLAGE COUNCIL MAY AMEND.** The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Village Council in accordance with the applicable enabling legislation of the State.
- (2) **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Village Council of its own action, by the Planning Committee/Village Council, or by petition of one (1) or more persons having an interest,

by ownership or option to purchase, in property to be affected by the proposed amendment.

(3) AMENDMENT PROCEDURE.

- (a) PETITION TO VILLAGE CLERK AND PAYMENT OF FEE. Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Village Clerk. A fee as established by the Village Council shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Village Clerk shall transmit the application to the Planning Committee/Village Council for recommended action.
- (b) RECOMMENDATION. The Planning Committee shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Committee/Village Council may recommend any additions or modifications to the original amendment petition.
- (c) PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Committee/Village Council shall conduct a public hearing, with notice being given as specified by the following section.
- (d) NOTICE REQUIREMENTS FOR PUBLIC HEARING. Preparation, publication and distribution of notices for the public hearing shall be the responsibility of the Village Clerk.
  - (1) CONTENT. Every notice of said hearing shall contain all information required by Section 806.
  - (2) DISTRIBUTION.
    - (a) PUBLISHED. Notice shall be given by one (1) publication in a newspaper of general circulation in the community, printed not less than fifteen (15) days before the date of such hearing.
    - (b) CERTIFIED MAIL. Not less than twenty (20) days notice shall also be given by certified mail or certified mailing list to each public utility company servicing the community, at the mailing address identified by each company for the purpose of receiving such notice, if they request notification.
    - (c) OTHER MAILED NOTICE. In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change, notice

of the proposed amendment shall be mailed to the owner of the property in question and to all persons residing, doing business, or owning property within three hundred (300') feet of the premise in question.

- (d) **AFFIDAVIT OF MAILING.** An affidavit of mailing, identifying all parties to whom notice has been sent, shall be prepared and filed with other material relating to the proposed amendment prior to the Planning Committee/Village Council meeting at which the hearing is to be conducted.
- (e) **MUSKEGON COUNTY PLANNING COMMITTEE/VILLAGE COUNCIL.** Following the conclusion of the Public Hearing and review by the Planning Commission, the proposed amendment and any applicable zoning district map **may** be submitted to the Muskegon County Planning Commission for their review. The approval of the County Planning Commission shall be presumed, conclusively, unless such Commission notifies the Village Council of its approval or disapproval within thirty (30) days of its receipt of the amendment.
- (f) **AMENDMENT TO CONFORM WITH COURT DECREE.** An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Village Council and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.
- (g) **VILLAGE COUNCIL CHANGE.** The Village Council may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Council's standard procedures for adoption of ordinances.
- (h) **RESUBMITTAL.** No application for a rezoning which has been denied by the Village Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Village Council, are found to be valid.

#### **SECTION 906. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.**

- (1) **CONTENT.** Each notice for any public hearing required by this Ordinance shall include the following information.

- (a) Identification of the applicant, if any.
  - (b) Identification of the property which is the subject of the request.
  - (c) Nature of the matter to be considered.
  - (d) Identification of the public body which will be conducting the public hearing and will decide upon the matter.
  - (e) Date, time and place of the public hearing.
  - (f) The places and times at which any proposed text and/or map amendment to the Zoning Ordinance may be examined.
  - (g) Statement of where and when written comments will be received concerning the request.
- (2) **NOTIFICATION OF RESIDENTS, BUSINESSES OR PROPERTY OWNERS WITHIN THREE HUNDRED (300') FEET.** Whenever provisions of this Ordinance require mailing of public hearing notices to persons who reside, do business, or own property within three hundred (300') feet of a certain parcel, the mailing list shall be compiled from the following sources.
- (a) The owner(s) of property for which approval is being considered.
  - (b) All persons to whom real property is assessed where any part of their parcel lies within three hundred (300') feet of the boundary of the property in question.
  - (c) Occupants of all structures where any part of the structure lies within three hundred (300') feet. Each dwelling unit or rental area within said structures shall receive one (1) notice. However, separate notice need not be sent for accessory structures where the primary structure also lies within the three hundred (300') foot distance. If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four (4) dwelling units or other distinct areas, the notice may be mailed to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.

**PROCEDURAL REQUIREMENTS FOR SPECIAL ZONING DECISIONS**

<b>TYPE OF ACTION</b>	<b>PARTIES WHO MAY INITIATE ACTION</b>	<b>BODY MAKING DECISION</b>	<b>PUBLIC HEARING REQUIRED?</b>	<b>PUBLISHED NOTICE(S) - NUMBER OF DAYS BEFORE HEARING</b>	<b>MAILED NOTICE TO OWNERS AND OCCUPANTS WITHIN 300'</b>	<b>BODY TO WHICH APPLICANT MAY APPEAL A DENIAL</b>
<b><i>ACTIONS BY THE ZONING BOARD OF APPEALS</i></b>						
<b>VARIANCE</b>	Applicant or Administrator	Zoning Board of Appeals	No. Meeting open to public	Reasonable Notice	Reasonable Notice	Circuit Court only
<b>INTERPRETATION</b>	Applicant or Administrator	Zoning Board of Appeals	No. Meeting open to Public	Reasonable Notice	Reasonable Notice	Circuit Court only
<b>APPEAL OF ADMINISTRATIVE DECISION</b>	Any aggrieved party or State, officer, board bureau or dept.	Zoning Board of Appeals	No. Meeting open to public	Reasonable Notice	Reasonable Notice	Circuit Court only
<b><i>ACTIONS BY THE PLANNING COMMITTEE/VILLAGE COUNCIL</i></b>						
<b>SITE PLAN APPROVAL</b>	Applicant or Administrator	P.C.	No	Not required.	Not required.	P. C. after 1 year, or Village Council
<b>SPECIAL USE PERMIT</b>	Applicant or Administrator	P.C.	If requested by property owner within 300 ft.	Once, between 5-15 days before date.	Once, between 5-15 days before date.	P. C. after 1 year, or Circuit Court
<b>PLANNED UNIT DEVELOPMENT</b>	Applicant or Administrator	P.C.	Yes	Once, between 5-15 days before date.	Once, between 5-15 days before date.	P. C. after 1 year, or Circuit Court.
<b>REZONING</b>	Applicant, P.C. or Village Council	P.C. recommends to	Yes	Once, not less than 15 days before date	Once, not less than 15 days before date	P.C. after 1 year.
		Village Council	If requested by any party	Once, between 5-15 days before date	Not required.	Circuit Court
<b>ZONING ORDINANCE OR ZONING MAP TEXT CHANGE</b>	Applicant, P.C. or Village Council	P.C. recommends to	Yes	Once, not less than 15 days before date	Once, not less than 15 days before date	P.C. after 1 year.
		Village Council	If requested by any party	Once, not less than 15 days before date	Not required.	Circuit Court
<b>DEVELOPMENT PLAN OR MAP CHANGE</b>	Applicant, P.C. or Village Council	P.C. recommends to Village Council	Yes	Once, not less than 15 days before date	Not required.	P. C. after 1 year or Circuit Court.
<b>FEE WAIVER</b>	Applicant	Village Council	No	Not required	Not Required	Circuit Court