

SECTION 22.24 AREA, HEIGHT BULK, AND PLACEMENT REGULATIONS  
ALL ZONE DISTRICTS

SECTION 22.24 SCHEDULE OF REGULATIONS

Zoning District	Lot Minimums		Maximum Building Height		Maximum Coverage of Lot by All Buildings (Percent)	Minimum Setback Measured From Lot Line (Feet)				Minimum Usable Floor Area Per Unit (in Square Feet) (p)
	Area Width (Sq. Ft.)	Width (Feet)	In Stories Feet			Front Open Space (p)	Side Open Space One (p)	Other (p)	Rear Open Space (p)	
PP-Public Property	0	0	2	30	--	35	10	20	20	None
R-A Single Family	25,000	130	2	30	25 (q)	40 (a) (o)	15	20	40	1 story = 1600 1 ½ or 2 story = 2000
R-1 Single Family	16,000 (n)	100	2	30						
R-1A Single Family	12,000 (n)	100	2	30	25 (q)	40 (a) (o)	12.5(b)	17.5	40	1 story – 1400 1 ½ or 2 story = 1800
R-2 Single Family	12,000 (n)	75	2	30	25 (q)	40 (a) (o)	12.5(b)	17.5	40	1 story = 1200 1 ½ or 2 story = 1600
R-2A Single Family	6,000 (n)	60	2	30	30 (q)	40 (a) (o)	5(b)*	10*	30	1 story = 1200 1 ½ or 2 story = 1600
R-2B Single Family	9,000 (n)	75	2	30	25 (q)	40 (a) (o)	5(b)*	10*	40	1 story = 1200 1 ½ or 2 story = 1600
R-3 Single Family	4,000 (n)	40	2	30	35 (q)	40 (a) (o)	5(b)*	5*	30	1 story = 900 1 ½ or 2 story = 1200
R-M Multiple Family (k)(l)(m)	(e)	(d)(f)	2	30	30(h)	40 (h) (g)	(h) 20 (g)	(h) 20 (g)	(h) 35 (g)	(f)
P-Parking	--	--	2	30	--	--	(c)	(c)	--	None
O-1 Office	--	--	2	30	--	35	Site plan approval	Site plan approval	20	None
B-Business	--	--	2	30	--	35	Site plan approval	Site plan approval	20	None

Note: See Section 22.24.010 addendum following for specifications assigned to letters in parenthesis.

\* See Section 22.08.130

Share



# 22.01 TITLE, PURPOSE AND AUTHORITY

## 22.01.010 SHORT TITLE

This chapter shall be known and may be cited as "The Zoning Ordinance of the Village of Beverly Hills".

## 22.01.020 PURPOSE

An Ordinance enacted under Act 207, Public Acts of 1921, as amended, governing the incorporated portions of the Village of Beverly Hills, Oakland County, Michigan, to regulate and restrict the location and use of buildings, structures and land or other specified uses; and to regulate and limit the height and bulk of buildings, and other

structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Village into districts and establish the boundaries thereof; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

#### 22.01.030 PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Village of Beverly Hills to meet the needs for food, energy, and other natural resources, by protecting and conserving the character and social and economic stabilization of the residential, commercial, and other use areas; by securing the most appropriate use of land and to insure that uses of lands shall be situated in appropriate locations and relationships, preventing overcrowding of the land and undue congestion of population and transportation systems and other public facilities; providing adequate light, air and reasonable access; and facilitating adequate economical provision of transportation, water, sewers, schools, energy, recreation and other public service and facility needs and requirements, and by other means, all in accordance with a comprehensive Master Plan now, therefore, THE VILLAGE OF BEVERLY HILLS ORDAINS:

#### 22.01.040 ENABLING AUTHORITY

This title is adopted pursuant to Act 207, Public Acts of Michigan, 1921, as amended. Said Act is made a part of this title just as if it were word for word repeated herein.

#### 22.01.050 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows, and the following rules of construction shall apply to the text of this Ordinance:

- a. The particular shall control the general.

- b. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- d. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. A "building" or "structure" includes any part thereof.
- f. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for".
- g. The word "person" includes an individual, a corporation, a partnership, a public utility, firm, an incorporated association, or any other similar entity.
- h. Unless the context clearly indicates the contrary, or a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
  3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- i. Terms not herein defined shall have the meaning customarily assigned to them.

**22.01.060 CONFLICTING REGULATIONS.** Any use that would constitute a violation of Federal, State or local law or regulation shall be prohibited. {Ord. 339; 11-19-11}.



Share



## 22.04 DEFINITIONS

**22.04 DEFINITIONS.** For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein are defined as follows:

**Adult Regulated Uses; Definitions:** As used in this Ordinance, the following definitions shall apply to adult-regulated uses:

- a. **Adult Book Store:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and novelty items which are distinguished or relating to "specified sexual activities" or "specified anatomical areas", (as defined below), or an establishment with a segment or section devoted to the sale or display of such material. Such

establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

b. **Adult Mini Motion Picture Theatre:** An enclosed building with a capacity for less than fifty (50) persons used commercially for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," (as defined below), for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

c. **Adult Motion Picture Theatre:** An enclosed building with a capacity of fifty (50) or more persons used commercially for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," (as defined below), for observation by patrons herein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

d. **Cabaret:** An establishment which features any of the following: Topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or females or similar entertainers or topless and/or bottomless waitresses or employees.

e. **Massage Parlor:** A place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with Specified Sexual Activities or where any person providing such treatment, manipulation or service related thereto exposes Specified Anatomical Areas. {Ord. 299; 6-7-00}

f. **Modeling Studio:** Any place where, for any form of consideration or gratuity, figure models who display Specified Anatomical Areas are provided to be observed, sketched, drawn, painted, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bonafide art school or similar education institution. {Ord. 299; 6-7-00}

g. **Specified Anatomical Areas are defined as:**

1. Less than completely and opaquely covered:
  - a. Human genitals, pubic region;
  - b. Buttock;
  - c. Female breast below a point immediately above the top of the areola; and
  
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

h. **Specified Sexual Activities are defined as:**

1. Human genitals in a state of sexual stimulation or arousal.
  2. Acts of human masturbation, sexual intercourse or sodomy.
  3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- i. **Significant Portion:** Any one or more portions of the display having continuous duration in excess of five minutes; The aggregate portions of the display having a duration equal to ten percent or more of the display. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten percent or more of the display. {Ord. 299; 6-7-00}

**Adult Foster Care Facility:** A facility for the care of adults, eighteen (18) years of age and older, as licensed and regulated by the State under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility. Such organizations shall be defined as follows:

- a. **Adult Foster Care Family Home:** a private home with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.



- b. **Adult Foster Care Small Group Home:** a private home with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
- c. **Adult Foster Care Large Group Home:** a private home with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation. {Ord. 367, 7-20-19}
- d. **Congregate Adult Foster Care Facility:** Residence for more than twenty (20) adults. {Ord. 252, 5-12-91}

**Alley:** A public way which affords a secondary means of vehicular access to abutting property. (see "Street")

**Articulation:** Architectural variations in a building wall that accentuates details of the building design so that it defines a building base, middle and top. Articulation can include recesses, relief and design elements that accent the overall design, continue the rhythm of adjacent buildings, and promote varied front buildings, and promote varied front building lines and interesting design. {Ord. 348, 1-4-14}

**Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**Bikeway:** Pedestrian or nonmotorized vehicular circulation routes built according to the standards of the Village or other agency with right-of-way jurisdiction, as applicable.

**Building:** Any structure, either temporary or permanent, having a roof supported by columns or walls, including but not limited to tents, awnings, carports and mobile homes and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. In addition, a structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for shelter rather than as a means of conveyance.

**Building, accessory:** A subordinate building area, attached or detached, the use of which is

customarily incidental to the permitted principal use of the principal building on the same lot. Examples of accessory buildings include a garage, storage shed and pool house. In case a question arises to the degree of incidentalness or length of custom, the Zoning Board of Appeals shall rule. (see "Building, Principal" and "Use, accessory") {Ord. 328, 5-2-09}

**Buildable Area:** Irrespective of the geometric shape of a lot and/or whether any of the lot lines consists of a straight, curved or any combination of two or more straight and/or curved lines, the buildable area for the lot shall be determined in the following sequence:

- a. Establish the "Front Open Space" with a line parallel to the front lot line, regardless of its contour, at the setback distance specified in the Schedule of Regulations.
- b. Establish the "Rear Open Space" as defined in the Zoning Ordinance for a square, rectangular or irregular shaped lot.
- c. Establish the "Rear Open Space" with a line parallel to the rear lot line, as determined in step (b), extend to intersect both side lot lines. Use the setback distance specified in the Schedule of Regulations.
- d. Establish the "Side Open Space" for one side with a line that is parallel to the rear lot line, regardless of its contour or angle, between the "Front Open Space" determined in step (a) and the "Rear Open Space" determined in step (c), at the setback distance specified in the Schedule of Regulations for an interior lot or at the setback distance required for corner lots. (see 22.08.070)
- e. Establish the opposite "Side Open Space" by repeating step (d). The area encompassed by the "Front, Rear and Side Open Spaces" of an unoccupied lot is determined to be the buildable area of the lot.

**Building Height:** The vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, studio hip and gambrel roofs; and seventy-five percent (75%) of the height of an "A" frame.

**Building line:** A line parallel to the front lot line at the minimum required front setback line.

**Building, principal:** A building or where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated. (see "Building, accessory" and "Use, principal")

**Bufferyard:** A unit of yard together with plantings, walls, berms, and/or fences required thereon located between different land uses and/or public roads designed to minimize potential nuisances such as dirt, litter, noise, glare of lights, signs and unsightly buildings, and parking lots and/or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires and explosion.

**Child Care Facility:** A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

a. **Child Care Center:** A facility, other than a private residence, receiving more than six pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

b. **Foster Family Home:** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

c. **Foster Family Group Home:** A private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian

d. **Family Day Care Home:** A private home in which up to six (6) minor children are received for care and supervision for periods of less than 24 hours a day, except children related to the caregiver by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

e. **Group Day Care Home:** A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to the caregiver. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year. {Ord. 367, 7-20-19}

**Church:** A building, structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services. Accessory structures and uses not directly involving religious services are excluded from this definition and are considered accessory structures or uses. {Ord. 252, 5-12-91}

**Collector Street:** A street whose primary function is to provide adequate traffic movement between thoroughfares and local streets and provide direct access to abutting properties. Collector Streets are those designated as such in the Circulation Plan of the current Village Master Plan. {Ord. 252, 5-12-91}

### **Commercial Vehicle Definitions:**

a. **Commercial Vehicle:** Any vehicle bearing or required to bear commercial license plates and which falls into one or more of the categories listed below:

1. Truck tractor;
2. Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures;
3. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply commercial or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction oriented contractors;

4. Tow trucks;
  5. Commercial hauling trucks;
  6. Vehicle repair service trucks;
  7. Vehicles with blades attached for plowing, grading;
  8. Construction vehicle, such as a bulldozer, backhoe and similar vehicles;
  9. A vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment. {Ord. 272, 8-24-94}
- b. **Gross vehicle weight**: The weight equal to the weight of a vehicle without load plus the weight of its maximum load carrying capacity, as rated by the manufacturer.
  - c. **Non-licensed commercial vehicle**: Any motor vehicle, whether same is capable of operation or movement under its own power or not, which vehicle does not have attached thereto current and valid license plates registered for such vehicle.
  - d. **Operator**: Any person who is in actual physical control of a commercial vehicle.
  - e. **Owner**: Any person in whose name the legal title of a commercial vehicle is registered, or in the event such vehicle is the subject of a lease or conditional sales agreement, the lessee or person with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession.
  - f. **Parking**: The open standing of a commercial vehicle upon the land attended or unattended by an operator thereof, except in a fully enclosed structure.

**Condominium:** A plan or project consisting of not less than two (2) units as established and approved in conformance with the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended.

**Condominium Act:** Public Act 59 of 1978, as amended, MCL 559.101 et. seq.{Ord. 253, 5-12-91}

**Condominium Conversion:** A condominium project in which some or all of the proposed condominium units were occupied before the issuance of the notice of proposed action as required by Section 71 of the Condominium Act. {Ord. 253, 5-12-91}

**Condominium Co-Owner:** A person, firm, corporation, partnership, association, trust, or other legal entity or combination thereof, who owns a condominium unit within a condominium project. Co-Owner may include a land contract vendee if the condominium documents or land contract so provides. {Ord. 253, 5-12-91}

**Condominium Detached:** A residential condominium project designed to be similar in appearance to a conventional single family subdivision, except that the limited common areas are arranged in such a manner that clearly defined condominium lots are not created. {Ord. 253, 5-12-91}

**Condominium Documents:** The master deed, recorded pursuant to the Condominium Act, the Association bylaws and any other instrument referenced in the master deed or bylaws which effect the rights and obligations of ownership of a co-owner in the condominium. {Ord. 253, 5-12-91}

**Condominium Lot:** That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Zoning Ordinance. {Ord. 253, 5-12-91}

**Condominium Project:** A plan or project consisting of not less than two (2) condominium units established in conformance with Public Act 59 of 1978, as amended, MCL 559.101 et seq. {Ord. 253, 5-12-91}

**Condominium Site:** A condominium project containing or designed to contain structures or other improvements for residential, commercial, office, business, or other uses permitted in the zoning district in which it is located and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed as a condominium unit as described in a master deed. A site condominium, when constructed as an alternative to a platted subdivision, may also be referred to as a "condominium subdivision" and shall be considered as equivalent to a platted subdivision for the purpose of regulation by this ordinance and other ordinances of the Village. {Ord. 253, 5-12-91}

**Condominium Site Plan:** The drawings and related information which pertains to a condominium project and is required by this Ordinance for the review of the Village. {Ord. 253, 5-12-91}

**Condominium Subdivision Plan:** The drawings and related information prepared in accordance with Section 66 of the Condominium Act. {Ord. 253, 5-12-91}

**Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project. {Ord. 253, 5-12-91}

**Limited Common Elements:** Portions of the common area within a condominium project reserved in the master deed for the exclusive use of less than all co-owners. {Ord. 253, 5-12-91}

**Control Bumper:** A continuous concrete curb constructed upon a suitable base having a minimum width of four inches (4") and a minimum height of six inches (6") above grade.

**Dwelling unit:** One or more rooms with a bathroom and a single kitchen designed as a unit for occupancy by only one family for cooking, living and sleeping purposes. (see "Family")

**Dwelling, One Family:** A detached building containing not more than one dwelling unit designed for residential use, provided:

- a. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- b. It has a minimum width across front, side and rear elevations of 24 feet and complies in all respects with the Village building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by Village building code, then and in that event, such federal or state standard or regulation shall apply; further provided that the provisions of this section shall not have the effect of making one family dwellings, which exist as of the effective date of this Ordinance, nonconforming.

- c. It is firmly attached to a permanent foundation constructed on the site in accordance with the Village building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for one-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required.
  
- d. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and towing mechanism removed. Additionally, no dwelling shall have any exposed undercarriage or chassis.
  
- e. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction equal to or of better quality than the principal dwelling, which storage area shall be equal to ten percent (10%) of the square footage of the dwelling or 100 square feet whichever shall be less.
  
- f. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches (6") on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling: has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of thirty (30) days from the receipt of notice of said Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of single family "dwelling" as well as the character, design and appearance of one or more residential dwellings to the extent of less than



twenty percent (20%) of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Village.

- g. The dwelling contains no additions or rooms or other areas which are not constructed with a quality of workmanship equal to the original structure, including permanent attachments to the principal structure and construction of foundations as required herein.
- h. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- i. The foregoing standard shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Village pertaining to such parks.
- j. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

**Dwelling, Multiple-Family:** A building, or a portion thereof, designed exclusively for occupancy by two (2) or more families living independently of each other.

**Dumpster:** A container used for the temporary storage of rubbish, pending collection, having a capacity of at least two (2) cubic yards.

**Essential Services:** The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal system including mains, drains, sewers, pipes, conduits, wires, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, gas regulator stations, and other similar equipment and accessories connected therewith, reasonably necessary for the furnishing of

adequate service by such public utilities or municipal departments or commissions for the public health, safety and general welfare, but not including business or commercial buildings or activities, or commercial wireless communications facilities. {Ord. No. 191, 5-16-98}

**Family:** Either:

- a. One or more persons related by blood, adoption or marriage, living and cooking together as a single nonprofit housekeeping unit, inclusive of household servants, or
- b. Two (2) to six (6) persons living and cooking together as a single non-profit housekeeping unit having a continuing nontransient domestic character though not related by blood, adoption or marriage. This definition shall not include any society, club, coterie or organization which is not a recognized religious order nor does it include any group of individuals whose association is temporary or seasonal or similar to a resort, boarding house, motel, hotel, or whose association is for an anticipated limited duration or for a determinable period such as a school term or terms. {Ord. 252, 5-12-91}

**Fence:** An unroofed manmade structure that extends more than 12 inches above grade designed as a barrier, ornamental or architectural feature intended for, or capable of, enclosing, inhibiting ingress or egress, dividing, bounding, or, simply making a line on a piece of land. {Ord. 292, 1-30-99}

**Filling station:** Buildings or premises arranged or designated to be used for the retail sale of minor auto accessories, oil, gasoline or other fuel for the propulsion or lubrication of motor vehicles and which may include facilities for the changing and repair of tires, tube repairing, polishing, greasing, washing, or servicing and minor repair of such motor vehicles; but excluding so-called high speed automotive washing, steam cleaning, body repairing, bumping or painting.

**Floor area, usable, nonresidential:** The measurement of usable floor area for nonresidential uses shall be to the exterior face of exterior walls of the first story and any other story connected by a fixed stairway or elevator, which may be made fit for human use; the measurement shall include the floor area of all accessory buildings measured similarly, but excluding the floor area for heating and all other mechanical equipment, unenclosed porches, light shafts, public corridors and public toilets. (see "Story and Building, accessory")

**Floor area, usable, residential:** The measurement of usable floor area for residential uses shall be the sum of the area of the first story measured to the exterior face of the exterior wall; plus similarly measured, the area, having more than seven feet six inches (7'-6") headroom, of any upper story that is connected by a fixed stairway and which may be made usable for human habitation; but excluding the floor area of basements, accessory buildings, garages, attics, breezeways and unenclosed porches. (see "Story and Building, accessory")

**Garage community:** An accessory building for the storage of noncommercial vehicles and having no services or commodities offered to the public in connection therewith. (see "Garage, private")

**Garage, private:** An accessory building having not more than 720 square feet in area to be used for the storage of noncommercial vehicles, provided that not more than one commercial vehicle of no more than 10,000 pounds of gross vehicle weight may be stored in said private garage and there shall be no services or commodities offered to the public in connection therewith. (see "Building, accessory")

**Home Occupation:** An occupation conducted in a dwelling unit, provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 10 percent (10%) of the floor area of the dwelling unit shall be used in the conduct of home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated, and mounted flat against the wall of the principal building;
- d. No home occupation shall be conducted in any accessory building;
- e. There shall be no sales in connection with such home occupation;

- f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- h. Clinics, hospitals, barber shops, beauty parlors, nursery schools, tourist homes, tea rooms, animal hospitals, kennels and millinery shops, among others, shall not be deemed to be home occupations.

**Intermediate Thoroughfare:** A street whose function is to provide inter-community arterial continuity and feed major thoroughfares. Intermediate Thoroughfares are those designated as such in the Circulation Plan of the current Village Master Plan.

**Landscaping:** The treatment of the ground surface with live materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other growing horticultural material. In addition, the combination or design may include other decorative surfacing such as wood chips, crushed stone, or mulch materials not to exceed twenty percent (20%) of the total for any landscape area. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping but such objects alone shall not meet the requirements of landscaping. In addition, artificial plant materials shall not be permitted in required landscape areas.

**Local Street:** A street whose primary function is to serve the residential uses which abut it and provides a connection through collector streets to the thoroughfares. All streets not specifically designated as a Major Thoroughfare, Intermediate Thoroughfare, or Collector Street in the Circulation Plan of the current Village Master Plan is considered to be a Local Street. {Ord. 252, 5-12-91}

**Lot:** A lot or record or parcel of land required to meet the regulations of this Ordinance that is occupied or intended to be occupied by a principal and accessory building or use. (see "Lot of Record")

**Lot, corner:** A lot where the corner interior angle at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this Ordinance, if tangents to the curve at the two points where the lot lines meet the curve form an interior angle of less than 135 degrees. (see "Street" and "Lot")

**Lot, interior:** Any lot other than a corner lot. (see "Lot")

**Lot line, front:** In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from the street which is designated as the front street in the request for a building permit.

**Lot line, rear:** The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten (10) feet long and wholly within the lot. (see "Lot")

**Lot line, side:** A side lot line is any boundary line not a front lot line or a rear lot line. (see "Lot line, front" and "Lot line, rear")

**Lot of record:** A parcel of land delineated on a plat recorded with the Oakland County Register of Deeds, or a lot described by metes and bounds, and recorded with the Oakland County Register of Deeds.

**Lot width:** The length of a straight line drawn between the points where the front setback cuts the side lot lines. (see "setback")

**Major Thoroughfare:** A multiple lane street whose primary function is to provide inter-county continuity and to feed regional major thoroughfares and freeways. The only street designated as a Major Thoroughfare in the current Village Master Plan is Southfield Road. {Ord. 252, 5-12-91}

**Mobile Home:** A detached one family dwelling mass-produced in a factory designed for long-term residential use and built on a chassis.

**Nonconforming building or use:** A legal building or legal use that does not conform with the

regulations of this Ordinance (or amendments) for the Zone District in which it is located.

**Nursing home:** An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or infirmity.

**Occupancy, Change of:** The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class, or the expansion of a use.

**Off-street parking space:** A space of 180 square feet of appropriate dimensions for the parking of an automobile, exclusive of access drives and aisles thereto.

**Open space:** The area or yard, which is open, unoccupied, and unobstructed by any building roof from the ground to the sky, except as otherwise provided in the Ordinance, having as one dimension the required setback and other dimensions as indicated by the definitions of front, rear and side open space. (see "Setback" and "Building")

**Open space, front:** The opens space or yard, extending the width of the lot, and of a depth equal to the required setback measured horizontally at right angles to the front lot line or centerline of the front street. (see "Lot" and "Open Space")

**Open space, rear:** The open space or yard, extending the full width of the lot and of a depth equal to the required setback measured horizontally at right angles to the rear lot line. (see "Lot" and "Open space")

**Open space, side:** The open space or yard, extending from the front open space to the rear open space and of a width equal to the required side setback measured horizontally at right angles to the side lot line. (see "Lot" and "Open Space")

**Parcel:** A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of Public Act 288 of 1967, as amended, MCL 560.101 et. seq. {Ord. 253, 5-12-91}

**Parking area, total:** The actual parking area and the area of the access drives thereto.

**Point of Observation:** The determination of the percentage of openness to air and light in fences shall be made from a specific point of observation. The point of observation shall be a point ten feet away from the structure, perpendicular to the vertical surface of the structure and viewed from a height above grade that is equal to 50% percent of the structure's height. {Ord. 292, 1-30-99}

**Privacy Screen:** Any unroofed manmade vertical structure intended and used as a visual barrier designed to inhibit observation of an area from off the lot. {Ord. 292, 1-30-99}

**Recreational Vehicle:** "Recreational Vehicles" shall include the following:

- a. **Travel Trailer:** A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "Travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.
- b. **Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- c. **Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- d. **Folding Tent Trailer:** A canvas folding structure, mounted on wheels and designed for travel and vacation use.
- e. **Boats and Boat Trailers:** "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, jet skis, plus the normal equipment to transport them on the highway.

- f. **Other Recreational Equipment:** Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway. {Ord. 252, 5-12-91}

**Required Average Minimum Land Area:** The minimum average area of land required for each dwelling unit not including any area of public street right-of-way and not including any area of the right-of-way of a private street built to Village or County standards.

**Residential area:** All residentially zoned or used (including R-M) land in the Village of Beverly Hills, including any public or private driveway, street, road, highway or its right-of-way to or within said land.

### **Restaurants:**

- a. **Dining Room:** A structure which is maintained, operated and advertised or held out to the public as a place where food and beverage are served, and consumed, primarily within the structure. Such food and beverage are served primarily in nondisposable (reusable by the restaurant) containers.
- b. **Drive-In Restaurant:** A drive-in restaurant is any establishment where food, frozen dessert, and/or beverages are served to customers while seated in their motor vehicles upon the premises. It shall also include any establishment where the customers may serve themselves and are permitted to consume food and beverages in a motor vehicle parked on the premises or at other facilities which are provided for the use of the patron for the purpose of consumption and which are located outside of the building or structures.
- c. **Fast Food Restaurant:** A structure which is maintained, operated, and advertised or held out to the public as a place where food, beverage, and/or desserts are served to customers from a serving counter in disposable (not reusable by restaurant) containers or wrappers. Such food, beverage, and/or desserts may be consumed: inside the building; outside, at facilities provided; or "carried out" for consumption off the premises.
- d. **Carryout Restaurant:** A structure which is maintained, operated, and/or advertised or held out to the public as a place where food beverage, and/or desserts are served in disposable containers or wrappers from a serving counter for consumption



exclusively off the premises.

**Satellite Antenna:** An accessory structure which at its widest dimension is in excess of thirty-six inches (36"); an earth based station, the purpose of which is to receive signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

**Seats:** The seating capacity of a building is determined by the specifications and plans filed to obtain a building permit. In the event individual seats are not provided, each eighteen inches (18") of benches or similar seating accommodations spaced thirty-two inches (32") from back to back, shall be considered as one seat.

**Setback:** That distance set forth on the Schedule of Regulations, between any lot line and a line parallel thereto on the same lot except as otherwise provided herein. (see "Lot line" and "Building")

**Sidewalk:** Pedestrian or nonmotorized vehicular circulation routes built according to the standards of the Village or other agency with right-of-way jurisdiction, as applicable.

**Story:** That portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least fifty percent (50%) of the usable floor area of the floor immediately below it. A top floor area under a sloping roof with less than fifty percent (50%) of the usable floor area is a half story. The first story shall be considered the lowest story of which the ceiling is more than 4 feet (4') above the average contact ground level at the exterior walls of the building. (see "Building height")

**Street:** Any public or private thoroughfare or way, other than a public alley, dedicated to or designed for the use of the public or open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designations.

**Street Private:** A vehicular circulation route which has not been accepted for maintenance by the Village or County.

**Street, Public:** A vehicular circulation route, the right-of-way and improvements of which meet Village or County standards and have been accepted for maintenance by the Village or County.

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

**Structure, accessory:** A structure, or portion thereof, which is supplemental or subordinate to the main building or to the use of the land. Examples of accessory structures include a gazebo, children's playhouse or play equipment, and recreational structures such as a pool or tennis court. {Ord. 328, 5-2-09}

**This Ordinance:** This Chapter of the Beverly Hills Municipal Code.

**Use, accessory, or accessory:** A use or building which is clearly incidental to, customarily found in connection with, and (except in some cases of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. In cases of questions arising as to degree of incidentalness or length of custom the Zoning Board of Appeals shall rule. When "accessory" is used in this Ordinance, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

- a. Residential accommodations for servants or caretakers.
- b. Swimming pools and tennis courts, for the use of occupants of a residence, or their guests.
- c. Domestic greenhouses or gardening related storage in a barn, shed, tool shed, or similar accessory building or other structure.
- d. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no signs or displays on the exterior of the building.
- e. Storage of merchandise normally carried in stock in connection with a business use, unless such storage is excluded in the applicable district regulations.
- f. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the lot is located.

- g. Uses clearly incidental to a main use such as, but not limited to offices of business complex located on the site.
- h. Accessory off-street loading, subject to the off-street loading regulations for the district in which the lot is located.
- i. Accessory signs, subject to the sign regulations for the district in which the lot is located.
- j. Satellite antenna structures as defined and regulated herein.

**Use, principal:** The primary and chief purpose for which a lot is used. (see "Use, accessory," "Building, principal," "Building, accessory," and "Lot")

**Change of Use:** A change, conversion, replacement, addition, addition of a principal use, or substitution of one use for another, which in the judgment of the Village Manager, will create or continue any of the following:

- a. The reoccupancy of all or part of a building or site which has been unoccupied for longer than one hundred eighty (180) consecutive days.
- b. Site conditions which do not comply with the Zoning Ordinance standards for the district in which the use is located.
- c. Vehicular or pedestrian traffic problems or off-street parking problems.
- d. Disruption of the natural environment.
- e. Adverse impacts of noise, odor, glare, dust, radiation, heat, vibration, toxic or hazardous materials, smoke, erosion or flooding on adjacent lots.
- f. Site engineering deficiencies.
- g. Negative impacts on the public health, safety or welfare.

For changes of use which require a site plan, the Planning Board may permit a modified site plan, with specific information pertaining to the conditions under review, only, rather than all of the information required under Section 22.08.290(d).

**Wall:** Any unroofed man-made structure which has a foundation and also has an exterior vertical surface of brick or stone, and no more than twenty-five percent (25%) of the vertical surface of which is open to the free passage of air and light.

**Work station:** That area to which a barber, stylist, beauty operator, manicurist, shampoo attendant or other regular employee is assigned to serve customers.

Share



# 22.06 ZONING-DISTRICTS AND MAPS

## 22.06.010 CLASSIFICATION OF ZONE DISTRICT

The Village of Beverly Hills shall be and is hereby divided into Zone Districts as enumerated on the Schedule of Regulations,

## 22.06.020 CONFORMITY TO ZONE DISTRICT REGULATIONS REQUIRED

Except as otherwise provided in this Ordinance, no structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the Zone District in which the structure or land is located.

## 22.06.030 ZONING MAP

The boundaries of the Zone Districts are hereby established as shown on the Zoning Map on file in the office of the Village Clerk. The Zoning Map with all notations, references and other information shown thereon is hereby incorporated herein and is a part of the Ordinance. Unless otherwise shown, the boundaries of the Zone Districts shall be lot lines, centerlines of streets, alleys, railroads or such lines extended, and the Village limit line. {Ord 275, 1-13-96} {Ord. 307, 12-29-01} {Ord. 326, 10-27-07} {Ord 328, 4-1-09} {Ord 336, 6-12-10}

## 22.06.040 INTERPRETATION OF ZONING MAP

Where, due to the scale, lack of detail or illegibility of the Zoning Map, there is an uncertainty, contradiction or conflict as to the intended location of any Zoning District boundary shown thereon, the exact location of the Zone District boundary line shall be determined by the Zoning Board of Appeals.

## 22.06.050 APPLICATION OF THIS ORDINANCE

No change of use shall be made and no structure shall be constructed, erected, placed or maintained and no land redeveloped or use commenced, expanded or continued within the Village except as specifically, or by necessary implication, authorized by this Ordinance.

Share



## 22.08 GENERAL PROVISIONS

### 22.08 GENERAL PROVISIONS.

22.08.010 CLASSIFICATION OF ANNEXED AREAS. All territory annexed to the Village of Beverly Hills shall automatically be classified R-1 Single Family Residential Zone District.

22.08.020 ZONING OF VACATED STREETS. Whenever any street, alley or other public way shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same Zone District as the property to which it attaches.

**22.08.030 USE REGULATIONS.** Except as otherwise provided herein, regulations governing land and building use are hereby established as shown on the Schedule of Regulations, Section 22.24. Uses permitted in each district after special approval shall be permitted only in accordance with Section 22.08.300.

**22.08.040 GENERAL AREA, HEIGHT, ETC. REGULATIONS.** Except as otherwise provided herein, regulations governing the minimum lot width, lot area per dwelling unit, required open spaces, height of buildings and other pertinent factors are as shown on the Schedule of Regulations, Section 22.24.

**22.08.050 LAND REQUIRED TO SATISFY REGULATIONS.** No portion of a lot used in or necessary for compliance with the provisions of this Ordinance shall through sale or otherwise again be used to satisfy the zoning requirements of another lot.

**22.08.060 EXCEPTIONS TO HEIGHT LIMITS.**

a. The height limits of this Ordinance may be modified by the Zoning Board of Appeals in its application to radio transmitting and receiving or television antennae, chimneys or flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, radio towers, masts, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the Zone Districts in which they are located.

b. The maximum height set forth in the Schedule of Regulations shall not apply to radio transmitting or television antennae that do not exceed the maximum permitted height of the building by more than ten feet (10').

**22.08.070 CORNER LOT SETBACK ON THE SIDE STREET IN RESIDENTIAL ZONE DISTRICTS.** Every corner lot in any residential Zone District which has on its side street an abutting interior residential lot, shall have a minimum setback from the side street equal to the minimum front setback for the Zone District in which such building is located; provided that this requirement shall not reduce the buildable width of any lot to less than thirty feet (30'). Where there is no abutting interior residential lot on said side street, the minimum side street setback shall be fifteen feet (15') for the permitted principal building and twenty feet (20') for permitted accessory buildings.



**22.08.080 OBSTRUCTIONS TO VISION ON CORNER LOTS.** On any corner lot in any Zone District, no wall, fence or other structure or any hedge, shrub or other growth shall be maintained at a height that would obscure vision of drivers properly using the street. {Ord. 292, 1-30-99}

**22.08.090 MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS.** In Single Family Residential Zone Districts R-A, R-1, R-1A, R-2, and R-3 the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall be not less than the sum of the two (2) required minimum side setbacks of either of the lots; provided, however, that when the lot to which the ordinance is being applied is less than sixty feet (60') in width, the minimum required distance between such residential buildings may be reduced by six inches (6") for every foot that the lot is less than sixty feet (60') in width. In Single Family Residential Zone Districts R-2A and R-2B the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall not be less than fifteen (15) feet. {Ord 366, 7-20-19}

**22.08.100 ACCESSORY BUILDINGS, STRUCTURES AND USES IN RESIDENTIAL ZONE DISTRICTS.**

- a. Attached accessory buildings shall be subject to the same setback and height requirements as principal buildings for the district in which they are located.
- b. No detached accessory buildings, structures, or uses shall be erected in the front or required side open space or within permanent easements.
- c. Detached accessory buildings or structures may occupy a portion of the rear open space and shall be at least five feet (5') from all adjoining lot lines and shall not exceed fifteen feet (15') in building height, except as otherwise provided herein.
- d. On corner lots where a rear open space abuts a side open space, detached accessory buildings on the corner lot shall have a minimum setback from the rear lot line a distance equal to the least side setback required for the lot abutting the corner lot.
- e. No more than two accessory buildings shall be located on a single-family residential lot.

- f. The total floor area of all accessory buildings shall not be greater than fifty percent (50%) of the usable floor area of the principal building, except that a minimum of five hundred (500) square feet is permitted by right where this requirement would result in a lesser area.
- g. Garage doors facing the street shall not exceed a total length of 24 feet in cumulative total and shall not exceed a height of 9 feet.
- h. Accessory buildings intended as garages are to be used for the storage of noncommercial vehicles, except that no more than one commercial vehicle of up to 10,000 pounds of gross vehicle weight may also be stored.
- i. Accessory buildings shall be designed so that no exterior wall length is greater than two-times the length of any other exterior wall of that accessory building, unless otherwise approved by the Planning Board upon a finding of no adverse impact to the surrounding neighborhood. {Ord. 328, 5-2-09}

22.08.120 ACCESSORY BUILDINGS IN P, 0-1 AND B ZONE DISTRICTS. No accessory building shall be erected in the front open space.

#### 22.08.140 GRADES AND ELEVATION DIFFERENTIALS.

- a. The grading of all building lots shall be such to (1) divert water away from buildings, and (2) prevent standing water and soil saturation detrimental to structures and lot use and surrounding property.
- b. The elevation differential is defined as the difference between the elevation of the final ground level (after landscaping at the front building line, equidistant from the side building lines, and the elevations of the crown of the road (at a point equidistant from the side building lines) abutting the front property line. If a sidewalk is in place, the elevation differential shall be based on the sidewalk elevation in lieu of the crown of road elevation.
- c. The elevation differential for all buildings shall not be less than fifteen inches (15") nor more than twenty-four inches (24") except as hereinafter provided. A building under construction having foundations in place shall be considered an existing

building.

d. All applicants for building permits shall submit with the permit application, plans showing:

1. The proposed grading plan for the entire lot.
2. The direction of flow of surface water off the lot.
3. The gradient of all protective slopes around proposed buildings.
4. The elevation differential of all proposed buildings and the elevation differential of all existing buildings within one hundred feet (100').

e. Variances may be granted from the requirement of subsection (c) by the Zoning Board of Appeals if adequate provisions are made and approved by the Village Engineers to prevent run off water from flowing onto adjacent property.

#### 22.08.150 FENCE, WALL, AND PRIVACY SCREEN REGULATIONS.

Purpose and intent: It is hereby determined that regulation of the location, size, placement and certain features of fences, walls, and privacy screens is necessary to enable property owners to provide physical boundaries and privacy on private property without difficulty and confusion, to promote traffic safety, and safeguard public health and welfare.

Fences, walls, and privacy screens are permitted subject to the following:

##### A. General Requirements:

1. Permit. No fence, wall or privacy screen shall be erected, replaced or altered by more than 25% of the vertical area of any side until a permit has been issued. An application for a permit shall be filed with the Building Official, accompanied by a fee as set forth in the Village's permit fee schedule and with sufficient information to determine that the proposed structure meets the requirements of this ordinance, including drawings or sketches showing at least the following:

- a. Location of the fence, wall or privacy screen in relation to lot lines, principal building, other structures, driveways, sidewalks, bikeways, roadways, rights-of-way and easements within 25 feet of the proposed location.
- b. Dimensions and design or style of the fence, wall, or privacy screen including any variations by location.
- c. In the event that lot lines for the subject property cannot be located to the satisfaction of the Building Official, the Building Official may require the applicant to establish lot lines on the property located by a licensed surveyor.
- d. If a permit is issued it shall contain language indicating the village permit does not relieve the applicant of compliance with the Homeowners Association regulations or deed restrictions if applicable.

2. Materials. Fences, walls and privacy screens shall be constructed of high quality, durable materials including brick, natural stone, vinyl with matte finish, treated wood or metal (such as wrought iron or painted aluminum). The use of razor wire, barbed wire, protruding spikes, nails, or any sharp point that could pose a hazard to person or animal, or elements that carry electricity are not permitted. Chain link, wire mesh, and similar materials are only permitted for fences in rear yards, but are not permitted to have wood, plastic, or other material inserts. Fences, walls, and privacy screens must be substantially similar in material, color, and style.

3. Location. Any fence, wall, or privacy screen shall be located entirely inside and shall not project beyond the perimeter of the private property of the person constructing it. A fence, wall, or privacy screen may not be attached to, or touch, a fence, wall, or privacy screen located on another lot without the written consent of both owners. In every case, fences, walls, and privacy screens must be designed and constructed as a stand-alone structure. Any existing perimeter fencing, wall, or privacy screen must be removed prior to installation of new fencing, wall, or privacy screens at that lot line. In the event the existing fence, wall, or privacy screen is on the neighboring property, a four (4) inch gap between the established grade and bottom of the fence or privacy screen is required to allow the maintenance of grasses and/or weeds between the structures.

4. Height. The vertical dimension of any fence, wall, gate or column shall be measured from the lowest finished grade on both sides of any such fence, wall, gate or column to any point on top of the fence, wall, gate or column, including any ornamental features.

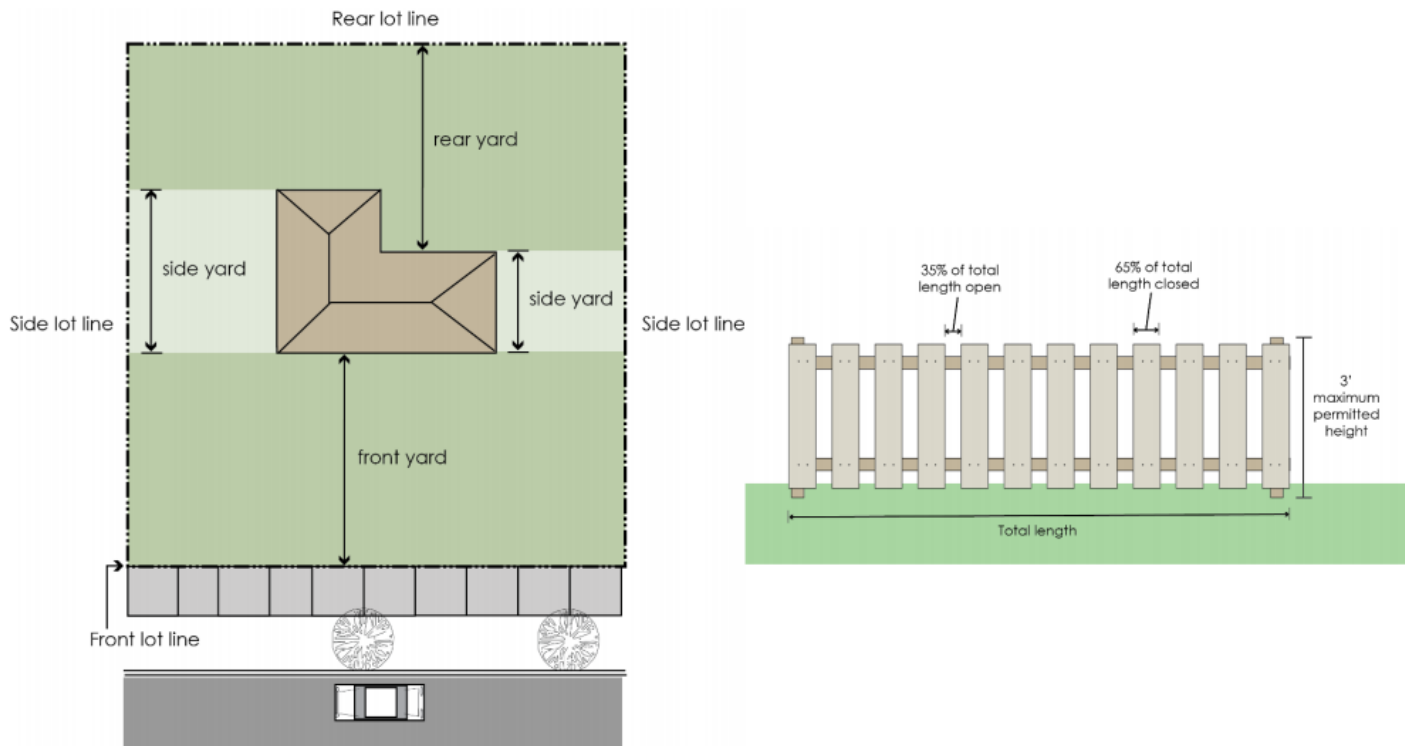
5. **Orientation of Finished Appearance.** When one side of the fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the exterior of the lot.

6. **Obstruction.** No fence, wall, or privacy screen shall be erected where it would unreasonably obstruct the continued use of, or safe access to any abutting property. Fences, walls or privacy screens located adjacent to a driveway or a street corner shall be designed not to obscure the vision of drivers properly using the street.

7. **Maintenance.** Fences, walls and privacy screens shall be constructed in accordance with the adopted Michigan Building Code/Michigan Residential Code and shall be maintained in good condition. Surfaces shall be painted, stained, or constructed of decay resistant materials to protect and preserve the safety and appearance of the structure. If a fence, wall, or privacy screen is found to be in need of repair by the Building Official, the Building Official shall issue orders to the owner to complete the repair. Failure to comply with written notice from the Building Official ordering completion of the repairs shall constitute a violation of this ordinance. If more than 25% of the area of any side of a fence, wall or privacy screen requires reconstruction in any 12 month period, the entire fence, wall or privacy screen shall be brought into compliance with this ordinance.

8. **Definitions.** For the purposes of this section, the definition of yard locations is as follows:

- a. **Front Yard:** The full width of the lot enclosing the area bounded by the front lot line, the side lot lines, and the front building line.
- b. **Rear Yard:** The full width of the lot enclosing the area bounded by the rear lot line, the side lot lines, and the rear building line.
- c. **Side Yard:** The area on both sides of the principal structure on a lot which is bounded by the side lot lines, the rear building line, and the front building line.

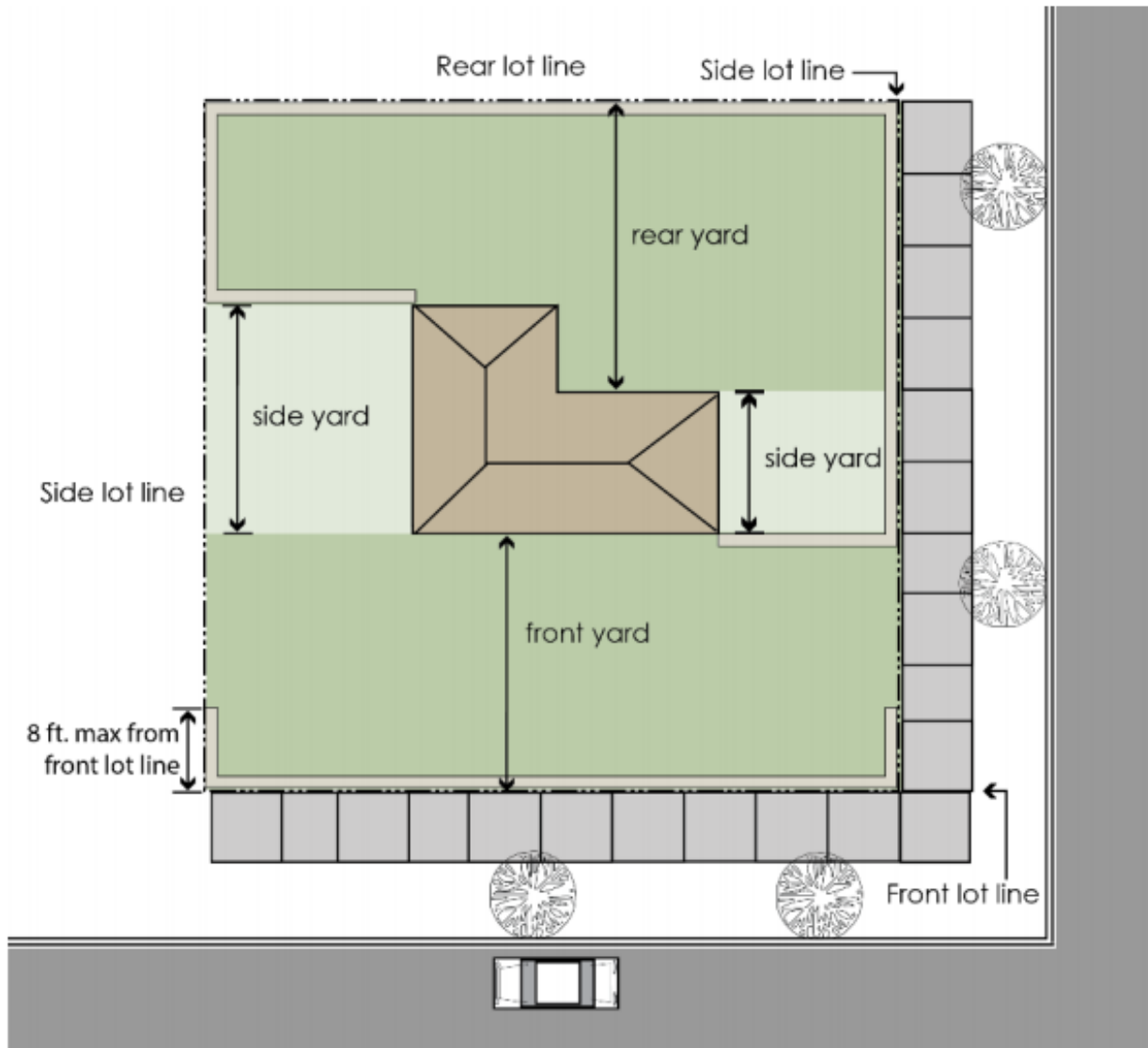


**B. Requirements in Single Family Residential Districts:**

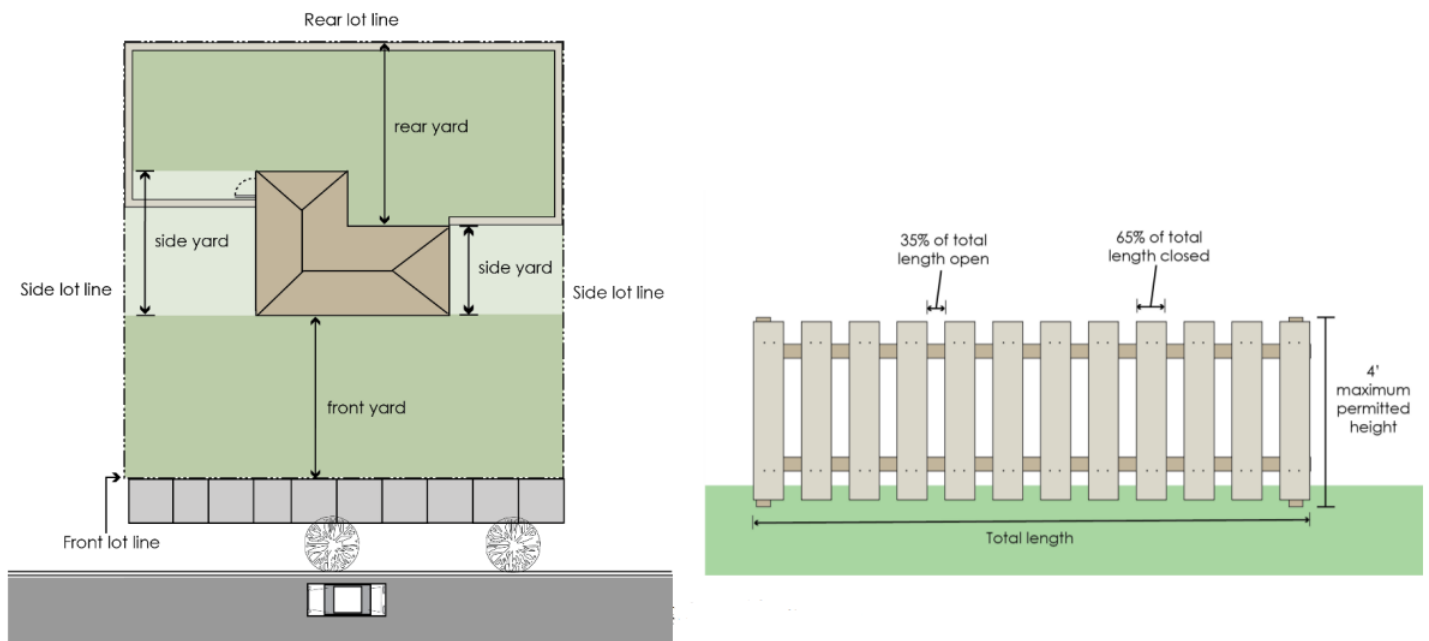
1. Fences: Fences with a vertical surface area that is at least 35% open to air and light are permitted subject to the following:

a. Front Yard: A fence in the front yard shall not exceed three (3) feet in height above grade and shall not extend back toward the front of the principal building more than eight feet, except as provided for in {b} below.

b. Side Yard: A fence in a side yard that abuts a road or street shall not exceed four (4) feet in height above grade. Fences are not permitted in side yards that do not abut roads or streets except as provided for in {c} below.



c. Rear Yard: A fence in a rear yard shall not exceed four (4) feet in height above grade and shall not extend toward the front of the lot farther than the rear of the house, except a fence may extend into the side yard only to enclose the side door entrance.



2. Fences: Fences up to six (6) feet in height and/or up to 100% solid vertical surface area are permitted subject to Administrative or Planning Commission approval as follows.

a. Approval Standards:

Applicant must demonstrate that at least one of the following conditions is met for Administrative approval. Administration has the discretion to require review by the Planning Commission when there is a question of interpretation for consistency with the intent of this ordinance.

- Spacing between residences is less than that required by Section 22.08.090 or 22.24 of the Zoning Ordinance, whichever is applicable.
- The subject site is adjacent to a non-single family residential land use or Zone District or single family cluster development.
- The subject site cannot support vegetative screening in lieu of the proposed fencing. The applicant shall provide supporting documentation of this from a licensed landscape architect or certified arborist.
- At least one residential parcel within 200' of the subject site on that side of the street in that block or at least one abutting residential parcel contains permitted fencing of similar height and/or opacity. To document this, the applicant shall prepare a neighborhood lot study that includes a map of the study area and photograph(s) of existing fencing. An existing privacy screen as allowed in Section 3 Privacy Screens



shall not be used as consideration for compliance with this standard.

In the event applicant does not meet any above criteria, applicant must demonstrate that at least one of the following conditions is met for Planning Commission approval. The property owner or occupant of any parcel(s) abutting the subject site shall be given fifteen (15) day notification of the date and time of the meeting at which the request shall be reviewed.

- The subject site and/or an abutting parcel has an unconventional lot, yard and/or dwelling orientation (i.e., side yard adjacent to rear yard, pie-shaped lot adjacent to rectangular lot, or those with multiple parcels contiguous to a single lot line).
- Installation of such fencing would mitigate an essential safety and/or privacy concern.

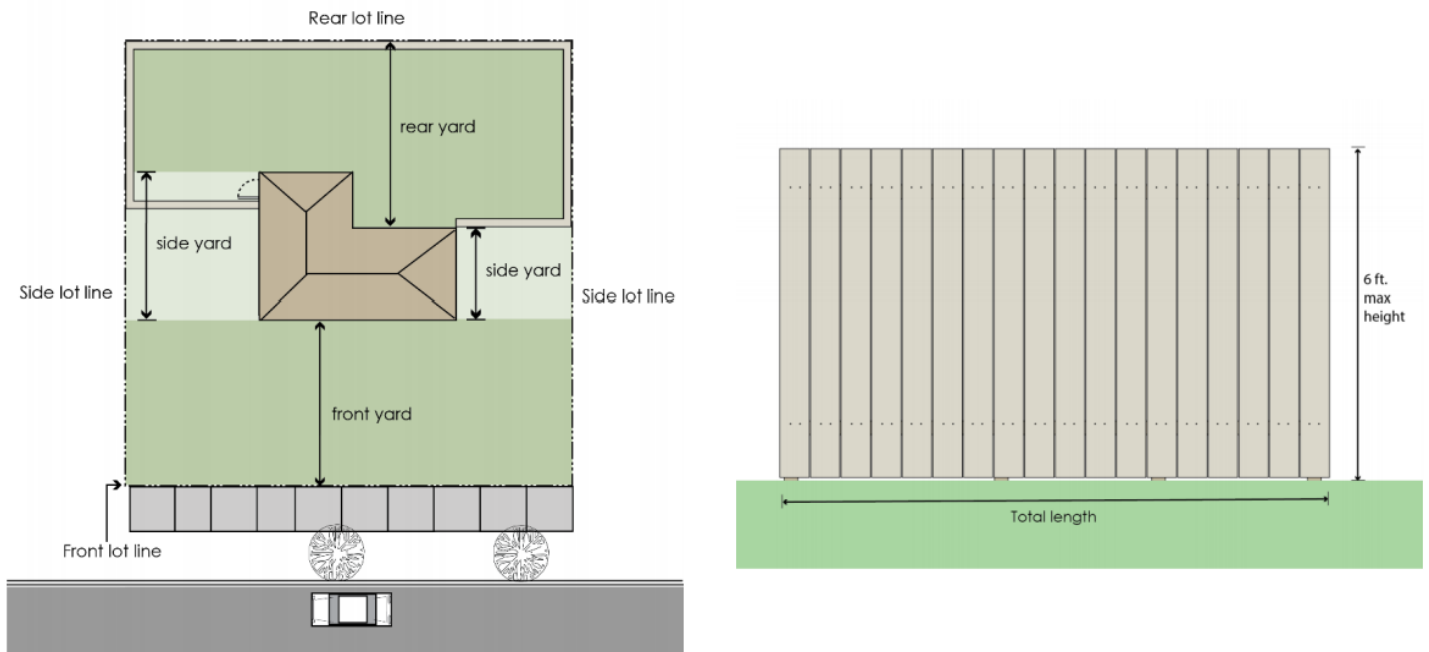
In addition to condition(s) above, applicant must demonstrate that all of the following conditions are met:

- The size, height and location of the fence does not endanger the public safety.
- The size, location, height, design, and materials of the fence are aesthetically in harmony with the property on which it is located.
- The proposed removal of vegetation and trees and disturbance to natural terrain has been minimized.
- The size, height, design, and location of the fence does not create a traffic or pedestrian hazard.

b. Front Yard: A fence higher than 3 feet above grade and/or less than 35% open to air/light is not permitted in the front yard.

c. Side Yard: A fence higher than 4 feet above grade in a side yard that abuts a road or street shall comply with accessory building setback requirements as described in Section 22.08.070. Fences are not permitted in side yards that do not abut roads or streets except as provided for in {d} below.

d. Rear Yard: A fence in a rear yard shall not extend toward the front of the lot farther than the rear of the house, except a fence may extend into the side yard only to enclose the side door entrance.

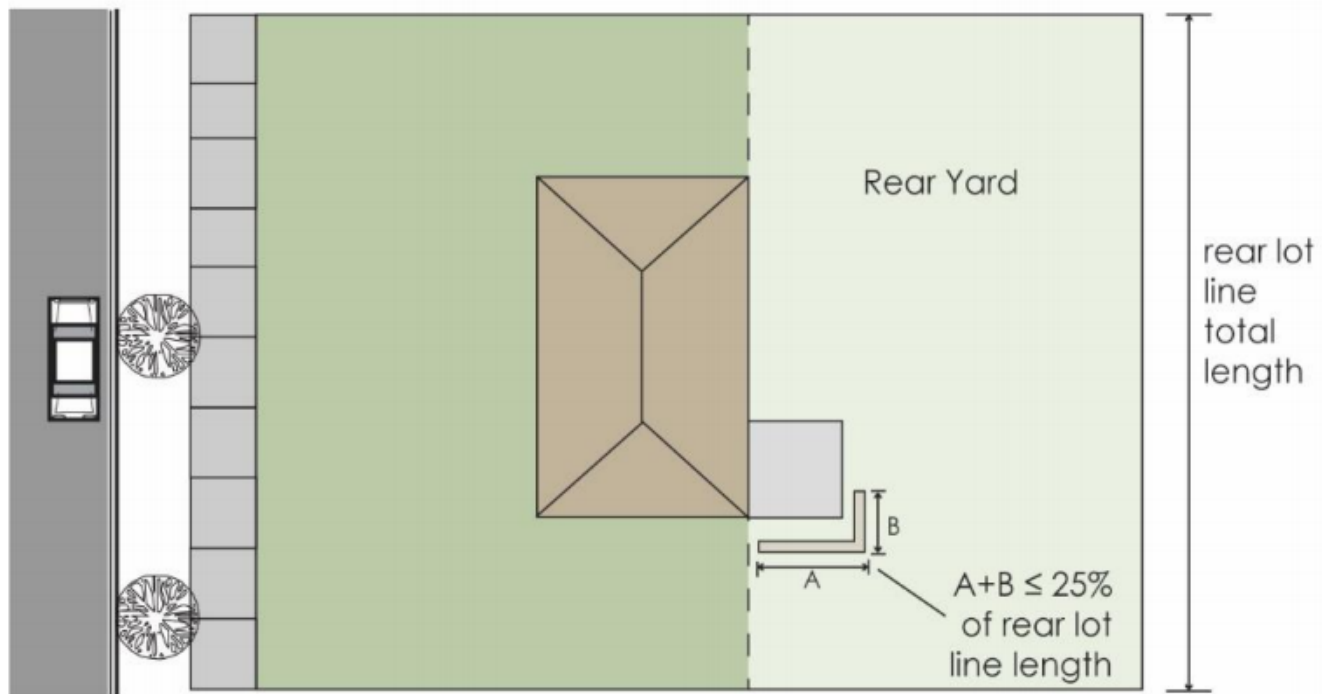


e. **Support Posts:** Vertical support posts may extend up to six inches above the allowable fence height.

3. **Privacy Screens:** Privacy screens that do not exceed six feet in height above grade are permitted as follows:

a. Properties in all single family residential zone districts may erect a privacy screen in the rear or side yard to enclose an area on up to three sides, with a maximum total length that does not exceed 25% of the rear lot line length.

b. Properties where the rear yard abuts Southfield Road, Greenfield Road, or Thirteen Mile Road may erect a privacy screen along the perimeter of the rear yard that abuts these roads and may extend the privacy screen into the side yard only to enclose a side door entrance.



4. Walls: Walls may be used instead of a fence, provided the total height above grade does not exceed three (3) feet.

#### C. Amortization of Noncompliant Fences.

1. Any existing fences that are greater than 4 feet above grade and/or do not meet requirements for openness to air and light which have not received a permit or variance from the Zoning Board of Appeals shall be removed or brought into compliance with ordinance requirements by the 1st day of January 2019.

D. Fences, walls, or privacy screens are required in non-single family residential zones for the enclosing of areas of outside storage of goods, material or equipment and shall not be less than six feet and not greater than seven feet in height above grade.

E. Fences that enclose public or institutional playgrounds shall not exceed seven feet in height above grade and shall not obstruct vision to an extent greater than 25% of their total areas. Any fences or similar structures that enclose all or part of a public or institutional playground, athletic field, or similar use greater than seven feet in height above grade shall require Planning Commission approval.

F. Construction Fences. Refer to paragraph b (3) from Section 22.08.280 Regulation of Nuisance Activities. {Ord. 292, 1-30-99}{Ord. 362, 7-17-18}

## 22.08.160 WALL REQUIRED ON NONRESIDENTIAL ZONED OR USED PROPERTY ABUTTING PUBLIC OR RESIDENTIAL ZONED OR USED LOTS.

Control bumpers, setbacks and appropriate landscaping are required for off-street parking areas that abut a street, alley, Public Property or Residential Zone District. Lots that are utilized for nonresidential purposes shall provide and maintain buffer screening and/or a wall as determined by the Village Council. When a wall is required it shall comply with the following regulations:

- a. Side: Where the side lot line of property utilized for nonresidential purposes abuts Public Property or a Residential Zone District in the same block, a wall shall be provided at a height of six feet above the parking area surface grade along the side lot line; provided the wall shall be reduced in height to three feet above grade within 25 feet of any right of way. This provision shall not apply to those portions of property along the side lot line that are occupied by a wall of permitted buildings.
- b. Rear: Where the rear lot line of property utilized for nonresidential purposes abuts Public Property or a Residential Zone District in the same block and there is no alley, a wall shall be provided at a height of six feet above the parking area surface grade along the rear lot line; provided that the wall shall be reduced in height to three feet above grade within 25 feet of any right of way. In the case where the rear lot line of property utilized for nonresidential purposes abuts Public Property or a Residential Zone District in the same block across an alley, a wall shall be provided at a height of six feet along the rear lot line. This provision shall not apply to those portions of the rear lot line abutting an alley that is occupied by a wall of permitted buildings. {Ord. 292, 1-30-99}

## 22.08.170 PUBLIC OR PRIVATE ROAD FRONTAGE FOR RESIDENTIAL

PROPERTY. No residential building shall be erected on a lot, unless the lot abuts for a minimum of twenty-five (25) feet upon a public road or a private road that complies with all Village ordinances. Residential buildings may be permitted on a lot abutting a permanent access easement to a public road only if all of the following conditions are met:

- a. The lot abuts the permanent unobstructed access easement for at least 25 feet.

- b. The lot was created prior to March 25, 1992.
- c. The permanent unobstructed access easement was recorded prior to March 25, 1992.
- d. The permanent unobstructed access easement does not violate any ordinances of the Village.
- e. Such building shall not be permitted nearer to such easement line than to the street line. Such street or easement shall not reduce the side yard open space of an existing residential building to less than eight (8) feet or reduce the rear open space to less than twenty (20) feet. {Ord. 256, 3-25-92}

22.08.180 DWELLING IN ACCESSORY BUILDING PROHIBITED. In all Zoning Districts, residential occupancy of any accessory building is expressly prohibited.

22.08.190 ESSENTIAL SERVICES. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village of Beverly Hills, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that all above-grade buildings hereunder shall be subject to site plan review in accordance with Section 22.08.290.

22.08.200 SALES OF CHRISTMAS TREES.

- a. Other provisions of this Ordinance notwithstanding, Christmas trees may be stored, displayed and sold without the use of a building or structure:
  - 1. By any person on property within any P, 0-1 or B Business Zone District.
  - 2. By churches, schools, or other nonprofit organizations on property owned by such institutions or organizations in any Zone District.
- b. All trees, parts of trees, and any other refuse or debris resulting from aforementioned use, and all signs in connection therewith shall be removed from said property no later than the 26th day of December of the year the property is so used.

**22.08.210 AUTOMOTIVE TRAILER CAMPS OR TOURIST CABINS PROHIBITED.** No automotive trailer camps or tourist cabins shall be established, and automobile trailers, similar portable dwellings or tents shall not be permitted to be used or occupied as dwellings.

**22.08.220 TEMPORARY AND PORTABLE BUILDINGS, USES AND STRUCTURES.** The Zoning Board of Appeals may permit temporary buildings, structures, and uses for a period not to exceed six (6) months provided that all requirements and conditions relative to the type of structure and use, and timing and arrangements for termination and removal, are met. The Board of Appeals may require safeguards related to setbacks, screening, off-street parking considered necessary to protect the health, safety, welfare and comfort of inhabitants of the Village. Further, the Zoning Board of Appeals may require site plan approval and performance guarantee as conditions of approval. Trucks, truck trailers, vans or other passenger vehicles shall not be used for storage, warehousing, retail sales or service or offices.

Temporary and portable structures are permitted without Village approval when all of the following conditions below are met. Additionally, trucks, trailers, vans or other passenger vehicles shall not be used as a temporary and portable structure for storage, warehousing, offices, retail sales or service.

1. No more than one (1) such container may be used per property at any given time.
2. Such containers must be placed on a paved driveway surface of an occupied lot and shall not be located in an easement or right-of-way. Containers may be located on an unpaved surface for a period of not more than forty-eight (48) hours within the 14 days allowed in paragraph three below.
3. The maximum duration for use of such containers shall be fourteen (14) days within any six (6) consecutive months. A property owner may seek approval from the Village Administration for a longer duration.
4. If a longer duration is sought, the Village may require safeguards related to setbacks, screening, and off-street parking considered necessary to protect the health, safety, welfare and comfort of the inhabitants of the Village. The Village may require

site plan approval and a performance guarantee as conditions of approval. {Ord. 347; 9-28-13}{Ord. 355; 11-28-15}

**22.08.230 STORAGE OF OBNOXIOUS MATTER IN OPEN CONTAINERS PROHIBITED.** No compost heaps, garbage, filth, refuse or other obnoxious matter shall be kept in open containers, piled or laid on the open ground; and all containers shall be stored in such a way so as not be visible from any street.

**22.08.240 TOPSOIL REMOVAL.** The use of land for the removal of topsoil, sand, gravel or other material from the land is not permitted in any Zone District except under a Temporary Certificate from the Building Inspector after approval of the Village Council that such removal of material will not be below the normal grade as established from the nearest existing or proposed street, when such building grade has been established and approved by the Building Inspector and for which a Temporary Certificate may be issued in appropriate cases upon the filing of an application, accompanied by a suitable agreement or bond under Section 22.08.310 that such removal will not cause stagnant water or collect or leave the surface of the land at the expiration date of such permit, in an unsuitable condition or unfit for the growing of turf or for other land uses permitted in the Zone District in which the removal occurs. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when such plans have been approved by the Building Inspector, and a building permit has been issued for said building development.

**22.08.250 STORAGE OR DUMPING ON OPEN LAND PROHIBITED.** The use of open land for the open storage or collection or accumulation of lumber or man-made materials, or for the dumping or disposal of scrap metal, junk, parts of automobiles, trucks, and boats, tires, garbage, rubbish, or other refuse or of ashes, slag or other wastes or by-products shall not be permitted in any Zone District.

**22.08.260 GOVERNMENTAL FUNCTIONS PERMITTED.** The Village of Beverly Hills shall have the right to construct and maintain within the Village any building or structure required for the performance of its governmental or proprietary functions; provided that such building, structure or function shall conform to the regulations of the Zone District in which it is located and of this Ordinance, and be constructed so as to conform with the surrounding uses in so far as possible.

**22.08.270 EASEMENTS.** It shall be unlawful for any person to install erect or cause or permit the installation of a permanent structure (garage, building or large tree) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use. Where public utilities now exist, a six foot (6') easement shall be maintained.

**22.08.280 REGULATION OF NUISANCE ACTIVITIES.**

a. No activity or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, noise or disposal of waste is deleterious to other permitted activities in the Zone District or if obnoxious or offensive to uses permitted in neighboring Zone Districts.

b. All properties shall be in compliance with the Building Department Construction Site Maintenance Requirements while under a valid permit for construction. {Ord. 358; 4-15-17} {Ord. 368; 7-16-19}

**22.08.290 SITE PLAN REVIEW.**

a. **Statement of Purpose.** The purpose of site plan review is to provide for consultation and cooperation between the land developer and the Village Council in order to accomplish the developer's land utilization objectives in harmony with the existing and prospective use and development of adjacent properties. It shall be the further purpose of this section to insure that each proposed use and its components, appearance, and function is in compliance with this Ordinance, other Village Ordinances and State and Federal statutes. Further purposes of site plan approval shall include: privacy, efficiency for the public and local government servicing, preservation of the natural landscape, emergency access, effective drainage, vehicular and pedestrian safety and conveniences, control of temporary flooding, preventing stagnant water and ponding in intensively used areas; prevention of air, water and noise pollution; limitation of obnoxious odors, reduction of glare; exposure of toxic particles, substances and wastes. The following approvals, required information, procedures and standards shall be adhered to, to accomplish these purposes.

b. **Approval by Village Council Required.** In each zoning district, a site plan shall be reviewed for any use other than a principal one family residential use and related accessory uses. No development which would, if approved, provide for more than one



principal use on a parcel (such as a single family site condominium) shall be undertaken, no building shall be erected, moved, relocated, converted or structurally altered and no change or addition of use, expansion or decreasing of off-street parking, or filling, excavation, or grading shall be undertaken until the Village Council has reviewed and approved a site plan for such use. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building. Filling, grading, or excavation which causes more than five (5) cubic yards of earth material to be disturbed shall require site plan approval. {Ord. 253, 5-12-91}

c. Application for Site Plan Approval. Application for site plan review shall be made to the Village by filing of not less than twenty-five (25) copies of the detailed site plan with the office of the Village Manager at least fifteen (15) days in advance of the regularly scheduled Village Council meeting at which the plan is to be first considered. Fees are required to be paid within the fee schedule in effect as established by the Council at time application is made.

The Village Manager shall examine the site plan to determine that it contains all the necessary information. If it is incomplete, it shall be returned to the applicant owner. If complete and if it appears to comply with the Zoning Ordinance it shall be processed in accordance with this Ordinance.

d. Required Information. The following required information shall be included on all site plans:

1. Name of development and general location sketch.
2. Name, address and phone number of owner(s), developer and designer. Date drawn and revision dates shall be indicated on the site plan.
3. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of a Registered Architect. A site plan for an alteration or addition to existing structures may be prepared by the builder or contractor.

4. A legal description and address of the property in question.
5. Boundary dimensions (to the nearest foot) of the property clearly indicated on the site plan, differentiated from other contiguous property.
6. Existing zoning classification of the parcel.
7. Adjacent land uses and zoning, and if the parcel is a part of a larger parcel, boundaries of total land holding.
8. To facilitate determination of off-street parking needs and similar matters, the applicant shall indicate the name and nature of the establishments proposed to occupy the buildings if this has been determined, and should indicate cases where exact occupancy has not yet been determined.
9. All plans shall include a north arrow and scale. The scale of the site plan shall be not less than 1" = 20' if the subject property is less than 3 acres, and 1" = 100' if three acres or more.
10. The area of the site in square feet and acres excluding all existing and proposed public right-of-way.
11. The dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties and all required minimum setbacks from the existing or proposed right-of-way and from adjacent properties.
12. The location and dimension of all existing and proposed structures on the subject property and all existing structures within one hundred feet (100') of the subject property.
13. The location and right-of-way widths of all abutting streets and alleys, and driveway locations across abutting public streets.
14. Traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks.

15. Parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed, per ordinance requirements) and type of surfacing. (If carports, so designate).

16. Existing ground elevations on the site of an appropriate grid or contours, including existing ground elevations of adjacent land within one hundred feet (100') of the subject property and existing building, drive and/or parking lot elevations or any adjacent unusual surface conditions.

17. Proposed finish grade of buildings, driveways, walkways, parking lots and lawned areas.

18. With residential proposals a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet of floor areas; density computation, recreation facilities, open spaces, street names and lot coverage.

19. With nonresidential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.

20. Proposed sanitary sewer facilities and location of all existing utilities, easements, vacations and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.

21. Proposed storm sewer facilities (sewers and appurtenances) including outlets (enclosed or open ditches) and proposed methods of storm water retention on site, if any.

22. Sufficient off-site drainage basin data and estimated runoff in cubic feet per second to permit review of any proposed retention of off-site drainage swale.

23. Proposed water service including any proposed tap-ins, main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains in adjacent public rights-of-way.

24. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
25. Location and typical dimensions of rubbish storage areas and screening construction.
26. Elevations of proposed buildings and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
27. Required easements for public right-of-way, utilities, access and shared access.
28. Notation of any variances which have been secured.
29. Performance guarantees to be provided, amounts, type and length of time.
30. Soil erosions and sedimentation control measures.
31. Detailed landscaping plan indicating location, types and sizes of material, a maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials. Cross section of berms shall be provided.
32. Location of all existing trees over three inches (3") in diameter.
33. The dimensions and locations of all signs, free-standing signs and lighting structures and shielding.
34. Types of soils; locations of flood plain and wetland, if any.
35. All proposed screen and free standing architectural walls, including typical cross-sections and the height above ground on both sides.
36. The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.

37. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or Village. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the Village due to failures as a basis for performance guarantees.

38. Information and statement of how applicant proposes to comply with State, Local and Federal laws, as applicable to this site or use.

39. The names of any Village officials or employees who will benefit financially from the approval of the site plan shall be disclosed.

40. Other data which the Village may reasonably deem necessary for adequate review.

e. Criteria for Approval of Site Plans. The following criteria shall be used by the Planning Board and Village Council as a basis upon which site plans will be reviewed and approved.

The Village shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

1. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on such property.
2. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements as set forth in The Schedule of Regulations unless otherwise provided in this Ordinance.
3. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.

4. There shall be reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.
5. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
6. Where possible and practical, drainage design shall recognize existing natural drainage patterns.
7. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
8. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a Village recognized source of reference. The applicant may be required to dedicate adequate land and improvements to the Village in order to achieve access which is safe and convenient.
9. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. All erosion control plans shall meet the requirements of the Oakland County Soil Erosion and Sedimentation Control Program. All stormwater

management shall be addressed in accordance with the requirements adopted in Chapter 30 of the Village Code entitled "Surface Drainage & Illicit Discharge Control." {Ord. 383, 2-28-23}

10. Off-Street parking, loading and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls or landscaping of effective height. Dumpsters shall have gates.

11. Exterior lighting shall be so arranged so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

12. Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.

Any use permitted in any Zoning District must also comply with all applicable Federal, State, County and Village health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, flood plains, and requirements of the State Fire Marshal.

13. An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values, to conserve energy, provide visual and sound privacy and to otherwise facilitate the creation of a convenient, attractive and harmonious community; to relieve the stark appearance of parking lots; and to generally preserve a healthful and pleasant environment in keeping with Village character.

14. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with the predominant site development standards of the Village.
15. A major objective shall be to retain, enhance and protect the quality, value and privacy of the Village's single family land uses.
16. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon improvements of a subsequent development potential of lands.
17. All sites shall be designed to comply with State and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.
18. Additional approval standards for unplatted residentially zoned parcels. Prior to the approval of a plat or a condominium subdivision plan or development under the single family residential cluster option, the Village Council shall require the following standards be met:
- a. The permitted density should not exceed that permitted in the Zoned District.
  - b. Careful protective measures such as screening, open space, circulation design, shall be built in project designs to prevent adverse impacts of traffic noise, fumes, glare and odors on existing residences which are included in developments.
  - c. If a proposed development requires one or more direct circulation access point(s) to a major or intermediate thoroughfare, the site development area or combination of lots shall be a minimum of eleven (11) acres. If access alternatives exist, they must be used.
  - d. Primary interior streets shall be public or adequate access easements shall be granted to abutting parcels in order to minimize the need for access points to major and intermediate thoroughfares.
  - e. All redevelopment plans shall include a clear demonstration that remaining adjacent parcels can be developed in the future in a practical and coordinated manner.



f. The Council may require extraordinary improvements such as constructing utilities or streets to the property lines in order to permit future tie-ins with adjacent parcels.

g. As much as possible, linkages shall be created between projects in order to insure economy, efficiency of design, convenience for the residents and access options for emergency and service vehicles.

h. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities and open space shall be coordinated with adjacent properties.

f. Review of Site Plans. The Village Manager shall secure comments from Village Building and Public Safety Departments, Village Engineer, Planner and others, as applicable, and forward all site plans along with comments to the Village Council which shall refer said plans to the Planning Board for its review. The Planning Board shall review the plans and may solicit further comments from the Village Building and Public Safety Departments, Village Engineer and Planning Consultant and other agencies, groups or persons. Upon completion of its review, the Planning Board shall transmit its recommendation or comments to the Village Council.

g. Site Plan Approval and Record. The Village Council is hereby authorized to review and approve, to approve with conditions or review and deny approval, all site plans submitted under this Ordinance. Guidelines for consideration of each case shall follow the Zoning Ordinance and any other applicable ordinances. Each action taken with reference to site plan review and approval shall be duly recorded in minutes of the Council. When the Village Council approves a site plan with conditions from the applicant, the Building Official shall require a revised site plan with a revision date, indicating said conditions on the site plan.

When a site plan approval is required, no building permit shall be issued until four (4) copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Council President, the Building Official and the Planner or their designees. Prior to issuance of a permit, one (1) copy of the final signed plan shall be filed with each of the following: Clerk, Building Official and the Applicant.

- h. Site Plan Review Manual. The Village Council, after recommendation from the Planning Board shall prepare a site plan review manual with detailed administrative procedures for site plan review. Council shall cause said procedures to be implemented.
- i. Construction Under Plan. When an applicant receives site plan approval as provided previously herein, the applicant shall develop the site in complete conformity, with the approved site plan. Complete construction plan including component phases, shall be submitted for review by the Building Official with a landscape plan prepared by a registered landscape architect for all landscape areas. Upon review and finding by the Building Official that the construction plans meet with the requirements of the Village Council's site plan approval and applicable Ordinances of the Village, the Building Department shall issue a building permit for said construction. Site plan approval hereunder shall be valid for one (1) year from the date of Village Council approval.
- j. A Certificate of Occupancy shall be withheld by the Building Official in any case where the site plan and major conditions as approved by the Village have not been complied with. Any minor variations may be approved by the Building Official, and shall be reported within ten (10) days to the Council and Planning Board after the issuance of Certificate of Occupancy.

#### 22.08.300 PROCEDURES AND STANDARDS FOR PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

a. Intent. The types of uses requiring special approval shall be deemed to be permitted uses in their respective districts, subject, as to each specific use, to satisfaction of the procedures, requirements and standards set forth in this section. Each specific use for which a permit is sought shall be considered as an individual case and shall conform to the detailed application of the following procedures and standards in a manner appropriate to the particular circumstances of such use. Each use as listed in any district requiring special approval for a permit shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is suggested and will not be detrimental to the orderly development of adjacent districts and uses.

b. Public Hearings. Upon the request for special land use authorization, a public hearing with notification as required for a notice of a request for special land use approval as provided in 22.08.300 (c) below shall be held before a decision is made on a special land use request. No decision on a special land use request shall be made unless notification of a public hearing on a special land use request is given as required.

c. Procedure of Notice. Upon receipt of an application for a permitted principal use permitted subject to special approval, one notice of a public hearing shall be published in the newspaper of general circulation in the Village; said notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed, within three hundred feet (300') of the boundary of the property in question, and to the occupants of all structures within three hundred feet (300'), except that the notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

1. Describe the nature of the special land use request.
2. Indicate the property which is the subject of the special land use request.
3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.

d. Planning Commission Hearing and Review: Special land use approval shall not be granted until a public hearing has also been held by the Planning Commission, in accordance with procedures described in Section 22.08.300 (b) and (c) above. The Planning Commission shall make a recommendation with comments on the special land use to Village Council.

e. Approval by Village Council. The Village Council shall deny, approve, or approve with conditions, requests for special land use approval. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.

f. Site Plan Review and Information Required. For all special approval uses, a site plan shall be required and submitted in accordance with Section 22.08.290 of this Ordinance. Approval shall run with the land and shall not be issued for specified periods, unless the use is temporary or time related in nature.

g. Performance Guarantees. Performance guarantees may be required by the Village Council to insure compliance with special approval conditions, in accordance with Section 22.08.310.

h. Standards. In addition to specific site plan standards which the Village Council may apply to the use, the following standards shall serve the Village Council as the basis for decisions involving special land uses and other discretionary decisions contained in this Ordinance. Each proposed use or activity shall:

1. In location, size and intensity of the principal and/or accessory operations, be compatible with adjacent uses and zoning of land.
2. Be consistent with and promote the intent and purpose of this Ordinance.
3. Be compatible with the natural environment and conserve natural resources and energy.
4. Be consistent with existing and future capabilities of public services and facilities affected by the proposed use; and
5. Protect the public health, safety, and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the Village as the whole.
6. Promote the use of land in a socially and economically desirable manner.

7. Not be in conflict with convenient, safe and normal neighborhood vehicular and pedestrian traffic routes, flows, intersections, and general character and intensity of neighborhood development.

8. Be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

9. In the nature, location, size and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of said district.

10. In the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, glare or flash of lights.

11. Be consistent with the character, nature and type of residential districts (See Sections 22.14 and 22.16) surrounding the proposed special uses.

i. Record. All conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Council and the applicant. The Village Council shall maintain a record of changes granted in conditions.

j. Modification After Approval. Modification After Approval. After any special land use approval is granted, any subsequent modifications to the site not in accordance with the approved site plan, any change of use, any increase in the intensity of the use, or any change in any of the conditions of approval, including by way of example but not limitation, any additions to a principal building or any expansion of off-street parking, shall require a new special land use approval pursuant to the provisions set forth in 22.08.300. Notwithstanding the foregoing, the Village Council, after a favorable recommendation from the Planning Commission, may waive any of the requirements of Section 22.08.300 with respect to any modifications for which all of the following conditions apply:

1. Intensity of use will not be increased;
2. No additional off-street parking will be required; and
3. Adjacent property will not be adversely affected based on the standards in 22.08.300(h). {Ord 366, 7-20-19}

#### 22.08.310 PERFORMANCE GUARANTEES.

a. Required. To insure compliance with this Zoning Ordinance and any conditions imposed under this Zoning Ordinance, including conditions of the site plan approval, special approval, cluster development, planned development, and street access approval, the Village Council or Zoning Board of Appeals may require that financial security acceptable to the Village be deposited with the Village Clerk to insure faithful completion of improvements as defined in (b) below. The amount of the cash deposit, certified check, or irrevocable bank letter of credit shall cover the estimated cost of improvements associated with a project and other reasonable incidental costs associated therewith, for which approval is sought.

b. Improvements. "Improvements" means those features and actions associated with a project which are considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the Village and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, landscaping, parking, paving of parking and circulation areas, screening, drainage and other site improvements. "Improvements" does not include the entire project which is the subject of the approval.

c. Timing. The performance guarantee along with a detailed description and schedule of improvements to be completed shall be deposited with the Clerk prior to the issuance of a Certificate of Occupancy authorizing use of the activity or project.

d. Type. The applicant shall be required to provide the performance guarantee or financial security in one or a combination of the following arrangements, whichever the applicant elects.

1. Irrevocable letter of credit: An irrevocable letter of credit issued by a bank authorized to do business in Michigan in an amount to cover the cost of the contemplated improvements as estimated by the Village.

2. Escrow fund: A cash deposit, or deposit by certified check drawn on a bank authorized to do business in Michigan sufficient to cover the cost of the contemplated improvements as estimated by the Village shall be deposited with the Clerk. The escrow deposit shall be for the estimated time period necessary to complete the required improvements.

e. Rebate. In the case of cash deposits, the Clerk shall rebate or release to the applicant, as the work progresses, amounts equal to the ratio of the completed and accepted work to the entire project, after approvals described below.

f. Inspection and Certification. Private Improvements and Acceptance for Maintenance of Required Public Improvements.

1. Certification by the Building Department. The applicant shall furnish the Clerk a letter or document signed by the Building Department indicating satisfactory completion of the required improvements in accordance with the above description of improvements.

2. Inspection of Public Improvements by the Village Engineer or Building Department. After the completion of the construction of the required public improvements, the Engineer or Building Department, or the County, State or Federal agency with jurisdiction to grant approval or accept, shall conduct a final inspection and certify compliance with the above required improvements. This inspection shall be made to assure the improvements are completed according to the approved plans and specifications.

3. Partial Street. In no case shall acceptance of any partial street be made for maintenance.

g. Failure. In case the applicant shall fail to complete the required improvements work within such time period as required by the conditions or guarantees as outlined above, the Village Council may proceed to have such work completed and reimburse itself for

the cost thereof by appropriating the cash deposit or certified check, or by drawing upon the letter of credit.

h. The Village may require, prior to the acceptance by the Village of public improvements, a maintenance bond acceptable to the Village for a period of up to three (3) years in an amount not to exceed thirty-five percent (35%) of the total cost of the public improvements.

i. Subdivisions. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Subdivision Control Act, No. 288 of the Public Acts of 1967, as amended, being Section 560.101 to 560.293 of the Michigan Compiled Laws.

#### 22.08.320 SATELLITE ANTENNA REGULATIONS.

a. Permitted. Satellite antennae shall be permitted in all districts as an accessory use to a principal building.

b. Permit Required. The construction or placement of a satellite antenna shall not commence before a building permit is issued in accordance with this Ordinance.

c. Limitation. Only one (1) satellite antenna per lot shall be permitted.

d. Grounding. All such antennae shall be bonded to a grounding rod.

e. No satellite antenna shall be:

1. Located in any front yard open space or side yard open space.
2. Constructed closer to a lot line than five feet (5') including its base.
3. Linked physically or with any structure which is not on the same lot.
4. In excess of fifteen feet (15') above grade.



5. Supported by structural supports other than corrosion resistant metal.
6. Wired to a receiver except by wires located at least four inches (4") beneath the ground in a rigid conduit.
- f. Wind load. All such antennae shall be designed to meet wind load standards of the building code.
- g. Roofs. No satellite antenna shall be constructed upon the roof of any garage, residential dwelling, church, school, hospital or apartment building or any other commercial building or structure, nor shall they be mounted upon chimneys, towers, trees, poles or spires.
- h. Screening. All satellite antenna shall be screened from view of adjacent properties or public rights-of-way by a wall, berm, evergreen plantings, or a combination thereof.
- i. Glare. The surface of the antenna shall be painted or treated so as not to reflect glare from sunlight.

#### 22.08.330 COMMERCIAL VEHICLES IN RESIDENTIAL AREAS.

- a. Purpose. The purpose of restrictions on commercial vehicles is to preserve the health, safety and general welfare of persons and property in residential areas designed and utilized for single-family residential development by regulating the parking of certain large commercial vehicles which frequently are impediments to the ingress and egress of emergency and fire protection vehicles and equipment, which are frequently unsafe when operated on residential streets, and the noise, exhaust emissions and appearance of which tend to impair the health, safety and general welfare of the people of the Village of Beverly Hills.
- b. Residential Parking Prohibited. No commercial vehicle, as defined herein, shall be parked in a residentially zoned or used area unless parked in a fully enclosed garage. Provided, however, this provision shall not apply to commercial vehicles temporarily parked (less than eight (8) hours) in a residential area in conjunction with maintenance or service to a residential property. {Ord. 272, 8-24-94}

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

#### 22.08.340 ADULT REGULATED USES.

a. Intent and Rationale. In the development and execution of this Ordinance and this Section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable, operations characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effect upon adjacent areas. Special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting, deteriorating and/or down-grading of the area, and that area adjacent thereto. These special regulations are itemized in this Section. The Village Council is aware by the testimony and report adopted by reference of an experience planner regarding concentration of such uses that control or regulation is for the purpose of preventing a concentration of these uses in any one area, i.e., not more than one such use within seven hundred and fifty feet (750') of another such use.

It is further recognized in the development of this Ordinance that the prohibition against the establishment of more than one adult regulated use within seven hundred and fifty feet of (750') each other serves to avoid the clustering of a blighted or deteriorated area frequented by vagrants, and the like; such prohibition further serves to avoid the deleterious effects of blight and devaluation of both business and residential property values resulting from the establishment of Adult Regulated Uses (as defined in this Ordinance) immediately adjacent to residential neighborhoods; such prohibition further serves to prevent the deleterious effect of blight and devaluation of recreational, educational and/or religious uses.

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

b. "Adult Regulated Uses". Uses subject to the controls set forth in this Section shall be as follows, and are referred to herein as "Adult Regulated Uses":

1. Adult Book Store and/or Novelty Store
2. Adult Mini-Motion Picture Theatre
3. Adult Motion Picture Theatre
4. Cabaret
5. Massage Parlor
6. Modeling Studio

c. Prohibition. It shall be unlawful to establish any Adult Regulated Use without first obtaining approval from the Village Council as described within this Section (22.08.340).

d. Requirements:

1. The Adult Regulated Use shall be located only in an O-1 Office or B-Business District.

2. The structure of any Adult Regulated Use shall be at least seven hundred and fifty feet (750') from the nearest property line of any public, private or parochial school, library, park, playground or other recreational facility which admits minors, day-care center, or nursery schools; and at least seven hundred and fifty feet (750') from the nearest property line of any church, convent, monastery, synagogue, or other similar place of worship, except as provided below.

3. Application to establish any Adult Regulated Use shall not be approved if there is already in existence, or a site plan approved and effective for one or more Adult Regulated Use within seven hundred and fifty feet (750') of the boundaries of the site of the proposed Adult Regulated Use, except as provided below.

4. The measurement used to determine the application of any of the above restrictions shall be made from the nearest boundary line of the proposed Adult Regulated Use on a direct plane to the nearest boundary line of the use in connection with which the measurement is being taken.

e. Application and Review:

1. Any person desiring to establish an Adult Regulated Use shall submit an application for special approval to the Village Clerk, who shall place the application on the Village Council agenda for referral to the Planning Board.
2. A public hearing will be held by the Village Council. The Village Council may order a joint meeting with the Planning Board for input.
3. Notice of public hearing shall be published, mailed and delivered as required by Section 22.08.300 (b) and (c) of this Ordinance.
4. The Village Council shall approve the application at the public hearing if all of the following findings are made:
  - a. All locational requirements of this Section 22.08.340 (d) and (e) are met.
  - b. The site layout and its relation to access streets shall be such that vehicular and pedestrian traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be clearly hazardous, dangerous, or detrimental to the neighborhood. In applying this standard the Village Council shall consider, among other things: convenient routes for pedestrian traffic, the relationship of the proposed use to main vehicular traffic thoroughfares and to streets and road intersections, and the general and intensity of the existing and potential development of the neighborhood.
  - c. The proposed use will not clearly cause a nuisance, and/or harm the public health, safety and general welfare.
5. The Village Council shall waive the locational provision requiring minimum distances between Adult Regulated Uses and between Adult Regulated Uses and a public, private or parochial school, library, park, playground, or other recreational facility, which admits minors, day-care center or nursery school, church, convent, monastery, synagogue, or other similar place of worship, if all of the following findings are made after public hearing:

- a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed; and,
  - b. That the proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area; and,
  - c. That the establishment of an additional Adult Regulated Use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal; and,
  - d. That all applicable regulations of this Ordinance will be observed; and,
  - e. There is no other reasonable location in the Village at which the use is suited.
6. Prior to granting a permit for any Adult Regulated Use, the Village Council may impose any such conditions or limitations authorized by law in connection with the grant of special uses.
- f. Discontinuance. An Adult Regulated Use granted pursuant to the terms of this Ordinance may not be re-established after discontinuance for a period of ninety (90) consecutive days without a new grant of approval by the Village Council. {Ord. 299; 6-7-00}

**22.08.350 HOME OCCUPATIONS.** Home occupations, as defined herein, shall be permitted in all residential districts.

**22.08.360 ENCLOSURE OF ROOF APPLIANCES OR ACCESSORIES.** In all Zone Districts, roof appliances such as, but not limited to, cooling towers, air conditioners, heating apparatus, dust collectors, filters, transformers and any other a such appliance or apparatus, other than flag poles, chimneys for carrying products of combustion and radio antenna towers, shall be enclosed with opaque screens not less in height than the height of the highest appliance, as measured from the plane of the roof surface upon which the screen device is mounted to the top of the highest appliance. However, if the screening device is mounted on the top of the parapet or other part of the building facade which extends above the roof surface, the height of the parapet or

other part of the building facade extending above the roof surface and the screening device is equal to the height of the highest appliance, such walls may be lowered to permit passage of air for cross ventilation, but shall be adequate to totally screen such equipment from view. The design of the screening device shall be compatible with the architectural design of the building upon which it is located.

#### 22.08.370 GROUP DAY CARE HOMES AND CHILD CARE CENTERS.

a. Licensing: In accordance with applicable state laws, facilities shall be registered with or licensed by the appropriate state government departments and shall be required to be in continuing compliance with the standards outlined for such facilities.

b. Outdoor Play Area: For each person cared for in a facility there shall be provided and maintained a minimum of one hundred fifty (150) square feet of usable outdoor recreational area. The outdoor recreational play area shall be suitably fenced and screened from abutting residentially zoned or used land in accordance with SECTION 22.08.150. Outdoor recreational areas shall not be located in the front yard.

c. Location: No state licensed facility shall be located within fifteen hundred (1500) feet of another State licensed care facility regardless of community boundaries. Child care centers shall have at least one property line abutting a major thoroughfare, intermediate thoroughfare or collector street.

d. Off-Street Parking: Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use in accordance with SECTION 22.08.160. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the street.

e. Compliance with Zoning Ordinance: The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located. Child care centers shall have a minimum side yard setback of at least twenty-five (25) feet. {Ord 367, 7-20-2019}

**22.08.380 ADULT FOSTER CARE LARGE GROUP HOME, ADULT FOSTER CARE SMALL GROUP HOME FOR MORE THAN SEVEN RESIDENTS, CONGREGATE ADULT FOSTER CARE FACILITY.**

- a. **Location:** The proposed site shall have at least one property line abutting a major thoroughfare or intermediate thoroughfare and the site shall be so planned as to provide all ingress and egress directly onto or from said major thoroughfare or intermediate thoroughfare. No state licensed facility shall be located within fifteen hundred (1500) feet of another state licensed care facility regardless of community boundaries.
- b. **Compliance with Zoning Ordinance:** The proposed site and building shall be in full compliance with all yard and bulk regulations (including setback, lot size, and lot width regulations) for the district in which it is located.
- c. **Off-Street Parking:** Off-street parking shall be provided for any employees who are not residents of the home. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, a wall or landscaped screen shall be provided along the sides of the parking area adjacent to such residential land or use in accordance with SECTION 22.08.160.
- d. **Outdoor Area:** For each person cared for in a facility there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor recreational area. The recreational area shall be screened from any adjacent residential use in accordance with SECTION 22.08.150. Outdoor recreational areas must be located in the rear yard.
- e. **Conformance with State Regulations:** The facility shall meet all applicable requirements including licensing and certification requirements of the Michigan Department of Social Services and all other applicable local, county, state and federal regulations.
- f. **Loading/Unloading Areas:** The facility shall provide for safe loading and unloading of residents.

g. Concentration of Facilities: In considering whether to permit the establishment of a facility and/or the number of children that should be permitted in such a facility, the Village shall take into account the number of other existing facilities in the general area, regardless of community boundaries, and the potential overall impact on the neighborhood. {Ord. 252, 5-12-91}

22.08.410 SIDEWALKS OR BIKEWAYS. For all developments requiring site plan approval, either a new public sidewalk or bikeway, or the reconstruction of existing sidewalks or bikeways, shall be required to be constructed to Village standards for the perimeter of the lot which abuts a major, intermediate or collector street as defined in the Village Master Plan. New or reconstructed sidewalks or bikeways shall be aligned with existing or proposed sidewalks or bikeways.

22.08.420 ONE SINGLE-FAMILY DWELLING PER LOT. Except in the instance of cluster developments or condominium developments where a site plan is approved by the Village Council and except for lots used for education or religious institutions, not more than one (1) single-family dwelling shall be located on a lot as defined herein, nor shall a single-family dwelling be located on the same lot with another principal building. This provision shall not prohibit the lawful division of land.

22.08.430 KEEPING OF FARM ANIMALS AND OTHER ANIMALS. The keeping, raising, or breeding of animals including farm animals and non-domestic animals and reptiles (except domesticated cats, dogs, canaries, parakeets, parrots, gerbils, hamsters, guinea pigs, turtles, fish, rabbits and similar animals commonly kept as pets) shall be prohibited, and except as may be permitted by and under conditions imposed by the Zoning Board of Appeals.

22.08.440 LIGHT AND ILLUMINATION - RESIDENTIAL USES IN RESIDENTIAL ZONE DISTRICTS. All lighting for the external illumination of residential uses in a Residential Zone District such as homes, buildings or grounds, signs, off-street parking areas, outdoor recreation areas, playfields, swimming pools, tennis courts, nursing homes, and similar uses customarily incidental to a residential use shall be permanently directed within the lot it serves. Light sources shall be shielded in such a manner as to prevent glare toward adjacent uses and shall not adversely affect driver visibility on any public or private road. Building mounted lighting, shall be placed no higher than the maximum permitted building height for the district in which it is located. Pole mounted lighting shall not be placed higher than fourteen (14) feet above grade. In no



case shall more than one (1) footcandle power of light, as measured by a footcandle meter or appropriately calibrated photometer, cross any lot line at a height in excess of five (5) feet above ground level. Lighting requirements applicable to all other uses and districts are regulated in Section 22.09.050 LIGHTING {Ord. 252, 5-12-91}{Ord. 318, 9-7-04}

22.08.460 VEHICLE STORAGE, REPAIR AND SALE PROHIBITED. The following is prohibited in all residential districts:

a. The storage of an inoperable or unlicensed motor vehicle as defined in the State of Michigan Motor Vehicle Code, unless stored in compliance with SECTION 22.08.460(c).

b. The storage of any recreational vehicle as defined in this ordinance, except in compliance with SECTION 22.21.010.

c. The repair or maintenance of any vehicle which renders the vehicle inoperable for a period in excess of seventy-two (72) hours, unless:

1. The repair or maintenance activities are conducted entirely within an enclosed garage or other enclosed legal structure; and

2. The vehicle under repair is registered to the owner of the property.

d. The sale or offering for sale of a motor vehicle or recreational vehicle, unless all of the following conditions are met:

1. The vehicle is offered for sale by the registered owner of the vehicle who is a resident of the property;

2. Only one (1) vehicle is offered for sale by a resident within any consecutive six (6) month period; and

3. The vehicle offered for sale is parked or stored in a manner consistent with all Village ordinances. {Ord. 252, 5-12-91}

22.08.470 WIRELESS COMMUNICATIONS FACILITIES AND SERVICES

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

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

1. Allow the Village Council of the Village of Beverly Hills to regulate and restrict wireless communication facilities and services as principal permitted, accessory permitted, special approval, or prohibited land uses.
2. Allow the Village Council to establish predetermined zone districts of the number, shape, and in the location for the establishment of wireless communication facilities, subject to applicable standards and conditions.
3. Recognize that operation of a wireless communication system may, in the opinion of the applicant, require the establishment of facilities in locations not within the predetermined zone districts. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
4. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
5. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
6. Promote the public health, safety and welfare.

7. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.

8. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

9. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.

10. Facilitate adequate and efficient provision of sites for wireless communication facilities.

11. The Village Council of Beverly Hills finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

B. Definitions: For the purposes of this Section, the following definitions shall apply:

1. Attached Wireless Communications Facilities (antenna): Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

2. Colocation: The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

3. Wireless Communication Support Structures (tower): Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a support structure.

4. Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.

Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

#### C. Permitted Districts:

1. In the following circumstances, a new wireless communication facility shall be deemed a permitted principal use, subject to site plan review and the conditions set forth in Section D below, and if approved, constructed and maintained in accordance with the standards and conditions of this Section:

a. Attached wireless communication facility within all B, Business, O-1, Office, and PP, Public Property zoning districts, where the existing structure is not, in the discretion of the Village Council, proposed to be either materially altered or materially changed in appearance.

b. Colocation of an attached wireless communication facility which had been pre-approved for such colocation as part of an earlier approval by the Village of Beverly Hills.

c. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Village Council, would materially alter the structure and/or result in an impairment of sight lines or other safety interest.

d. A wireless communication support structure established within a right-of-way having an existing width of more than 204 feet.

2. New wireless communication support structures (excluding lattice towers) shall be deemed permitted uses after special approval within B, O-1, and PP zone districts, conditioned upon site plan and special land use review and approval. All wireless support structures are subject to the standards and conditions provided in D below, the application requirements specified in Section E below, and the general special land use approval procedures and standards specified in Section 22.08.300 Procedures and Standards for Principal Uses Permitted Subject to Special Conditions.

The Village Council may require that wireless communication facilities be of a design such as a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area.

D. Standards and Conditions Applicable to All Facilities: All applications to erect, construct, or modify wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Village Council in its discretion:

1. Public Health and Safety. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

2. Compliance with Federal, State, and Local Standards. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

3. Maximum Height for a New Wireless Communications Support Structure. The maximum permitted height of any new wireless communications support structures shall be 110 feet.

The height of the support structure shall be measured from the average grade surrounding the base of the support structure to the highest point of the highest proposed antennae or structure. At the discretion of the Village Council, all proposed towers shall be constructed to accommodate up to three providers or antenna.

The maximum height of 110 feet shall not apply when attached wireless communications facilities are proposed on an existing support structure which was not erected solely for the purpose of supporting wireless communications facilities (e.g. the SOCWA watertower).

4. Maximum Permitted Height of the Equipment Enclosure. The accessory building constructed to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

5. Minimum Setbacks. The setback of a new or modified support structure from any residential district shall be at least the height of the tower as measured to the highest point of the approved support structure and antenna. The setback of a new or modified support structure and accessory structures from any nonresidential district shall be the minimum required setback for principal buildings, as provided in the Schedule of Regulations, for the zoning district in which the support structure is to be located.

6. Minimum Distance Between Towers. At the time a proposal is submitted to the Village for a new wireless communications support structure, the location of other existing wireless communications support structures shall be provided, in accordance with Section E. The minimum distance between the proposed and existing wireless communications support structures shall be 220 feet.

7. Access. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

8. Division of Property. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

9. Equipment Enclosure. Where an attached wireless communication facility is proposed on the roof of a building or if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

10. Design Objectives. The support structure and all accessory buildings shall be designed to minimize distraction, reduce its visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. The Village Council shall have the discretion to require the use of a certain color, building material, or design element to ensure compatibility. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. No signs or logos visible from off-site shall be permitted on a support structure, with the exception of approved warning signs.

11. Landscaping/Fencing. The Village Council shall have the discretion to require landscaping to provide screening and aesthetic enhancement for the structure base and accessory buildings. The Village Council shall also have the discretion to permit or require fencing for protection of the support structure and security from children and other persons who may otherwise access facilities.

12. **Soil Conditions and Structural Integrity.** The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

13. **Written Notification to Potential Colocators.** Documentation that other service providers have been notified in writing of the proposed support structure shall be provided, in accordance with Section F below.

**E. Application Requirements:** All applications to erect, construct, modify any part of component of a wireless communications facility shall include the following:

1. A site plan prepared in accordance with Section 22.08.290, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping, and as-built drawings for all proposed attached wireless communications facilities and/or wireless communications support structures.
2. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
3. A disclosure of what is proposed, demonstrating the need for the proposed wireless communications support structure to be located as proposed based upon the presence of one or more of the following factors:
  - a. Proximity to a major thoroughfare.
  - b. Areas of population concentration.
  - c. Concentration of commercial or other business centers.



- d. Areas where signal interference has occurred due to buildings, masses of trees, or other obstruction.
  - e. Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
4. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives.
  5. The service area of the proposed wireless communications facility, and signal power expressed in Effective Radiated Power (ERP) upon which the service area has been planned. A propagation map shall be provided to illustrate this information.
  6. The nature and extent of the provider/applicant's ownership, easement, or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
  7. The identity and address of all owners and other persons with a real property interest in the property, buildings, or structure upon which facilities are proposed for placement, construction or modification.
  8. A map showing existing and known proposed wireless communications facilities within the Village of Beverly Hills, and further showing existing and known proposed wireless communications facilities within areas surrounding the borders of the Village which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same approximate height within a one-half (½) mile radius of the proposed site which could accommodate a feasible colocation of the applicant's proposed attached wireless communications facility.
  9. For each location identified on the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant / provider expected to exercise reasonable due diligence in attempting to obtain information prior to application:

a. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.

b. Whether property owner approvals exist or have been requested and obtained.

c. Whether the location could be used by the applicant/provider for placement of its attached wireless communications facility, or if not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communications services.

10. A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.

11. A description of the security to be posted at the time of receiving a building permit for the wireless communications support structure to ensure removal of the structure when it has been abandoned or is no longer needed, as provided in Section G below. The security, in the form of a surety bond, shall be a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Village in securing removal.

12. The Village Council shall have the discretion to require a detailed landscape plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening for the wireless communications support structure base, accessory buildings and enclosure.

13. The Village Council shall have the discretion to require the applicant to provide a visual simulation or rendering of the proposed support structure that illustrates the relationship between the height and the visual appearance of the structure. If required, the visual simulation shall be provided from two different perspectives and accurately depict the scale of the proposed structure in the context of the surrounding area.

14. The proposal shall be reviewed for conformity with the colocation requirements of Section F.

F. Colocation: It is the policy of the Village of Beverly Hills to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in Section A of this above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Village that all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Section A. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Village of Beverly Hills. The provisions of this Section are designed to carry out and encourage conformity with this policy.

1. Feasibility of Colocation. Colocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

a. The wireless communication provider entity under consideration for collocation will provide fair compensation for collocation.

b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

c. The collocation being considered is technologically feasible, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

d. The height of the structure necessary for colocation shall not exceed the maximum height identified under Section D above.

## 2. Requirements for Colocation.

a. A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.

b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.

c. The policy of the community is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible colocation, such facility shall be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Village of Beverly Hills, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Village of Beverly Hills for a period of 5 years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the 5 year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

3. Notification of Potential Colocators. In an effort to promote colocation, an applicant submitting a request to erect a new support structure shall be required to send a written notice to all current wireless communications providers licensed by the FCC within the Detroit SMSA. Copies of the notice letter shall be provided to the Village at the time the application is filed. If, during a period of thirty days after the notice letters are sent to potential colocators, a user or users request, in writing, to colocate on the proposed support structure, the applicant shall accommodate the request(s), unless colocation is not reasonably possible based on the criteria of this section.

#### G. Removal of Wireless Communications Facilities:

1. All providers with facilities within the Village shall notify the Village, in a timely manner, when a facility is no longer in operation.
2. All wireless communications providers with facilities in the Village of Beverly Hills shall be required to submit an annual status report to the Village that describes the current operational status of the facilities and any planned changes or modifications to the structure, site, or ownership, lease, or maintenance agreement.
3. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners.

Provisions for removal shall be made if the facility has not been used for 180 days or more. For purposes of this Section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

4. The situation in which removal of a facility is required, as set forth in paragraph (3) above, may be applied and limited to portions of a facility.
5. Upon the occurrence of the event requiring removal, specified in paragraph (3) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to its prior condition as reasonably determined by the Village Council.

6. If the required removal of a facility or a portion thereof has not been lawfully completed 60 days after the applicable deadline, and after at least 30 days written notice, Village of Beverly Hills may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the surety bond posted at the time application was made for establishing the facility. {Ord. 291, 5-16-98}

## 22.08.480 TEMPORARY OR SEASONAL ACCESSORY OUTDOOR SALES AND DISPLAY

a. Purpose. Temporary or seasonal accessory outdoor sales and display activities are subject to issuance of an administrative permit and the requirements of this section. It is the intent of this section to provide for such activities which are distinguished from permanent outside business activities. It is further the intent of this section to promote the health, safety, general welfare, aesthetics, and image of the Village by regulating such activities so as to:

1. Establish standards permitting a business established in the Village an opportunity to conduct temporary or seasonal outdoor sales and display;
2. Ensure that such activities do not create safety hazards by occupying required parking spaces, emergency access, or impede the efficient movement of pedestrians and vehicular traffic;
3. Provide standards and procedures for administrative review of such activities; and
4. Allow certain activities, while providing standards to ensure compatibility with the B Business District and adjacent properties.

b. Application for Permit. No person or entity shall engage in any such activity without a permit issued pursuant to this section.

1. Application for a permit shall be made by the property or principal business owner with the property owner's consent to the Administrative Office at least ten (10) business days prior to the date of the requested activity.

2. The submittal shall include all of the information required by paragraph (c) below.
3. The application shall be accompanied by a nonrefundable review fee which shall be imposed in accordance with the fee schedule established by the Village Council.

c. Required Information and Plans. The applicant shall provide the following information and plans:

1. A statement describing the proposed activity, including:

- i. the purpose of the activity;
- ii. the type of merchandise involved;
- iii. hours of operation;
- iv. duration of the activity, with a start and end date;
- v. number of employees involved;
- vi. any provisions for on-site security;
- vii. impacts on parking;
- viii. name of person or organization requesting permit;
- ix. authorization from the property owner (if not the same); and
- x. any other pertinent information required by the Administrative Office to fully evaluate the application.

2. A site plan, drawn to scale, for the property, which accurately represents existing conditions on the site, including building entrances and exits, and parking and driveway areas. The plan must also identify the boundaries of the proposed activity, along with any proposed temporary structures, including umbrellas, stands, and signs that may be associated with the request.

d. Procedure. The application will be processed as follows:

The Administrative Office shall review permit applications and shall determine if the proposal is in compliance with all applicable codes, ordinances, and the specific standards for such activities.

1. Upon finding the application meets all standards, the Administrative Office shall issue a permit to the applicant. Specific conditions to assure compliance with applicable codes, ordinances, and the standards in this section may be attached to the permit.

2. Determination of noncompliance with all standards shall be communicated to the applicant, who shall have up to five (5) business days from the date of notification to submit revised plans and/or information with which the Administrative Office is able to determine compliance. If the applicant does not provide necessary information with five (5) business days, the application shall be denied.

e. Criteria for Approval. Criteria for permit approval are listed below; however, the Administrative Office shall have the authority to modify or waive these requirements if determined to be unnecessary and in the best interest of protecting the public health, safety and welfare. The Administrative Office shall also have the authority to forward the application to the Planning Commission for their review and determination if deemed necessary.

1. The activity shall be clearly accessory to the principal use approved for the site. Only merchandise which is normally sold or stocked by the principal use shall be sold or displayed, provided that seasonal merchandise, such as plants, flowers and produce may be allowed.

2. The submittal shall demonstrate that adequate off-street parking for the principal use and the proposed activity will be provided for the duration of the activity. Determination of compliance with this requirement shall consider the nature of the activity and the applicable parking requirements of the Village. Consideration shall also be given to the parking needs and requirements of other occupants in the case of multi-tenant buildings. The activity shall not interfere with vehicular access to and from the property and shall maintain all necessary clearances for public safety purposes.

3. Property owner and tenant signatures are required to utilize the area in front of another tenant's space.



4. The activity must be consistent with other uses permitted in the zoning district. No use that is prohibited in a zoning district shall be allowed as a temporary outdoor sale.
5. No portion of any such activity shall be permitted within a required yard.
6. The height of materials displayed shall not exceed five (5) feet, unless placed adjacent to the principal building. The height of any accessory structure, such as a tent or canopy, shall not exceed fifteen (15) feet.
7. No such activity shall take place outside of the standard operating hours for the principal use. In the event of a twenty-four (24) hour business, the activity shall cease no later than 9:00 PM.
8. No such activity shall be permitted to include any external noise amplification (i.e. speakers and microphones or bullhorns).
9. Any lighting associated with such activity shall be in compliance with the standards of Section 22.09.050.
10. The Administrative Office may give consideration to any other factors deemed necessary to protect the health, safety and welfare of the Village and its residents.

{Ord. 343; 9-1-12}

**Share**

## **22.09 SITE DEVELOPMENT REQUIREMENTS**

22.09.010 INTENT. The Village of Beverly Hills recognizes that high quality and well-planned building and site design elements contribute to defining the sense of place in the Village of Beverly Hills. Consequently, this ordinance section was developed to ensure future development and redevelopment occurs in accordance with the following objectives:

- a. Promote quality site design and building architecture consistent with the predominant residential character of the Village.
  
- b. Promote an understanding that the changes in commercial sites that occur periodically may be small, but the cumulative impact over time could alter the Village's attractive physical character.

- c. Facilitate development and redevelopment, which strives for quality site design on individual parcels, in relation to their surroundings and the Village overall.
- d. Retain sensitivity to overall community design goals, while allowing creativity of site design.
- e. Instill a sense of "timelessness" in the Village so individual buildings are not identified with a specific era.
- f. Implement the objectives and guidelines of the Village's Site Development Handbook.
- g. Balance all the above objectives with the Village's commitment to support the continued vitality and daily operations of existing businesses.
- h. The control and treatment of stormwater runoff shall follow the requirements as adopted in Chapter 30 of the Village Code entitled "Surface Water Drainage & Illicit Discharge Control." {Ord. 384, 02-28-23}

**22.09.020 APPLICABILITY.** All proposals within the P-Parking, O-1 Office, and B-Business Districts and nonresidential uses in a Residential Zone District shall be reviewed and approved by the Village for compliance with the requirements of Section 22.09.

The extent the proposal must comply with these requirements is as follows:

- a. **New Construction Projects.** All new projects that involve construction of new buildings and associated parking and landscaped areas shall fully comply with the design standards of Section 22.09. Site Plan approval is also required in accordance with Section 22.08.
- b. **Façade Improvements.** Projects that involve only changes to building elevations under the following circumstances are subject to the following requirements: (1) if the elevation faces the front yard(s) of the site; or (2) if the elevation is visible to the general public from the side and/or rear yard by means of parking, circulation, or a public building entrance.

1. Minor Facade Improvements. Minor facade improvements to the exterior of the building shall mean minor improvements to the building that change its original appearance such as illumination, building material coverage, or design character. This shall not include daily repairs, common replacements, and building maintenance which are only subject to applicable building code requirements, not this ordinance. Minor façade improvements only require approval from the Building Official for compliance with subsection (a) and (b) below. The Building Official has the discretion to require review by the Planning Board when there is a question of interpretation for consistency with the intent of this ordinance.

(a) Building materials and colors must provide a balance between compatibility with the existing structure and the general intent and purpose of Section 22.09.030 Building Design.

(b) If the project involves changes to building mounted lighting, new fixtures shall comply with the requirements of 22.09.050, as applicable.

2. Major Facade Improvements. Major facade improvements shall mean facade improvements where building materials are changed in a manner that significantly alters the architectural design of at least one building elevation beyond minor façade improvements. These projects only require approval from the Planning Board for compliance with Section 22.09 and do not require site plan approval under Section 22.08.

a) Building materials must provide a balance between compatibility with the existing structure and the general intent and purpose of Section 22.09.030 Building Design.

b) All requirements of Section 22.09.040 a, b, c, f, h, i, and j (Landscaping) must be met.

c) Ten percent (10%) of the required plantings of Section 22.09.040 d, e, and g (Landscaping) are to be provided.

d) If the project involves changes to building mounted lighting, new fixtures shall comply with the requirements of 22.09.050, as applicable.

c. Expansions to Buildings. Expansion of a building shall meet the following minimum requirements. These projects require Site Plan approval in accordance with Section 22.08.

1. Less than twenty percent (20%) gross floor area expansion. Projects involving an expansion of less than twenty percent of the current gross floor area shall be required to comply with the following sub-sections:

(a) Building materials must provide a balance between compatibility with the existing structure and the general intent and purpose of Section 22.09.030 Building Design. Some upgrades to the existing structure may be required.

(b) Landscape standards of Section 22.09.040 a, b, c, f, h, i, and j must be met.

(c) Twenty percent (20%) of the required plantings of Section 22.09.040 d, e, and g (Landscaping) shall be provided.

(d) If the project involves changes to lighting, new fixtures shall comply with the requirements of 22.09.050, as applicable.

2. Between twenty percent (20%) and forty-nine percent (49%) gross floor area expansion.

(a) Building materials must provide a balance between compatibility with the existing structure and the general intent and purpose of Section 22.09.030. Some upgrades to the existing structure shall be required.

(b) Landscape standards of Section 22.09.040 a, b, c, f, h, i, and j must be met.

(c) Forty percent (40%) of the required plantings of Section 22.09.040 d, e, and g (Landscaping) shall be provided.

(d) If the project involves changes to lighting, new fixtures shall comply with the requirements of 22.09.050, as applicable.

3. Expanding the gross floor area fifty percent (50%) or greater. Projects involving an expansion that is fifty percent (50%) or greater of the current gross floor area shall be required to fully comply with the requirements of Section 22.09.

4. Cumulative expansions: The percentage of building expansion will be calculated cumulatively from the original floor area of the building as established on the effective date of this ordinance. For instance, if a building is expanded by fifteen percent (15%), then two (2) years later it is expanded by twenty percent (20%), then it must comply with upgrade requirements applicable to expansions of thirty-five percent (35%).

d. **Improvements Due to Destruction.** Should a structure be destroyed by any means (e.g. fire or weather) where replacement costs total sixty percent (60%) or less of the total value of the building (as established at the time of damage), improvements may be made without conforming to the requirements of Section 22.09 Site Development Requirements and Site Plan approval is not required.

**22.09.030 BUILDING DESIGN.** Architectural elevation drawings are required to be submitted for all site plans to confirm compliance with the following requirements for building design.

a. **Village Discretion.** The Village may waive strict compliance of Section 22.09.030 Building Design when the following qualities can be demonstrated.

1. The design and materials are found to be in keeping with the intended character of the Village.
2. The materials are found to be permanent and durable.
3. The design and materials are compatible with the type of use and development proposed.
4. The design and materials can easily be adapted to another use in the future.
5. The design and materials meet the intent of Section 22.09 Site Development Requirements as expressed in Section 22.09.010.
6. The project involves only interior expansion that does not affect the exterior appearance of the building.

b. **General Building Design Requirements.**

1. Building materials must be permanent and durable and shall be designed in a manner that promotes high quality architectural design and character.
2. Building colors shall not be a contrasting departure from surrounding building colors.
3. All entrance facades shall be of a finished quality.
4. Rhythm of openings, or the number and spacing of windows, shall not be disrupted for new construction or expansions.
5. New construction shall consider the scale and proportion, or the relationship of building height to width of existing structures in the area.
6. The most visible building elevations shall include windows and architectural

features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials.

7. Buildings shall be designed at a pedestrian scale with relationship to the street and sidewalk. A prominent and usable public building entrance shall be provided at the front of the building.

8. Canopies, such as over gasoline pumps, shall be designed consistent with approved building materials and colors. Support columns shall be brick or materials compatible with the principal structure. The Village may require a peaked roof to complement the principal building. Any canopy lighting shall be recessed in the canopy.

c. Long Walls. When building walls are one hundred (100) feet or greater in length, design variations must be applied to ensure that the building is not monotonous in appearance. Such variations include but are not limited to the following:

1. Recess and projections along the building facade.
2. Architectural details or features.
3. Enhanced ornamentation around building entryways.
4. Landscaping.
5. Streetscape elements.

d. Roof Design. As a part of building design, roofs shall be designed in keeping with the overall architecture of the building.

1. Asphalt, fiberglass, tile, copper, slate or cedar shingles are permitted and shall be heavily textured to indicate dimension. Standing seam metal roof systems shall be permitted only by special approval from the Village when it is demonstrated to be compatible with the residential character of the Village.

2. The following roof style elements are required:

(a) All roofs shall be mansard, gambrel, hip or gable roof styles. The slope of the roof shall not be less than 5 (rise) on 12 (run).

(b) Additional roofline treatments are encouraged and may be required by the Village in order to minimize the mass of the roof and in order to promote the residential character. These treatments include, but are not limited to offset rooflines, dormer

windows, cupolas, additional accent gables and covered entryways.

(c) Flat roofs may be permitted if accent treatments are provided along the top edge of the roofline as a cornice treatment.

3. Rooftop equipment shall be screened from view of adjacent properties and public rights-of-way. The method to screen rooftop equipment shall be compatible with the building through color, scale, materials, and architectural style. The Village may require cross-section details to confirm compliance.

#### 22.09.040 LANDSCAPING.

a. Landscape Plan Review. A separate detailed landscape plan shall be submitted as part of the approval process. The landscape plan shall demonstrate that all requirements of this Section are met and shall include the following information:

1. Planting plans shall be prepared by a registered landscape architect.
2. Illustrate location, spacing, species, and size of proposed plant material.
3. Confirm that each landscape standard is separately met on the plans.
4. Provide, where required by the Village, typical cross sections to illustrate views from adjacent land uses, and the slope, height, and width of proposed berms or landscape elements.
5. Identify trees and other landscape elements to be preserved.
6. Delineate the location of tree protection fence and limits of grading at the perimeter of areas that to be preserved.
7. Provide details to ensure proper installation and establishment of proposed plant material.
8. Identify grass areas and other methods of ground cover.
9. Identify a landscape maintenance program including a statement that all diseased, damaged or dead materials shall be replaced in accordance with requirements of this Section.

b. Minimum Planting. All plant material shall be hardy to Oakland County, be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Nurserymen. The minimum plant sizes shall be provided in accordance with the following:



### Plant Type Minimum Plant Size Minimum Spacing Requirements

Large Canopy Trees Three (3) inch caliper Twenty-five (25) ft on center

Ornamental Trees Two (2) inch caliper Six (6) ft height Fifteen (15) ft on center

Evergreen Trees Six (6) ft height Fifteen (15) ft on center

Large Deciduous Shrubs Two (2) ft height Four (4) - six (6) ft on center

Upright Evergreen Shrubs Two (2) ft height Three (3) - four (4) ft on center

#### c. General Planting.

1. Ornamental trees may be used to diversify planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.
2. Fractions of trees shall be rounded upward to the nearest whole number.
3. All areas of open space shall contain only living materials and planting beds with the exception of approved sidewalks, bike paths, signs, driveways, essential services, and detention ponds as dictated by site conditions. On redevelopment projects, the Village has the discretion to require installation of live materials in areas currently covered by concrete, asphalt, stone, gravel or other non-living materials to increase pervious surface and enhance the site.
4. Shrub plantings shall be designed to screen parking from being visible from the roadway or adjacent land uses, as necessary.
5. Canopy trees within the greenbelt shall be planted in a manner to create a formal, consistent tree canopy along the streetscape.
6. The overall landscape plan shall not contain more than thirty three (33%) of any one (1) plant genus to ensure a hardy mixture of species.
7. Plantings shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities and accessibility to fire hydrants.
8. All landscape areas shall be protected from vehicles or other types of encroachment by concrete curbing. Bumper stops, guard rails, bollards, or any other type of method shall not be permitted. On redevelopment projects where these treatments currently exist, removal is required.
9. Landscaping shall comply with Section 22.08.080 Obstructions to Vision on Corner Lots.

#### d. Street Trees.

1. Street trees are required along land abutting a public street, private street or access drive to serve as an obscuring screen, noise abatement, and visual enhancement along roadway corridors.
2. Street trees shall be planted at a rate of one (1) large canopy tree per thirty (30) linear feet, or fraction thereof, of the entire road frontage. The frontage calculation shall include any openings for driveways, sidewalks or easements with the number of trees.
3. Street trees shall be planted between the sidewalk and the roadway curb, within the right-of-way. If conditions prohibit planting in the right-of-way, trees shall be planted where feasible along the right-of-way line on the subject site.

e. Buffers.

1. In order to minimize the negative impacts of conflicting adjacent land uses, a planted buffer strip shall be required when any use in the Parking, Office, or Business District or a nonresidential use in a Residential Zone District abuts a Residential Zone District (R-A, R-1, R-1A, R-2, R-2A, R-3, and RM).
2. Buffer strips shall consist of two (2) canopy trees and four (4) shrubs, or one (1) evergreen tree, one (1) canopy tree and four (4) shrubs per thirty (30) linear feet along the property line.
3. At a minimum, the width of the buffer shall be fifteen (15) feet, measured from the property line.
4. The Village has the discretion to require a decorative screening wall within the buffer area in cases where it is determined the above referenced planting requirements are not sufficient to minimize incompatible land use impacts. In those cases, the wall shall comply with the following requirements:

- (a) Walls cannot extend into the required front setback.
- (b) Wall height shall not be less than four (4) feet nor more than six (6) feet.
- (c) Walls shall be constructed of the primary building material of the principal structure as determined by the Village. They shall be made of unpierced and reinforced poured concrete with false brick design or a capped brick wall, masonry brick or poured masonry decorative wall. Cement or slag blocks shall not be permitted.

f. On-Site Screening. On-site landscape screening is required to screen outside storage areas, mechanical equipment, loading and service bays, and similar operations in a manner acceptable to the Village.

g. **Parking Lots.** All parking, drive aisles, loading, and other paved ground surface areas used for vehicular parking shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. The following parking area landscaping is required.

1. Required parking area landscaping shall be placed within the parking lot surface and may also be provided along the edge of parking lot extending no more than ten (10) feet from the edge of the pavement provided it is located within the subject lot.
2. One (1) canopy tree shall be required for each 2,000 square feet of the total paved surface, including parking, drive aisles, and loading. At least two (2) parking lot trees shall be provided on each site.
3. At least one-third (1/3) of the required trees shall be placed within landscaped islands situated in the parking lot.
4. When visible from a street or access drive, screening shall be provided to shield views of parked cars from passing motorists and pedestrians in the form of a minimum three (3) foot tall hedgerow. Decorative treatment may be incorporated such as a combination of a hedgerow with tree clusters, or with a two and half (2.5) foot tall wood fence, brick wall or wrought iron fencing with brick pilasters.
5. When provided, landscape parking lot islands shall meet the following requirements:
  - (a) Each separate landscaped island shall be a minimum of one hundred and fifty (150) square feet in area.
  - (b) Each parking lot island shall be a minimum of ten (10) feet wide.
  - (c) The island shall be two (2) feet shorter than adjacent parking spaces.
  - (d) A minimum curve radius of five (5) feet is required.
  - (e) Each island shall contain at least one (1) tree.

h. **Waste Receptacles.** Garbage, rubbish, and similar refuse to be stored outside shall be stored within approved receptacles and situated in a centralized location(s) on the site. The waste receptacle and its enclosure shall comply with the following

## requirements:

1. A space for the location of a waste receptacle, including a dumpster or compactor, paved with a concrete pad, shall be provided.
2. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
3. The waste receptacle shall be located in a rear yard or interior side yard whichever has the least impact on adjoining uses and least visibility from the street and shall be clearly accessible to servicing vehicles.
4. The location of waste receptacles shall not conflict with on-site circulation of vehicles and trucks.
5. Waste receptacles shall be screened from view on all sides. Such screening shall consist on three (3) sides of a screening wall which is not less than six (6) feet in height or at least one (1) foot above the height of the enclosed waste receptacle, whichever is greater.
6. The screening wall shall replicate the primary materials of the building.
7. An opaque, lockable gate providing access shall also provide screening.

### i. Maintenance.

1. All required plant materials shall be planted prior to issuing a Certificate of Occupancy. A financial guarantee is required if the project is completed during a time of year when planting is impractical.
2. Tree stakes, guy wires, and tree wrap shall be removed after completion of the initial growing season.
3. All landscaped areas shall be provided with a source of irrigation.
4. The owner of the property shall be responsible for the regular maintenance of all landscaping. Landscaped areas and plant materials required by this Section shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance per the intent of the approved site plan. If any plant material required with an approved site plan dies or becomes diseased, it shall be replaced within thirty (30) days of receiving written notice from the Village or within an extended time period as specified in said notice.

j. Landscape Waiver. The Village may determine that conditions warrant a waiver from or modification of the landscaping provisions of Section 22.09.040. In making such determination, the Village may consider the following criteria:

1. Presence of existing natural vegetation
2. Topography
3. Existing wetland, floodplain and poor soils areas
4. Existing and proposed building placement
5. Building heights and views
6. Types and distance to adjacent land uses
7. Dimensional conditions unique to the parcel
8. Provision of adequate sight distances for motorists
9. Health, safety and welfare of the Village
10. Future land use proposed in the Village Master Plan
11. Drainage conditions
12. For existing building expansion projects, when strict compliance would hinder the ability to meet parking requirements for the site

22.09.050 LIGHTING. The intent of this subsection is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, requirements are imposed for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to 'sky glow'; reduce light pollution and light trespass from light sources onto adjacent properties; conserve electrical energy; and curtail the degradation of the nighttime visual environment.

a. Submittal Requirements. The following information must be included in the required site plan submission, as applicable to the project:

1. Location of all proposed and existing freestanding, building-mounted and canopy light fixtures on the site plan and building elevations;
2. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles);
3. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding;

4. Use of the fixture proposed; and
5. Any other information deemed necessary by the Building Official to determine compliance with provisions of this Section.

b. General Lighting Requirements. The following requirements apply to all pole-mounted and building mounted exterior lighting.

1. Exterior lighting fixtures shall be fully shielded and directed downward to prevent off-site glare. Further, the design and size of such fixtures shall be compatible with the architecture of the building.
2. The intensity of light within a site shall not exceed ten (10) footcandles or one (1) footcandle at any property line, except where the site abuts a residential district or use whereby a maximum of only 0.5 footcandles at any property line is permitted.
3. Metal halide fixtures, or other fixture type that reflects similar illumination, shall be used in an effort to maintain a unified lighting standard throughout the Village and prevent 'sky glow.'
4. The Village may require decorative light fixtures as an alternative to shielded fixtures where it will be compatible with the Village character.
5. The maximum height of pole-mounted light fixtures shall be fourteen (14) feet measured from the finished grade of the parking lot to the top of the fixture. The Village may allow a taller fixture.
6. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, such as along the roofline and eaves, around windows, etc.

c. Miscellaneous Lighting Requirements. The following lighting requirements apply to other types of lighting that may be proposed either interior or exterior to the site.

1. Any light fixtures visible through a window must be shielded to prevent glare at the property line.
2. Luminous tube (includes neon) and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of Section 22.32 Signs.
3. The internal illumination of building-mounted canopies is prohibited.
4. Indirect illumination of signs, canopies, window displays and buildings is permitted provided there is no glare.
5. The use of laser light source, searchlights or any similar high intensity light for

outdoor advertisement or entertainment is prohibited.

6. Lighting shall not be of a flashing, moving or intermittent type (see also regulations applicable to digital messages, Section 22.32).

**22.09.060 ACCESS MANAGEMENT REQUIREMENTS.** These standards are intended to preserve the capacity of the street system and to minimize potential for traffic collisions, in balance with the need to provide reasonable access to properties. Commercial driveways or driveways, referred to in this section, shall include driveways serving any nonresidential use as applicable to these Site Development Requirements.

a. **Location in General.** Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade. Driveways and association access features, such as radii, right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Village.

b. **Number of Driveways.** Access to a parcel shall consist of either a single two-way driveway or a pair of one-way driveways where one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements. Other circumstances may require the following:

1. Where a parcel has frontage along two (2) streets, access shall be provided only along the street with the lower average daily traffic volume, unless the Village determines this would negatively affect traffic operations or surrounding land uses.
2. Where the property has continuous frontage of over three hundred (300) feet, the Village may allow an additional access point.

c. **Driveway Spacing from an Intersection.** Minimum spacing requirements between a proposed driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but in no instance shall be less than the distances listed below. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.

Location of Driveway Minimum Spacing for a Full Movement Driveway Minimum Spacing for a Channelized Driveway Restricting Left Turns

Along major roadways\* intersecting street is a major roadway 150 feet 95 feet

Along major roadways intersecting street is not a major roadway 100 feet 75 feet

Along other Roads 75 feet 50 feet

\* Major roadways include 14 Mile Road, 13 Mile Road, Lahser Road, Evergreen Road, Southfield Road, and Greenfield Road

d. Minimum Spacing between Driveways. Minimum spacing between two commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum dimensions indicated below are measured from each driveway's centerline

Posted Speed Limit (MPH) Minimum Driveway Spacing (in feet)

25 130

30 185

35 245

40 300

45 350

50 and higher 455

e. Modification of Standards. Given the existing built conditions through much of the Village, the standards above may be modified by the Village on a case-by-case basis depending upon analysis of existing and expected traffic operations, and restrictions imposed by current development or site conditions.

f. Shared Access System. The Village may require a shared access system where it is determined to have a beneficial impact on traffic operations and safety. This determination shall be based on the expected traffic patterns, existing traffic conditions and the feasibility for shared access. This shared access system could involve a shared driveway, connections of parking lots or a drive connecting two or more lots or uses, access from a side street, a shared driveway or service road connecting two or more properties or uses. In such cases a shared access agreement shall be provided to the Village.



**22.09.070 GENERAL SITE DESIGN REQUIREMENTS.** In addition to the specific requirements, the following are required:

- a. Construction of new or expanded off-street parking areas shall be located in the side or rear yard, where practical. Front yard parking shall be screened as set forth in Section 22.09.040 (g).
- b. Loading and unloading and other types of service areas shall be located in the rear yard and shall not conflict with vehicular circulation. Where it is visible from a residential district, additional screening may be required by the Village in addition to the required screening of Section 22.09.040 (e).
- c. To the extent feasible, new building construction or expansions shall provide a building close to the front lot line, with no front yard parking, at the same time complying with the minimum front yard setback of the district.
- d. Visible utility lines and equipment detract from the aesthetics of a site. Therefore, where feasible, new on-site utility lines shall be installed underground and existing on-site utility lines shall be buried. The location of ground mounted equipment shall ensure the least visible impact and shall be screened in accordance with Section 22.09.040 (f).
- e. Sidewalks or bikepaths are required in accordance with Section 22.08.410. Internal pedestrian circulation shall also be provided on for all sites. This shall be in the form of the following:
  1. An internal sidewalk is required between the public sidewalk and the front entrance to the building. Where parking is located between the building and the public sidewalk, other methods shall be required to ensure a safe pedestrian system such as cross walk striping.
  2. Other internal walkways shall be required to allow people to move safely through the parking areas, as determined by the Village. {Section 22.09 added by Ord. 318, 9-7-04}

**22.09.080 MAINTENANCE AGREEMENTS.** A maintenance agreement shall be required for all vegetative and structural best management practices (BMPs) to be constructed on site. {Ord. 353; 11-18-14}

Share



# 22.10 PP-PUBLIC PROPERTY DISTRICT

## 22.10.010 STATEMENT OF PURPOSE

The intent of the PP-Public Property District is to provide a district wherein community services and facilities may be optimally located with respect to providing public service within the Village.

## 22.10.020 PERMITTED PRINCIPAL USES

In the PP District, no uses shall be permitted unless otherwise provided in this Ordinance, except the following:

<b>Principal Uses</b>	
<b>Recreational</b>	
Public indoor recreation areas, community recreation centers, swimming pools, and similar	
Public parks or open space, outdoor recreation areas, playgrounds and ballfields, public gardens, and fountains	
<b>Civic</b>	
Municipal and other governmental buildings such as village/ township/state/county/federal offices, post offices, public museums and libraries, memorials and monuments, and community centers, but not including publicly owned and operated warehouses, garages, or storage yards	
Art galleries, private libraries or museums, or similar	
Churches, temples, and similar places of worship, including living quarters for the church ministry or other members of a religious order who primarily carry out their duties on site	
<b>Parking</b>	
Any permitted principal use in P-Parking Zone District	In accordance with  Section 22.28
<b>Accessory Uses</b>	

Temporary or seasonal accessory outdoor displays	In accordance with  Section 22.08.480
Any permitted accessory uses in P-Parking Zone District	
Church or religious accessory uses and accessory structures such as day care centers, auditoriums, parish centers, athletic or recreational facilities, and similar	Each use or structure shall be subject to separate approval
Any use that is customarily incidental to permitted principal use	

{Ord. 374, 1-21-20}

**SECTION 22.10.030 PERMITTED USES AFTER SPECIAL APPROVAL**

The following uses may be permitted, subject to the conditions imposed in SECTION 22.08.300 and subject further to the approval of the Village Council:

<b>Permitted Uses after Special Approval</b>	
<b>Civic</b>	
Municipal and other governmental buildings which generate truck traffic or include outside storage, garages, or warehouses	
<b>Utility Facilities</b>	
Essential public service utility buildings such as telephone exchange buildings, electric transformer stations and substations, gas regulator stations	

Water towers	
Cemeteries	
<b>Recreational</b>	
Private, noncommercial indoor recreation areas, recreation centers, swimming pool clubs, and similar	
Private, noncommercial outdoor recreation areas, playgrounds and ballfields, and similar	
<b>Accessory Uses</b>	
Permanent accessory outdoor displays or storage	
Front open space parking	

{Ord. 374, 1-21-20}

**22.10.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS**

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Section 22.24, Schedule of Regulations - PP-Public Property District.

**22.10.050 SITE PLAN REVIEW**

Site plan review requirements are as provided in Section 22.08.290.

Share



## **22.14 R-A, R-1, R-1A, R-2, R-2A, R-2B, AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS**

22.14.010. STATEMENT OF PURPOSE. The single-family residential districts are established as districts in which the principal use of land is for single-family dwellings, but with each district having different minimum lot sizes to encourage differing development character and densities. For these residential districts, in promoting the general purpose of this Section, the specific intent of this section is:

a. To permit the construction of, and the continued use of the land for single-family dwellings; and

b. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.

SECTION 22.14.020 PERMITTED PRINCIPAL USES. In the RA, R-1, R-1A, R-2, R-2A, R2-B and R-3 districts no uses shall be permitted except the following: {Ord. 326, 10-27-07}

<b>Principal Uses</b>	
<b>Residential Dwellings</b>	
Single-family detached dwellings	
<b>Child Care</b>	
Family day care home and group day care home	In accordance with  Section 22.08.370
<b>Parking</b>	
Public off-street parking in connection with a permitted principal use	In accordance with  Section 22.28
<b>Accessory Uses</b>	
Accessory buildings and uses customarily incidental to permitted principal use such as a garage or shed, or private greenhouse	



Private swimming pools and similar facilities for single family use	
Fences, walls, and privacy screens	In accordance with  Section 22.08.150
Permitted signage	In accordance with  Section 22.23
Home occupations	In accordance with  Section 22.04

{Ord. 252, 5-12-91} {Ord. 373, 1-21-20}

**22.14.030 PERMITTED USES AFTER SPECIAL APPROVAL.** The following uses may be permitted in RA, R-1, R-1A, R-2, R-2A, R-2B and R-3 zoning districts, subject to the conditions imposed in SECTION 22.08.300 and subject further to the approval of the Village Council: {Ord. 326, 10-27-07}

<b>Permitted Uses with Special Approval</b>	
<b>Civic</b>	
Public utility buildings and essential public services such as telephone exchange buildings, electric transformer stations and substations, and gas regulator stations	Operational requirements must necessitate their location in the district to serve the immediate vicinity

<p>Churches, temples, and similar places of worship, including living quarters for the church ministry or other members of a religious order who primarily carry out their duties on site</p>	
<p>Church or religious accessory uses and accessory structures such as day care centers, auditoriums, parish centers, athletic or recreational facilities, and similar</p>	<p>Each use or structure shall be subject to separate special approval</p>
<p>Municipal and other governmental buildings such as village/ township/state/county/federal offices, post offices, public museums, libraries and community centers, but not including publicly owned and operated warehouses, garages, or storage yards</p>	
<p><b>Recreational</b></p>	
<p>Community groups or private social clubs such as Knights of Columbus, Veterans of Foreign Wars, Kiwanis, or similar</p>	
<p>Private, noncommercial indoor recreation areas, recreation centers, swimming pool clubs, and similar</p>	
<p><b>Education</b></p>	
<p>Non-profit schools, private or parochial, including latch-key and similar accessory programs</p>	
<p>Non-profit schools, private or parochial, related accessory uses and structures such as schools, day care centers, auditoriums, parish centers, athletic or recreational facilities, and similar uses.</p>	<p>Each use or structure shall be subject to separate special approval</p>

<b>Accessory Uses</b>	
Public off-street parking in connection with uses permitted by special land use approval	In accordance with  Section 22.28

{Ord. 252, 5-12-91} {Ord. 367, 7-20-19} {Ord. 373, 1-21-20}

**22.14.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.** Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Section 22.24, Schedule of Regulations - Residential Districts.

**22.14.050 SITE PLAN REVIEW.** Site plan review requirements are as provided in Section 22.08.290.

**Share**

# **22.16 R-M MULTIPLE FAMILY RESIDENTIAL DISTRICT**

## **22.16.010 STATEMENT OF PURPOSE**

The R-M Multiple-Family Residential District is designed primarily for multiple-family dwellings. It is designed to promote a harmonious mixture of multiple-family uses in a basically residential environment and also to provide a buffer between single-family residential and commercial uses.

## **22.16.020 PERMITTED PRINCIPAL USES**

In the R-M district, no uses shall be permitted unless otherwise provided in this section, except the following:

<b>Principal Uses</b>	
<b>Residential</b>	
Multi-family dwellings, attached or detached, such as duplexes, townhomes, apartments, or similar	
<b>Child Care</b>	
Family day care home and group day care home	In accordance with  Section 22.08.370
<b>Recreational</b>	
Private indoor recreation areas or recreation centers, swimming pools, and similar facilities	
Private open space and passive outdoor recreation areas, public gardens, and fountains	
<b>Parking</b>	
Any permitted principal use in P-Parking Zone District	In accordance with  Section 22.28
<b>Accessory Uses</b>	

Home occupations	In accordance with  Section 22.04
Greenbelt	In accordance with  Section 22.24
Any permitted accessory uses in P-Parking Zone District	

{Ord. 367, 7-20-19} {Ord. 371, 1-21-20}

**22.16.030 PERMITTED USES AFTER SPECIAL APPROVAL**

The following uses may be permitted in the R-M zoning district subject to the conditions imposed in Section 22.08.300 and subject further to the approval of the Village Council:

<b>Permitted Uses with Special Approval</b>	
<b>Child Care</b>	
Child care center, Preschool, Daycare	In accordance with  Section 22.08.370
<b>Adult Foster Care</b>	

Adult foster care, small group home	In accordance with  Section 22.08.370
Adults foster care, large group home	
Congregate adult foster care facilities	
<b>Health Care and Medical</b>	
Nursing home and convalescent centers	
<b>Accessory Uses</b>	
Masonry wall, up to six (6) foot high, in lieu of a greenbelt	In accordance with  Section 22.24, (h)

{Ord. 252, 5-12-91} {Ord. 367, 7-20-19} {Ord. 371, 1-21-20}

**22.16.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS**

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Section 22.24. Schedule of Regulations-Multiple-Family Residential District.

**22.16.050 SITE PLAN REVIEW**

Site plan review requirements are as provided in Section 22.08.290.

**Share**

## **22.18 P-PARKING DISTRICT**

### **22.18.010 STATEMENT OF PURPOSE**

The P-Parking District is intended to permit the establishment of areas to be used solely for off-street vehicular parking of private passenger cars only. This district is also designed to afford maximum protection to adjacent residential areas by providing appropriate masonry walls and landscaping and well-designed parking lot facilities.

### **22.18.020 PERMITTED PRINCIPAL USES**

In all P-Parking Districts no land shall be used, and no building shall be hereafter erected, converted or structurally altered for any use other than:



<b>Principal Uses</b>	
<b>Parking</b>	
Public off-street parking facilities for the parking of self-propelled motor vehicles for periods not to exceed twenty-four (24) hours at any one time, provided there shall be no business use transacted on or within the parking area	In accordance with  Section 22.28
<b>Accessory Uses</b>	
Masonry walls, landscaping, fences, and similar screening	
Permitted signage	In accordance with  Section 22.23

{Ord. 372, 1-21-20}

**22.18.030 PERMITTED USES AFTER SPECIAL APPROVAL**

The following uses may be permitted subject to the conditions imposed in Section 22.08.300 and subject further to the approval of the Village Council:

<b>Permitted Uses with Special Approval</b>
<b>Utility</b>

Public utility buildings and essential public services such as telephone exchange buildings, electric transformer stations and substations, and gas regulator stations	Operational requirements must necessitate their location in the district to serve the immediate vicinity
------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------

{Ord. 372, 1-21-20}

### 22.18.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Section 22.24, Schedule of Regulations - P-Parking District.

### 22.18.050 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 22.08.290.

Share



## 22.20 0-1 OFFICE DISTRICT

22.20.010 STATEMENT OF PURPOSE. The 0-1 Office District is designed to accommodate office uses, sales-office uses and basic personal services characteristically provided to service office areas.

22.20.020 PERMITTED PRINCIPAL USES. In the 0-1 Office District no uses shall be permitted unless otherwise provided in this section, except the following:

<b>Principal Uses</b>
<b>Recreational Uses</b>

Community groups or private social clubs such as Knights of Columbus, Veterans of Foreign Wars, Kiwanis, or similar	
Public open space such as common greens or plazas, public passive recreation areas, public playgrounds, and public gardens or fountains	
<b>Civic</b>	
Municipal and other governmental buildings such as village/ township/state/county/federal offices, post offices, public museums, libraries and community centers, but not including publicly owned and operated warehouses, garages or storage yards	
Art galleries, private libraries or museums, or similar	
Churches, temples, and similar places of worship, including living quarters for the church ministry or other members of a religious order who primarily carry out their duties on site	
<b>Health Care and Medical</b>	
Medical offices, urgent care facilities, or clinics up to 15,000 square feet of gross floor area	
Veterinary clinics or hospitals and related offices	
<b>General Office</b>	

<p>Offices up to 15,000 square feet of gross floor area which do not entail the on-site sale, lease, processing, or servicing of personal property such as advertising, accounting/bookkeeping, architectural, attorney/legal services, engineering, employment, real estate, secretarial, or any similar use</p>	
<p>Offices of non-profit professional, civic, social, political, and religious organizations</p>	
<p>Studios of photographers and artists</p>	
<p>Contractor offices and buildings up to 15,000 square feet of gross floor area with storage of equipment and machinery on  only indoors</p>	
<p><b>Parking</b></p>	
<p>Any permitted principal use in P-Parking Zone District</p>	<p>In accordance with  Section 22.28</p>
<p><b>Accessory Uses</b></p>	
<p>Temporary or seasonal accessory outdoor sales and displays</p>	<p>In accordance with  Section 22.08.480</p>
<p>Any permitted accessory uses in P-Parking Zone District</p>	

Church or religious accessory uses and accessory structures such as day care centers, auditoriums, parish centers, athletic or recreational facilities, and similar	Each use or structure shall be subject to separate approval
---------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------

{Ord. 376, 1-21-20}

22.20.030 PERMITTED USES AFTER SPECIAL APPROVAL. The following uses may be permitted subject to the conditions imposed in Section 22.08.300 and subject further to the approval of the Village Council:

<b>Permitted Uses with Special Approval</b>	
<b>Child Care Uses</b>	
Child care center, Preschool, Daycare	In accordance with  Section 22.08.370
<b>Health Care and Medical</b>	
Medical offices, urgent care facilities, or clinics over 15,000 square feet of gross floor area	
Hospitals	
Animal shelters and animal day care facilities	
<b>General Office</b>	
Any permitted office use over 15,000 square feet of gross floor area which do not entail the on-site sale, lease, processing, or servicing of personal property	

Banks and similar financial institutions, with or without drive-up service or teller machines	
Standalone drive-up teller machines	
Personal service, retail, and restaurants within an office	
<b>Utility</b>	
Public utility buildings and essential public services such as telephone exchange buildings, electric transformer stations and substations, and gas regulator stations	Operational requirements must necessitate their location in the district to serve the immediate vicinity
<b>Adult Regulated Uses</b>	
Any adult regulated use, as defined in Section 22.04	In accordance with Section 22.08.340
<b>Accessory Uses</b>	
Permanent accessory outdoor sales, displays, or storage	
Front open space parking	
Accessory drive-up services not listed	

{Ord. 376, 1-21-20}

22.20.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Section 22.24, Schedule of Regulations - Office District.

**22.20.050 SITE PLAN REVIEW.** Site plan review requirements are as provided in Section 22.08.290.



Share



# **22.21 PARKING AND/OR STORAGE OF CONVEYANCES OTHER THAN LICENSED PRIVATE PASSENGER CARS OR VEHICLES**

## **22.21.010 STATEMENT OF PURPOSE**

From and after June 1, 1980, parking and/or outside storage of any conveyance for use on land, in the air or on the water, other than licensed private passenger cars or vehicles shall be prohibited in all residential and B-1 zoning districts except as herein permitted.

a. Definitions:

1. Licensed Private Passenger Car or Vehicle: Any vehicle for which the principal purpose is transportation of people on streets and highways. Such classification shall not include recreational vehicles as defined in paragraph below nor shall it include any conveyance, equipment or vehicle the primary purpose of which is other than the transportation of people on streets and highways.

2. Recreational Vehicles: Boats, boat trailers and any vehicle equipped for camping, sleeping or living purposes or any part thereof. The classification includes mobile homes, campers, truck campers, camper trailers and motor homes.

b. Exceptions:

1. Any recreational vehicle bearing a current license plate and owned by and titled to an occupant of a residential dwelling may be parked and/or stored in the rear open space of such residence not less than ten feet (10') from the rear lot line when abutting a residential dwelling and not less than five feet (5') from any side lot line which abuts a residential dwelling and not less than twenty-five feet (25') or the equivalent of the side setback of the principal building, whichever is least, when abutting an adjacent side street.

2. Any recreational vehicle as defined in this ordinance may be parked on a driveway for purposes of loading and/or unloading for a total of not more than six (6) day (one hundred forty-four hours [144]) during any one calendar month; provided, however, that each loading and/or unloading period shall not exceed three (3) consecutive days (seventy-two [72] hours).

3. Any vehicle designed for use on streets and highways may be parked in the driveway of a residence if it is the sole means of transportation to and from work for one or more occupants of such residence notwithstanding the fact that it may not be a Licensed Private Passenger Vehicle.

4. No recreational vehicle as defined in this ordinance shall be used for living purposes within the Village of Beverly Hills or shall be connected to the sewer or water system of the Village.

5. Upon special permit first obtained from the building inspector, a recreational vehicle undergoing repair or a recreational vehicle offered for sale without advertisement or sign on vehicle or recreational vehicle owned by a non-occupant of the dwelling may be parked in the front yard for not exceeding a one (1) week period.

**Share**

## **22.22 B-BUSINESS DISTRICT**

### **22.22.010 STATEMENT OF PURPOSE**

The B-Business District is intended to permit retail business and service uses which are needed to serve the residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare or heavy truck traffic. The intent of this district is also to encourage the concentration of shopping areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations.

### **22.22.020 PERMITTED PRINCIPAL USES**

In the B-Business District no uses shall be permitted unless otherwise provided in this section, except the following:

<b>Principal Uses</b>	
<b>Child Care</b>	
Child care center, preschool, commercial daycare	In accordance with  Section 22.08.370
<b>Recreational</b>	
Indoor health clubs, fitness centers, gyms and aerobic clubs	
Motion picture theaters	
<b>Civic</b>	
Churches, temples, and similar places of worship, including living quarters for the church ministry or other members of a religious order who primarily carry out their duties on site	
<b>Education</b>	
Vocational and technical training facilities	
Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, or similar	
<b>Health Care</b>	

Any permitted principal health care use in the O – Office District	
<b>General Office</b>	
Any permitted general office use in the O – Office District	
Business services such as mailing, copying, data processing, and retail office supplies	
<b>Retail</b>	
Retail uses up to 25,000 square feet of gross floor area	
Retail sales of goods assembled, manufactured, compounded, processed, packaged or treated from previously prepared materials, or repaired or stored on the premises	
Service establishment of an office, showroom, or workshop nature such as an electrician, decorator, seamstress/tailor, baker, painter, upholsterer, appliance repair, photographic reproduction, or similar that requires a retail adjunct	
Indoor retail sales and storage of building and lumber supplies, home improvement items, and similar materials	
<b>Service</b>	
Dry cleaning drop-off without drive-up service	
<b>Laundromats</b>	

Personal and business service establishments performing services on the premises including seamstress/tailor, shoe repair, tanning salons, beauty parlor, barber shop, tattoo parlor, massage, skin care, or similar	
Personal service, retail, and restaurants within an office	
Tool and equipment rental, excluding vehicles	
<b>Restaurants</b>	
Restaurants and coffee shops without drive-thru or drive-in	
Restaurants, bars, and microbreweries serving alcoholic beverages	
Restaurants and coffee shops with carry-out service or open front windows	
<b>Parking</b>	
Any permitted principal use in P-Parking Zone District	
<b>Accessory Uses</b>	
Temporary or seasonal accessory outdoor sales and displays	In accordance with  Section 22.28
Any permitted accessory uses in P-Parking Zone District	

<p>Any use that is customarily incidental to permitted principal use</p>	<p>In accordance with  Section 22.08.480</p>
<p>Retail uses may be permitted one (1) exterior convenience item, such as ice chest, vending machine, propane storage, provided the items are clearly related and accessory to the principal use.</p>	
<p>Church or religious accessory uses and accessory structures such as day care centers, auditoriums, parish centers, athletic or recreational facilities, and similar</p>	
	<p>Allowable per Administrative approval upon finding the items cannot be located inside the building and located adjacent to the principal building in a manner that does not block or disrupt pedestrian or vehicular circulation, or endanger the public health, safety, and welfare.</p>
	<p>Each use or structure shall be subject to separate approval</p>

{Ord. 343; 9-1-12} {Ord. 375; 1-21-20}

**22.22.030 PERMITTED USES AFTER SPECIAL APPROVAL**

The following uses may be permitted subject to the conditions imposed in Section 22.08.300 and subject further to the approval of the Village Council:



<b>Permitted Uses after Special Approval</b>	
<b>Civic</b>	
Bus passenger stations, not including terminals	
<b>Recreational Uses</b>	
Outdoor commercial or private recreation, recreation centers including amusement parks, batting cages, or go-cart tracks	
Miniature golf courses	
Public arenas or stadiums	
Indoor commercial recreation (skating, bowling, soccer, dance academies, arcades, indoor shooting/archery ranges, indoor golf including golf dome)	
<b>Health Care and Medical</b>	
Any use permitted with Special Approval in the O – Office District	
<b>General Office</b>	
Any use permitted with Special Approval in the O – Office District	
<b>Retail</b>	
Retail uses over 25,000 square feet of gross floor area	

Drive-thru windows accessory to any of the retail uses	
Nurseries, home improvement supplies, and similar outdoor retail sale of vegetation, supplies, and equipment	
Commercial outdoor display, sales, and/or storage of lumber, building supplies, and similar materials.	
<b>Service</b>	
Dry cleaning drop-off with drive-up service	
Funeral home and mortuary establishments	
Open air businesses	
Hotel/motel, including accessory convention or meeting facilities and restaurants	
Indoor mini-storage and self-storage facilities	
<b>Restaurants</b>	
Restaurants and coffee shops with drive-thru or drive-in service	
Restaurants, bars, and microbreweries serving alcoholic beverages that provide dancing and/or live music	
Banquet halls	
<b>Auto Service</b>	

<p>Auto and gasoline filling stations, including up to two (2) exterior convenience item, such as ice chest, vending machine, propane storage, provided the items are clearly related and accessory to the principal use.</p>	<p>Exterior convenience items are allowable per Administrative approval upon finding the items cannot be located inside the building and located adjacent to the principal building in a manner that does not block or disrupt pedestrian or vehicular circulation, or endanger the public health, safety, and welfare.</p>
<p>Automobile repair establishments including accessory retail of new auto parts</p>	<p>Salvage yards and tire stores are not included</p>
<p>Automobile, motorcycle, boat, and recreational vehicle sales, new and used</p>	
<p>Automobile or truck and trailer leasing and rental</p>	
<p>Automobile wash, automatic or self-serve</p>	<p>Shall be fully enclosed in a building</p>
<p><b>Adult Regulated Uses</b></p>	
<p>Any adult regulated use, as defined in Section 22.04</p>	<p>In accordance with  Section 22.08.340</p>
<p><b>Accessory Uses</b></p>	

Any use permitted with Special Approval in the O – Office District	
--------------------------------------------------------------------	--

{Ord. 343; 9-1-12} {Ord. 375; 1-21-20}

### 22.22.040 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Section 22.24, Schedule of Regulations - B-Business District.

### 22.22.050 SITE PLAN REVIEW

Site plan review requirements are as provided in Section 22.08.290.

**Share**

## **22.23 VILLAGE CENTER OVERLAY DISTRICT**

### **22.23.1 AUTHORITY**

Pursuant to authority granted in Section 125.3503 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), this Overlay District is written to permit flexibility in the regulation of land development in the Beverly Hills Village Center as needed to achieve the vision set forth in the published Village Center Plan.

### **22.23.2 INTRODUCTION AND ELEMENTS OF THE VILLAGE CENTER**

a. Village Center Plan. This Section of the Zoning Ordinance is intended to implement the Vision, Concept and Design Guidelines for the Village Center as established in the

Village's published Village Center Plan. The Village Center Plan articulates design principles to support the Vision and gives examples of how sites along the corridor could redevelop. The Design Guidelines provide standards for building, site and district design for the Village Center. The regulations contained in this Section enumerate the principles of the Village Center Plan inasmuch as possible; however, reference to the published Village Center Plan is highly recommended.

b.Overlay District Elements. To achieve the vision set forth in the Village Center Plan, the Village has established an Overlay District comprised of the following key elements:

1. Regulating Plan. Shows recommended building height and location of streets in the Village Center, and Primary Frontages where regulation of building mass is most important to create the streetscape and environments envisioned. Some flexibility in the location of streets may be permitted by the Village, upon recommendation by the Planning Commission as discussed in this Section.

2. Slip Street Detail. This illustration shows a possible cross-section for Southfield Road, as discussed in Section 22.23.5. Such a design requires approval from the Road Commission for Oakland County.

3. Form-Based Code. Enumerated in this Section, provides the regulatory framework for development and redevelopment in the Village Center Overlay District, as shown on the Regulating Plan discussed above.

### 22.23.3 PURPOSE AND DEVELOPMENT PRINCIPLES

The purpose of this District is to accomplish the following:

a. Define a Village Center area for Beverly Hills that will create an identity for its commercial core

b. Implement the Village Center Vision as illustrated in the Beverly Hills Village Center Plan

c. Promote development of an integrated, mixed-use, pedestrian-oriented environment with buildings containing commercial, residential and office uses

d. Provide street linkages and internal drives to serve the development within the district, and logical street connections to developments outside the district

e. Regulate building height and require appropriate landscaping and screening to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.

Create a definable sense of place for the Village with a pedestrian oriented, traditional urban form that encourages residents to visit, stay, and enjoy the district

g. Encourage development consistent with the desired vision through incentives that will encourage use of the form-based code option

#### 22.23.4 APPLICABILITY

a. Application of Regulations. Within the Village Center Overlay District, all requirements of the Beverly Hills Zoning Ordinance shall apply, except as modified by this Section. When applying the regulations to the form-based zones, if regulations elsewhere within this ordinance conflict or appear to conflict with the regulations of this Section, the regulations of this Section shall apply.

b. Interpretations and Appeals. This Overlay District relies, in part, on the Village Center Plan adopted by the Village Planning Commission. As such, certain flexibility is required to implement the Village Center Plan, depending on the timing, location and nature of redevelopment within the Village Center. Therefore, the Planning Commission shall have the authority to act on appeals, interpretations or modifications, in order to ensure they are consistent with the overall vision. Modifications are discussed in Section 22.23.11.

c. Underlying Zoning. Where the term "underlying zoning" is used, it shall refer to the zoning of the subject property as designated on the official Zoning Map for the Village of Beverly Hills and any applicable regulations that apply to that zoning district. Underlying this Village Center Overlay District are the following underlying zoning districts:

1. R-1, Single Family Residential
2. R-3, Single Family Residential

3. RM, Multiple Family Residential
4. O-1, Office
5. B, Business
6. P, Parking

d. Expansion of the District. In order to provide for the harmonious development and use of land within the Village Center, and to see to its logical extension, the Village Council, upon recommendation by the Planning Commission, may extend the boundaries of the Village Center where development is proposed that is consistent with the Village Center Plan and the Purpose and Development Principles in Section 22.23.3 above.

e. Conflicts. Where the provisions of this Section conflicts with other provisions of the Beverly Hills Code of Ordinances, the provisions of this Section shall govern.

f. Triggers for Compliance. Use and development of land within this Overlay District shall be as follows:

1. Existing Uses. An existing use shall be permitted to continue.
2. Changes in Use. Changes in use from one use to another use that does not require additional parking or building additions shall be permitted.
3. Site Improvements. Site and building maintenance shall be allowed.
4. Building Expansions
  - a. Exempt Expansions. Additions of a size equal or less than 10% of the gross square footage of the existing buildings may be permitted and may be constructed according to the requirements of the Village Center Overlay District or the underlying zoning, at the property owner's discretion.
  - b. Minor Expansions. Additions of a size greater than 10% but equal or less than 25% of the gross square footage of the existing building, shall be permitted, but shall meet the Site Layout Requirements for the Zone in which it is located unless modifications are allowed in accordance with Section 22.23.11.



c. Major Expansions. Additions of a size greater than 25% of the gross square footage of the existing building shall meet the requirements of this Village Center Overlay District.

5. New Buildings and Development. New development projects proposed under this Village Center Overlay District, shall meet all requirements of this Section.

6. Modifications. Modifications of the requirements in this Village Center Overlay District may be approved when consistent with the Village Center Plan, and as discussed in Section 22.23.11.

### 22.23.5 STANDARDS FOR NEW DEVELOPMENT

a. Streets and Access. The Regulating Plan shows recommended street locations to provide interconnectivity and access to internal portions of the Village Center. These streets will be maintained by private property owners, but cooperation among owners is needed to create the connections needed to implement the Regulating Plan. To ensure such coordinated access is phased in as development occurs, each development shall be responsible for recording easements to allow for shared access.

1. Location. The location of streets shall be generally consistent with the Regulating Plan, but may be modified by the Planning Commission upon consideration of the criteria in Section 22.23.11, Administration.

2. Street Design. All streets and service drives shall be constructed to meet the requirements of the Village of Beverly Hills Code of Ordinances.

3. Temporary Access. Where a planned street is not constructed at the time of redevelopment of a property and connections cannot be immediately provided, temporary access may be allowed provided the following is met:

a. Such access meets the construction requirements of the zoning ordinance in terms of width and design.

b. The development has dedicated the necessary easements to accommodate any streets or service drives planned within their site.

- c. Parking agreements have been executed on the developer's site to allow for future shared parking.
  - d. Deed restrictions are recorded that ensure its removal when such streets and service drives are constructed.
4. Street Furniture. Benches, trash receptacles and other furniture may be required in park and plaza areas and along adjoining sidewalks where the Planning Commission determines that pedestrian activity will benefit from these facilities. Street furniture shall be consistent with any published Village Center Design Specifications.
5. Slip Street. Upon endorsement by the Road Commission for Oakland County, a single row of parking may be permitted along the entire front of the building, which may be located within the right-of-way. The final design shall be determined by the Road Commission for Oakland County, and may change at their discretion. The current design includes angled or parallel parking with a one-way circulation aisle. A minimum seven (7) foot wide sidewalk should be provided between the parking and the building, and the required building setbacks/build-to requirements of this Section shall begin at the edge of the sidewalk closest to the property.
- b. Public Open Space. A minimum of 5% of the gross floor area of all stories of proposed buildings shall be provided. Such areas shall be located to complement existing or planned civic and greenspaces, and shall be one of the following:
    - 1. Greenspace. Greenspaces are open spaces that provide recreation or leisure areas that serve the entire Village Center area.
      - a. Location and design of greenspaces shall generally follow those shown on the Village Center Plan, with flexibility according to Section 22.23.11.
      - b. To the greatest extent possible, greenspaces should be grouped with greenspace on adjoining parcels.
      - c. Greenspaces shall be landscaped and shall not be counted toward parking lot, greenbelt or buffer requirements.
    - 2. Park or playground. Parks and playgrounds are best suited near residential areas at

the perimeter of the Village Center.

3. Corner Plaza. Required build-to lines may be modified to accommodate a plaza. The typical size of a plaza is 25 feet by 25 feet, but may vary depending on site conditions.

4. Pedways. Pedways may be incorporated throughout developments as discussed in the Village Center Plan.

#### 22.23.6 CONTRIBUTIONS IN LIEU

The Village recognizes that certain physical elements of the Village Center may be best developed in a coordinated fashion rather than piecemeal as development occurs. Therefore, where desired by the applicant or where required by the Village, payments in lieu of those improvements may be made in accordance with the following:

a. Payments in lieu may be accepted for the following improvements:

1. Streets as shown on the Regulating Plan.
2. Streetscaping as listed in Section 22.23.8a.
3. Parking as discussed in Section 22.23.10.
4. Slip Street along Southfield Road as discussed in Section 22.23.5, if allowed by the Road Commission for Oakland County.
5. Public Open Space as discussed in Section 22.23.5.
6. Required Landscaping as discussed in Section 22.23.10.e.

b. In cases where the elements above cannot reasonably be developed on a parcel, or for those where coordinated installation (on-street parking, for example) is needed for logical development, the Village may allow developers to defer construction in one of the following ways:

1. Payment into a dedicated fund, of an amount equal to the cost to install all deferred improvements on the subject site. Improvement costs must also consider off-site

improvements and utilities needed to serve the site. The developer shall submit to the Village an estimate of costs to construct these items for verification by the Village's engineer.

2. The Village may facilitate, through a special assessment district or other means, construction of streetscaping as development progresses in the Village Center. Developments proposed under this Village Center Overlay District shall participate in the special assessment district, and agree to pay back the costs to serve their portion of the Village Center. The assessment district may be created to install or replace some or all of the items listed above, the costs of which will be distributed amongst developed parcels consistent with the standards listed.

### 22.23.7 ZONES AND PERMITTED USES

a. Zones. The Village Center Overlay District shall be and is hereby divided into Zones as enumerated on the Regulating Plan.

1. Mixed Use Zone. The Mixed Use Zone is intended to provide for a traditional mixture of office buildings, retail stores, entertainment establishments, public spaces, residential uses and related activities that are mutually supporting and serve the needs of Village residents. The intent of the zone regulations is to encourage a lively social environment and economically viable Village Center with a wide variety of uses in a pedestrian oriented unified setting, with shared parking and access.

2. Residential Zone. The Residential Zone is intended to support the activities of the Mixed Use Zone through increased residential densities and pedestrian-oriented design. It is also intended to provide a transition between the tall mixed use buildings located near Southfield and 13 Mile Roads, and the neighborhoods abutting the Village Center.

b. Permitted Uses.

1. Mixed Use Zone.

a. Any of the uses allowed in the underlying zoning districts, as listed in Section 22.23.4, may be permitted.

b. Residential units, consistent with the Village Center Plan, may be permitted. These include dedicated residential areas as shown, but also mixed-use buildings as

discussed in the Village Center Plan.

c. Reconstruction and expansion of existing single-family structures is permitted, provided such is consistent with the underlying zoning requirements.

d. Other complementary uses, consistent with the Village Center Plan and adjacent land uses, may be permitted by the Village Council upon recommendation by the Planning Commission.

2. Residential Zone.

a. Uses permitted in the underlying zoning districts shall be allowed.

b. Residential units, consistent with the Village Center Plan, may be permitted.

c. Reconstruction and expansion of existing single-family structures is permitted, provided such is consistent with the underlying zoning requirements.

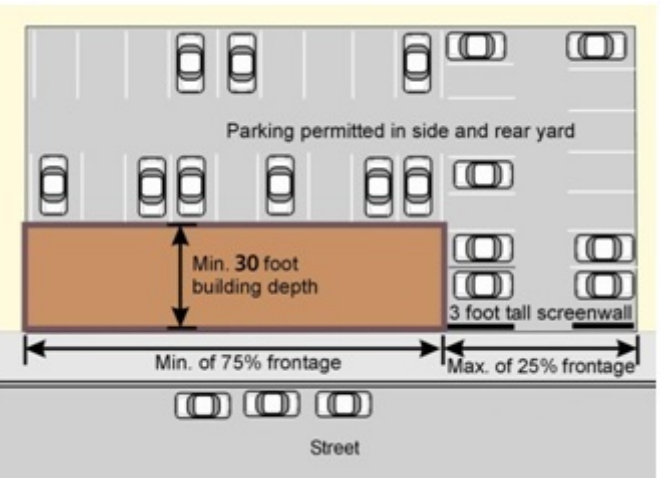
22.23.8 MIXED USE ZONE REQUIREMENTS

a. Streetscaping. The following shall be installed along all Primary Frontages, as shown on the Regulating Plan, as part of a comprehensive street and streetscape network:

Required Streetscaping	
Sidewalks	Sidewalks shall be installed along all street frontages, and shall be a minimum five (5) feet wide. Sidewalks along all Primary Frontages, as shown on the Regulating Plan, shall be a minimum of seven(7) feet wide, or as required in Section 22.08.410 Sidewalks or Bikeways, whichever is wider
	Wider sidewalks are encouraged, and may encompass all or a portion of the front yard build-to zone as defined in sub-section c. Building Requirements below
	Accessible sidewalk connections shall be provided between parking areas and building entrances

<p><b>Street Trees</b></p>	<p>As required in Section 22.09.040.d.</p> <p>Tree grates may be installed, and when used shall be five (5) to ten (10) feet in length, and shall have access to irrigation systems provided by the developer</p>
<p><b>Street Lights</b></p>	<p>Pedestrian level street lighting of a decorative nature shall be installed along all sidewalks consistent with the Village Center Plan or street light standards adopted by the Village</p> <p>Light poles shall be installed at least every 30 ft. or closer in order to provide required illumination</p> <p>Illumination levels shall comply with Section 22.23.10.b.2.d)</p>

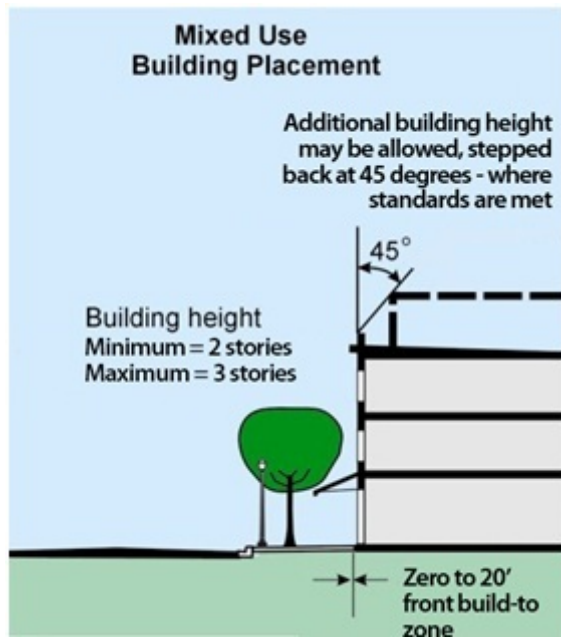
b. Site Layout. Sites shall be designed consistent with the Village Center Plan and shall meet the following:



<b>Notes:</b>	
There are no minimum or maximum lot sizes.	
There are no maximum lot coverage requirements, provided stormwater requirements are met.	
<b>Building Placement</b>	
<b>Façade</b>	Buildings must occupy at least 75% of Primary Frontages as shown on the Regulating Plan
<b>Orientation</b>	Buildings must be parallel to the street
<b>Recesses</b>	May be allowed to accommodate outdoor dining, plazas or other public amenities consistent with the Village Center Plan
<b>Parking Circulation and Driveways</b>	
<b>Parking Location</b>	Minimum 75% of off-street parking must be in rear yard
<b>Minimum Parking Setback</b>	10 ft. from all property lines
<b>Minimum Driveway Spacing</b>	150 ft. from other driveways
	Refer to RCOC for additional spacing requirements

<b>Projections</b>	
Balconies	May project up to 8 ft. into any yard
Eaves and Awnings	May project up to 2 ft. into any yard
ADA Compliant ramps	May project into any yard
<b>Fences, Walls and Garden Walls</b>	
Required	A knee wall shall be installed along all Primary Frontages and pedways occupied by parking
Minimum Height	30 in. where adjacent to streets, sidewalks, and parks
Design	Must meet requirements of Section 22.08.150

c. Building Requirements. Buildings shall be designed according to the following:





<b>Setbacks / Build-To Line</b>	
<b>Front Yard Build-To Zone</b>	0 ft. to 20 ft.
<b>Minimum building depth</b>	30 ft.
<b>Side Yard Setback</b>	No setback is required along Primary Frontages shown on the Regulating Plan
	10 ft. from other streets and property lines
	Buildings shall meet any spacing, fire wall or other requirements of the Fire Department
<b>Rear Yard</b>	0 ft.
	Buildings shall meet any spacing, fire wall or other requirements of the Fire Department
<b>Adjacent to Residential Zone</b>	Section 22.09.040.e., Landscaping and Section 22.08.160, Wall Requirements
<b>Building Height</b>	
<b>Maximum</b>	As shown on Regulating Plan, with additional height incentives per Section 22.23.11

Minimum	2 stories
Ground/First Floor Elevation	At grade
Required Step Backs	Building height for stories over three shall be stepped back a distance equal to the story height for each story. This creates a 45-degree angle from the top to the bottom of each story

<b>Roof Design</b>	
Flat Roofs	A minimum 42 in. tall parapet shall be installed to conceal rooftop mechanical equipment visible from the street level
<b>Minimum Floor Area for Residential Units</b>	
Studio Units	400 sq. ft.
1 Bedroom Units	600 sq. ft.
2 Bedroom Units	800 sq. ft.
<b>Building Design and Façades</b>	
Articulation	Articulation through design, windows, or recesses is required to prevent long, monotonous, flat facades

Ground Floor Windows	75% minimum window area
	Windows shall be designed to create storefronts
	Transom windows should be used above storefront windows where possible
	Maximum 0.25 reflectance factor
	Minimum 60% light transmittance factor
	Reflective coatings are prohibited
Upper Floor Windows	50% minimum window area
	Windows facing street must be taller than they are wide (typically 2:1)
	Openings shall generally follow the established rhythm of other buildings constructed according to this Section
	Windows divided into multiple panes of glass are encouraged
	Windows may be ganged horizontally (maximum five per group) if each grouping is separated by a column, pier or wall section that is at least seven inches wide

<b>Entrances</b>	One usable door every 50 ft. of front building wall
	At least one usable door facing street or front lot line
	Recessed entrances are encouraged
	Pedestrian connection to public sidewalk must be provided
<b>Building Materials</b>	Color scheme shall be harmonious with the Village’s predominant character and architecture, and shall unify the building with other buildings in the district
	At least seventy-five percent (75%) of building façades, exclusive of required window areas, shall consist of a high-quality, durable material, such as masonry brick, native stone, fiber-cement board, or better siding
	Accent materials, such as fiberglass reinforced concrete, siding, decorative metal, and polymer plastic. EIFS materials, or those that will create glare or heat reflection may be used only on portions of facades located 8 feet above grade
	Peaked roofs shall consist of asphalt, fiberglass, tile, slate or cedar shingles. Standing seam metal roofing shall be allowed as an accent only

### 22.23.9 RESIDENTIAL ZONE REQUIREMENTS

a. Site Layout. Sites shall be designed according to the following:

Notes:

There are no minimum or maximum lot sizes.

Both attached and detached residential units shall be permitted, provided they are in a form and style consistent with the Village Center Plan and adjacent uses outside the Village Center District.

### Building Placement

Façade	Must occupy at least 50% of lot width along Primary Frontages
	Building must be oriented parallel to the street
Maximum Lot Coverage	75% provided stormwater requirements are met.

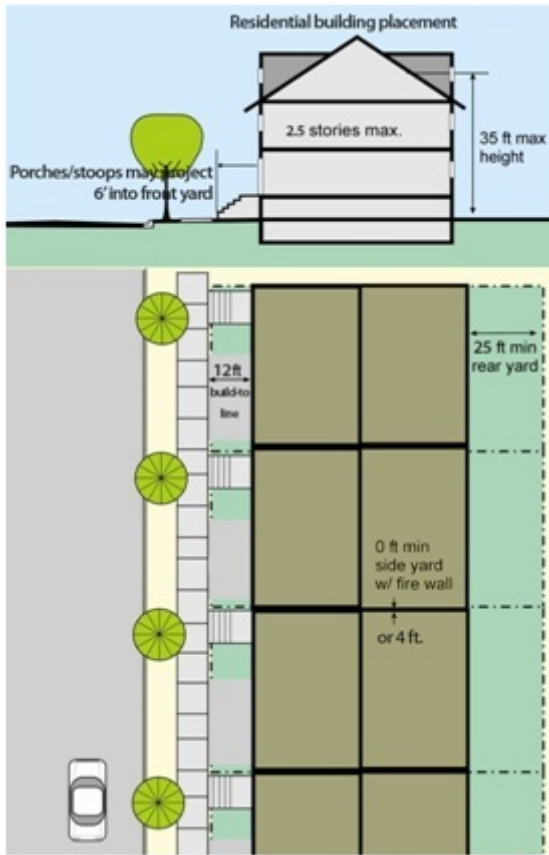
### Projections

Bay Windows	May project up to 2 ft. into side or rear yard
Balconies	May project up to 8 ft. into any yard
ADA Compliant ramps	May project into any yard
Porches and Stoops	May project up to 6 ft. into front yard

### Driveways

Parking Location	Side or rear yard
Residential Driveway Width	Maximum 12 ft. in the front yard
Corner Lot Minimum Setbacks	20 ft. from any right-of-way, street or access easement

**b. Building Requirements.** Buildings shall be designed according to the following:



Setbacks / Build-To Line	
Front Yard Build-To Line	12 ft.
Rear Yard Setback	25 ft.
Side Yard Setback	0 setback with firewall; or 4 ft.
Building Height	
Maximum	2½ stories or 35 ft.

<b>Garages</b>	
Garages shall be located in the rear yard and may be accessed by a rear alley or from a side street. The Planning Commission may permit garage doors on the front façade where lot dimensions (lot depth) do not permit a rear alley.	
Front-facing Attached Garage	Cannot encompass more than 50% of façade width
Attached Garage Setback	20 ft. from front façade

<b>Façades</b>	
<b>Windows</b>	20% minimum window area
	Windows facing street must be taller than they are wide (typically 2:1)
<b>Entrances</b>	At least one usable door shall face front lot line
	Second door for duplexes may face side or rear yard
<b>Front Porch or Stoop</b>	If provided, shall be a minimum 6 ft. wide by 6 ft. deep
<b>Roof Pitch</b>	
<b>Minimum</b>	<b>4:12</b>

Maximum	12:12
Minimum Floor Area for Residential Units	
Studio Units	400 sq. ft.
1 Bedroom Units	600 sq. ft.
2 Bedroom Units	800 sq. ft.
Building Design	
Building Materials	Buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles. Permitted wall materials include, brick, stone, wood, and fiber cement siding.

**22.23.10 GENERAL DEVELOPMENT REQUIREMENTS**

Developments shall be consistent with the Village Center Plan, any published Village Center Specifications, and the following:

- a. Signs. Signs shall comply with the provisions of Section 22.32, Signs.
- b. Lighting. Except as otherwise required below, lighting shall comply with the requirements of Section 22.09.050.
  - 1. A photometric plan and fixture details shall be submitted with the site plan.
  - 2. Lighting levels shall comply with the following:



Use	Minimum/Maximum Footcandles (fc)		
	Minimum	Maximum	Maximum at Residential Property Lines
a) Residential or institutional uses	0.2 fc	5 fc	1.0 fc
b) Office, recreation, and entertainment uses	0.6 fc	5 fc	1.0 fc
c) Commercial uses	0.9 fc	5 fc	1.0 fc
d) Sidewalks and Pedways	0.6 fc	5 fc	1.0 fc
1. Parking lots and bicycle parking areas	3 fc	10 fc	1.0 fc

3. Light fixtures shall consist of Light-Emitting Diodes (LED) that emit warm lighting consistent with traditional downtown illumination. Neon lighting or exposed light sources shall be prohibited.

4. Building-mounted fixtures shall be decorative, such as goose-neck fixtures.

5. Ground level lighting may be allowed only in the form of pedestrian-level bollards, or indirect ground lighting located within planters or tree grates.

6. Light fixtures shall utilize shields and filters to prevent glare into upper story residential units.

c. Parking.

1. Design. Except as otherwise required in this Section, off-street parking lots shall be designed according to Section 22.28, Off-Street Parking and Loading Requirements.

2. Vehicular Parking.

- a. The number of parking spaces shall be as required in Section 22.28 Off-Street Parking and Loading Requirements, or 4 spaces per 1,000 gross square feet of building area, whichever is less.
- b. The amount of parking may be reduced by the Village, based on a finding by the Planning Commission that adequate parking is provided for the mixture of proposed and future uses, in consideration of available on-street parking, available municipal parking within the Village Center, different peak hour parking demands, or shared parking agreements.
- c. The Planning Commission may require a Parking Study, prepared by a qualified professional, from the applicant to assist with making a determination.

3. Bicycle Parking. All developments shall provide bike racks that meet the following:

- a. Bike rack design shall be as noted in the Village Center Plan.
- b. Racks shall be located at least three (3) feet and not more than five (5) feet from the curb.
- c. The number of spaces shall be provided according to the following:

Use	Number of Bicycle Parking Spaces
Residential	One (1) per each three (3) rooms
Recreation/Assembly/Commercial	One (1) per ten (10) automobile spaces

- d. Loading. Loading areas shall be provided as required in Section 22.28 Off-Street Parking and Loading Requirements; however, the Planning Commission may modify or waive loading requirements where it is determined that adequate loading areas are available on nearby sites or driveways as part of shared parking or driveway agreements, or where expected uses and activities are such that dedicated loading is

not necessary.

e. Landscaping. Landscaping, including parking lot landscaping, shall comply with the provisions of Section 22.09.040, Landscaping.

### 22.33.11 ADMINISTRATION

a. Site Plan Review. Applications shall be reviewed according to Section 22.08.290 Site Plan Review.

b. Incentives.

1. Types of Incentives. To promote redevelopment and stimulate reinvestment in the Village Center, the Village, upon recommendation by the Planning Commission, may grant additional flexibility or development options where one or more of the Recognized Benefits, listed below, are provided. The following incentives may be granted.

a. Additional Building Height. The maximum building height elsewhere in the Village is two (2) stories. Many locations in the Village Center, as noted on the Regulating Plan, permit additional building height in some cases.

b. Parking. Inherent in the Village Center Plan is a shared parking concept that provides more efficient use of parking, which allows the Village to consider parking reductions for development in the Village Center.

c. Dimensional Flexibility. As with all planned developments, it is recognized that certain flexibility may be needed to achieve development consistent with the Village Center Plan. Where needed to implement the Village Center, flexibility may be allowed.

2. Recognized Benefits. Additional building height, beyond that allowed on the Building Height Plan, or flexibility may be granted during the project review when one or more of the following recognized benefits are provided:

a. Senior housing or barrier-free housing units.

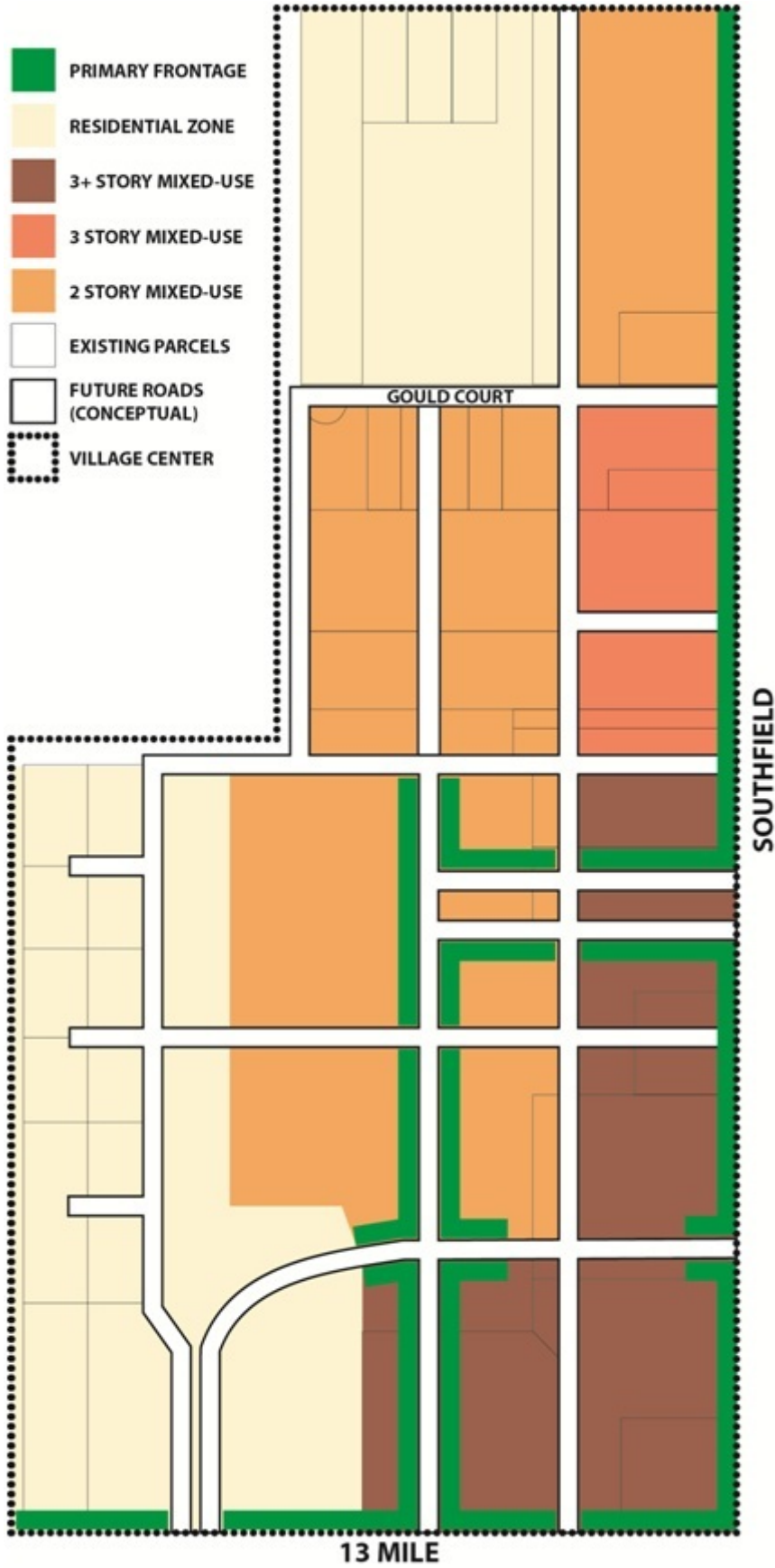
b. High quality architectural design beyond the requirements of the Zoning Ordinance.

- c. Extensive landscaping beyond the requirements of the Zoning Ordinance.
  - d. Provision of open space or public plazas or features beyond the requirements of the Zoning Ordinance.
  - e. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater managements, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.
  - f. Inclusion of parking within the building, either behind liner storefronts, underground or on upper floors.
- b. Allowed Flexibility. It is recognized that certain existing site conditions may prohibit full compliance with this Section. The Village Council, upon recommendation by the Planning Commission, may modify the standards of this Section, after considering the criteria below:
1. The proposed development is consistent with the Village Center Plan, as amended.
  2. The proposed development is consistent with the Purpose and Development Principles listed in Section 22.23.3.
  3. The proposed modification will not prevent or complicate logical extensions of streets, parking, open space, or development of adjacent properties consistent with the Village Center Plan and Regulating Plan.
  4. The modification is the minimum necessary to allow reasonable development that is consistent with the purpose of the Village Center.
  5. The proposed development will not impair public safety.
  6. The modification is not simply for convenience of the development.
- c. Conditions and Phasing. Where deemed necessary, the Village Council, upon recommendation by the Planning Commission, may:
1. Impose reasonable conditions to further the purpose of the Village Center or to ensure compliance with the Village Center Plan.

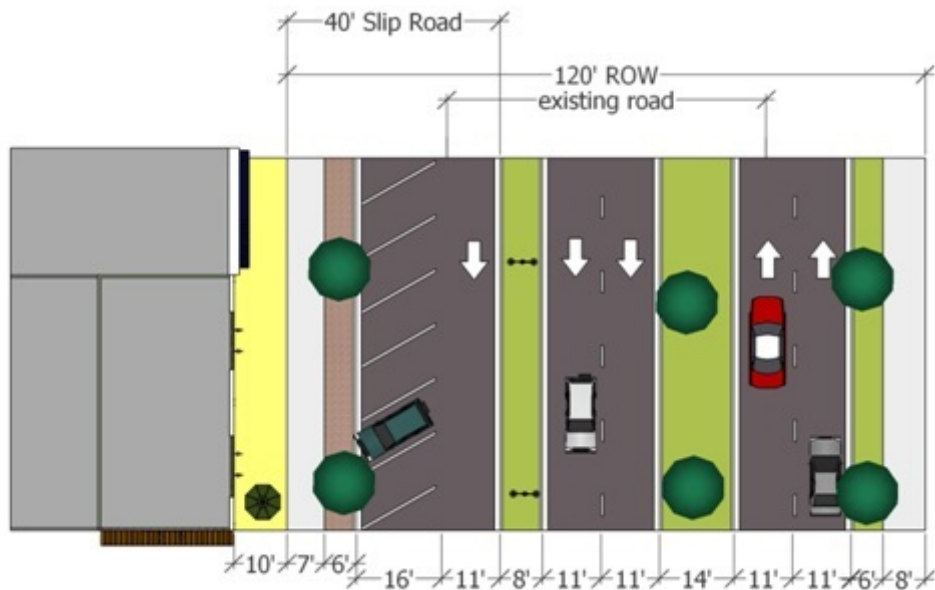
2. Require a phasing plan that explains how new development, meeting the requirements of this section, will be constructed, and elements of the site not in compliance will be phased out over time.

d. Development Agreement. Development approved according to this Section shall enter into a development agreement with the Village, in a form acceptable to the Village Attorney that specifies the required improvements, commitments and obligations of the development as it relates to the overall Village Center district. The development agreement shall specify any recognized benefits provided by the developer, flexibility granted by the Village, and maintenance provisions for all site improvements.

## REGULATING PLAN



### SLIP STREET DETAIL



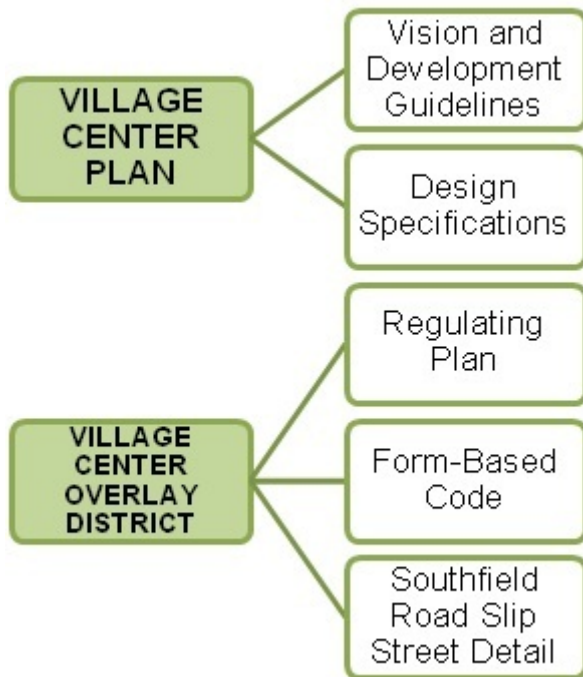
## HOW TO USE THE VILLAGE CENTER FORM-BASED CODE

This Code is structured in a fashion similar to a Planned Unit Development, where regulatory flexibility may be granted in favor of a higher quality development, or one that provides additional benefits that could not be achieved using the underlying zoning. The Village Center is a project that began through the planning process. The Village Master Plan calls for a village center near the intersection of 13 Mile Road and Southfield Road. The Village Planning Commission has developed a Village Center Plan to further implement the Master Plan. The Village Center Plan includes three basic elements:

1. The Vision and Development Guidelines, which generally explain the type of development and redevelopment that is envisioned for the Village Center Area. These include discussion of desired site and building layouts, pedestrian amenities, streetscaping, building quality and other elements that will contribute to the overall vision.
2. The Village Center Design Specifications, which includes the set of streetscaping and public elements that will be required in the district to provide cohesive streets, sidewalks and design within the Village Center.

To implement the Village Center Plan, the Village has adopted a form-based code. This is called the Village Center Overlay District, and is included in the Village Zoning Ordinance as Section 22.23. This is the regulatory document that implements the

Village Center Plan. The code refers to the Village Center Plan, which provides the foundation for the code, and can be the basis for necessary elements which may not be required in the code per se, but that may be necessary to achieving the vision in the Village Center Plan. To encourage use of the Overlay District, it contains additional regulatory flexibility and incentives such as additional building height and parking reductions, to help improve development potential and viability in the Village Center. {Ord. 348; 1-4-14}





Share



# **22.24 AREA, HEIGHT BULK, AND PLACEMENT REGULATIONS ALL ZONE DISTRICTS**

## **22.24.010 ADDENDUM TO SECTION**

The Schedule of Regulations with all notations, references and information are incorporated as part of this Ordinance.

a. Front Open Space. Where a front open space of greater or less depth than forty feet (40') exists in front of a single family residence or residences presently on one side of a street in any block and within two hundred feet (200') of the lot or parcel, the depth of

the front open space of any building subsequently erected or remodeled on that side of the street in that block shall not be less than the average depths of the front open space of such existing residences.

b. Corner Lot Setback on the Side Street - see Section 22.08.070.

c. See Section 22.08.100 regarding accessory building setback and height requirements.

A ten foot landscaped buffer strip shall be provided between the parking area and all public rights of way. In cases where the off street parking facilities abut a residential zone district or public property the screening, and buffering standards of Section 22.08.160 and 22.08.400 are also required. In no instance shall the corner lot setback from the side street lot line be less than ten feet. {Ord. 299; 6-7-00}

d. R-M Density. In any multiple-family development, the maximum density of multiple dwelling units per gross acre of ground used for that purpose shall not exceed 7.5 dwelling units to the acre.

e. R-M Floor Space. In any multiple-family development, the required minimum usable floor space per multiple dwelling unit shall be 1,000 square feet exclusive of space in basements, garages, breezeways and porches.

f. R-M Open Space. In any multiple-family development, the required minimum open space shall be as follows, modified by item 1 below:

Front setback - 40 feet

Side setback - 20 feet each side

Rear setback - 35 feet

1. Each side open space shall be increased by one foot (1') for each ten feet (10') or part thereof by which the length of the structures exceeds forty feet (40') in the overall dimension, along the adjoining lot line. In order to preserve the general open character of the district, structures shall be limited in length to one hundred twenty-five feet (125').

2. Open space and spacing between buildings shall be provided on the following basis:

1 and 2 story structures: Forty-five feet (45') between buildings and thirty-five foot (35') rear open space.

g. R-M Greenbelts.

No use permitted in the R-M District, other than those permitted in a Single-Family District, shall be erected or used on any lot or parcel adjoining a Single-Family Residential District or O-1 or B-District unless a greenbelt is provided and maintained along the adjoining Single-Family Residential or O-1 or B-District lot line fifty feet (50') in width with a definitive planting and landscape plan first approved by the Village Council. In lieu of said green-belt, a six foot (6') wall may be utilized provided prior approval of the Village Council is obtained.

h. R-M Total Lot Area. The total land coverage in multiple-developments by all buildings other than carports shall not exceed thirty percent (30%) of land area.

i. R-M Frontage on Streets. All multiple family dwellings shall front on or have unobstructed direct access to public streets or roads.

j. R-M Off Street Parking. Paved off-street parking in the ratio of a minimum of two (2) parking spaces for each dwelling unit shall be provided. However, not more than fifteen percent (15%) of the required off-street parking may be located in parking bays, specifically designed for that purpose, located within the rights-of-way of public streets, between the traffic roadway and sidewalk. All interior streets within the development shall have a five foot (5') concrete sidewalk on the sides of the street abutting the dwelling units.

k. R-M Utilities and Lighting Underground. The owner shall make arrangements for all local distribution lines for telephone and electric service, exclusive of main supply lines, perimeter feed lines, and related surface facilities such as padmount transformers, switching equipment and service pedestals, to be placed underground in accordance with the valid rules and regulations of the telephone and electric utilities and shall make suitable arrangements for their location with the telephone and

electric service company involved. All lighting for parking areas, streets, sidewalks and for external illumination of buildings shall be directed away from and shall be shielded from adjacent residential uses.

l. R-M Definitions. Multiple family dwelling is construed as a building or portion thereof used or designed for two or more dwelling units; provided, however, that each dwelling unit in a multiple family dwelling shall have at least one (1) living room, one (1) kitchen, one (1) bathroom, and one (1) bedroom, but not more than three (3) bedrooms and not less than one (1) full bathroom per each two (2) bedrooms.

All uses which require a license from the Michigan Liquor Control Commission shall meet the requirements of the "Village of Beverly Hills Liquor License Ordinance," Ordinance Number 209, as amended.

m. Required Area. In any single family residential development, where some or all dwelling units do not have front open space which is contiguous to a public street or a private street improved to the right-of-way and construction standards of the Village or Oakland County, the maximum permitted density shall be determined by the following regulations; otherwise the required average minimum land area (square feet) per dwelling unit, shall be equal to the minimum lot area of the applicable Zoning District.

#### Zoning Required Average Minimum of Land District Area (Square Feet) Per Dwelling Unit

R-A 25,000  
R-1 19,000  
R-1A 15,000

#### Zoning Required Average Minimum of Land District Area (Square Feet) Per Dwelling Unit

R-2 14,250  
R-2A 6,000  
R-2B 9,000

R-3 4,000

{Ord. 326, 10-27-07}

n. Front Open Space. In the case of single-family residential developments without individual lots, such as a condominium, the minimum front open space shall be determined by the following regulations as measured from the centerline of the nearest public or private street.

Front Open Space

Districts Feet

R-A,

R-1, R-1A, R-2,

R-2A, R-2B and R3 - 40 feet [subject to sub-sections (a) and (o)] {Ord. 326, 10-27-07}

o. Minimum Distances. In single-family residential developments without individual lots, such as a condominium, for each dwelling unit, the minimum side and rear open space (in feet) shall be multiplied by two to determine the minimum distances between detached dwelling units. The intent of this provision is to achieve minimum open spaces similar to those in developments with individual lots for each dwelling unit.

p. Computation. Area within public street right-of-ways shall not be included in the computation of minimum lot area or the rights-of-way of private streets built to Village standards shall not be in the computation of minimum lot area.

q. The Building Official shall have the authority to allow up to a 5% increase above the maximum building coverage ratio provided the following conditions are met:

- The property owner incorporates low impact design practices (rain gardens, green roofs, porous pavement, bio-retention, etc.) into the storm water management plan for the property such that it mitigates the coverage increase.
- The property owner, and any future owner(s), shall be required to maintain such so long as the building coverage ratio exceeds the maximum noted in Section 22.24. {Ord. 364, 10-18-18}

Zoning District	Lot Minimums  Area Width  (Sq. Ft.)  (Feet)		Maximum Building Height  In  Stories  Feet		Maximum Coverage of Lot by All Buildings (Percent)	Minimum Setback Measured From Lot Line (Feet)				Minimum Usable Floor Area Per Unit (in Square Feet)  (p)
						Front Space	Rear	Side Open	One Open	
						Open Other	Space (p)	Space (p)		
PP-Public Property	0	0	2	30	--	35	10	20	20	None
R-A Single Family	25,000	130	2	30	25 (q)  20	40 (a)  40	15	(o)	1 story = 1600  1 ½ or 2 story = 2000	
R-1 Single Family	16,000 (n)	100	2	30						
R-1A Single Family	12,000 (n)	100	2	30	25 (q)	40 (a)  (o)	12.5(b)	17.5	40	1 story – 1400  1 ½ or 2 story = 1800

R-2 Single Family	12,000 (n)	75	2	30	25 (q)	40 (a)  (o)	12.5(b)	17.5	40	1 story = 1200  1 ½ or 2 story = 1600
R-2A Single Family	6,000 (n)	60	2	30	30 (q)	40 (a)  (o)	5(b)*	10*	30	1 story = 1200  1 ½ or 2 story = 1600
R-2B Single Family	9,000 (n)	75	2	30	25 (q)	40 (a)  (o)	5(b)*	10*	40	1 story = 1200 1 ½ or 2 story = 1600
R-3 Single Family	4,000 (n)	40	2	30	35 (q)	40 (a)  (o)	5(b)*	5*	30	1 story = 900  1 ½ or 2 story = 1200
R-M Multiple Family (k)(l)(m)	(e)	(d) (f)	2	30	30(h)	40 (h)  (g)	(h)  20  (g)	(h)  20  (g)	(h)  35  (g)	(f)

<b>P-Parking</b>	--	--	<b>2</b>	<b>30</b>	--	--	<b>(c)</b>	<b>(c)</b>	--	None
<b>O-1 Office</b>	--	--	<b>2</b>	<b>30</b>	--	<b>35</b>	<b>Site plan approval</b>	<b>Site plan approval</b>	<b>20</b>	None
<b>B-Business</b>	--	--	<b>2</b>	<b>30</b>	--	<b>35</b>	<b>Site plan approval</b>	<b>Site plan approval</b>	<b>20</b>	None

\*See Section 22.08.130

{Ord. 326, 10-27-07}{Ord. 361, 2-17-18}{Ord. 364, 10-18-18}



*Share*

## 22.25 CONDOMINIUM PROJECTS

### 22.25.010 INTENT

New condominium projects and conversion condominium projects shall conform to the requirements of this Ordinance and all other applicable regulations of the Village and the Condominium Act. Each condominium project shall be reviewed in a manner consistent with like projects within the underlying zoning district. A site condominium project shall be considered equivalent to a platted subdivision for the purposes of enforcing site and building standards. It is the intent to regulate site condominium and single family condominium projects in a manner consistent with a traditional subdivision plat, except that the review procedures within this Ordinance shall apply. {Ord. 253, 5-12-91}

### 22.25.020 GENERAL

The following regulations shall apply to condominium projects:

a. **Condominium Lot.** For all purposes of this Ordinance, each condominium lot shall be considered the equivalent of a lot as defined in this Ordinance and shall comply with all applicable regulations of the zoning district in which it is located.

b. **Computation.** The area within a public or private street right-of-way shall not be included in the computation of minimum area of a condominium lot.

c. **Dwelling Unit.** In the case of a condominium project in which the condominium units are intended for single family residential purposes, not more than one single family dwelling unit shall be located on a condominium lot, nor shall any dwelling unit be located on a condominium lot with any other principal use.

d. **Setback Requirement.** Yard setback requirements as specified in SECTION 22.24 shall be measured from the boundaries of the condominium lot.

e. **Utility Connections.** Each condominium unit shall be separately connected to the Village water supply and sanitary sewer system. This requirement may be waived by the Village Council for cause upon recommendation of the Village Engineer.

f. **Relocation of Lot Boundaries.** Relocation of condominium lot boundaries, if allowed in the condominium documents, as permitted in Section 48 of the Condominium Act, shall comply with all regulations of the Village and shall be subject to the same procedures as the division of a lot of record.

g. **Resulting Lots.** Each condominium lot formed by the division of an existing condominium lot or lots, as permitted by Section 49 of the Condominium Act, shall comply with all requirements of the Village and shall be subject to the same procedures as the division of a lot of record.

h. **Road Requirements in Condominium Projects.** All public or private roads in a condominium project shall conform to the standards and specifications established by the Village of Beverly Hills for road design and maintenance. {Ord. 253, 5-12-91}

## 22.25.030 SITE PLAN REVIEW

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall receive a preliminary site plan approval from the Village. No permit for construction shall be issued by the Village until a condominium project has received final site plan approval from the Village Council. The condominium project shall be subject to the site plan review requirements in SECTION 22.08.290 and SECTION 22.25.040. {Ord. 253, 5-12-91}

## 22.25.040 SITE PLAN INFORMATION

A complete site plan for a condominium project shall be provided to the Village Building Official at least twenty-one (21) days in advance of a meeting for preliminary site plan review. The site plan may be reviewed and processed concurrently with the notice required to be given the Village pursuant to Section 71 of the Condominium Act. The following information shall be included on, or attached to a condominium project site plan:

- a. Ownership Interests. All persons with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example: fee owner, optionee, lessee, or land contract vendee).
- b. Proposed Use. The proposed use of the condominium project (for example: residential, commercial, industrial).
- c. Density. Number of condominium units to be developed on the subject parcel and density per acre.
- d. Circulation. The vehicular and pedestrian circulation system planned for the proposed development, including a designation of any street(s) as to whether they are proposed to be private or dedicated to the public.
- e. Roads. The location of existing private and public roads adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new development.

f. Design. The proposed layout of units, parking areas, open space and recreation/park areas.

g. Landscaping. Proposed landscape screening, including greenbelt and berms, and screening walls and a maintenance plan detailing maintenance responsibilities.

h. Condominium Regulations. All regulations proposed to be included in the condominium documents in the nature of restrictive covenants which regulate the layout, use and maintenance of public or common areas, accessory structures, payment of assessments, and enforcement of condominium regulations.

i. Additional Information. The following additional information must be submitted for Village review:

1. Cross sections of roads, drive aisles and paved area;
2. Site drainage showing topography and flow directions, including computations of flows into available public storm sewers or retention and/or detention areas;
3. Specific locations and dimensions of wetland areas, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas;
4. Preliminary approval by the Village of proposed sanitary, storm, and water system locations and connections;
5. The condominium documents as defined in this Ordinance;
6. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures. {Ord. 253, 5-12-91}

## 22.25.050 PROJECT STANDARDS

The following standards are applicable to condominiums:

a. **Single Family Detached Condominiums.** The unit area, site, and/or lot of all Single Family Detached Condominiums shall be subject to all dimensional and area requirements and other Village standards for the zoning district in which they are located as stated in the Schedule of Regulations, SECTION 22.24 The Single-Family Residential Cluster Option (SECTION 22.26), and other applicable requirements of this Ordinance. Single family detached condominium projects shall not exceed the maximum permitted density for the zoning district in which the project is located, as determined on the basis of minimum lot area standards set forth in SECTION 22.24. All dimensions and required information shall be depicted on the site plan so that the Planning Board and Village Council can clearly determine that all applicable requirements are met.

b. **Single Family Site Condominiums.** Single family site condominium units and lots shall be subject to all dimensional and area requirements and other Village standards for the zoning district in which they are located as stated in the Schedule of Regulations, SECTION 22.24 and other requirements of this Ordinance. These regulations shall be applied by requiring that the area of condominium unit and the surrounding limited common element be, at a minimum, equal to the lot area and lot width requirements for the district in which the project is located. The area that the condominium unit encompasses for the principal building and the surrounding limited common element shall incorporate, at a minimum the equivalent of the minimum yard setback requirements as defined within this Ordinance and shall meet all the dimensional requirements of a lot for the zoning district in which it is located.

c. **Commercial, Office, or Business Site Condominiums.** Commercial, office or business site condominium projects shall be subject to all requirements applicable to the zoning district in which they are located. These regulations shall be applied by requiring that the site condominium unit and a surrounding limited common element to be equal to the minimum area and width requirements for the district in which the project is located. The uses contained in a commercial, office, or business site condominium project must be appropriate to the allowed uses of the underlying zoning district.

d. Subdivision Requirements. The design and construction standards for streets, sidewalks, utilities, storm drainage and subdivision layout as set forth in the Land Division Act, Act 288 of the Public Acts of 1967, as amended, MCL 560.101 et. seq., and Article 23 of the Village Code (subdivision regulations) shall apply to all site condominiums projects. The provisions of SECTION 22.26 shall also apply to condominium projects developed using the Single Family Residential Cluster Option.

e. Conversion Condominiums. All conversion condominium projects shall be subject to the provisions of this Ordinance and shall require site plan approval by the Village Council prior to the occupancy of any converted condominium unit. The site plan shall include all existing conditions and clearly identify all proposed site modifications. The Village Council shall consider the site plan for a condominium conversion as a new site plan and may revise any requirements granted by a previous site plan approval. {Ord. 253, 5-12-91} {Ord. 299; 6-7-00

#### 22.25.060 PRELIMINARY SITE PLAN APPROVAL

The Planning Board shall make a recommendation to the Village Council regarding a preliminary approval of the site plan for the proposed condominium project. Based upon the standards and requirements set forth in this Ordinance, the Village Planning Board shall review and make a recommendation to the Village Council who shall preliminarily approve, subject to conditions, or deny the site plan.

a. Effect of Denial. A denial shall mean that the site plan for the proposed condominium project does not meet the requirements of this Ordinance. A Council resolution of denial shall specify the reasons for the denial and those requirements which are not met.

b. Effect of Approval. A preliminary approval shall mean that the site plan for a condominium project meets the requirements of this Ordinance. Subject to any conditions imposed by the Village Council as part of its motion of approval, a preliminary approval assures the applicant that the project and site plan shall receive final approval if:

1. The applicant meets the requirements as stated in SECTION 22.25.70 for Final Site Plan Approval;

2. All state and county approvals are obtained;
3. No negative comments are received from any governmental agencies or public utilities during the required notice period; and
4. All federal, state and local laws and ordinances are met. All site condominium projects shall require the review and approval or comments from the following agencies prior to final site plan review by the Village:
  - a. The Oakland County Road Commission if any part of the project includes or abuts a county road;
  - b. The Oakland County Drain Commissioner; and
  - c. Michigan Department of Health and/or the Michigan Department of Natural Resources shall approve the extension of the water and sewer utilities.

A preliminary approval shall be valid for a period of one (1) year from the date of Village Council approval. {Ord. 253, 5-12-91}

#### 22.25.070 FINAL SITE PLAN SUBMISSION

The developer or proprietor may request final approval by submitting to the Village the following items:

- a. Revised Plan. A revised, dated site plan incorporating all of the changes, if any, required for preliminary approval.
- b. Approvals or Comments. Verification of all required state and county approvals or comments pursuant to SECTION 22.25.060(b).
- c. Section 71 Comments. Presentation of all comments pursuant to Section 71 of the Condominium Act.

d. Condominium Documents. Copies of the recorded condominium documents or copies of the documents in their final recordable form. {Ord. 253, 5-12-91}

## 22.25.080 FINAL SITE PLAN REVIEW

The Planning Board shall review and recommend an action to the Village Council regarding a site plan submitted for final approval. The Village Council may approve or deny the site plan.

a. Effect of Denial. A denial shall mean that the final site plan for the proposed condominium project fails to satisfy one or more of the following:

- The requirement of this ordinance,
- The conditions of preliminary site plan approval,
- The standards of other jurisdictions reviewing the plan, or
- That a discrepancy exists between the Village approved preliminary site plan and the condominium documents filed as required by the Condominium Act.

A motion of denial shall specify the reasons for the denial.

b. Effect of Approval. Final site plan approval shall mean that the site plan for a condominium project meets the requirements of this Ordinance and that the applicable permits for construction may be issued by the Village Building Official following the payment of required fees. A final site plan approval shall be valid for a period of one (1) year from the date of Village Council approval. {Ord. 253, 5-12-91}

## 22.25.090 MONUMENTS REQUIRED

All site condominium projects shall be marked with monuments as follows:

a. Required. Monuments shall be placed in the ground according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.



b. Construction. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

c. Location. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.

1. If the required location of a monument is inaccessible, or if the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

2. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

3. All required monuments shall be placed flush with the surrounding grade where practicable.

d. Condominium Unit. Each condominium unit corner shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or markers approved by the Village Engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.

e. Timing. The Village Council, on recommendation of the Village Engineer, may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, following the date of final site plan approval, on the condition that the proprietor deposits with the Village Clerk cash or a certified check, or irrevocable bank letter of credit running to the Village, whichever the proprietor selects, in an amount approved by the Village. Such cash, certified check or irrevocable

bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. {Ord. 253, 5-12-91}

## 22.25.100 POST CONSTRUCTION DOCUMENTS

It shall be the responsibility of a developer or proprietor of a condominium project to furnish the Village, through the Building Official, the following items:

- one (1) copy of the recorded Master Deed;
- one (1) copy of all restrictive covenants;
- two (2) copies of an "as built survey"; and
- one (1) copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 X 16) inches with an image not to exceed ten and one-half by fourteen (10 1/2 X 14) inches.

In the case of a site condominium, these documents must be submitted prior to the connection to Village sanitary sewer and water service lines. For condominium projects which include the construction of structures, these documents must be submitted prior to occupancy of any structure. {Ord. 253, 5-12-91}

## 22.25.110 TEMPORARY OCCUPANCY

The Village Council, upon recommendation from the Village Building Official, may allow occupancy of a condominium unit before all required improvements are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of all remaining improvements without expense to the Village before the expiration of the Temporary Occupancy Permit. {Ord. 253, 5-12-91}

## 22.25.120 CONDOMINIUM PLAN REVISION

If the condominium subdivision plan as required by the Condominium Act is revised, the final site plan shall be revised accordingly and submitted for the review by the Village Council prior to the issuance of a building permit. The Village Council may require a new site plan review of the revised site plan, if, in its sole opinion, such changes in a document require significant changes to an approved site plan. {Ord. 253,

5-12-91}

## 22.25.130 AMENDMENT OF CONDOMINIUM DOCUMENTS

An amendment to any condominium document that affects the preliminary or final site plan, or any conditions of the preliminary or final site plan approval, shall be approved by the Village Council prior to the issuance of a building permit. The Village Council may require a new site plan review of an amended site plan, if, in its sole opinion, such changes in a document require significant changes to an approve site plan. {Ord. 253, 5-12-91}

**Share**

## **22.26 PLANNED UNIT DEVELOPMENT**

### **22.26.010 INTENT**

The intent of the Planned Unit Development (PUD) District is to permit flexibility in development regulations for a site containing unique natural features that the developer and Village desire to preserve. The procedures and regulations contained in this section are intended to encourage innovative design and create opportunities which may not be obtainable through the more rigid standards of the other zoning districts.

The PUD standards are not intended to be used as a technique to circumvent the intent of the Zoning Ordinance nor to avoid imposition of specific Zoning Ordinance

standards or the planning upon which it is based. Thus, the provisions of this section are designed to promote land use substantially consistent with the character of the surrounding area, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the Village.

## 22.26.020 ELIGIBILITY

A PUD may be approved by the Village Council, following a recommendation by the Planning Commission, that the following criteria are met:

- a. The subject site shall be a minimum size of five (5) acres of contiguous land under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit. The Village Council, following a recommendation by the Planning Commission, may waive this requirement where the subject site has direct access to a County or arterial roadway and can accommodate a minimum of 6 residential dwellings.
- b. The site contains significant natural or historic features which will be preserved through development under the PUD standards, as determined by the Planning Commission, or the PUD will provide a complementary mixture of housing types within a unique, high quality design.
- c. The PUD will result in a recognizable and substantial benefit to the ultimate users of the project and to the Village, where such benefit would otherwise be unfeasible or unlikely to be achieved under conventional zoning requirements. These benefits shall be demonstrated in terms of preservation of natural features (including, but not limited to, trees, wetlands, and waterways), unique architecture, extensive landscaping, special sensitivity to adjacent land uses, particularly well-designed access and circulation systems, and/or integration of various site features into a unified development.
- d. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities; that the natural features of the subject site have the capacity to accommodate the intended development; and that the development shall not place an unreasonable burden upon surrounding land or land owners.
- e. The proposed development shall be consistent with the Village Master Plan.
- f. The subject site shall not be located within the area designated as Village Center Overlay District.

## 22.26.030 SUBMITTAL AND REVIEW PROCESS

A PUD may be designated by the Village or may be requested by an applicant. If the Village initiated the PUD, and the site is already designated PUD on the Village Zoning Map, the applicant is still responsible for the submission of a PUD preliminary plan and materials as described below, however the site shall already be deemed as meeting the eligibility criteria of Section 22.26.020 above.

The PUD submittal and approval process is as follows:

- a. **Optional Preapplication Conference.** Prior to formal submission of an application for PUD review, the applicant may request a meeting with Village staff and consultants to obtain guidance that will assist the applicant in preparation of the application and plan.
- b. **Submit PUD Request and Preliminary Plan:** The applicant shall prepare and submit the following:
  1. A completed application form and the required review fees.
  2. Proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
  3. A complete and current legal description and size of property in acres.
  4. A site analysis map illustrating the location of existing buildings and structures, rights-of-way and easements; driveways adjacent to and across from the subject site; woodlands and trees outside woodlands over eight inches (8") in caliper; significant historical features; existing drainage patterns (by arrow), surface water bodies, floodplain areas and wetlands; topography at two (2) foot contour intervals; and surrounding land uses, zoning and buildings within 100 feet of the subject site.
  5. A preliminary site plan illustrating a conceptual layout of proposed land use, acreage allotted to each use, residential density, building footprints, structures, required setbacks, roadways, parking areas, drives, driveways, pedestrian paths, conceptual landscape plan, natural features to be preserved and a preliminary plan for utilities and stormwater management. If a multi-phase PUD is proposed, identification of the areas included in each phase.
  6. A list of anticipated deviations from the Zoning Ordinance regulations which would otherwise be applicable.

7. Any other information which the Planning Commission or Village Council require to determine if the proposed project meets the eligibility criteria (e.g. preliminary building elevations, floor plans, sign plans, etc.) .
8. A draft PUD Agreement that identifies any modifications from conventional zoning, obligations of the developer and subsequent owners, provisions for maintenance, allowable uses, project phasing, and similar information to clarify conditions of approval.

**c. Planning Commission Review:** The Planning Commission shall review the PUD request, including PUD rezoning, preliminary site plan, and draft PUD Agreement, conduct a public hearing, and make a recommendation to the Village Council based on the review standards of Section 22.26.040 and/or Section 22.26.050, as applicable.

**d. Village Council Review:** Following receipt of a recommendation from the Planning Commission, the Village Council shall conduct a public hearing on the requested PUD rezoning, the preliminary PUD site plan and either approve, deny or approve with a list of conditions made part of the approval. The PUD Agreement is subject to execution between the owner/developer and Village Council.

Council may require re-submittal of the preliminary PUD site plan reflecting the conditions for approval by Village Administration prior to submittal of a PUD Final Site Plan. Council may impose additional reasonable conditions to ensure public services and facilities will be capable of accommodating increased service and facility loads caused by the PUD, to protect the natural environment, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

**e. Final Site Plan Approval:** If the rezoning and preliminary site plan are approved by Council, the applicant shall submit a final site plan for review in accordance with Section 22.08.290.

**f. Amendments:** If the Planning Commission determines that a proposed use or site plan is not consistent with the approved PUD, the applicant shall be directed to submit a request to amend the PUD following the same procedures outlined above.

**g. Change in ownership:** An approved PUD plan runs with the land, not with the

landowner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.

## 22.26.040 DESIGN AND REVIEW STANDARDS FOR A RESIDENTIAL PUD

A Residential PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed PUD meets the eligibility criteria of Section 22.26.020.
- b. **Uses Permitted:** Only residential uses as listed in Section 22.14 are permitted. Attached residential units may be permitted by the Village only upon a determination that the following criteria are met:
  1. Attached unit buildings shall meet the dimensional standards set forth in Section 22.24 for the RM District.
  2. Attached unit buildings shall be arranged and designed to promote compatibility with adjacent uses.
  3. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials, and colors.
  4. For at least fifty (50) percent of the units, garages shall be side entry, rear entry, or recessed a minimum of five (5) feet behind the living area.
  5. The units shall relate well to the streetscape and minimize the visual dominance of garage doors in the front yard through the provision of front porches, doors, windows, and architectural details that face the street, and a variation in garage door design and location (e.g. side entry, recessed from front building line, limited projection beyond front building line) and assist in minimizing the dominance of garages.
  6. The arrangement of units maximizes the preservation of open space and the protection of natural features. **Harmony with surrounding uses:** The uses and design of the PUD will be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other impacts.
- c. **Harmony with surrounding uses:** The uses and design of the PUD will be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other impacts.
- d. **Density Standards:** The overall permitted density within a PUD shall not



exceed the density allowed by the underlying residential zoning district as described in Section 22.24, except as noted in paragraph 3 below. If the underlying zoning is inconsistent with the Village Master Plan, the applicant may request rezoning in accordance with Section 22.40 simultaneously with the PUD application.

1. The maximum number of dwelling units permitted within a PUD shall be the number of units permitted under conventional zoning. This shall be demonstrated through the preparation of a parallel plan that illustrates how many dwelling units could feasibly and practically be constructed on the subject site in accordance with all dimensional requirements of the zoning district and design standards for storm water and public streets. Portions of a regulated wetland shall not be located within an individual lot. The lots on the parallel plan shall not require exceptional or unusual engineering to accommodate residential construction, as determined by the Village.
2. The area used for density calculations shall not include public street rights-of-way, private road access easements, lakes, streams, detention ponds, or submerged wetlands containing surface water or open water ponds during at least one (1) month of the year.
3. The Village may allow a density bonus of up to 10% of the number of units allowed under paragraph 1 above, provided the project includes at least one of the following to the Village's satisfaction:
  - i. The amount of open space exceeds what would otherwise be required.
  - ii. The development provides a diverse variety of housing types or provides a type of housing that is desired, but not currently offered or for which there is an insufficient supply, in the Village.

e. **Dimensional Standards:** The setbacks and lot sizes for various uses may be reduced by up to 50% of the standards associated with the various uses listed in Section 22.24 provided that no proposed lot, setback or principal building may be reduced below a conventional R-3 lot, setback, or residence.

**f. Open Space**

1. Area included in the open space calculations must meet the following:
  - a. At least forty (40) percent of the site's gross area shall be dedicated open space and held in common ownership.
  - b. The total area of dedicated open space shall equal or exceed any reduction in area for minimum lot sizes in the development based on the

parallel plan, except where a density bonus is approved as permitted herein.

- c. The minimum size of an individual open space area shall be 20,000 square feet with a maximum width to depth ratio of 3:1. This standard is intended to ensure open space is valuable and usable rather than scattered, isolated, or remnant lands. The Village may waive this standard for clearly identified pathway corridors between a single row of lots intended to connect open spaces, if such corridors are determined to be desirable.
- d. At least fifty (50) percent of the open space must be usable to the residents for passive or active recreation, exclusive of permitted water bodies, storm water facilities, or other required site plan elements.
- e. No more than twenty-five (25) percent of any required open space shall include lakes, streams, detention ponds or other surface water bodies, or wetlands regulated by the Michigan Department of Environment, Great Lakes and Energy. Detention ponds that do not provide a natural appearance and are not incorporated into the overall plan as an amenity shall not be included as required open space.
- f. A structure or use accessory to recreation, conservation, or an entryway may be erected within the dedicated open space, subject to the approved open space plan. Accessory structures or uses of a significantly different scale or character than the abutting residential districts shall not be located near the boundary of the development if it may negatively impact the residential use of adjacent lands, as determined by the Village.

2. To be included in the calculations for the minimum open space area, the following design standards must be met.

- a. The open space(s) shall be organized around the site's most important natural features and link existing and planned greenways and pedestrian corridors, as illustrated in the Village Master Plan and Community Recreation Plan.
- b. The open space shall include pathways to link adjacent open spaces, public or private parks, and bike paths or non-motorized routes.
- c. In addition to preservation of the most important natural features, where possible additional open space shall be located and designed to achieve the following:
  - i. preserve or create a buffer from adjacent land uses;
  - ii. maintain existing natural viewsheds; and

- iii. open space shall be located within prominent and highly visible areas of the development, such as the terminus of key views along roads, at the intersection of arterial or collector streets, at high points, or centrally located within a residential area.

3. The following land areas shall not be included in calculations for required open space:

- a. the area within any existing or future public street right-of-way;
- b. the area within private road easements or other easements that include roads, drives, or overhead utility lines;
- c. the area located below the ordinary high water mark of an inland lake, river or stream or any pond with standing water year round;
- d. the required setback areas around, or minimum spacing between buildings, except that the setback area around a permitted open space accessory building may be considered open space;
- e. parking and loading areas, except those exclusively associated with a recreation facility or common open space area; and
- f. any other undeveloped areas not specifically addressed in this Section, but determined by the Planning Commission to inadequately meet the intent and standards for open space.

#### 4. Protection of Open Space

The dedicated open space shall be set aside by the developer through an irrevocable conveyance and protected by a Maintenance Agreement, in a form and manner acceptable to the Village. Such conveyance shall ensure the open space will be protected from alteration and all forms of development, except as shown on an approved site plan or subdivision plat.

Said documents shall bind all successors and future owners in fee title to commitments made as part of the proposal, but shall allow transfer of ownership and control to a subdivision or condominium association consisting of residents within the development, provided notice of such transfer is provided to the Village. Such conveyance shall indicate the allowable use(s) within the dedicated open space. Upon transfer to a successor of the developer, the open space shall be maintained by the property owner's association or condominium association.

The Village may require the removal of invasive vegetation and the inclusion of open space restrictions to prohibit activities such as the following:

- a. dumping or storing of any material or refuse;
  - b. activity that may cause risk of soil erosion or threaten plant material;
  - c. cutting or removal of plant material except for removal of dying or diseased vegetation;
  - d. use of motorized off-road vehicles;
  - e. cutting, filling or removal of vegetation from wetland areas; and
  - f. use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- g. **Infrastructure:** The uses and design shall be consistent with the available capacity of the existing street network and utility systems or the applicant shall upgrade the infrastructure as required to accommodate the PUD.
- h. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

## 22.26.050 DESIGN AND REVIEW STANDARDS FOR A MIXED USE PUD

- a. **Eligibility:** The proposed Mixed Use PUD meets the eligibility criteria of Section 22.26.020.
- b. **Uses Permitted:** Office and commercial uses allowed elsewhere in the Village Zoning Ordinance may be permitted upon a determination by the Village that the uses would meet the intent of this Ordinance, the Village's Master Plan, and are compatible with surrounding land uses. Per paragraph (f) below, a residential component must also be incorporated into the proposed PUD.

Any proposed use listed as a Special Land Use in the Village Zoning Ordinance shall meet the standards listed in Section 22.08.300. Review and approval in accordance with Section 22.08.300 shall be required as part of a final site plan review.

- c. **Harmony with surrounding uses:** The uses and design of the Mixed Use PUD will be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other impacts.

- d. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall generally be consistent with the standards associated with the most applicable district(s) listed in Section 22.24.

Where the proposed design deviates from the typical standards, the applicant shall provide a table that clearly compares each requested modification to the Ordinance standard and provides justification for the modification for approval by the Village Council. Unless modifications are specifically requested and approved by the Village, the site plan or subdivision plan shall comply with the applicable Village standards.

- e. **Architecture:** Buildings shall utilize brick as the primary material for all exterior walls that are visible from a public road or a parking lot. Other accent materials may be used where the materials are durable and compatible with the type of use and development proposed. Unifying elements, accents, style, color, and materials shall be provided for different uses within the project.
- f. **Residential Uses:** A Mixed Use PUD shall incorporate a residential component within the same building (i.e., upper floor residences above a non-residential use).
- g. **Natural Features:** The development shall be designed to promote preservation of any significant natural or historic features on the site.
- h. **Infrastructure:** The uses and design shall be consistent with the available capacity of the existing street network and utility systems or the applicant shall upgrade the infrastructure as required to accommodate the Mixed Use PUD.
- i. **Design:** The site design, site elements, and architecture shall be of high quality, coordinated, and consistent with Section 22.09 Site Development Requirements.
- j. **Additional Considerations:** The Planning Commission and Village Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

## 22.26.060 SCHEDULE OF CONSTRUCTION

1. **Construction.** Final site plan approval of a PUD, PUD phase or a building within a PUD shall be effective for a period of three (3) years. Further submittals under the PUD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.

2. Phasing. In the development of a PUD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PUD. Non-residential structures designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

## 22.26.070 APPEALS, VIOLATIONS AND EXPIRATION

1. The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the Zoning Ordinance. However, the Zoning Board of Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
2. A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.
3. The Zoning Board of Appeals shall not have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, or perimeter landscaping. Such changes shall require an amendment to the PUD plan.
4. Approval of the PUD rezoning and preliminary site plan by the Village Council shall confer upon the applicant the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final site plan approval is not requested within this time period, re-submittal of the application shall be required. Village Council may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

{Ord. 379, 2-16-21; Ord. 257, 4-26-92}

**Share**

## **22.28 OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **22.28.010 OFF-STREET PARKING FACILITIES**

a. For every use, activity, or structure permitted by this Ordinance and for all buildings or structures erected in accordance therewith, there shall be provided sufficient space for access and off-street standing, parking, circulation, unloading, and loading of motor vehicles that may be expected to transport its occupants, whether as patrons, residents, customers, employees, guests, or otherwise, to an establishment, activity, or place of residence at any time under normal conditions for any purpose. When a use is expanded, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area of capacity of such expansion in combination with the previously existing uses, structure, or activity. Existing off-street parking facilities actually being used on the effective date of this Ordinance, for the parking of automobiles in connection with the operation of an existing building or use shall not be

reduced to an amount less than that hereinafter required for a similar new building or use unless additional parking facilities of the same amount are provided by the methods described herein.

b. Single-Family Residential Zone Districts. Every building intended for single-family residential occupancy shall provide on the same lot with such building, off-street parking facilities in the ratio of two (2) spaces for each dwelling unit. No part of the front open space shall be intended to provide such off-street facilities.

c. Non Residential Uses of Residential Buildings. In any Zone District a residential building being used for non residential purposes, except places of public assembly as hereinafter provided, shall provide in addition to the off-street parking space or spaces for the dwelling units required under subsection (b) hereof, off-street parking in the same amounts set forth in Section 22.28.020, for that portion of the floor area which is being utilized for nonresidential purposes.

d. Methods of Providing Parking Facilities. The required off-street parking facilities for buildings used for other than residential purposes may be provided by any one, or any combination of the following methods:

1. By providing the required off-street parking on the same lot as the building served.
2. By providing the required off-street parking within three hundred feet (300') of the building being served, measured without crossing a major thoroughfare, from the nearest point of the building or use to the nearest point of the off-street parking facility.
3. By the collective provisions of the required off-street parking for two (2) or more buildings or uses, provided that the total of such off-street parking area shall not be less than the sum of the requirements of the various buildings or uses computed separately and such parking areas are within three hundred feet (300') feet of the buildings being served, measured without crossing a major thoroughfare, from the nearest point of the building or use to the nearest point of the off-street parking facility.

e. Uses Not Specifically Mentioned. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Board of Appeals considers as being most similar in nature.



f. **Change in Use of Parking.** Any area once designated as required off-street parking shall never be changed to any other use unless and until off-street parking facilities are provided elsewhere in accordance with this Section.

g. **Zoning of Accessory Parking.** All accessory parking facilities, whether provided in fulfillment of or in excess of the requirements of this Section, and whether located on the same or on a different lot from the principal use as provided herein, shall be located on property zoned within the same, or less a restrictive zoning district as the principal use served by the parking.

h. **Joint Parking Facilities.** Off-street parking space for separate buildings or uses or mixed uses may be provided and used collectively or jointly in any zoning district in which separate off-street parking facilities for each constituent use would be permitted, subject to the following provisions:

1. A written agreement assuring the continuing joint usage of said common parking for the combination of uses or buildings is properly drawn and executed by the parties concerned, approved as to form and execution by the Village Attorney and the Village Council, and filed and made part of the application for a building permit.

2. All parking spaces are located within three hundred (300) feet of the uses they are intended to serve as measured by the most direct pedestrian access.

3. The total number of available off-street parking spaces provided collectively for all intended uses shall equal or exceed the number required to be provided if the parking spaces were considered separately for each use.

4. The Village Council may reduce the required total number of spaces provided collectively by up to fifty (50) percent upon making a determination that the continuing parking demands of all uses to be served do not overlap and do not create an off-street parking deficiency at any time.

5. Parking spaces which are provided to meet requirements for churches, public schools, and private schools may be collectively used to meet the off-street parking requirements of related accessory uses provided that the normal hours of operation of

the accessory uses do not overlap with the normal hours of operation of the principal use and an agreement per SECTION 22.28.010(h) (1) is executed by all applicable parties. {Ord. 252, 5-12-91}

i. Mixed Uses. For building or land containing more than one (1) use, the total parking requirement shall be determined to be the sum of the requirements for each use.

j. Duty of Continuing Compliance. Upon any transfer of the title to the real estate on which building or buildings are located, the transferees and the occupants shall have the continuing duty to maintain the off-street parking requirements of this Ordinance. It shall be unlawful for the owner or occupants of any building to discontinue or change, or cause the discontinuance or change of the required off-street parking without establishing, prior to such discontinuance or change, alternative off-street parking which meets the requirements of and is in compliance with this Ordinance.

22.28.020 OFF-STREET PARKING REQUIREMENTS. The minimum number of off-street parking spaces by use shall be determined in accordance with the following schedule:

Land Use Category	Standard
<b>Recreational</b>	
Community groups or private social clubs such as Knights of Columbus, Veterans of Foreign Wars, Kiwanis, or similar uses.	One per three seats or six feet of benches in the main unit of seating.  If no fixed seating: one space for each three persons allowed within the maximum occupancy load as established by building code.

<p>Public or nonprofit indoor recreation areas such as community recreation centers, swimming pools, and similar uses.</p>	<p>Swimming pools: one space per each three persons of capacity authorized by the building code.</p> <p>Other indoor recreation centers: one space per 200 sq ft of gross floor area.</p>
<p>Nonprofit or public outdoor recreation areas, playgrounds or ballfields, and similar uses.</p>	<p>Ballfields or facilities with fixed seating: one space per three seats or six feet of bleachers.</p> <p>If no fixed seating: one space for each three persons allowed within the maximum occupancy as determined by the building official.</p>
<p>Indoor commercial recreation (including but not limited to: skating, bowling, soccer, dance academies, arcades, indoor shooting/archery ranges, indoor golf including golf dome).</p>	<p>Bowling Alley: five spaces per lane plus 25% of the required parking for any restaurant or lounge.</p> <p>Other (skating, dance, arcades, etc): one space per three persons allowed within the maximum occupancy load as established by the Building Code or one space per 200 sq ft of useable floor area, whichever is greater.</p>
<p>Outdoor commercial recreation, recreation centers including amusement parks, batting cages, or go-cart tracks</p>	<p>Two spaces per batting cage, archery range, miniature golf hole, or similar activity.</p>
<p>Indoor health clubs, fitness centers, gyms and aerobic clubs.</p>	<p>One space for each 200 sq ft of useable floor area.</p>

Theaters and auditoriums, fully enclosed	One per each three seats, plus one additional for each two employees.
Public arenas or stadiums, enclosed or open air	One space per three seats or six feet of bleachers
<b>Civic</b>	
Municipal and other governmental offices, not including publicly owned and operated warehouses, garages or storage yards	One space per 250 sq ft of usable floor area
Art galleries/studios, photography studios, public or private libraries or museums, or similar uses	One space for each 350 sq ft of gross floor area
Churches, temples, and similar places of worship with fixed seating	One per three seats or six feet of benches in the main area of worship
<b>Health Care and Medical</b>	
Medical offices or clinics	One space for each 200 sq ft of gross floor area
Urgent care facilities or clinics over 15,000 sq ft of gross floor area	Two spaces per exam or outpatient procedure/operating room plus one space for each two rooms for employee parking
Nursing home and convalescent centers	One space for each three beds or two rooms, whichever is less plus one space for each employee during the peak shift

Hospitals	Two spaces per inpatient bed plus one space per each 200 sq ft of office or outpatient area
Veterinary clinics or hospitals and related offices, animal shelters and animal day care facilities, and similar uses	One space per 400 sq ft of useable floor area plus two spaces per employee
<b>Office Uses</b>	
Business and service offices, e.g. advertising, accounting/bookkeeping, architectural, attorney/legal services, engineering, employment, real estate, secretarial, or any similar use	One space per each 250 sq ft of useable floor area
Banks and similar financial institutions, with or without drive-up service or teller machines	One space for each 200 sq ft of gross floor space, plus two spaces for each ATM. Drive-up windows shall be provided four stacking spaces for the first window, plus three spaces for each additional window
<b>Child Care Uses</b>	
Child care center, Preschool, Daycare	Two spaces plus one additional space for each eight children of licensed authorized capacity
Family day care home and group day care home	One space per four clients plus one space per each employee
<b>Residential</b>	
Single-family detached dwellings	Two per dwelling unit

<p>Multi-family dwellings, attached or detached, such as duplexes, townhomes, apartments, or similar</p>	<p>One and a half spaces per efficiency or one bedroom dwelling unit, plus two spaces per unit with two or more bedrooms</p>
<p><b>Education</b></p>	
<p>Non-profit schools, private or parochial</p>	<p>One space per each teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more, plus one space per ten students for high schools</p>
<p>Vocational and technical training facilities including commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, or similar</p>	<p>One space per each teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more, plus one space per ten students</p>
<p>Commercial schools and studios for teaching photography, art, music, theater, dance, martial arts, ballet, or similar</p>	<p>One space per each teacher, employee, or administrator in addition to the requirement for auditorium or stadium, whichever seats more, plus one space per ten students</p>
<p><b>Retail</b></p>	
<p>Retail uses up to 25,000 sq ft of gross floor area</p>	<p>One space for each 250 sq ft of useable retail floor area</p>

Retail uses over 25,000 sq ft of gross floor area	<p>One space per 250 sq ft of useable retail floor area for the first 25,000 sq ft, plus one space per 275 sq ft for the next 50,000 to 450,000 sq ft of useable retail floor area, plus one space per 300 sq ft for that area in excess of 450,000 sq ft of useable retail floor area</p> <p>Non-retail uses such as restaurants, bars, and theaters shall be calculated separately based upon their respective requirements</p>
Drive-thru windows accessory to a retail use not otherwise listed	Drive-up windows shall be provided four stacking spaces for the first window, plus three spaces for each additional window in addition to requirements for retail use
<b>Service</b>	
Dry cleaning drop-off	One space per 500 sq ft of useable floor area
Personal and business service establishments performing services on the premises including seamstress/tailor, shoe repair, tanning salons, beauty parlor, barber shop, tattoo parlor, massage, skin care, or similar	One space per 300 sq ft of useable floor area or two and a half spaces per barber or beautician chair/station, whichever is greater, plus one per 800 sq ft where a showroom or workshop or office is on site
Laundromats	One for each two machines
Funeral home and mortuary establishments	One for each 50 sq ft of assembly room, parlor, and slumber room usable floor area, plus one space per each funeral vehicle stored on premise

<p>Open air business such as nurseries, home improvement supplies, and similar outdoor displays and retail sales</p>	<p>One space per 500 sq ft of land area being used for display</p>
<p>Hotel/motel</p>	<p>One space per guest room plus any required parking for conference rooms, restaurants, bars, exhibit space or banquet rooms</p>
<p>Indoor mini-storage and self-storage facilities</p>	<p>Business service storage: one space per each 50 storage units, plus one space per employee</p> <p>Self-storage: four spaces adjacent to the business office, plus one space per 200 storage cubicles</p>
<p><b>Restaurants</b></p>	
<p>Restaurants and coffee shops without drive-thru or drive-in</p>	<p>Sit down, no liquor license: one space for each 100 sq ft of gross floor area or one for each two seats, whichever is greater.</p> <p>Sit down, liquor license: one space for each 70 sq ft of gross floor area or one per two seats, whichever is greater</p>



Restaurants and coffee shops with drive-thru or drive-in service	<p>Drive-in only: one space per employee, plus one space per drive in station</p> <p>Drive-thru: one space per 70 sq ft of useable floor area or one-half space per seat, whichever is greater, plus three designated drive-thru short term waiting spaces, plus ten stacking spaces for drive-thru service which do not conflict with use of required spaces</p>
Restaurants with carry-out service only	One per 80 sq ft of usable floor area or ten spaces, whichever is greater
<p>Restaurants, bars, and microbreweries serving alcoholic beverages.</p> <p>The portion of a larger facility utilized for a lounge shall be computed at this rate.</p>	One space per each 60 sq ft of useable floor area or one space per two seats, whichever is greater.
Banquet halls	One space per three persons of capacity authorized by the Building Code or one space per 100 sq ft of useable floor area, whichever is greater, plus parking required for other uses.
<b>Auto Service</b>	
Auto and gasoline filling stations	Two for each service bay and one for each 200 sq ft of usable sales floor area; plus one for every two employees with a minimum of two spaces

<p>Automobile repair establishments including accessory retail of new auto parts. Salvage yards and tire stores are not included</p>	<p>Two spaces per service bay, plus one space per employee, plus one space per tow truck</p>
<p>Automobile, motorcycle, boat, and recreational vehicle sales, new and used</p>	<p>One space per 200 sq ft, plus three spaces per each auto service bay</p>
<p>Automobile wash, automatic or self-serve</p>	<p>Automatic: Two spaces, plus one space per employee, plus 12 stacking spaces per bay for free-standing washes. Six stacking spaces when accessory to a gas station plus any required parking for other uses</p> <p>Self-service: Three stacking spaces per wash bay, plus two spaces per bay for drying/vacuuming, plus any required parking for other uses</p>

{Ord. 378; 2-16-21; Ord. 299; 6-7-00}

**22.28.030 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE.**

- a. No building, structure, or land shall be erected or used for parking or driveway purposes of more than three required parking spaces unless a site plan has been approved by the Village Council.
  
- b. No parking lot shall be constructed without a permit issued by the Building Official. Application for a permit shall be submitted to the Building Department in such form as may be determined by the department and shall be accompanied by at least two sets of site plans for the development of the parking lot designed in accordance with this Section.
  
- c. The parking facilities shall not be less than the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 degrees (parallel parking)	12 ft.	8 ft.	20 ft.	20 ft.	28 ft.
30 to 53 degrees	12 ft.	9 ft.	19 ft.	32 ft.	52 ft.
54 to 74 degrees	15 ft.	9 ft.	19 ft.	36 ft.	57 ft.
75 to 90 degrees *	20 ft.	9 ft.	19 ft.	39 ft.	58 ft.

\* End islands shall be two feet shorter than adjacent parking spaces.

d. Except for parallel parking, all parking spaces shall be clearly striped with four inch wide double lines, 23 inches apart, to facilitate movement and to help maintain an orderly parking arrangement.

e. Parking Space Standards.

1. Except for parallel parking, all parking spaces shall be nine feet in width, center to center, and 19 feet in length.

2. Off-street parking reserved for the handicapped shall be provided in accordance with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended. {Ord. 280, 2-19-97}

Accessible Parking Spaces Per Michigan Barrier Free Design

f. Stacking spaces shall be a minimum of ten feet wide and 20 feet in length, shall not extend into any public street right-of-way and shall be distinctly separated from on-site parking so as not to interfere with ingress and egress to parking spaces.

g. Parallel parking spaces shall be 20 feet in length with a six foot maneuvering space for each two parking spaces.

- h. All parking lots shall have clearly limited and defined access from roadways and said access shall not be less than 24 feet in width at the right-of-way line. Interior driveways shall also be clearly defined and not less than 12 feet wide for one-way and 20 feet wide for two-way traffic.
- i. All parking spaces shall have access from an aisle on the site. Backing directly onto a street shall be prohibited.
- j. The Village Council may require the posting of such traffic control signs as it deems necessary to promote vehicular and pedestrian safety.
- k. Curbing shall be provided to prevent any vehicle from damaging or encroaching upon any required wall, berm, or buffer strips, upon any building adjacent to the parking lot, or upon any adjacent property. Freeway-type guard rails shall be prohibited. {Ord. 318, 9-7-04}
- l. All lighting used to illuminate any off-street parking area shall comply with Section 22.08.440 for residential uses in a Residential Zone District and Section 22.09.050 for nonresidential uses in a Residential Zone District and ll development in the P-Parking, O-Office, and B-Business Districts. {Ord. 318, 9-7-04}
- m. The off-street parking facilities in all non-single family residential districts shall be provided with asphalt or concrete surfacing in accordance with the Village standards. Drainage of all off-street parking facilities must be provided so as to collect and dispose of surface water so that water will not flow onto abutting properties or otherwise become a nuisance or a health hazard.
- n. In order to insure pedestrian safety, sidewalks, of not less than five feet in width, may be required to separate any driveway or parking area from a building.
- o. Sidewalks, not less than five feet in width, shall be constructed along the right-of-way line of all abutting streets.
- p. All interior circulation routes shall have rights-of-way of a sufficient width to accommodate the vehicular traffic generated by the uses permitted in the district or adequate provision shall be made at the time of the approval of the plan for such

sufficient width of rights-of-way. The right-of-way provided to satisfy this condition shall conform to the requirements of the Village, County, or State.

q. Parking spaces adjacent to interior sidewalks may have their length reduced up to two feet where adjacent curbs do not exceed four inches in height and where the adjoining sidewalk width is at least seven feet. This standard does not include those sidewalks provided along any public or private street.

r. Parking areas for all uses that shall comply with Section 22.09 SITE DEVELOPMENT REQUIREMENTS shall meet the parking lot screening requirements of Section 22.09.040 (g). {Ord. 299; 6-7-00} {Ord. 318, 9-7-04}

**22.28.050 OFF-STREET LOADING AND UNLOADING.** On the same premises with every building, structure, or part thereof, erected or occupied for storage, warehouse goods, display, a department store, a wholesale store, a market, a hotel, a hospital, a mortuary, a laundry, a dry cleaning establishment, or other such similar use involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening used for loading and unloading in order to avoid undue interference with public use of the streets or alleys.

All such loading and unloading areas, including all access drives, shall be paved and shall be in addition to the required off-street parking area requirements.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area ten feet (10') by forty feet (40') with a fourteen foot (14') height clearance and shall be provided according to the following table:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Usable Floor Space
0 to 3,000	None
3,001 to 20,000	One (1)
20,001 to 100,000	One (1) plus one (1) for each over 20,000 square feet
100,001 or more	Five (5) plus one (1) for each 40,000 square feet of excess over 100,000 square feet

No loading space may be on any street frontage and provision for handling all freight shall be on those sides of any building which do not face on any street or proposed street, except where such areas are obscured, from such street, with a solid masonry wall not less than six feet (6') in height.

22.28.070 VEHICLE STORAGE, SALE AND REPAIR PROHIBITED. The following is prohibited in all nonresidential off-street parking areas:

- a. The storage of an inoperable or unlicensed motor vehicle as defined in the State of Michigan Motor Vehicle Code.
- b. The storage of any recreational vehicle as defined in this ordinance.
- c. The sale or offering for sale of a motor vehicle or recreational vehicle.
- d. The non-emergency repair or maintenance of any vehicle. {Ord. 252, 5-12-91}

Share



## **22.30 NONCONFORMING LOTS, USES AND STRUCTURES**

### **22.30.010 NONCONFORMING USE LIMITATIONS**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there may exist within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

Nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on.

#### 22.30.020 NONCONFORMING LOTS

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Zoning Board of Appeals.

a. Notwithstanding the foregoing, when two (2) or more of such nonconforming lots or any combinations of such nonconforming lots and/or portions of lots which are nonconforming are contiguous and owned by the same person at the time of passage or amendment of this Ordinance, said combination of lots or portions thereof shall be considered a single, individual lot for the purposes of this Ordinance, and no portions of said lot shall be used, occupied, divided or sold in any manner which would diminish



compliance with the regulations of this Ordinance or which would leave remaining any lots that do not comply with the minimum lot width, minimum area of any other requirements of this Ordinance. {Ord. 243; 12-17-89}

### 22.30.030 NONCONFORMING USES OF LAND

Where, on the effective date of this Ordinance, or the effective date of an amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

### 22.30.040 NONCONFORMING STRUCTURES

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

- a. No such structure may be enlarged or altered unless the proposed enlargement or alteration conforms to the provisions of this Ordinance.

b. Should such structure be destroyed by any means to an extent of more than sixty percent (60%) of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.

c. Should such structure be moved for any reason for any distance it shall thereafter conform to the regulations for the district in which it is relocated after it is moved.

{Ord. 356; 11-28-15}

#### 22.30.050 NONCONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to both 22.30.030 and 22.30.040 above.

#### 22.30.060 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

#### 22.30.070 USES UNDER SPECIAL APPROVAL PROVISIONS NOT NON-CONFORMING USES

Any use which is permitted by a special approval, as provided in this Ordinance, or variance, or court of competent jurisdiction, shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

#### 22.30.080 REMOVAL BY COUNCIL

Whenever in the opinion of the Village Council an area will be improved by the removal of a nonconforming use, the Village Council may by resolution determine to cause such removal by purchase or condemnation or otherwise proceed in accordance with the Village Charter or laws and statutes of the State of Michigan, and may pay the cost and expense thereof by special assessment against the area especially benefitted in accordance with any Special Assessment Ordinance of the Village which may be applicable.

*Share*

## 22.32 SIGNS

### SECTION 22.32 SIGNS.

22.32.010. PURPOSE AND INTENT. It is hereby determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare, and discourage visual competition among businesses.

In addition, it is the intent of this section to develop a total and cohesive community environment through the adoption of discretionary controls designed to create a more attractive business climate, character and unique sense of place within the Village.

The Village encourages signage that is unique and creative to help reinforce the business brand and identification without creating visual blight.

**22.32.020. DEFINITIONS.** The following words and phrases shall have the meanings set forth in this Section when they are used in this Section:

**A-Frame or Sandwich Board Signs:** An advertising or business sign constructed in such a manner as to form an “A” or a tent-like shape. Such signs are movable and not secured or attached to the ground or surface upon which it is located.

**Accessible Sign:** A sign that designates a site, building, facility, parking space, or portion thereof as barrier-free, that can be approached, entered, and used by individuals with disabilities and complies with the Americans with Disabilities Act. Signs shall be marked with the International Symbol of Accessibility.

**Airborne Devices:** A sign supported by aerodynamic forces or propelled through the air by force, including but not limited to air filled balloons, signs animated by forced air, and lighter than air signs.

**Back-lit Signage:** Solid/opaque letters, numbers or symbols illuminated from behind.

**Banner:** A sign made of a non-ridged material not including pennants or flags.

**Billboard Sign:** An on site, free-standing sign upon which a display can be posted, painted or otherwise affixed in a manner that is readily changed.

**Billboard-Road Advertising Sign:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**Building Elevation:** The perimeter vertical surface of a building set approximately parallel to a lot line.

**Bulletin Board:** A sign with temporary replaceable letters or characters, used to announce dates of functions or activities.

**Business:** Any legal use of a building, other than for religion, day care center, school, home occupation or residence, by a person, firm or corporation. Although contained in the same building as another business and may or may not be owned by the same person, an activity may be treated as a separate business only if the following exists:

1. The businesses are physically separated from each other in a manner that complies with the Village adopted building code for fire separation between business uses.
2. Each business provides distinctly different services.
3. Has a separate business address.

**Building Frontage:** The horizontal width of the building or tenant space on the side parallel to the street, or streets, if contiguous.

**Canopy:** A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

**Canopy Sign:** A sign affixed, applied to or a part of a canopy.

**Canopy Valance:** That portion of a canopy consisting of short strips or bands of material hung at the lower edge of the canopy.

**Changeable Message Sign:** A sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.

**Construction Sign:** An on-premises sign erected during a construction of a project which identifies the project, the owner or developer of the site, the architect, engineer, contractor and subcontractors working on the project, and any funding sources for the project, but which does not act to advertise a product of service.

**Development Identification Sign:** A sign which, by means of symbol or name, identifies a shopping center or other development that may contain a mixture of uses, but does not include the name of a tenant.

**Directional Sign:** An on-premise sign whose primary purpose of which is to expedite the flow of vehicular, bicycle or pedestrian traffic to, from and within the premise.

**External Lighting:** Illumination resulting from light emitted directly from a lamp or luminary and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

**Flag:** A sign made of non-rigid material having a distinctive size, color, and design used as a symbol or emblem.

**Grade:** The average elevations of an area within a radius of the sign base equal to two times the height of the sign.

**Ground Sign:** A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than 24 inches clearance from the bottom of the sign to the grade below.

**Indirect Lighting:** Light that has been reflected or scattered off another surface to illuminate the sign surface.

**Illuminated Sign:** Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

**Institutional Ground Sign:** A sign displaying the name of a religious institution, schools, government buildings, library, community center, or similar institution, and the announcement of its services or activities.

**Internally illuminated Sign:** A sign having an internal lighting source that allows light to be visible through the sign face.

**Legal Nonconforming Sign:** A pre-existing legal sign or portion thereof, which previously complied with the sign regulations in effect at the time the sign permit was issued, which was designed, erected, or structurally altered such that it does not conform to the current regulations of the zoning district in which it is located.

**Mascot Sign –** Any person dressed with a business logo or as a representation of a business logo/mascot for the purpose of drawing attention and advertising that business.

**Menu Boards:** A sign that displays the bill-of-fare for drive thru restaurant customers.

**Moving Sign:** A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, scintillating or varying intensities of illumination.

**Mural Sign:** Artwork applied to the wall of a building that covers all or substantially all of the wall and depicts a scene or event of natural, social, cultural or historic significance and not interpreted by the Village to be advertising. Murals determined to be advertising shall be considered a sign and shall be included in the calculations of allowable sign area.

**Off-Premise Sign:** A sign which contains a message related to a business, profession, commodity, service or activity sold or offered for sale on property other than the premises where such sign is located.

**Outline Tubing Signs:** A sign arranged of exposed tubing that outlines and calls attention to certain features of an advertising device such as individual letters, figures, shapes or words.

**Parasite Signs:** A sign intended to draw attention to any one or more of various services, items for sale, contests, etc., and is attached as an appendage to a sign, sign support or any part of a principal building, accessory building or other structure located on the premises.

**Parked Vehicle Signs:** Any sign attached to or upon any vehicle where said vehicle is allowed to remain parked in the same location, or in the same vicinity, for frequent or extended periods of time, where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service or product.

**Pennant:** A small, often triangular, flag used in multiples as a device to call attention to a land use or activity.

**Pole Sign:** A permanent sign that is mounted on a freestanding pole(s) or post(s) that is independent from any building or other structure.

**Political Sign:** A sign relating to the election of a person to public office or to a political party or the expression of a political opinion, or to an issue or matter to be voted upon.

**Portable Sign:** Any sign, which by its construction, is intended to be moved from one location to another.

**Premises:** Any contiguous real property under the same ownership or control that is not divided by a public street.



**Principal Building Frontage:** The width of the building on the side where the primary entrance to the business is located, which may or may not front a street. The Planning Commission may designate an alternative horizontal building width as the principal building frontage for signage purposes.

**Projecting Sign:** A sign erected and attached at one end to a building that extends beyond the attachment surface by more than 12 inches.

**Real Estate Sign:** A temporary sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on a site.

**Rear Entry Sign:** A wall sign which is located near the rear entry door on a building.

**Roof Sign:** A sign, which is erected, constructed and maintained above any portion of the roof.

**Sign:** Any object, device, logo, display or structure, or part thereof, which is intended to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means. Signs shall include banners, bulbs or other lighting devices, streamers, pennants, balloons, propellers, flags and any similar device of any type or kind whether bearing lettering or not. The official flag of any nation, state or nonprofit organization or a flag with no commercial advertising on its face, is not considered to be a sign, provided it is not used to attract attention to an object, person, institution, organization, business, product, service, event or location. This definition does not include goods displayed in a business window, nor does it include religious symbols.

**Sign Base:** A support directly below a sign.

**Sign Erector:** Any person engaged in the business of erecting, constructing, altering, or removing signs.

**Sign Face:** The surface intended for the display of information on the sign excluding its base, foundation and erection supports.

**Sign Height:** The vertical measurement from the grade to the highest point of the sign.

**Special Event Sign:** A sign announcing an occasion such as a birth, graduation, birthday, anniversary or holiday greeting.

**Streamers:** A long narrow wavy strip resembling or suggesting a banner floating in the wind.

**Temporary Sign:** An informational sign, banner, pennant, commercial flag, without a structural frame, intended for a limited period of display, such as for sales events, or special decorative displays for holidays or public demonstrations.

**Time/Date/Temperature Sign:** A sign that displays the current time and/or date and/or temperature that may include the name, and/or insignia of a business on the premises.

**Trailer Sign:** A sign, which is attached to, or sitting upon a trailer, either stationary or mobile.

**Valet Sign:** A portable sign that designates a parking service is available and does not advertise any establishment or business offering valet services.

**Wall Sign:** A sign which is attached directly to or painted on the exterior wall of which is essentially in a plane parallel to the building or wall structure.

**Window Sign:** A sign that is affixed onto a window pane or glass or the intent of the indoor signage is to be visible from the outdoors viewed through the window pane or glass. Window Signage shall not obstruct view into business from walkway or public thoroughfare.

**22.32.030. MEASUREMENT OF SIGN AREA.** The total sign area is to be expressed in square feet and shall be computed as herein set forth and permitted in Section 22.32.110 of this Ordinance.

1. Single-Face Sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle or circle encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of the display used to differentiate such sign from the background against which it is placed.

2. Double-Face Signs having two faces of equal or similar size arranged and/or positioned back-to-back and parallel or with the faces at an included angle of not more than 30 degrees in the plan or vertical view; the area of the sign shall be computed as one-half the total area of the two faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.

3. When two Single-Face Signs are arranged and/or positioned within 36 inches of each other, the area of the two signs shall be computed as one Single-Face Sign and total area shall include the open space between the two separate faces.

4. The base of a ground sign shall not be counted as sign area.

#### 22.32.040 SIGN ERECTION PERMITS AND APPLICATIONS

1. Sign Erection Permit Required. It shall be unlawful for any person to erect, re-erect, alter or relocate any sign unless a permit shall have been first obtained from the Village, except as provided in the EXEMPT SIGN Section 22.32.050. The Planning Commission, except for temporary signs as stated in TEMPORARY SIGNS Section 22.32.100(4), shall review all signs for compliance with these regulations and according to the standards stated in APPROVAL STANDARDS Section 22.32.095. A permit fee must be paid in accordance with the schedule adopted by resolution of the Village Council. Any sign that makes use electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.

2. Planning Commission Approval Required. A type of sign not explicitly defined in DEFINITIONS of this Section must be approved by the Planning Commission before a permit shall be issued.

3. Sign Erection Permits. Permits for the erection of signs shall only be issued to persons qualified to carry on such work under the provisions of this Section.

4. Sign Erection Permit Expiration. A sign permit shall become null and void if the work for which the permit was issued is not completed within 90 days of the date of issue.

5. Sign Erection Permit Applications. Applications for sign permits shall be made upon forms provided by the Village for this purpose and shall contain the following information:

a. Name, address and phone number of applicant.

b. Location of the building, structure, or lot on which the sign is to be attached or erected.

- c. Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
  - d. Position of the sign in relation to nearby buildings, structures, property lines, and rights-of-way, existing or proposed.
  - e. 12 copies of the plans and specifications and method of construction and attachment to the building or in the ground.
  - f. Copy of calculations, if deemed necessary by the Village, showing the structure is designed for dead load and wind pressure in accordance with the regulations adopted by the Village.
  - g. Name and address of the sign erector.
  - h. Insurance policy and/or performance bond as required herein.
  - i. Such other information as the Village may require to show full compliance with this and all other applicable laws of the Village and the State of Michigan.
  - j. When public safety so requires, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition for issuance of a permit.
  - k. Indicate the zoning district in which the sign is to be located.
6. Servicing. No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard.

**22.32.050 EXEMPT SIGNS.** No erection permit shall be required for signs enumerated below. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection and maintenance. Sign areas provided below are in addition to the sign area limits per premises of this Section:

- 1. Accessible Signs: Signs that designate a site, building, facility, or portion thereof as barrier-free.

2. **Flags:** The flag bearing the official designation of the United States of America when displayed on a flagpole of a height not exceeding 30 feet, but not more than one such flagpole per premises. No more than two additional flags which bear the symbol of a nation, state or other governmental entity, may be displayed on each premises on flagpole(s) of a height not exceeding 30 feet. Any site containing multiple businesses or containing multi-family dwelling units may display one United States flag for each separate business or dwelling unit, provided that the display of the flags is limited to areas directly leased or owned by the occupants of the individual structures or units.

3. **Government Signs:** Signs erected on a Village, County, Township, State or Federal building or land which announce the name, occupancy, achievements, and information of the use or admission to the premises.

4. **Gasoline Service Station Pump Island Signs .**

5. **Numerical Address Signs:** Letters and numbers shall not exceed 8 inches in height.

6. **Political Signs:** Shall be solely for the purpose of providing information relating to the election of a person to public office, or to a political party, or the expression of a political opinion, or to any matter to be voted upon, and shall be permitted subject to the following conditions:

a. **Maximum Area:** Individual signs shall not exceed six square feet in area. Permission to locate subject signs shall be obtained from the owner or occupant of property on which the sign is located. Failure to comply with this condition shall be cause for immediate removal of that sign. Political signs shall not be attached to any utility pole, other sign, other sign parts or landscaping including trees. Political signs shall be ground or wall signs. No ground sign shall be higher than four feet above grade.

b. Political signs shall be removed within ten calendar days after the election or event to which they relate.

c. Political signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

7. **Public or Private School Achievement Signs:** Signs erected by, or for, a public or private school announcing the achievements of the school or its students provided each such sign is no more than 18 square feet in area.

8. Real Estate: Accessory signs advertising premises for sale, rent and/or lease, when not more than six square feet in area for a single dwelling or building or vacant land.

a. Open House Sign: A non-accessory real estate sign not to exceed four square feet in area designed to give direction to a premises that is for sale, rent and/or lease may be located on private property. The sign height shall not exceed three feet above grade. Permission to locate subject signs shall be obtained from the owner or occupant of property on which the sign is located. Failure to comply with this condition shall be cause for immediate removal of that sign.

b. Removal: All real estate signs shall be removed on or before ten (10) calendar days after the sale, lease, or rental of the premises or structure.

9. Small signs including "garage sale" signs: Accessory signs, which are not more than two square feet in area, may be erected on a residential premises provided the total area of all such signs on one premises shall not exceed four square feet. Garage sale signs shall be permitted to be displayed for periods of no more than four days in any 90 day period.

10. Stadium Signs: Athletic scoreboards are exempt if all of the following conditions are met:

a. The total square footage for all athletic scoreboards within an individual athletic facility, such as a football or soccer stadium or a baseball or softball field, shall not exceed 200 square feet;

b. There is no commercial advertising;

c. An electronic changeable message sign shall not be included; and,

d. No smoke, fireworks or other special effects that have an off-site impact shall be produced.

e. In addition to any permitted scoreboard, one additional stadium sign is exempt if the following conditions are met:

i. The total area of the additional stadium sign shall not exceed 100 square feet; and,

ii. The additional stadium sign is located no closer than 200 feet from the nearest right-of-way line.

11. Street Signs: Signs erected by the Village, County, State, or Federal government for street direction or traffic control and information.

12. Temporary Signs: Temporary signs, used for non-commercial messages such as for public demonstrations or promotions of civic welfare or charitable purposes on which there is no commercial advertising, provided the Village is held harmless and blameless for any damage or injury resulting therefrom. These signs shall not exceed six square feet in area, and shall be displayed for a period not to exceed 30 cumulative days in any six month period unless approved, for other periods, by the Planning Commission.

13. General Expression Signs: Signs that are designed for the expression of religious, personal, or political messages may be erected on a residential premises provided not more than one sign per premises is permitted which does not exceed six square feet in area.

14. Construction Signs: One such sign may be allowed per development, provided it shall have a maximum height of 8 feet above grade and a maximum area of 32 square feet.

15. Indoor "Open" Signs: One such sign may be allowed per street frontage, with a maximum of two. Such signs may be up to 4 square feet in area and shall be installed no less than 5 feet and no greater than 7 feet above the finished floor.

22.32.060 SIGN ERECTOR REQUIREMENTS. Permits may be issued only to licensed persons in compliance with the following provisions:

1. License Application: Any person before engaging or continuing in the business of erecting or repairing signs in the Village shall apply for an annual sign erector's license subject to the following conditions:

a. Insurance Certificates: Before a license is issued, the installing company shall submit for filing with the Village Clerk a valid Certificate of Insurance, approved by the Village Attorney, for bodily injury liability in the amount of \$250,000.00 for injuries to one person and \$500,000.00 for injury to more than one person, and property damage liability in the amount of \$50,000.00 for damage to any property due to the actions of himself or any of his agents or employees.

Said certificate shall provide for notification of the Village ten days prior to the expiration of insurance.

b. Lapsing of Insurance: If at any time, the insurance of any sign erector is permitted to lapse, his license and right to obtain permits shall automatically be revoked.

c. Notification of Change: A sign erector shall notify the Village of any change in address, and if a firm or corporation, any change in ownership or management if other than that indicated on the Insurance Certificates.

2. Revocation: The license may be suspended or revoked as otherwise provided for in this Section.

## 22.32.070 CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

1. Materials and Design: All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the Village Building Code and requirements of this Section.

2. Erector's Imprint: Signs that require a permit under this Section, must carry the identification and address of the sign erector, electrical voltage, when applicable, and date of erection in clearly legible letters whether for the initial erection or rehang of a sign.

3. Fastenings: All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.

4. Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape routes.

5. Support Location: No pole, cable or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way.

6. Changeable Message Signs and Time/Date/Temperature Signs: Although changeable message signs and time/date/temperature signs are prohibited signs in Section 22.32.091, the message change cycle of these types of signs which may be currently in existence shall



not be not less than ten seconds per message, except on a combined time/date/temperature message, in which case the change cycle shall not be less than two (2) seconds.

7. Flashing Signs: All flashing or intermittent illumination of signs shall be prohibited.

8. Proximity to Electrical Conductors: No sign shall be erected so that any part including cables, guys, etc. will be within ten feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.

9. Rehanging: In case of rehanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.

10. Sanitation: Property surrounding any ground sign shall be kept clean, sanitary and free from obnoxious and offensive substances, free from weeds, rubbish, and flammable material.

11. Maintenance: All signs shall be maintained in a condition of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out of plumb, worn, torn, rusted or missing material parts shall be repaired within ten days of written notification of the Village.

12. Compliance with Code: The construction and maintenance of signs shall be regulated by the current edition of the adopted Building Code for the Village unless the provisions of this Section are more stringent.

#### 22.32.080 COMPLIANCE CERTIFICATE REQUIRED.

1. Compliance Certification: All signs shall be inspected at original installation and if found to be in full compliance with the provisions of this Section, shall be issued a Certificate of Compliance.

2. Inspections: The Village shall cause existing signs to be inspected if deemed necessary by him to determine continuation of compliance with the provisions of this Section.

3. Concealed Work: In cases where fastenings are to be installed and enclosed in such a manner that the Village cannot easily remove material to see the fastenings and material used, the Sign Erector must advise the Village so that the inspection may be made before concealment.

4. **Removal of Signs:** Should any sign be found unsafe, insecure, improperly maintained or constructed or not in accordance with the requirements of this Section, the erector and/or owner shall be required to make any such sign safe, secure and otherwise in compliance with the requirements of this Section within seven calendar days of notice. Failure to comply shall result in an order to remove the sign within 48 hours from the time of notification in writing to that effect from the Village.

5. **Exception:** Existing signs determined to be unsafe and in immediate hazard to health or safety shall be removed or repaired within 12 hours of notification.

6. **Exemptions:** Exempt signs as provided in Section 22.32.050 shall not be issued a Certificate of Compliance.

7. **Responsibility of Compliance:** The owner of any property on which a sign is placed and the person maintaining the sign are declared to be equally responsible for the erection, safety and condition of the sign and the area in the vicinity thereof subject to the provisions of Section 22.32.070.

**22.32.090 GENERAL PROVISIONS IN ALL ZONING DISTRICTS.** The following provisions shall apply to all signs erected or located in any Zoning District:

**1. Sign Location:**

a. No sign, except those established and maintained by the Village, County, Township, State, or Federal Governments, shall be located within, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this Section.

b. No sign above a height of 36 inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, unless visual under clearance can be assured on the plans.

c. No wall sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than 12 inches, and shall not project above the roof line or parapet.

d. Construction signs advertising buildings or projects under construction or repair may be erected and maintained for a period not to exceed the term of construction or repair, and such sign shall be erected on the site of construction. Said sign shall advertise only the building or project under construction and information related thereto such as its developers, contractors, engineers, brokers and architects.

e. No sign shall be permitted at any location which, in the sole discretion of the Village, creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic.

2. Sign Height: No ground sign, except as otherwise provided herein, shall project above the maximum height limitation of 8 feet above grade.

3. Liability Insurance: If the vertical distance of a sign above the street is greater than the horizontal distance from the sign to the street right-of-way line and is so located as to be able to fall or be pushed onto public property, then the owner of such sign shall keep enforce a bodily injury liability insurance policy in the amount of \$250,000.00 for injury to one person and \$500,000.00 for injury to more than one person and property damage liability in the amount of \$50,000.00 for damage to property. In lieu of an insurance policy as required herein, an owner may present proof satisfactory to the Village Attorney that said owner is financially capable of self-insurance in the above amounts.

22.32.091. PROHIBITED SIGNS IN ALL ZONING DISTRICTS. The following signs are prohibited in all Zoning Districts

1. Signs that are not clean, i.e. are covered with materials that obscure the message, in whole or in part. Signs that are not in good repair, i.e. having broken foundation, base, or support structures, lighting fixtures, etc. and/or having a faded appearance.

2. Signs that are not securely affixed to a substantial structure that will hold the sign in a fixed position under normal weather conditions or deemed to be unsafe by the Village.

3. Signs that are attached to any natural growth, such as trees, shrubs, rock or other foliage.

4. Signs, which by reason of their location, shape, size, or color appear to regulate, warn, or direct the movement of vehicular traffic on public thoroughfares or interfere with or resemble an official traffic sign or device.

5. Signs other than utility company signs affixed to power poles or other utility structures of fixtures.
6. Signs located so far as to interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
7. Signs in public rights-of way.
8. All types of flags, banners, pennants, streamers, and airborne devices attached to the ground or buildings (unless specifically authorized elsewhere in this Section).
9. All billboard and billboard-road advertising signs.
10. Internally illuminated signs except for those specifically allowed in 22.32.110.
11. Off premise signs.
12. Roof signs.
13. Pole signs.
14. Changeable electronic message signs.
15. Moving or revolving signs.
16. Time/Date/Temperature signs.
17. Trailer signs.
18. Parked vehicle signs.
19. Outlined tubing signs.
20. Parasite signs.
21. Mascot signs.

22. No red or green illumination within 200 feet of traffic signal.

23. Any sign that advertises, identifies, or pertains to a business no longer conducted, or product no longer sold, on a premise where such a sign is located. Such signs shall be removed within fifteen (15) days following cessation of the relevant activity.

24. No sign which advertises a business related transacted or goods sold or produced, shall be constructed or maintained that does not advertise a business related transaction or goods sold or produced on the premises on which the sign is located.

25. For Sale, For Lease, or For Rent signs posted on ground signs, signage bands, projecting signs or canopies are prohibited.

#### 22.32.095. STANDARDS FOR ALL SIGNS:

##### 1. Number and square footage requirements

a. Each business shall be allowed a maximum of two (2) types of signs per any single building elevation that has public frontage. Types of signs are:

- Wall sign
- Ground sign
- Canopy sign

Individual businesses within a multi tenant building shall not have individual ground signs but can have (1) Development Identification Sign or a collective ground sign (subject to the provisions of Section 22.32.110) in addition to the (1) allowable sign listed above.

Professional and medical offices in a multi tenant building shall have a Development Identification Sign only.

b. For the purpose of determining the number of signs, where graphic material is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign; a number of small signs randomly placed on a wall shall not be construed to be a single sign.

c. A two-sided or multi-sided sign shall be regarded as one sign so long as the interior angle of a "V" shaped sign does not exceed thirty (30) degrees and the two sides are at no point separated by a distance that exceeds five (5) feet; and the distance between the backs

of each face of a double faced (back-to-back) sign does not exceed three feet.

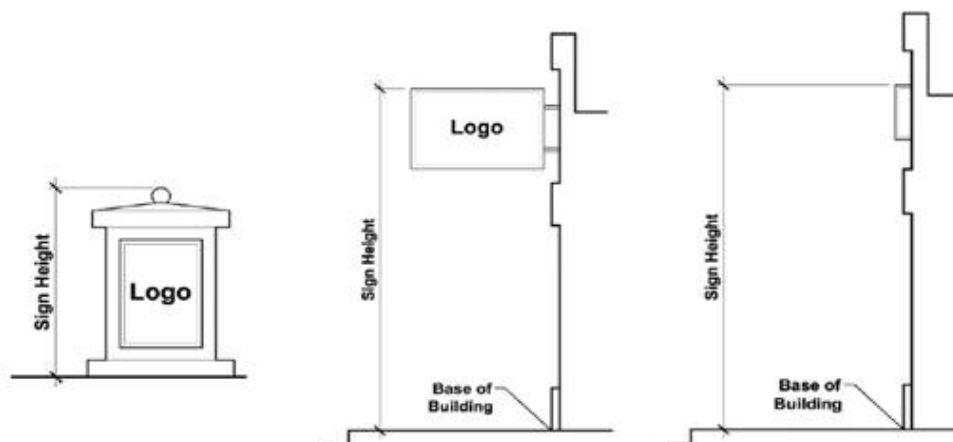
- d. Canopy signs can be up to 30% of the allowable wall sign square footage.
- e. Window signs are allowed provided they do not exceed 25% of the total window pane area and does not exceed ten (10) square feet, whichever is less.

## 2. Height, setback, and projection requirements

a. When measuring sign height, the height of the entire structure, including decorative elements, shall be included.

i. For ground signs, height shall be calculated as the vertical distance measured from grade to the highest point of the sign.

ii. For signs attached to buildings, height shall be calculated as the vertical distance from the grade at the building to which a sign is attached to the building to the highest point of the sign.



b. No sign may extend above any parapet of a flat roof or above the eave line of a sloped roof.

c. No wall sign attached to a building may project more than twelve (12) inches from the building wall. In those instances, where a wall sign is affixed to the wall of a structure, which lies on a right-of-way line, the bottom of the wall sign may be no closer than eight (8) feet from the grade.

d. No part of a ground sign may be closer than four (4) feet to the right-of-way.

e. No part of a projecting sign or sign bracket may extend more than five feet and six inches (5-6") over private property or more than thirty six (36) inches beyond the property/R.O.W line

f. Except for awning signs hanging entirely over private property, no part of an canopy sign may be closer than eight (8) feet above grade level.

### 3. Signage Information

a. A development identification sign shall contain no other advertisement display, including the name of any individual tenant.

### 4. Illumination/lighting

a. All electrical wiring shall be concealed from view or placed underground.

b. Signs shall be lit indirectly or externally (see exception in 22.32.110). Lighting shall be directed either downward or upward onto the sign face and shielded so that it illuminates only the sign face and does not shine directly into a public right-of-way or residential premises.

#### Exceptions:

i. Wall or ground signs may be internally illuminated not exceeding 30% of the total signage area.

ii. Back lit wall or ground signage

c. No signage shall be illuminated by flashing or intermittent lights or lights changing degrees of intensity.

d. No receptacle or device housing a permitted light source for a sign shall protrude more than thirty six (36) inches from the face of the sign or building to which it is attached

e. All illuminated signs shall be equipped with a functional timer control. No sign shall be illuminated after 11:00 PM or one-half hour following the close of the business day, whichever is later. No sign shall be illuminated before 7:00 AM, or one-half hour prior to

the beginning of the business day, whichever, is earlier. These provisions do not apply to residential subdivision identification signs.

f. Any illuminated sign located on a lot abutting or across a street from, any residentially zoned or occupied property shall not be illuminated between the hours of 9:00 PM and 7:00 AM except that such sign may remain illuminated during such time as the activity to which the sign pertains is open for business.

## 5. Sign Materials

a. Sign and base materials shall be constructed of durable materials able to withstand Michigan's four seasons.

b. E.I.F.S. is prohibited as a sign construction or base material.

c. It is recommended that the sign be constructed of materials compatible with the existing structure.

6. Sign Colors: No sign shall contain more than three (3) colors. Black and White shall be considered to be colors except when either is used only as the background of the sign.

Exception: Multiple color company logos may be permitted under the discretion of the Planning Commission.

7. Lettering Styles: A maximum of two differing type of styles shall be allowed on any single sign.

8. Obstruction of Accessways: No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window, or other required accessway.

9. Obstruction of window surface: No sign shall project over, occupy, or obstruct any window surface required for light or ventilation by any applicable provision of the adopted Village of Beverly Hills Building Code.

10. Sign spacing: No sign shall be nearer than twenty (20) feet to any other sign or structure other than a structure to which it is lawfully attached. The Planning Commission may reduce this spacing when existing conditions preclude an otherwise permissible sign.



11. General safety: Notwithstanding any other provision of this section, no sign shall be constructed or maintained in any area or in any manner so as to create a nuisance or a threat to the public safety or welfare.

12. Landscaping of ground signs: All ground signs shall be located within a landscaped area of not less than two hundred (200) square feet in area. Ground signs shall be landscaped with grass, small shrubs, perennials and/or other live ground cover.

13. Standards for specific uses: All signs must comply with 22.32.110, unless otherwise provided.

a. Signs relating to automotive service stations, including any business selling automotive fuel.

i. In addition to the signs allowed in 22.32.110, automotive fuel service stations, including any business selling fuel, may display one other sign, with a sign face not exceeding eighteen square feet, for the purposes of advertising the price of gasoline or other accessory products sold on the premises, including information regarding accepted credit cards. For purposes of this subsection, the sign area advertising the price of gasoline or fuel may be electronic. Other areas of the signage must be illuminated by external means.

b. Development Identification Center Signs. Notwithstanding 22.32.110, in the case of a shopping center or other integrated group of stores or commercial buildings one freestanding center sign may be erected. The maximum area for such sign face shall be equal to one-half (0.5) square foot of sign face area for each foot of building frontage, or fifty (50) square feet, whichever is less. All multi-tenant, business center signs shall be located within a landscaped area of not less than two hundred (200) square feet in area.

22.32.110 DISTRICT REGULATIONS.

Permanent Business Sign Standards

Type of Sign	Permit Required	Maximum Area	Maximum Height	Illumination	Maximum Number
--------------	-----------------	--------------	----------------	--------------	----------------

Canopy Sign	Yes	1 square foot for each linear foot of principal building frontage not to exceed 15 square feet	3 feet max. Canopies signs shall not be attached to the outer wall at a height of less than 8 feet above a public sidewalk and at a height of less than 15 feet above public driveways, roadways, alleys and thoroughfares.	External lighting with building compatible light fixture located above canopy. No internal illumination allowed.	1 canopy sign allowed per business. 2 identical principal canopy signs are allowed if business fronts 2 streets.
Canopy Valance Signs	Yes	No more than 33% of canopy valance area	Canopy valance shall not be more than 9 inches in height. Canopies may not extend from the wall at the height of less than 8 feet above walkway or public right-of-way	No illumination	1 per canopy allowed
Directional Signs	Yes	5 square feet	4 feet above grade	No illumination	No maximum; however, logo of business not permitted.

Development Identification sign	Yes	50 square feet	No more than 8 feet high (including base). If base is used, 1/3 base (max.) to 2/3 sign proportion allowed.	Back-lit, indirect or external lighting to source. Sign may have internal illumination not to exceed 30% of total sign area. No illuminated wall signs on side or rear of building.	One per multi-tenant building or center. A second sign may be permitted where such a building has two or more street frontages with a minimum separation between signs of 300 feet.
Ground Sign	Yes	30 square feet	No more than 8 feet high (including base). If base is used, 1/3 base (max.) to 2/3 sign proportion allowed.	Back-lit, indirect or external lighting to source. Sign may have internal illumination not to exceed 30% of total sign area. No illuminated wall signs on side or rear of building.	1 sign for single business use which abuts one street, 2 signs if business has 2 or more street frontages with a minimum separation between signs of 300 feet.

Menu Board	Yes	25 square feet (not counted toward sign area)	8 feet	Permitted during business hours. Internal or external illumination permitted.	1 sign per drive thru lane
Projecting Sign	Yes	10 square feet	No less than 8 feet above grade.	Permitted	1 projecting sign per business. Sign cannot be located within 20 feet of any other projecting sign; however, this provision shall not deny any place of business at least one projecting sign.
Rear Entry Signs	Yes	6 square feet (not counted towards total sign area)	N/A	Permitted	1 sign

Wall Sign	Yes	One square foot for each linear foot of principal building frontage not to exceed 30 square feet. A business with 15,000 square feet or more may have up to 60 square feet.	Wall signs shall not be attached to the outer wall at a height of less than 8 feet above a public sidewalk/grade and at a height of less than 15 feet above driveways, alleys and thoroughfares. Wall signs that project more than 3 inches from the building facade shall not be attached to the outer wall at a height of less than 8 feet above a public sidewalk or at a height of less than 15 feet above public driveways, and thoroughfares.	Back-lit, indirect or external lighting source. Sign may have internal illumination not to exceed 30% of total sign area. No illuminated wall signs on side or rear of building.	1 sign per business. 2 identical principal wall signs are allowed if businesses fronts 2 streets.
Window Signs	No	10 total square feet not to exceed 25% of total window area, whichever is less	N/A	Not permitted	Limited by window area.

Temporary Business Sign Standards

Type of Sign	Permit Required	Maximum Area	Maximum Height	Illumination	Maximum Number/Duration
Special Event Signs (grand opening)	Yes	30 square feet	8 feet above grade	Not Permitted	1 sign per new business. Display period not to exceed 30 cumulative days in any six month period.
"A" frame or sandwich boards	No	9 square feet	4 feet	Not permitted	1 sign. Locate directly in front of the primary building frontage, on property, only during business hours.
Valet Sign	No	9 square feet	4 feet	Not permitted	1 sign, in place for a duration not to exceed 12 hours a day.

**Permanent Residential Sign Standards**

Type of Sign	Permit Required	Maximum Area	Maximum Height	Illumination	Maximum Number
Institutional Ground Sign	Yes	30 square feet	No more than 8 feet high (including base). If base is used, 1/3 base (max.) to 2/3 sign proportion allowed.	Maximum distance from ground abuts one street, 2 sign not to exceed 36 inches. Sign may have internal illumination not to exceed 30% of total sign area.	1 sign for single business use which has 2 or more street frontages with a min. separation between signs exceeding 300 feet.

Institutional Wall Sign	Yes	<p>1 square foot for each linear foot of principal building frontage not to exceed 30 square feet. If single business tenant building square footage is 15,000 square feet or more, signage may not exceed 60 square feet</p> <p>3 feet max. Wall signs shall not be attached to the outer wall at a height of less than 8 feet above a public sidewalk/grade and at a height of less than 15 feet above public driveways, roadways, alleys and thoroughfares. Wall signs that project more than 3 inches from the building facade shall not be attached to the outer wall at a height of less than 8 feet above a public sidewalk or at a height of less than 15 feet above public driveways, alleys and thoroughfares.</p>	<p>Back-lit, indirect or external lighting source. Sign may have internal illumination not to exceed 30% of total sign area. No illuminated wall signs on side or rear of building.</p>	<p>1 sign per institution. (2) identical principal wall signs are allowed if institution fronts 2 streets.</p>
-------------------------	-----	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------

Multiple-Family Residential Signs	Yes	30 square feet	No more than 8 feet high (including base). If base is used, 1/3 base (max.) to 2/3 sign proportion allowed.	Maximum distance from development which ground sign abuts one street, 2 signs if not to exceed 36 inches. Sign may have internal illumination not to exceed 30% of total sign area.	1 sign per development which has 2 or more street frontages with a minimum separation between signs exceeding 300 feet.
Home Occupation Wall Signs	No	1 square foot	N/A	Not permitted	1
Ground Signs - subdivisions	Yes	65 square feet	8 feet above grade	External lighting only	1 sign per major entry to subdivision.

Temporary Residential Sign Standards

Type of Sign	Permit Required	Maximum Area	Maximum Height	Illumination	Maximum Number
Advertising Lots and/or Buildings in One Subdivision Sign	No	32 square feet	6 feet above grade	Not permitted	1 sign
Institutional Special Event	Yes	15 square feet	8 feet above grade	Not permitted	1 sign at a time, maximum of 6 per calendar year



Home Improvement or professional services Signs	No	4 square feet	4 feet above grade	Not permitted	1 sign.
-------------------------------------------------	----	---------------	--------------------	---------------	---------

Special Event Signs	No	N/A	10 feet above grade	Not permitted	1 sign
---------------------	----	-----	---------------------	---------------	--------

## 22.32.120 NONCONFORMING SIGNS.

1. Lawful Existing Signs: Any sign lawfully existing at the time of adoption of this Section which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.

2. Continuance: A nonconforming sign shall not:

a. be expanded, change type, or change to another nonconforming sign;

b. be relocated or structurally altered so as to prolong the life of the sign, or so as to change the shape, size, type, placement, or design of the sign's structural parts;

c. be repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 60 percent of the cost of an identical new sign.

3. No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provision of this Section. For the purpose of this Section only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area, ornamental molding, frames, trellises, or ornamental features or landscaping below the base line; or the addition, construction, installation, or changing of electrical wiring or electrical devices, backgrounds, letters, figures, or characters, or other embellishments. Nonconforming signs and sign structure shall be removed or made to conform within 90 days of the termination of the use to which they are accessory.

4. Intent: It is the intent of this Section to encourage eventual elimination of signs that may, as a result of the adoption of this Section, become nonconforming over a period of time, and to administer this Section to realize the removal of such nonconforming signs and avoid any unreasonable invasion of established private property rights. Therefore;

- a. No person shall be required to remove a sign that was erected in compliance with previous regulations of this Section if said sign becomes nonconforming due to a change in regulations occurring upon adoption of this Section, or of the location of buildings, streets or other signs that change, is beyond the control of the owner of the sign and the premises on which it is located.
- b. If the owner of a sign or the premises on which a sign is located structurally alters a building, changes the location of a property line, or sign or changes the use of a building, or otherwise alters site features, so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Section.
- c. All nonconforming signs shall be brought into compliance when an existing building is expanded by 25% or more, when a new building is constructed, or when development under the Village Center option is pursued (Section 22.23). {Ord. 354; 9-12-15}

**Share**

## **22.34 FLOOD PLAIN REGULATIONS**

### **22.34.010 PURPOSE**

The purpose of this article is to regulate the use of land in those areas of the Village which are subject to predictable flooding by preserving the capacity of flood plains to store and convey flood flows which can reasonably be expected to occur, in order to protect the public health and to better maintain environmental factors and the proper ecological balance, through prohibiting or regulating unnecessary encroachments. Such regulations, while permitting reasonable economic use of such properties, will help protect the public health and reduce financial burdens imposed on the community, its governmental units and its individuals by frequent and periodic floods and inundation of lands, reserve such areas for the impoundment of water to better stabilize stream flow and to better maintain the proper ecological balance.

## 22.34.020 FLOOD PLAIN

Flood plain as used herein is deemed to mean that area in and adjoining the Rouge River within the Village of Beverly Hills which would be covered by flood waters equal in intensity and character to the "100-Year Flood Plain" as determined by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Village of Beverly Hills, Michigan" dated June 15, 1979, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps, the contents of such flood plain study are incorporated herein by reference fully as though set forth in detail herein, copies of which study are on file in the office of the Village Clerk.

## 22.34.030 BOUNDARIES

When there is a question as to the exact location of the flood plain boundary, the Village of Beverly Hills Engineer may determine the limits. Such determination may include assistance rendered by the Michigan Water Resources Commission and the U.S. Army Corps of Engineers.

The Village Council may, upon petition, permit minor modification to the delineation of the flood plain boundary after review and recommendation from the Village Engineer and upon a finding by the Village Council that existing land contours or planned changes in land contours require such minor modification. Provided, however, that no changes in land contours or resulting changes in flood plain boundaries shall be approved which would alter the discharge capacity of the flood plain.

## 22.34.040 GENERAL REGULATIONS

There shall be no new construction of buildings, substantial improvements (equal to fifty percent (50%) or more of market value), or changes in existing topographical features within the flood plain except as hereinafter approved:

a. Piers, pilings, roadways, paved areas, and structures not intended for human habitation or occupancy may be constructed within the flood plain, provided that they will not impede, obstruct or divert the flow of water or debris in the flood plain so as to alter its discharge capacity or otherwise adversely affect the public health, safety

and welfare, or cause damage to public or private property in the event of flood. For purposes of flood plain regulation, the term "structure" shall mean any assembly of building materials, earth, logs, or rocks forming a construction for use, including among others, bridges, buildings, cages, docks, fences, platforms, sheds, shelters, signs, tanks, towers, trestles, walls and wharfs.

b. Filling, land balancing, and landscaping (including new plant materials, patios, and other such features) may be constructed or placed in the flood plain, provided that they will not impede, obstruct or divert the flow of water or debris in the flood plain so as to alter materially its discharge capacity, or otherwise adversely affect the public health, safety and welfare, or cause damage to public or private property in the event of flood. Any filling or topographical change of lands in the flood plain or adjacent to flood plain boundaries shall have erosion control to prevent soil from being washed into the flood plain.

c. Alterations and additions may be made to existing buildings within the flood plain provided that they will not impede, obstruct or divert the flow of water or debris in the flood plain so as to alter materially its discharge capacity, or otherwise adversely affect the public health, safety and welfare, or cause damage to public or private property in the event of flood, and provided they are designed to afford protection to the occupants of the building from injury or loss attributable to flood.

d. New buildings may be constructed within the flood plain only if they are designed and situated in such manner that they will not impede, obstruct or divert the flow of water or debris in the flood plain so as to alter materially its discharge capacity, or otherwise adversely affect the public health, safety and welfare, or cause damage to public or private property in the event of flood.

e. Where buildings or structures are permitted in the flood plain or on any land immediately adjoining the flood plain by other sections of this ordinance, the elevation of the lowest floor shall be determined by the use to be made thereof in accordance with the following:

1. The elevation of the lowest floor designed or intended for human habitation in residential buildings, and the elevation of the lowest floor designed or intended for retail, office, or other business uses in a business building shall be at least three feet

(3') above the elevation of the flood plain boundary.

2. The elevation of a basement floor or other floor not designed or intended for human habitation in a residential building, and the elevation of a basement floor used for storage, mechanical equipment, and similar uses in a business building shall be no lower than the elevation of the flood plain boundary.

3. Floors of mechanical equipment buildings, garages, parking areas, carports, and similar accessory buildings may be below the elevation of the flood plain boundary.

f. When a parcel or lot is R-A, R-1, R-1A, R-2, R-2A or R-3 District and a portion thereof is within the flood plain, the portion thereof within the flood plain may be used to compute the lot area requirements set forth in the Schedule of Regulations. For all other uses the area of the flood plain which may be used to compute density and for parking thereon shall not exceed twenty-five percent (25%) of the property involved. In no instance shall the density credit and parking area exceed twenty-five percent (25%) of the area outside the flood plain. The restrictions imposed herein shall be in addition to the restrictions imposed by any other Zoning District in which said lands shall be located.

g. Construction Materials and Methods. All new construction and substantial improvements shall be:

1. Anchored to prevent flotation, collapse, or lateral movement of the structure;
2. Constructed with materials and utility equipment resistant to flood damage; and
3. Constructed using methods and practices that minimize flood damage.

h. Utilities:

1. All new and replacement water supply systems eliminate infiltration of flood waters into the systems.

2. All new and replacement sanitary sewage systems shall eliminate infiltration of flood waters into the systems and discharges for systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system during flooding.

3. All public utilities and facilities shall be designed, constructed, and located to eliminate flood damage.

i. Subdivision proposals shall be reviewed to assure that:

1. Such proposals minimize flood damage and that adequate drainage is provided; and

2. When the proposal is greater than fifty (50) lots or five (5) acres, base flood elevation data shall be provided.

j. Flood proofing methods are permitted for non-residential structures only. Minimum flood proofing standards shall require that the portion of the structure below the base flood level, together with attendant utility and sanitary facilities shall be watertight with walls substantially impermeable to the passage of water, have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyance, and be certified by a registered engineer or architect that the flood proofing standards of this subsection are met.

#### 22.34.050 FLOOD PLAIN USE PERMITS

a. No activity regulated herein shall be undertaken except as authorized by a flood plain use permit to be issued by the Building Official upon adoption of a resolution of approval by the Village Council and upon a showing that such regulated activity shall have been permitted by an order or rule of the Water Resources Commission of the State of Michigan or by a valid permit issued therefor by the Department of Natural Resources of the State of Michigan under the provisions of State law, and upon a determination that the applicant has complied with all other applicable provisions of Village ordinances, and that all necessary permits have been obtained from those Federal government agencies from which prior approval is necessary.

b. Applications for flood plain use permits shall be referred by the Building Official to the Village Council for review and consideration as to whether or not a resolution of approval should be adopted. The Village Council may, at its sole discretion, request advisory recommendations from the Village Engineer, the Planning Board, or other municipal officials or bodies. A resolution of approval shall be adopted by the Village Council if it should determine that the proposed use would be consistent with the public health, safety and welfare after considering the following factors:

1. Private or community use for the proposed facility or use.
2. Importance of a proposed waterfront location.
3. Alternative locations not subject to flooding.
4. Compatibility with existing and proposed flood plain development and use.
5. Relationship to comprehensive plans and flood plain management program.
6. Environmental compatibility.
7. Danger to life and property due to increased flood heights or velocities cause by encroachments.
8. Danger from materials swept downstream.
9. Ability of public utilities to function during floods and the prevention of disease and contamination.
10. The susceptibility of the proposed facility and its contents to flood damage.
11. Potential flood heights, velocities, duration, rate of rise and sediment transport.
12. Accessibility to ordinary and emergency vehicles.



13. Such other factors as may be relevant to the proposed use and the purpose of this Section.

c. Applicants for flood plain use permits shall submit their applications or, upon subsequent request of the Building Official or the Village Council, such topographical data, engineering studies, and other information as may be requested at the applicant's expense. The applicant may be required to submit engineering data prepared or certified by a registered professional engineer.

d. Applicants may appeal any administrative action of the Building Official made hereunder to the Zoning Board of Appeals in the same manner and subject to the same conditions as set forth for appeals in this Ordinance. The action by the Village Council herein shall not be subject to nor form the basis of such an appeal and shall be deemed to constitute a final determination by the Village of Beverly Hills as to whether a resolution of approval should be adopted pursuant to this section.

e. The Building Official shall:

1. Obtain and maintain records of elevation as required in Section 22.34.040 (e) and floodproofing certification as required in Section 22.34.040 (f); and

2. Notify adjacent communities, the Michigan Department of Natural Resources, Water Management Division, and the Federal Insurance Administration prior to any alteration or relocation of a watercourse, and execute this section so as to maintain within the altered or relocated watercourse the flood carrying capacity so that it is not diminished.

## 22.34.060 FLOODWAY

Located within the area of special flood hazard established in Section 22.34.020 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, all encroachments, including fill, new construction, substantial development, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge, shall be prohibited.



Share



## 22.36 ADMINISTRATION

### 22.36.010 ESTABLISHMENT OF ADMINISTRATIVE OFFICER

The provisions of this Ordinance shall be administered by the Building Official or such other official designated by the Village Manager. The Building Official shall have the power to:

- a. Grant Certificates Of Occupancy.
- b. Make inspections of buildings and premises necessary to carry out the duties of the enforcement of this Ordinance.
- c. Issue building permits.

## 22.36.020 BUILDING PERMIT APPLICATION

a. No building or structure within the Village of Beverly Hills shall hereafter be erected, moved, repaired, altered or razed, nor shall any work be started to erect, move, repair, or raze until a building permit shall have been obtained from the Building Official, nor shall any use be added to an existing use, nor shall any change be made in the use of any building or land without a building permit having been obtained from the Building Official, except that no building permit shall be required for nonstructural alterations costing less than five hundred dollars (\$500.00). No such building permit shall be issued to erect a building or structure or make any change of use of a building or land unless it is in conformity with the provisions of this Ordinance and all amendments hereto. Unless construction is started within six (6) months after the date of issuance of a building permit, the building permit shall automatically become void and fees forfeited. The Building Official may reinstate a building permit that has become void for failure to commence construction without payment of further fees at his discretion as long as site plan approval, if required, has not expired. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Building Official in advance of issuance. The amount of such fees shall be established by resolution of the Village Council.

b. The Building Official shall record all nonconforming uses for the purposes of carrying out the provisions of Section 22.30 hereof.

c. The Building Official shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of such permit.

d. The Building Official shall issue appearance tickets for violations pursuant to this Ordinance.

e. The Building Official shall require that all applications for building permits be accompanied by plans and specifications including a plot plan in duplicate, which shall agree with the site plan approved by the Village Council, when required, under Section

22.08.290 of this Ordinance. The plot plan shall be prepared, signed, and sealed by a registered professional civil engineer or a registered professional land surveyor, and shall show the following:

1. Legal description of the property and a statement affirming that the property has been surveyed and that the boundary corners of the property have been marked by placing permanent points at each corner of the property.
2. North point and scale of not less than 1" = 100'.
3. Exact dimensions of the property including bearings and distances as described in the legal description.
4. Property relationship of subject property with all abutting property lines.
5. Two foot contours or pegged grade elevations at fifty feet (50') on center for the entire property and for a distance not less than fifty feet (50') outside the entire perimeter of the property.
6. The existing finish grade elevations of all existing buildings or structures on or within fifty feet (50') of the property.
7. The location of all existing and/or proposed drives and parking areas.
8. The location of all existing or proposed underground utilities.
9. Proposed finished grade of all buildings, the site itself, and the entire perimeter of the property including property corners.
10. The location and widths of all existing and/or proposed rights-of-way and/or easements and all abutting streets and alleys.
11. The point, area, ditch, or enclosure to which storm water is to drain, including discharge of sump pumps.

12. The location of the existing and/or proposed buildings on the property shall be clearly shown and shall include the dimensions to front, side, and rear property lines and ties from the proposed building to any adjoining building on or within fifty feet (50') of the proposed building.

13. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provision of the Ordinance are being observed.

14. Prior to pouring concrete for any footings, the builder shall demonstrate to the Building Official that the footing forms are properly located on the lot and that the footing grade is set to the proper elevation, both according to the dimensions and elevations as indicated on the plot plan. One copy of the plans shall be returned to the applicant by the Building Official, after the Building Official shall have marked such copy either as approved or disapproved. The remaining copy shall be retained in the office of the Building Official.

f. Upon the completion of the work authorized by a building permit, the holder thereof shall seek final inspection thereof by notifying the Building Official who shall then make final inspection promptly.

g. Whenever the building, land and uses thereof as set forth in the application are in conformity with the provisions of this Ordinance it shall be the duty of the Building Official to issue within seven (7) working days after the receipt of said application a building permit, and when such permit is refused, to state such refusal in writing with the reasons therefore.

h. Whenever the application for a building permit involves an addition or alteration to an existing building or structure, the Building Official may waive the requirements herein of the furnishing of a plot plan when he determines that the public health, safety and welfare will not be adversely affected by doing so.

#### 22.36.030 CERTIFICATE OF OCCUPANCY

No land, building, structure, or part thereof shall be occupied by or for any use for which a building permit is required by this Ordinance unless and until a Certificate of Occupancy shall have been issued for such new use. The following shall apply in the

issuance of any certificate:

a. **Certificates not to be Issued.** No Certificates of Occupancy pursuant to the Building Code of the Village of Beverly Hills shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.

b. **Certificates Required.** No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure. Such certificate shall not be issued until the following requirements are complied with and are approved by the Building Official.

1. Prior to the official issuance of a Certificate of Occupancy the Building Official shall inspect the site to determine if the grading is in accordance with the approved plot plan. If, in the judgment of the Building Official, there is doubt that such grading is in accordance with the plot plan, the Building Official shall request a grading certificate prepared, signed and sealed by a registered professional civil engineer or a registered professional land surveyor be submitted to the Building Official, in duplicate, attesting to the fact that the site has been constructed and graded in accordance with the plot plan, permanent irons at each lot corner are in evidence, and that the drainage pattern is in accordance with the plot plan as approved at the time of issuance of the building permit.

2. In lieu of a grading survey, a surety bond, letter of credit, or cash deposit in an amount set by the Building Official may be required to insure grading and submission of such survey at a later date when a building, land or structure is otherwise suitable for occupancy during that season of the year when weather conditions make finish grading unfeasible. In such case a temporary Certificate of Occupancy may be issued and the date for completion of grading shall be indicated on the temporary Certificate of Occupancy or its related documents.

c. **Certificates Including Zoning.** Certificate of Occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificate of Occupancy as required by this Ordinance.

- d. **Certificates for Existing Buildings.** Certificates of Occupancy will be issued for existing buildings, structures, or parts thereof, or existing uses of land, if after inspection it is found that such buildings, structures, or parts thereof, or such use in land are in conformity with the provisions of this Ordinance.
- e. **Temporary Certificates.** Nothing in this Ordinance shall prevent the Building Official from the issuing of a temporary Certificate of Occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months nor more than five (5) days after the completion of the entire building, to a state ready for occupancy, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance.
- f. **Records of Certificates.** A record of all certificates issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person.
- g. **Certificates for Dwelling Accessory Buildings.** Buildings accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- h. **Application for Certificates.** Application for Certificates of Occupancy shall be made in writing to the Building Official on forms furnished by the Department, and such certificates shall be issued if, after final inspection, it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefore shall be notified in writing of such refusal and cause thereof.



**Share**

# 22.38 ZONING BOARD OF APPEALS

## 22.38.010 CREATION

There shall be established and appointed by the Village Council of the Village of Beverly Hills, in accordance with Act 110 of the Public Acts of 2006, as amended, a Zoning Board of Appeals consisting of nine (9) members, each to be appointed for a term of three (3) years; provided, however, that those persons serving the Board of Appeals prior to the adoption hereof are hereby reappointed to the Zoning Board of appeals for the balance of their unexpired terms on the Board of Appeals. One member of the Zoning Board of Appeals may also be a member of the Village Planning Board.

One regular or alternate member of the Zoning Board of Appeals may also be a member of the Village Council. Such a member shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the legislative body may not serve as a member of the zoning board of appeals.

A member of the Zoning Board of Appeals who is also a member of the Village Planning Board or Village Council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Board or the Village Council. However, the member may consider and vote on other unrelated matters involving the same property.

The Village Council may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest or due to the fact that the regular member already voted on the same matter as a member of the Planning Board or Village Council. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals, while serving. {Ord. 332; 7-1-09}

## 22.38.020 PROCEDURE

Meetings of the Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. Such Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Zoning Board of Appeals shall adopt rules and procedures and shall keep records of applications and the action thereon, which shall be a public record. The fees to be charged for appeals shall be set by resolution of the Village Council.

## 22.38.030 APPEALS, HOW TAKEN

An appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Building Official. Such appeal shall be taken by filing a notice of appeal with the Zoning Board of Appeals on appropriate forms provided by the Building Official, payment of the required fee, and shall specify the grounds for such appeal. The Building Official shall transmit all papers constituting the record of such appeal to the Zoning Board of Appeals. Upon a hearing before the Zoning Board of Appeals any person or party may appear in person, or by agent, or by attorney. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give a minimum of five (5) days notice thereof to the parties, including all owners of record of property within three hundred feet (300') of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the addresses given in the last assessment roll, and shall decide the same within a reasonable time. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made on the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the members of the Board shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of 2/3 of the members of the Board shall be necessary to grant a variance from uses of land permitted in an ordinance. The decision of the Zoning Board of Appeals shall not become final until the expiration of five (5) days from the date of entry of such order unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record. The Village Council may authorize the payment, not to exceed five dollars (\$5.00) per member for attendance at regular meetings of such Board. {Ord. 264, 6-27-93}

## 22.38.040 POWERS

The Zoning Board of Appeals is authorized in those cases where, owing to special conditions, a literal enforcement of the provision hereof results in unnecessary hardship and practical difficulty, to approve issuance of a permit containing such variations of the terms hereof or such special requirements or conditions as the Board may impose. The Zoning Board of Appeals shall have the power to allow variances as

will remove existing hardships and practical difficulties, and which are not contrary to the public interest, nor inconsistent with the spirit and intent of this Ordinance, and not injurious to the surrounding neighborhood or that will imperil public safety. The decision of the Zoning Board of Appeals shall, in absence of any showing of mistake, fraud, misrepresentation or undue influence, be final insofar as the same involves discretion or the finding of facts.

The Zoning Board of Appeals shall not have the power to change the Zone District classification of any property, nor to make any change in the term of this Ordinance, but to act on these matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Section and the law of the State of Michigan. Said powers include:

- a. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Building Official or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
- b. **Interpretation of Zoning Map.** To hear and decide in accordance with the provisions of this Ordinance requests for interpretation of the Zoning Map, and for the decisions on other special questions on which this Ordinance specifically authorized the Zoning Board of Appeals to pass. Any interpretation shall be subject to such conditions as the Zoning Board of Appeals may require to preserve and promote the character of the Zone Districts in question and otherwise promote the purpose of this Ordinance.
- c. **Variance.** To authorize, upon an appeal, a variance from the district applications of the provisions of this Ordinance, where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property on August 31, 1959, or by reason of exceptional topographic conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional or undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the

purpose of this Ordinance. A variance shall become null and void if the grantee has not secured a building permit to construct under the variance before one (1) year from the date the variance was granted by the Board.

d. Public Service or Public Utility Building Variance. The Zoning Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any Zone District to a greater height or larger area than the Zone District requirements herein established, and permit the location in any Residential Zone District of a noncommercial public utility building or use if the Board shall find such use, building or structure reasonably necessary for public convenience and service, and provided such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such Residential Zone District.

**Share**

# 22.40 AMENDMENTS

## 22.40.010 PROCEDURE

The Village Council may amend, supplement, modify or change this Ordinance upon recommendation by Planning Commission, provided that a public hearing shall be held before any such amendment, supplement, modification or change shall be passed. Notice of such public hearing shall be given in conformance with the requirements of the Michigan Zoning Enabling Act and any other applicable laws. {Ord. 377, 1-21-20}

## 22.40.020 SUBMITTAL REQUIREMENTS

In the case of an amendment to the Village Zoning Map, the following information shall accompany the application form:

- a. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
- b. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner.
- c. The existing and proposed zoning district designation of the subject property.
- d. A site analysis site plan or current aerial photograph illustrating existing conditions on the site and adjacent properties such as woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, adjacent land uses, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
- e. A written environmental assessment describing site features and anticipated impacts created by the host of uses permitted in the requested zoning district.
- f. A traffic impact study shall be provided if any use permitted in the requested zoning district could generate 100 or more peak hour directional trips, or 1,000 or more vehicle trips per day. The traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district. The determination of representative uses shall be made by the Planning Commission with input from Village staff and consultants.
- g. A conceptual plan at a scale not less than 1" = 100', demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, lot coverage, building spacing, parking, loading, drainage, general landscaping, access spacing, and other site design factors; while the anticipated use can be shown, an illustration of the maximum development permitted under the requested zoning shall also be provided.
- h. A written description of how the requested rezoning meets Sec. 22.40.040 "Criteria for Amendment to the Village Zoning Map." {Ord. 377, 1-21-20}

## 22.40.030 AMENDMENTS ON FILE

All amendments to this Ordinance shall be on file in the Village Clerk's office. The Ordinance effecting any amendment to the Zoning Map shall include the written description of the property that has been zoned or rezoned.

#### 22.40.040 CRITERIA FOR AMENDMENT TO THE VILLAGE ZONING MAP

In considering any proposed amendment to the Ordinance and/or the Official Zoning Map, the Planning Commission and Village Council shall consider the following criteria in making its findings, recommendations and decision:

- a. The proposed amendment shall be consistent with the goals, policies, and future land use map of the Master Plan.
- b. The proposed amendment shall be in accordance with the intent and purpose of the Zoning Ordinance.
- c. The proposed amendment shall comply with all requirements of the zoning classification.
- d. The Planning Commission and Village Council may consider how the proposed zoning may be is consistent with the trends in land development in the general vicinity of the property in question.
- e. The proposed zoning is consistent with or provides a beneficial transition to the zoning classification of surrounding land.
- f. The proposed zoning is compatible with the site's physical, geological, hydrological and other environmental features, and with the uses permitted in the proposed zoning district.
- g. All the potential uses allowed in the proposed zoning district are compatible with surrounding uses and zoning in terms of environmental impacts, density, nature of use, traffic impacts, and infrastructure.



h. The impact, if any, of the proposed zoning on public health, safety and welfare on the capacity of public utilities and services to accommodate the uses permitted in the proposed zoning district. {Ord. 377, 1-21-20}

#### 22.40.050 ZONING AGREEMENTS FOR CONDITIONAL REZONING

a. An applicant for a rezoning may voluntarily offer a zoning agreement as a condition for rezoning. An election to file a conditional rezoning with a zoning agreement shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006) and this Ordinance. The conditions set forth in the zoning agreement must be voluntary and equally or more restrictive than the regulations that would otherwise apply under the proposed zoning district. The zoning agreement shall be a written agreement that is approved and executed by the applicant and the Village and recorded with the County Register of Deeds. When necessary, the zoning agreement shall also include and incorporate, by reference, a site plan. This plan shall not replace the requirement for a site plan as outlined in Section 22.08.290. The zoning agreement must be voluntarily offered by the applicant and the Village shall not have the authority to require modification to a zoning agreement without the consent of the petitioner; provided, the Village shall not enter into a zoning agreement that is not found acceptable to the Village Council.

b. The zoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features. The zoning agreement may not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district; nor may a zoning agreement permit variances from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district. The zoning agreement may include conditions related to the use and development of the property that are necessary to:

1. Serve the intended use of the property, such as improvements, extension, widening, or realignment of streets, utilities, storm drains, or other infrastructure serving the site;

2. Minimize the impact of the development on surrounding properties, such as landscape screening above and beyond minimum requirements or design elements to create transition to adjoining uses; and

3. Preserve natural features, historic resources, and open space.

c. In addition to any limitations on use or development of the site, preservation of site features or improvements described in paragraph b above, the zoning agreement shall also include the following:

1. Acknowledgement that the zoning agreement was proposed voluntarily by the applicant and that the Village relied upon the agreement and may not grant the rezoning but for the conditions offered in the zoning agreement.

2. Acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable state and federal law and constitution, and that the zoning agreement is valid and was entered into on a voluntary basis.

3. Agreement and understanding that the property shall only be developed and used in a manner that is consistent with the zoning agreement.

4. Agreement and understanding that the rezoning is conditioned upon obtaining site plan approval under Section 22.08.290, or subdivision approval under Chapter 23, Subdivision Ordinance and obtaining other necessary approvals required by the Village and all applicable county and state agencies.

5. Agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the new zoning district.

6. Agreement and understanding that the approval of the conditional rezoning and the zoning agreement shall be binding upon and inure to the benefit of the property owner and the Village, and also their respective heirs, successors, assigns, receivers or transferees.

7. Agreement and understanding that, if a rezoning with a zoning agreement becomes void in accordance with this section, that no further development shall take place and the land shall revert back to its original zoning classification.

8. A legal description of the land to which the agreement pertains.

9. Any other provisions as are agreed upon by the parties.

d. Any use(s) proposed as part of a zoning agreement that would otherwise require site plan approval or special land use approval shall be subject to the applicable review and approval requirements of Sections 22.08.290 and 22.08.300.

e. Nothing in the zoning agreement, nor any statement or other provision, shall prohibit the Village from later rezoning all or any portion of the land that is the subject of the zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006).

f. Failure to comply with the zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this ordinance, and further use of the property may be subject to legal remedies available to the Village. {Ord. 377, 1-21-20}

Share



**22.42 PENALTIES, PUBLIC NUISANCE  
PER SE, VIOLATIONS,  
INTERPRETATIONS, VESTED RIGHT,  
SEVERABILITY, CONFLICTING  
PROVISIONS, EFFECTIVE DATE AND  
SAVINGS CLAUSE**

## 22.42.010 PENALTIES

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a civil infraction, and upon conviction thereof, shall be fined no less than five hundred dollars (\$500.00) for each such offense, or such fine in the discretion of the court, together with the costs of such prosecution. Each day that a violation of this Ordinance continues shall be a separate offense.

a. Enforcement. In addition to ordering the defendant determined to be responsible for a civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of this Chapter. {Ord 359; 10-20-2017}

## 22.42.020 PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the date of this Ordinance or the effective date of the adoption or amendment of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se.

## 22.42.030 VIOLATIONS

The owner or occupant of any building, structure or premises of part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and any person who has assisted knowingly in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment set forth in section 22.42.010.

## 22.42.040 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or Ordinance, other than the above-described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or

premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

#### 22.42.050 VESTED RIGHT

It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

#### 22.42.060 SEVERABILITY

This Ordinance, and the various chapters, sections, paragraphs and clauses thereof, are declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, the remainder of the title shall not be affected thereby.