

CHAPTER 157: ZONING

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GENERAL PROVISIONS

§ 157.001 SHORT TITLE.

This chapter shall be known and may be cited as the “Village of Holly Zoning Ordinance”.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.002 PURPOSE.

(A) This chapter is based on the Village Master Plan adopted by the Planning Commission and/or Zoning Commission, as required, which provides goals, objectives, and a future land use map for the village.

(B) This chapter is intended to implement the Master Plan by regulating the use of land, buildings, and structures to promote the public health, safety, and general welfare by accomplishing the following:

- (1) Establish zoning districts and uniform regulations applicable to each district governing the use of the land, and dimensions for building, and site development with such minimum regulations as are deemed necessary to carry out the provisions of this chapter;
- (2) Accommodate and promote land uses which are compatible with the village’s character and conserve the property values and long term stability of residential neighborhoods, community facilities, the downtown area, commercial districts, and industrial areas;
- (3) Encourage use of the lands and natural resources in accordance with their character and capability. This chapter acknowledges the importance of these features on the long term economic climate of all uses in the village and the overall quality of life for village residents;
- (4) Limit or prohibit improper use of land;
- (5) Reduce hazards to life and property;
- (6) Facilitate adequate and cost effective infrastructure systems, and protect the substantial public investment in those systems, including: transportation, sewage disposal, safe, and adequate water supply, education, and recreational facilities;
- (7) Establish controls over potential conflicting land uses and uses which may need special regulations as special land uses to be compatible with surrounding development patterns and zoning;
- (8) Promote the gradual elimination of uses, buildings, and structures which do not conform with the regulations and standards of this chapter;
- (9) Provide for administering this chapter, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings, and appeals; and to provide for any other matters authorized by the City and Village Zoning Act; and
- (10) Balance the village’s right to compatible and quality development consistent with the future land use plan with the property owners’ right to a reasonable rate of return on investment.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.003 CONFLICTING REGULATIONS.

(A) Where any provision of this chapter imposes either greater or lesser restrictions than any other provision, limitations, conditions, standards, or requirements in this chapter upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards, wetlands, woodlands, or other open spaces; or any other use or activity which is regulated by this chapter, the provision or standard which is more restrictive or limiting shall govern.

(B) Except as otherwise provided in this chapter, every building and structure erected; every use of any lot, building, or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building, or structure occurring after the effective date of this section shall be subject to all regulations of this section which are applicable in the zoning district in which such use, building, or structure is located.

(C) No setback area or lot existing at the time of adoption of this chapter shall be reduced in dimensions or area below the minimum requirements set forth in this chapter. Yards or lots created after the effective date of the section shall meet at least the minimum requirements established herein.

(D) This chapter shall not abrogate or annul any easement, by-law, master deed, deed restriction, covenant, or private agreement, except that the regulations or provisions of this chapter shall govern if determined by the Board of Appeals to be more restrictive or impose a higher standard.

(E) The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare; any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this chapter.

(F) Uses, buildings, and structures that were nonconforming under the previous zoning ordinance gain no new rights through the adoption of the standards of this chapter, unless they become conforming or more conforming by the regulations of this chapter.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.004 VESTED RIGHTS; EFFECTS ON PROJECTS WHEN SIGNIFICANT CONSTRUCTION HAS BEGUN AND SITE PLANS APPROVED PRIOR TO EFFECTIVE DATE.

(A) (1) Nothing in this chapter shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this chapter, provided, significant construction has lawfully begun, is being diligently carried on, and shall be completed within one year of the effective date of this chapter.

(2) The Planning Commission and/or Zoning Commission, as required, may permit one extension of up to one year.

(B) A site plan approved within 12 months prior to the effective date of this chapter shall remain valid if construction is begun within one year and completed within two years of the effective date of this chapter.

(C) (1) If the conditions of this section are not met, the standards and provisions of this chapter shall govern.

(2) A site plan submitted prior to adoption of this chapter but which has not yet received site plan approval shall be required to meet all of the standards and provisions of this chapter.

(D) Except as noted above, nothing in this chapter should be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary for the preservation or protection of public health, safety, and welfare.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.005 VALIDITY.

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

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.006 ILLUSTRATIONS AND TEXT.

This chapter includes illustrations intended to convey the meaning of terms and certain regulations. Where there are conflicts between the written text and illustrations, the text shall prevail.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.007 CONSTRUCTION OF LANGUAGE.

The following rules of construction apply to the text of this chapter.

(A) The particular shall control the general.

(B) In case of any differences of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

(C) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(D) Words used in the present tense shall include the future; and words used in 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, an incorporated association, or any other similar entity.

(H) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows.

(1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

- (3) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- (I) The phrase "such as" shall mean "such as, but not limited to".
- (J) The word "including" shall mean "including, but not limited to".
- (K) Terms not herein defined shall have the meaning customarily assigned to them.
- (Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.008 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE or ACCESSORY.

(1) A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When **ACCESSORY** is used in this text, it shall have the same meaning as **ACCESSORY USE**.

(2) **ACCESSORY USE** includes, but it is not limited to uses such as those that follow:

- (a) Residential accommodations for servants and/or caretakers within the principal building;
- (b) Swimming pools for the use of the occupants of a residence, or their guests;
- (c) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building, or other structure;
- (d) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations;
- (e) Storage of goods used in or produced by industrial uses or related activities, 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 zoning lot is located;
- (g) Uses clearly incidental to a principal use such as offices of an industrial or commercial complex located on the site of the commercial or industrial complex; or
- (h) Accessory signs, subject to Ch. 154 for the district in which the zoning lot is located.

ACCESSORY USE, BUILDING, or STRUCTURE. A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related and is devoted exclusively to an **ACCESSORY USE**.

ACT. The term **ACT** or **DOING OF AN ACT** includes **OMISSION TO ACT**, and for the purpose of this chapter, does not include legislation.

ADULT DAY CARE. A facility which provides care for over 12 adults for less than 24 hours.

ADULT FOSTER CARE FACILITY.

(1) A residential structure licensed to provide room, board, and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, being M.C.L.A. §§ 400.701 et seq., as amended, and the Adult Foster Care Administrative Rules, being the State Administrative Code, R 400.1401 et seq., as administered by the State Department of Social Services.

(2) The following four types of **ADULT FOSTER CARE HOMES** are provided for by these rules.

- (a) **ADULT FOSTER CARE FAMILY HOME.** Private residence for six or fewer adults. The licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
- (b) **ADULT FOSTER CARE LARGE GROUP FAMILY.** Residence for 13 to 20 adults. The licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
- (c) **ADULT FOSTER CARE SMALL GROUP HOMES.** Residence for 12 or fewer adults. The licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven or more residents will live in the home.
- (d) **CONGREGATE CARE FACILITY.** See **HOUSING FOR THE ELDERLY**.

ADULT REGULATED USES.

(1) **ADULT BOOK OR SUPPLY STORE.** An establishment having 10% or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, videotapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

(2) **ADULT MODEL STUDIO.** Any place where models who display specified anatomical areas (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

(3) **ADULT MOTEL.** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to specified sexual activities or specified anatomical areas (as defined herein).

(4) **ADULT MOTION PICTURE ARCADE or MINI MOTION PICTURE THEATER.** Anyplace where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and

where the images displayed depict, describe, or relate to specified sexual activities or specified anatomical areas (as defined herein).

(5) **ADULT MOTION PICTURE THEATER** or **ADULT LIVE STAGE PERFORMING THEATER**. An enclosed building with a capacity of 50 or more persons wherein still or motion pictures, videotapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas (as defined herein) for observation by patrons therein. Such 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.

(6) **ADULT, NUDE, PARTIALLY NUDE DANCING**. A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitresses), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this chapter, **NUDE** or **PARTIALLY NUDE** shall mean having any or all of the specified anatomical areas exposed (as defined herein).

(7) **ADULT OUTDOOR MOTION PICTURE THEATER**. A drive-in theater used 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 herein) for observation by patrons of theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

(8) **ADULT PERSONAL SERVICE BUSINESS**. A business having as a principal activity a person of one sex, providing personal services for a person of the other sex, or same sex, on an individual basis in a closed room or a partitioned open space. It includes, but is not limited to, the following activities and services: massage parlors; exotic rubs; modeling studios; body painting studios; wrestling studios; and individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the state.

(9) **ADULT PHYSICAL CULTURE ESTABLISHMENT**.

(a) Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person.

(b) The following uses shall not be included within the definition of an **ADULT PHYSICAL CULTURE ESTABLISHMENT**:

1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
2. Electrolysis treatment by a licensed operator of electrolysis equipment;
3. Continuing instruction in martial or performing arts, or in organized athletic activities;
4. Hospitals, nursing homes, medical clinics, or medical offices;
5. Barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck, or shoulders only;
6. Adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas; and
7. A masseuse licensed by the state and not engaged in massaging specified anatomical areas or engaged in specified sexual activities as described in this section.

(10) **CABARET**. An establishment where live entertainment is provided, presented, permitted, or performed, which performances are distinguished or characterized by an emphasis on or relationship to specified sexual activities or specified anatomical areas (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers; go-go dancers; strippers; male and/or female impersonators or similar entertainers; topless and/or bottomless waiters; waitresses; and/or employees.

(11) **MASSAGE PARLOR** or **MASSAGE ESTABLISHMENT**. A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A **MASSAGE ESTABLISHMENT** may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. **MASSAGE ESTABLISHMENTS**, as defined herein, shall not include properly licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck, or the shoulders.

(12) **SPECIFIED ANATOMICAL AREAS**. Portions of the human body defined as follows:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and

(b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(13) **SPECIFIED SEXUAL ACTIVITIES**. The explicit display of one or more of the following:

(a) Human genitals in a state of sexual stimulation or arousal;

1. Acts of human masturbation, sexual intercourse, or sodomy; or
2. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

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

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

ANIMAL HOSPITAL. See **CLINIC, VETERINARY**.

APARTMENT. See *DWELLING, MULTIPLE-FAMILY*.

ARCADE. The use of a building or a portion of a building for the location, operation, and placement of six or more mechanical amusement devices. For the purposes of this definition, **MECHANICAL AMUSEMENT DEVICES** shall mean any device, apparatus, mechanical equipment, or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

AUTO REPAIR, MAJOR. An automotive repair establishment which may conduct activities defined herein as "minor repairs" and one or more of the following: general repair; engine rebuilding; rebuilding; or reconditioning of motor vehicles; collision-service; such as body; frame; or fender straightening and repair; overall painting and undercoating of automobiles; major overhauling of engine requiring removal of cylinder-head or crank casepan; recapping or retreading of tires; steam cleaning; and similar activities.

AUTOMOBILE. Unless specifically indicated otherwise, **AUTOMOBILE** shall, mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

AUTOMOBILE or **VEHICLE DEALERSHIP.** A building or premises used primarily for the sale of new and used automobiles and other motor vehicles to include outside storage of vehicles.

AUTOMOBILE SERVICE CENTER (MINOR MAINTENANCE AND REPAIR). A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers, and distributors; replacement of mufflers and exhaust systems, brakes, and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios, and air conditioners; wheel alignment, balancing and undercoating; but excluding the recapping or grooving or any major mechanical repairs, collision work, or painting. An **AUTOMOBILE SERVICE CENTER** may also sell gasoline, but is distinct from an automobile service station (i.e., gas station without repair).

AUTOMOBILE SERVICE (GASOLINE) STATION. An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An **AUTO SERVICE STATION** may also include an area devoted to sales of automotive items and convenience goods primarily sold to patrons purchasing gasoline.

AUTOMOBILE WASH. Any building or structure or portion thereof either as a principal or accessory use containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device, or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units, and similar high volume washing establishments, but shall not include hand washing operations.

BASEMENT. The 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. This definition shall not apply to earth-bermed or earth-sheltered homes. A **BASEMENT** shall not be counted as a story.

BED AND BREAKFAST. A single-family dwelling which is owner occupied in which overnight accommodations are provided or offered for transient guests for compensation, often including provisions for a morning meal for overnight guests.

BEDROOM. A room designed or used in whole or in part for sleeping purposes.

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

BOARD OF APPEALS. The Board of (Zoning) Appeals of the Village of Holly.

BUILDABLE AREA. The space remaining on a lot after compliance with the minimum required setbacks of this chapter.

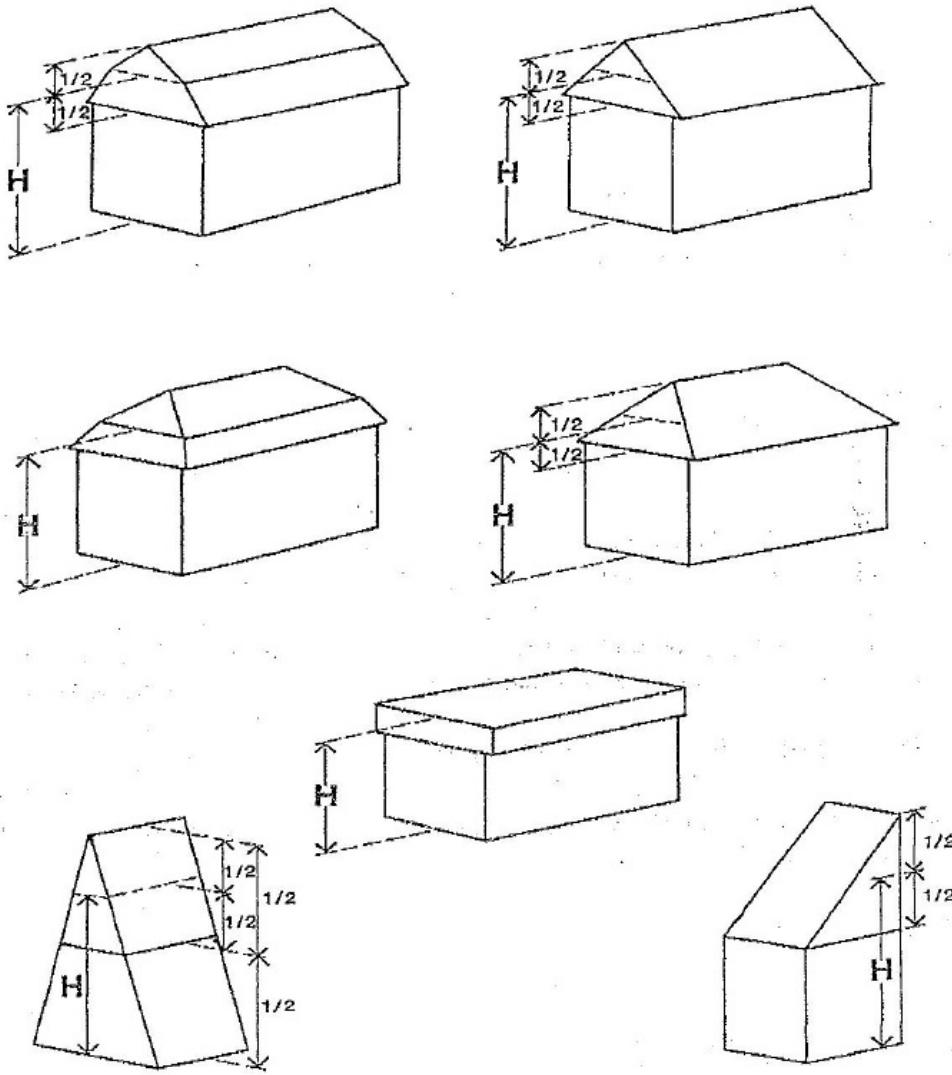
BUILDING.

(1) Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A **BUILDING** shall include tents, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building, and structures such as storage tanks, coal bunkers, oil cracking towers, or similar structures.

(2) A **BUILDING** shall not include such structures as signs, awnings, fences, or smokestacks.

BUILDING ENVELOPE. The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this chapter

BUILDING HEIGHT. The vertical distance measured from the established grade of the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs (see illustration below).



Building Height Requirements

BUILDING LINE. A line formed parallel to any face of the building, and for the purposes of this chapter, a minimum **BUILDING LINE IS** the same as the minimum setback line.

BUILDING, MAIN, OR 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.

BULK. The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

CALIPER. The diameter measured at four and one-half feet above the natural grade for existing trees; 12 inches above the average surrounding grade for new trees over four inches in caliper and six inches above the average surrounding grade for trees less than four inches in caliper.

CARE ORGANIZATION.

(1) A facility for the care of children under 18 years of age, as licensed and regulated by the state under Public Act 116 of 1973, being M.C.L.A. §§ 722.111 through 722.128 and Public Act 218 of 1979 and the associated rules promulgated by the State Department of Social Services.

(2) Such organizations shall be further defined as follows:

(a) **CHILD CARE CENTER or DAY CARE CENTER.**

1. A facility other than a private residence, receiving more than six preschool or school age children for group day 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 that two consecutive weeks, regardless of the number of hours of care per day.

2. 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 institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

(b) **FAMILY DAY CARE HOME.** A private home in which one, but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

(c) **FAMILY FOSTER CARE or 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 or legal guardian.

(d) **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 an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

(e) **GROUP FOSTER CARE or FAMILY GROUP HOME.** A private home licensed by the State Department of Social Services in which more than four, but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

CEMETERY. Land used or intended to be used for burial of the human dead, including columbariums, crematories, and mausoleums and dedicated for such purposes.

CHURCH (MOSQUE OR TEMPLE, AND THE LIKE). Any structure wherein persons regularly assemble for religious activity.

CLINIC, MEDICAL. A place for the care, diagnosis, and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate laboratories and pharmacies, but shall not include facilities for in-patient care or major surgery.

CLINIC, VETERINARY. An institution which is licensed by the State Department of Health to provide for the care, diagnosis, and treatment of animals, including those in need of medical or surgical attention.

CLUB, PRIVATE OR FRATERNAL ORGANIZATION, and LODGE HALLS. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the constitution of the united states or any laws or ordinances. The facilities owned or used by such organization may be referred to as a **CLUB** in this chapter.

COMMERCIAL USE. The use of property for retail sales or similar businesses where goods or sendees are sold or provided directly to the consumer. As used in this chapter, **COMMERCIAL USE** shall not include industrial, manufacturing, or wholesale activities.

COMMERCIAL VEHICLE. Any vehicle possessing 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) Vending trucks, such as ice cream, milk, bread, fruit, or vending supply trucks;
- (4) Tow trucks;
- (5) Commercial hauling trucks;
- (6) Vehicle repair service trucks;
- (7) Snow plowing trucks; or
- (8) Any vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

CONDOMINIUM.

(1) A **CONDOMINIUM** is a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, being M.C.L.A. §§ 559.101 to 559.276, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

(2) For the purposes of this chapter, **CONDOMINIUM** terms shall be defined as follows.

(a) **COMMON ELEMENTS.** Portions of the condominium project other than the condominium units.

(b) **CONDOMINIUM ACT.** Public Act 59 of 1978, being M.C.L.A. §§ 559.101 to 559.272, as amended.

(c) **CONDOMINIUM LOT.** The portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in § 157.009.

(d) **CONDOMINIUM SUBDIVISION PLAN.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Public Act 59 of 1978, § 66, being M.C.L.A. §§ 559.101 to 559.276, as amended.

(e) **CONDOMINIUM UNIT.** The portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.

(f) **CONTRACTIBLE CONDOMINIUM.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this chapter and the Condominium Act.

(g) **CONVERSION CONDOMINIUM.** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

(h) **CONVERTIBLE AREA.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this chapter and the Condominium Act.

(i) **EXPANDABLE CONDOMINIUM.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.

(j) **GENERAL COMMON ELEMENTS.** Common elements other than the limited common elements, intended for the common use of all co-owners.

(k) **LIMITED COMMON ELEMENTS.** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

(l) **MASTER DEED.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the by-laws for the project and the condominium subdivision plan.

(m) **SITE CONDOMINIUM PROJECT.** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

CONGREGATE HOUSING. See **HOUSING FOR THE ELDERLY.**

CONTRACTOR'S YARD.

(1) A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction.

(2) A **CONTRACTOR'S YARD** may include outdoor or indoor storage, or a combination of both.

CONVALESCENT HOME. See **NURSING HOME.**

CONVENIENCE STORE. A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). **CONVENIENCE STORES** are designed to attract a large volume of stop-and-go traffic.

COUNCIL or **VILLAGE COUNCIL.** The governing body of the Village of Holly, Michigan.

CUL-DE-SAC. See **STREET.**

CURB CUT (DRIVEWAY). The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

DECKS AND PORCHES. Any enclosed, uncovered balcony, porch, terrace, fire escape, or stairway attached to or directly accessed from a residential dwelling may project into the required front or rear yard for a distance not to exceed ten feet. Steps to a porch, deck, or terrace shall not exceed the distance noted in this section. **DECKS** not attached or accessed directly from a residential dwelling (such as a deck around a pool) shall meet the same setback requirements of an accessory structure.

DENSITY. The number of dwelling units situated on or to be developed per net or gross acre of land, excluding area devoted to public right-of-way or easements.

DETENTION BASIN. A human-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or human-made outlets.

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

DISTRICT. A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DRIVE-THROUGH. An establishment so developed that some portion of its retail or service character is dependent upon providing a staging area and service window specifically designed for serving motorists while in a motor vehicle with carry-out and consumption or use after the vehicle is removed from the premises (see also definitions for restaurants).

DWELLING, ACCESSORY APARTMENT.

(1) A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by:

- (a) Persons related to the occupant of the principal residence by blood, marriage, or legal adoption; or
- (b) Domestic servants or gratuitous guests.

(2) An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

DWELLING, MANUFACTURED. A building or portion of a building designed for long-term residential use and characterized by all of the following:

- (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, being 42 U.S.C. §§ 5401 et seq., as amended;
- (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities;
- (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site; and
- (4) A **MANUFACTURED DWELLING** may be a mobile home, defined as a type of manufactured housing structure, transportable in one or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this chapter.

DWELLING, MULTIPLE-FAMILY.

(1) A building designed for and occupied by three or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each.

(2) Examples of **MULTIPLE-FAMILY DWELLINGS** units include those commonly known as apartments, which are defined as follows:

(a) **APARTMENT.** An attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached from a common stair landing or walkway. **APARTMENTS** are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. **APARTMENTS** typically do not have their own yard space. **APARTMENTS** are also commonly known as garden apartments or flats.

(b) **EFFICIENCY UNIT.** A type of multiple-family or apartment unit consisting of one principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

DWELLING, ONE-FAMILY OR SINGLE-FAMILY. An independent, detached residential dwelling designed for and used or held ready for use by one family only. **SINGLE-FAMILY DWELLINGS** are commonly the only principal use on a parcel or lot.

DWELLING, TWO-FAMILY OR DUPLEX. A detached building, designed exclusively for and occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

DWELLING UNIT. A building, or portion thereof, designed for occupancy by one family for residential purposes and having single cooking and bath facilities for each. In no case shall a travel trailer, motor home, automobile, tent, or other portable building not defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a **DWELLING UNIT**, the part so occupied shall be deemed a dwelling unit for the purposes of this chapter.

DWELLING UNIT, SINGLE-FAMILY ATTACHED, or TOWNHOUSE. An attached single-family dwelling unit with party walls, designed as part of a series of three or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. **TOWNHOUSES** are sometimes known as "row houses".

EASEMENT. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

ENGINEER, VILLAGE. The person or firm authorized to advise the Village Administration, Village Council, and Planning Commission and/or Zoning Commission, as required, on drainage, grading, paving, stormwater management, and control, utilities, and other related site engineering and civil engineering issues. The **VILLAGE ENGINEER** may be a consultant or an employee of the village.

ERECTED. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead, electrical, steam, fuel, or water transmission, or distribution system, collection, communication, supply or disposal systems, including poles, wires, water towers, lift stations, iron removal facilities, wells, water mains, drains, sewers, pipes, conduits, cables, fire alarm, and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including, buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare. **ESSENTIAL SERVICES** shall not include storage yards, cellular telephone towers, commercial reception towers, air quality monitoring stations, propane sales, school bus parking yards, electrical towers, sales, or business offices, or commercial buildings or activities or other similar uses.

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

FACADE. The exterior wall of a building exposed to public view.

FAMILY. Either of the following.

(1) A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.

(2) (a) The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit.

(b) All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

(c) There shall be a rebuttable presumption enforceable by the Zoning Official in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six.

(d) Such presumption may be rebutted by application for a special land use based upon the applicable standards in this chapter.

FENCE. A structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure, but excluding low solid masonry walls. (See also § 157.040(A).)

FILLING. The depositing or dumping of any matter onto or into the ground, except as part of common household gardening or ground care.

FLOOR AREA, RESIDENTIAL.

(1) For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of

each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings.

(2) The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

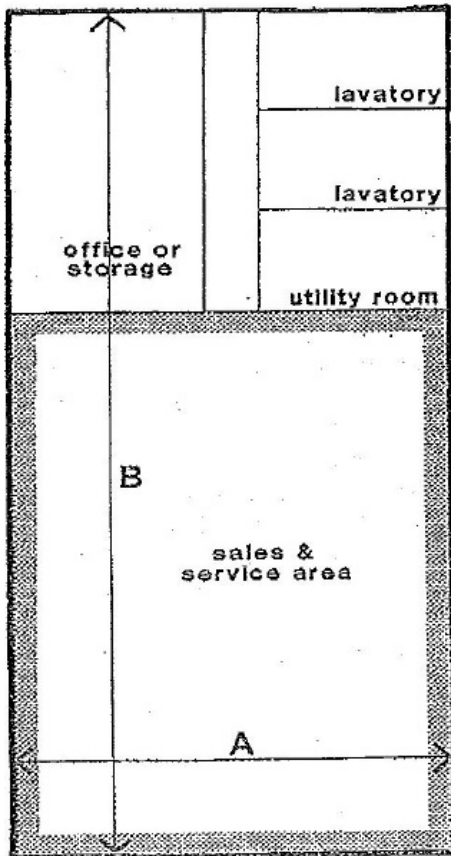
FLOOR AREA RATIO (FAR). The ratio of gross building floor area to total site area. For example, the **FAR** of a 200,000-square foot building on a 100,000-square foot site is two or 200%.

FLOOR AREA, USABLE (FOR PURPOSES OF COMPUTING PARKING).

(1) The area used or intended to be used for selling merchandise or services, or for serving patrons, clients, or customers.

(2) Such floor area which is used or intended to be used for utilities, hallways, or sanitary facilities shall be excluded from this computation of **USABLE FLOOR AREA**.

(3) Measurement of **USABLE FLOOR AREA** shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls (see illustration).



(A) x (B): Gross Floor Area

Usable Floor Area

Floor Area Terminology

FLOOR, GROUND. The building portion which is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A **GROUND FLOOR** shall be counted as a story.

FRATERNAL ORGANIZATION. See **CLUB**.

GARAGE, PRIVATE. An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE, SERVICE. Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

GARDEN CENTER. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment, and other home garden supplies and equipment.

GASOLINE SERVICE STATION. A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including, major automobile repair.

GRADE. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the **GRADE** shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT. A strip of land of specified width and location reserved for the planting of shrubs and/or trees, along with similar plant materials, all of which serve as an obscuring screen or buffer strip.

GROUP HOME. See **CARE ORGANIZATION**.

GROWER. A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center as defined in the Medical Marihuana Facilities Licensing Act and Michigan Regulation and Taxation of the Marihuana Tracking Act.

GYM or **GYMNASIUM.** A room or building equipped for gymnastics, exercise, or sport.

HAZARDOUS USES. All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous and combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed in the most recent edition of the Building Code adopted by the village.

HEIGHT OF BUILDING. See **BUILDING HEIGHT**.

HIGHWAY. See **STREET**.

HOME OCCUPATION. An occupation, trades, craft, profession, or hobby conducted within a dwelling where such use is clearly incidental to the principal use of the dwelling as a residence. Standards for permitted **HOME OCCUPATIONS** are provided in § 157.071(C).

HOSPITAL. A facility offering 24-hour emergency, inpatient and outpatient care, and services for observation, diagnosis, and active treatment of patients under the care and supervision of physicians and professional medical staff. The term **HOSPITAL** shall also include medical clinics or hospitals offering care in special fields such as eye, cardiac care, ear, nose, throat, pediatric, orthopedic, skin, cancer, burn centers, neo-natal care, children's hospitals, and ophthalmology centers.

HOTEL. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered. maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A **HOTEL** may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

HOUSING FOR THE ELDERLY.

(1) Housing constructed for the exclusive use of an individual 55 years of age or older, or for a couple where at least one of the individuals is over the age of 55.

(2) **HOUSING FOR THE ELDERLY** may include the following.

(a) **CONGREGATE HOUSING.** A type of semi-independent housing facility for more than 20 adults containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

(b) **DEPENDENT HOUSING FACILITIES (NURSING HOMES).** Facilities which are designed for older persons who need a wide range of health and support services, including personal nursing care.

(c) **ELDERLY HOUSING COMPLEX.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older couples where either the husband or wife is 60 years of age or older.

(d) **SENIOR APARTMENTS.** Multiple-family dwelling units occupied by persons 55 years of age or older.

IMPERVIOUS SURFACE. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

INDOOR RECREATION CENTER. An establishment which provides indoor exercise facilities and/or indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of this chapter, a bowling establishment shall be considered a type of **INDOOR RECREATION CENTER**.

INDOOR RECREATIONAL USE. A facility devoted to indoor sporting or recreational activities. Such indoor uses of the space can be but are not limited to the following: basketball courts, tennis courts, racquetball courts, volleyball courts, batting cages, golf range simulators, miniature golf courses, health fitness centers, pools roller skating rinks, ice rinks and other similar activities.

INDUSTRY, HEAVY. A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

INGRESS AND EGRESS. As used in this chapter, generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

JUNK. Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

JUNK YARD.

(1) An area where waste, used, or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron, and other metals, paper, rags, rubber tires, and bottles.

(2) A **JUNK YARD** includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping, or abandonment of junk.

KENNEL. Any lot or premises on which three or more dogs, cats, or other domestic animals six months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, or training subject to the regulations set forth herein regulating private and commercial kennels.

LABORATORY. An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

LANDFILL. A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Public Act 641 of 1979, being M.C.L.A. §§ 324.11501 et seq., as amended.

LANDSCAPING.

(1) The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative human-made materials, such as wood chips, crushed stone, boulders, or mulch.

(2) Structural features such as fountains, pools, statues, and benches shall also be considered a part of **LANDSCAPING**, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for **LANDSCAPING**.

(2) Various **LANDSCAPING** related terms are defined as follows.

(a) **BERM.** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this chapter.

(b) **GRASS.** Any of a family of plants with narrow leaves normally grown as permanent lawns in Oakland County, Michigan.

(c) **GREENBELT.** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this chapter.

(d) **GROUND COVER.** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

(e) **HEDGE.** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.

(f) **HYDRO-SEEDING.** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.

(g) **INTERIOR OR PARKING LOT LANDSCAPING.** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.

(h) **MULCH.** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.

(i) **NURSE GRASS.** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.

(j) **ORNAMENTAL TREE.** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.

(k) **PLANTING.** A young tree, vine, or shrub that would be placed on or in the ground.

(l) **SCREEN** or **SCREENING.** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the **SCREEN** is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

(m) **SHRUB.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.

(n) **SOD.** An area of grass-covered surface soil held together by matted roots.

(o) **TREE.** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Oakland County, Michigan.

1. **DECIDUOUS TREE.** A variety of tree that has foliage that is shed at the end of the growing season.

2. **EVERGREEN TREE.** A variety of tree that has foliage that persists and remains green throughout the year.

LOADING SPACE. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOCAL AGENT. An individual designed to oversee the short-term rental of a dwelling unit and respond to calls from renters, concerned citizens, and representatives of the village. A property owner who meets these criteria may be the **LOCAL AGENT**.

LOT.

(1) (a) A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter.

(b) A **LOT** may or may not be specifically designated as such on public records.

(c) A **LOT** shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road.

(2) A **LOT** may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, or portion thereof;
- (d) A condominium lot; or
- (e) A piece of land described by metes and bounds.

LOT AREA.

(1) The total horizontal area within the lot lines of the lot exclusive of any abutting public street right-of-way or private road easements, or the area of any lake.

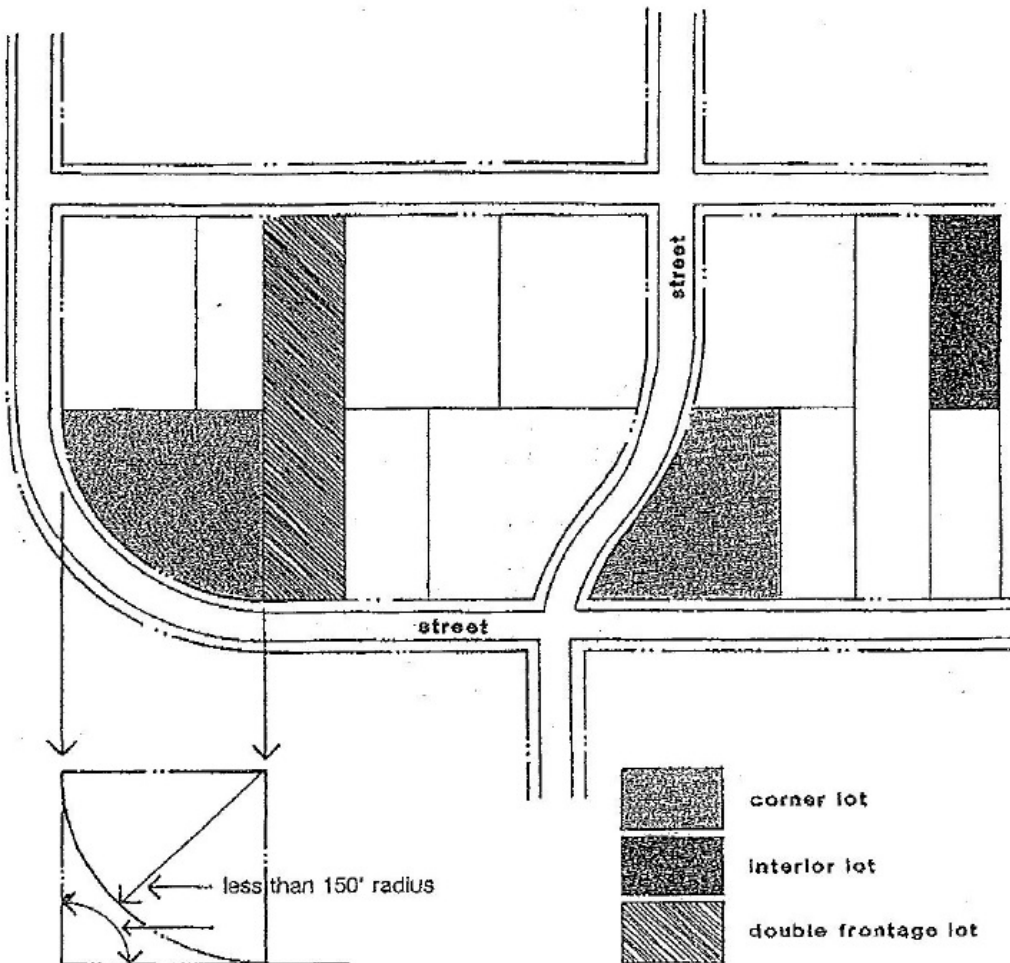
(2) The **NET LOT AREA** shall be used in determining compliance with minimum lot area standards.

LOT, CONTIGUOUS. Lots adjoining each other.

LOT, CORNER.

(1) A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees.

(2) A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees (see illustration below).



Corner, Interior & Double Frontage Lots

LOT COVERAGE. The part or percent of the lot occupied by a building, including accessory buildings.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, FLAG. A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide

access to the public road.

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined herein.

(1) **FRONT LOT LINE.** In the case of an interior lot, is the that line separating said lot from the street. In the case of a through or corner lot, is that line separating said lot from either street.

(2) **REAR LOT LINE.** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the **REAR LOT LINE** for purposes of measuring setbacks shall be along all lines on the opposite side of the lot from the front lot line as determined by the Zoning Official.

(3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A lot line separating the "side" of a structure from a street is a front lot line (i.e., corner lots have two front lot lines). A **SIDE LOT LINE** separating a lot from another lot or lots is an interior side lot line.

LOT, THROUGH. Any interior lot having frontage on two, more or less, parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH. The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

LOT, ZONING.

(1) A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

(2) A **ZONING LOT** shall satisfy this chapter with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A **ZONING LOT**, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

MANUFACTURED HOME. A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.

MARIHUANA ESTABLISHMENT. A marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the Department.

MARIHUANA RETAILER/PROVISIONING CENTER. A person licensed to obtain marihuana from marihuana establishments in order to transfer marihuana to marihuana establishments and to individual who are 21 years or older as defined in the Medical Marihuana Facilities Licensing Act and Michigan Regulation and Taxation of the Marihuana Tracking Act.

MASTER PLAN. The Comprehensive Plan adopted by the Planning Commission and/or Zoning Commission, as required, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

MECHANICAL AMUSEMENT DEVICE. Any machine or device, which operates as a game, entertainment, contest of skill, or amusement of any kind, and which has the following characteristics:

- (1) The device may be identified as a video, electronic, or mechanical device;
- (2) The device may be operated and/or initiated upon the insertion of a coin, token, ticket, slug, plate, disc, key, or through the payment of a price;
- (3) The device and the playing thereof offers no direct or automatic payoff or the return of money, goods, or services; and
- (4) This definition does not apply to the following:
 - (a) A vending machine which does not incorporate gaming or amusement features;
 - (b) Musical devices or coin-operated radios; or
 - (c) Television sets in private quarters.

MEDICAL MARIJUANA DISPENSARY. A medical marijuana dispensary shall mean a facility, jointly owned or operated by two or more "primary caregivers", where marijuana is grown, cultivated, stored, or dispenses or offered for sale to "qualifying patients" under the Michigan Marijuana Act of 2008. A "primary caregiver", "qualifying patient", and "marijuana" shall have the meanings ascribed to them in the Michigan Medical Marijuana Act of 2008.

MEZZANINE. An intermediate floor in any story occupying not to exceed one-third of the floor area of such story.

MINI-WAREHOUSE. A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. **MINI-WAREHOUSES** are typically contained within a fenced, controlled-access compound.

MOBILE HOME. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained in the structure. **MOBILE HOME** does not include a trailer coach (recreational vehicle).

MOBILE HOME PARK. A parcel or tract of land, under the control of a person, upon which three or more mobile homes are located on a continual non-recreational basis and including all appurtenances that are incidental to the occupancy of a mobile home.

MOBILE HOME SALES. A person, other than a manufacturer, engaged in the business of buying, selling, exchanging, leasing, or

renting mobile homes.

MODULAR HOME. A pre-manufactured unit assembled of materials or products intended to comprise all or part of a building or structure and is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to ensure uniformity of quality and material content.

MORTUARY or FUNERAL HOME. An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

MOTEL. A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel sendees such as maid service, linen service, telephone, and/or desk service, and the use of furniture. **MOTELS** typically provide exterior entrances and on-site parking for each unit. **AMOTEL** may also include a conference room or banquet facility, an attached dining room, and/or an unattached standard restaurant.

NATURAL FEATURES. Natural features shall include soils, wetlands, floodplain, water bodies, and channels, topography, trees, and other types of vegetative cover, and geologic formations.

NONCONFORMING USE AND BUILDING. A use and/or a building, lawfully existing at the time of adoption of this chapter or any subsequent amendment hereto, which does not conform to the use, height, bulk, placement, or yard provisions of the zoning district in which it is situated. (See § 157.261.)

NUISANCE FACTORS. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- (1) Noise;
- (2) Dust;
- (3) Smoke;
- (4) Odor;
- (5) Glare;
- (6) Fumes;
- (7) Flashes;
- (8) Illumination;
- (9) Vibration;
- (10) Shock waves;
- (11) Heat;
- (12) Electronic or atomic radiation;
- (13) Objectionable effluent;
- (14) Noise of congregation of people, particularly at night;
- (15) Passenger traffic; or
- (16) Invasion of non-abutting sheet frontage by traffic.

NURSERY, PLANT MATERIALS. A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

NURSING HOME (CONVALESCENT OR REST HOME). A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two or more persons are housed or lodged and furnished with nursing care.

OCCUPANCY, CHANGE OF. A discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or, the expansion of a use.

OCCUPIED. Used in any manner at the time in question.

OFFSET. The distance between the centerlines of driveways or streets across the street from one another.

OFF-STREET LOADING SPACE. A facility or space which permits the standing, loading, or unloading of trucks and other vehicles other than on or directly from a public right-of-way.

OFF-STREET PARKING LOT. A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

OFFICE. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

ON-STREET LOADING SPACE. A location within the public street right-of-way which has been approved by the village for the standing, loading, or unloading of trucks, vans, or other vehicles.

ON-STREET PARKING SPACES. Spaces designated and signed for public parking within the public street right-of-way.

OPEN AIR BUSINESS USES. Business and commercial uses conducted solely outside of any building. Unless otherwise specified herein, **OPEN AIR BUSINESS** shall include: retail sales of garden supplies and equipment, including, but not limited to, trees, shrubbery,

plants, flowers, seed, topsoil, trellises, lawn furniture, and Christmas trees and outdoor displays of structure and vehicles sold on the premises.

OPEN SPACE. Required open space shall be on the same lot with the principal use and shall be unoccupied and unobstructed from the ground upward, except for living plant material, recreational facilities, permitted signs, sidewalks, bikepaths, and necessary drives and utility lines, unless as otherwise provided in this chapter. Where **OPEN SPACE** is required, no more than 50% of the required area shall be comprised of lakes, ponds, regulated wetlands, or floodplain.

OUTDOOR STORAGE. The keeping, outside of an enclosed building, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

OUTLOT. A parcel of land which is designated as an **OUTLOT** on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

PARCEL. A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Subdivision Control Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 et seq., and has frontage on a public sheet.

PARKING SPACE. An area of definite length and width, said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking, of permitted vehicles.

PERFORMANCE GUARANTEE. A financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with the ordinance, regulations, and the approved plans and specifications of a development.

PERSON. An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

PERSONAL FITNESS CENTER. A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, **PERSONAL FITNESS CENTER** shall not include court sports facilities or spectator seating for sports events. A **PERSONAL FITNESS CENTER** may or may not be enclosed within a gym.

PERVIOUS SURFACE. A surface that permits full or partial absorption of stormwater.

PET. A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

PLANNER, VILLAGE. The Village Planner is the person or firm designated by the Planning Commission and/or Zoning Commission, as required, to advise the Village Council, Village Planning Commission and/or Zoning Commission, as required, and village staff on planning, zoning, land use, housing, and other related planning and development issues.

PLANNING COMMISSION. The Village of Holly Planning Commission.

PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist, in cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the **PRINCIPLE USE**, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts.

PROCESSOR. A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center as defined in the Medical Marihuana Facilities Licensing Act and Michigan Regulation and Taxation of the Marihuana Tracking Act.

PROPERTY LINES. The lines bounding a lot; the lot lines.

PUBLIC UTILITY. A public corporation, franchise, municipal department, board, or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas; steam; electricity; sewage disposal; telephone service (excluding cellular phone facilities); cable television services; telegraph; transportation; or water.

REASONABLE ACCESS. An access management term defined as ensuring a motorist can enter or exit a parcel in an uncomplicated manner that will not significantly prevent their visiting an establishment. **REASONABLE ACCESS** may not always be the most direct access, but may involve use of a shared driveway or service drive.

RECEPTION ANTENNA FACILITY. An exterior apparatus that is capable of receiving communication for radio or television purposes, including satellite reception antennas, but excluding facilities considered to be essential public service facilities or those preempted from township regulation by applicable state, FCC, or other federal laws or regulations.

RECREATION LAND. Any publicly- or privately-owned lot or parcel that is utilized for recreational activities, such as, but not limited to, camping, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

RECREATIONAL VEHICLE. Includes the following.

(1) **BOATS AND BOAT TRAILERS.** Includes boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

(2) **FOLDING TENT TRAILER.** A folding structure, mounted on wheels and designed for travel and vacation use.

(3) **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.

(4) **OTHER RECREATIONAL EQUIPMENT.** Includes snowmobiles, jet skis, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

(5) **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.

(6) **TRAVEL TRAILER.** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel,

recreational, and vacation uses, and which may be identified as a **TRAVEL TRAILER** by the manufacturer. **TRAVEL TRAILERS** generally include self-contained sanitary, water, and electrical facilities.

RECYCLING CENTER. A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products. This use is distinct from a junkyard or a salvage yard.

RECYCLING COLLECTION STATION. A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

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

(1) **BAR/LOUNGE/TAVERN.** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a **BAR** or **LOUNGE** is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

(2) **RESTAURANT, CARRY-OUT.** A business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

(3) **RESTAURANT, DRIVE-IN.** A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

(4) **RESTAURANT, DRIVE-THROUGH.** A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises. Any restaurant with a drive-through operation, whether the principal or accessory use, shall be defined as a **DRIVE-THROUGH RESTAURANT**.

(5) **RESTAURANT, OPEN-FRONT.** An establishment that sells food or beverages through a window to serve pedestrians not requiring the patron to enter the structure. Any restaurant with an open front window shall meet the ordinance standards for open-front windows whether the use is principal or accessory.

(6) **RESTAURANT, SIT-DOWN.** A standard restaurant is a business establishment whose method of operation involves either:

(a) The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or

(b) The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

RETENTION BASIN. A pond, pool, or basin used for the permanent storage of stormwater runoff.

RIGHT-OF-WAY. The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

ROOM.

(1) For the purpose of determining lot area requirements and density in a multiple-family district, a **ROOM** is a living room, dining room or bedroom, equal to at least 80 square feet in area.

(2) A **ROOM** shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage.

(3) Plans presented showing one-, two-, or three-bedroom units and including a "den", "library", or other extra room shall count such extra **ROOM** as a bedroom for the purpose of computing density.

SAFETY COMPLIANCE FACILITY. A licensee that is a commercial entity that receives marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility as defined in the Medical Marijuana Facilities Licensing Act and Michigan Regulation and Taxation of the Marijuana Tracking Act.

SEASONAL or SPECIAL EVENT.

(1) An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by the village or by a nonprofit community group, congregation, organization, club, or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment.

(2) **SPECIAL EVENTS** typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

SECURE TRANSPORTER. A licensee that is a commercial entity located in this state that stores marijuana and transports marijuana between marijuana facilities for a fee as defined in the Medical Marijuana Facilities Licensing Act and Michigan Regulation and Taxation of the Marijuana Tracking Act.

SEMI-TRAILER. A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

SERVICE DRIVE. Any private road that is generally parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

SERVICE TRUCK. A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

SETBACK. The distance required to obtain the minimum required distance between the front, side, or rear property lines and the building line or parking lot. **SETBACKS** from a public street or private road shall be measured from the right-of-way line or easement. **SETBACKS** shall remain as open space as defined herein, unless otherwise provided for in this chapter. (Refer to the "schedule of regulations", § 157.009 for minimum setback requirements). (See definition for **YARD ENCROACHMENTS**).

SHIPPING CONTAINERS. Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers.

SHOPPING CENTER. A grouping of retail businesses and service uses on a single site with common parking facilities.

SHORELINE. The line between upland and bottomland which persists through excessive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

SHORT-TERM RENTAL. A single-family dwelling which provides overnight accommodations for transient guests for compensation for a period of 14 days or less. This can include one room to the whole house.

SIGN. The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

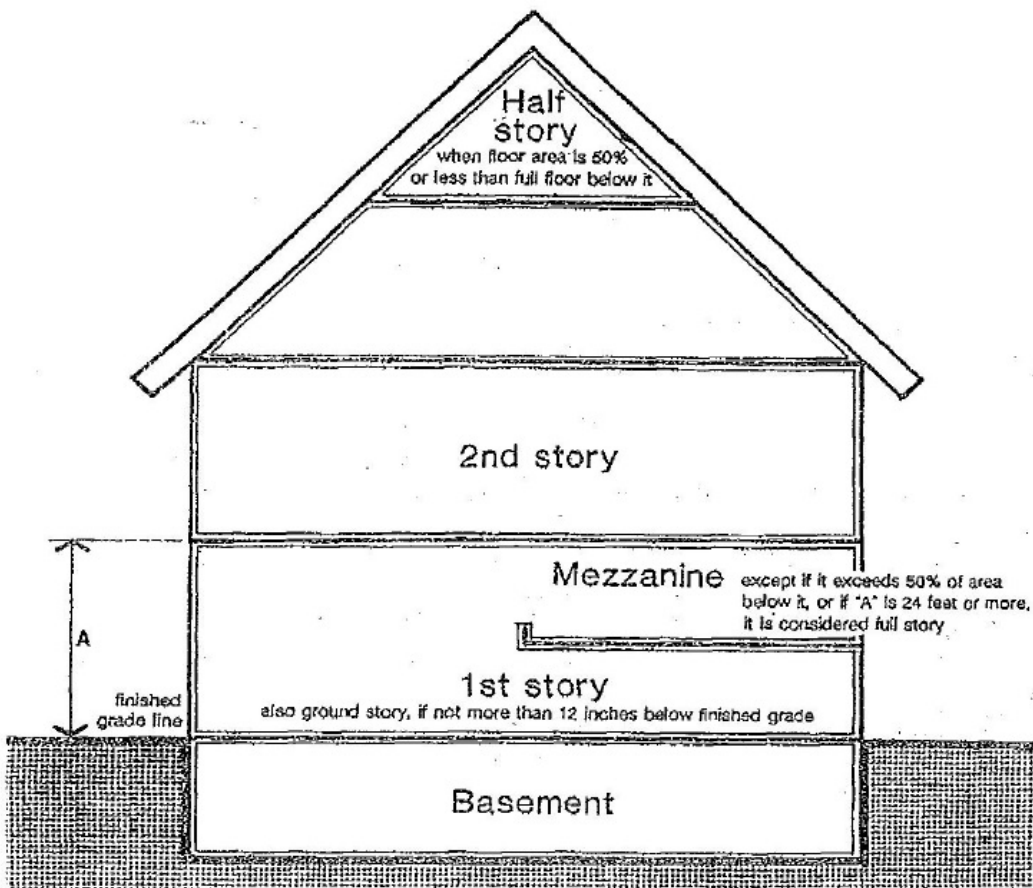
SITE PLAN. A plan showing all salient features of a proposed development so that it may be evaluated in order to determine whether or not it meets the provisions of this chapter.

SPECIAL LAND USE. Any land use which requires approval by the Village Council according to the standards listed in this chapter, and as authorized in the City or Village Zoning Act.

STABLE, COMMERCIAL. A facility for the rearing and housing of horses, mules, ponies, or for riding and training academies.

STABLE, PRIVATE. An accessory building incidental to an existing residential use, that shelters horses for the exclusive use of the occupants of the premises and then guests, without remuneration, hire, or sale.

STORY. The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a **STORY** (see illustration below).



Basic Structural Terms

STORY, HALF. An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches and a floor area of 50% or less than full floor below it. For the purposes of this chapter, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

STREET.

- (1) Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and

access to any land, lot, or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation.

(2) Various types of roads are defined as follows.

(a) **ARTERIAL ROAD.** A road which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the village. An **ARTERIAL ROAD** may also be a major thoroughfare.

(b) **COLLECTOR STREET.** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.

(c) **CUL-DE-SAC.** A road that terminates in a vehicular turnaround.

(d) **LOCAL OR MINOR STREET.** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

(e) **PRIVATE ROAD.** Any road which is to be privately maintained and has not been accepted for maintenance by the village, the county, the state, or the federal government, but which meets the requirements of this chapter or has been approved as a private road by the village under any prior ordinance.

(f) **PUBLIC STREET.** Any road or portion of a road which has been dedicated to and accepted for maintenance by the village, the county, state, or the federal government.

STREET LINE (RIGHT-OF-WAY LINE). The dividing line between the street and a lot.

STRUCTURAL ADDITION. Any alteration that changes the location of the exterior walls or area of a building.

STRUCTURE.

(1) Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

(2) **STRUCTURES** include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennas, swimming pools, signs, gas or liquid storage facility, and a mobile home.

(3) Driveway access drives, sidewalks, street directional, or street name sign, and landscape improvements are not considered a **STRUCTURE** in regards to restrictions on placement within setback areas.

SUBDIVISION PLAT. The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended, and Ch. 153.

SUBSTANCE ABUSE TREATMENT FACILITY.

(1) Any establishment used for the dispensing, on an in-patient or out-patient basis, of compounds or prescription medicines directly to persons having drug or alcohol abuse problems.

(2) A generally recognized pharmacy or licensed hospital dispensing prescription medicines shall not be considered a **SUBSTANCE ABUSE TREATMENT FACILITY**.

SUBSTANTIAL IMPROVEMENT.

(1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored before the damage occurred.

(2) **SUBSTANTIAL IMPROVEMENT** occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

(3) The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SWIMMING POOL.

(1) Any permanent, non-portable structure, or container located either above or below grade designed to hold water to a depth of greater than 24 inches and with a surface area greater than 250 square feet, intended for swimming or bathing.

(2) A **SWIMMING POOL** shall be considered an accessory structure for purposes of computing lot coverage.

TEMPORARY BUILDING. A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Construction of **TEMPORARY BUILDINGS** shall be subject to the requirements listed in the Village Building Code, as amended.

TEMPORARY USES AND SEASONAL EVENTS. Uses intended for a limited duration within any zoning district. A **TEMPORARY USE** shall not be interpreted to be a continuance of a nonconforming use. **TEMPORARY USES AND SEASONAL SALES** events may include carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, and similar events.

THEATER. An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

TOPOGRAPHICAL MAP. A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

TOWNHOUSE. A residential structure, or group of structures, each of which contains three or more attached one-family dwelling units

with individual rear yards and or front yards designed as an integral part of each one-family dwelling unit.

TOXIC or HAZARDOUS WASTE. Waste or a combination of waste and other discarded material (including, but not limited to, solid, liquid, semi-solid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- (1) An increase in mortality;
- (2) An increase in serious irreversible illness;
- (3) Serious incapacitating, but reversible illness; or
- (4) Substantial present or potential hazard to human health or the environment.

TRANSITION ZONE. A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

TRUCK STORAGE. An area used for the temporary storage of private trucks or trucks for hire.

TRUCK TERMINAL. A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the village, amalgamation for delivery in larger units to other intrastate or interstate destinations, or distribution or amalgamation involving transfer to other modes of transportation.

USE. The principal purpose for which land or a building is arranged, designed, or intended or for which land or a building is or may be occupied.

UTILITY TRAILER. A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

VARIANCE. A modification of the literal provisions of this chapter granted when enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

VETERINARY HOSPITAL. A facility which provides diagnosis, treatment, surgery, and other veterinary care for domestic animals, horses, and livestock.

WALKWAYS AND PATIOS. A patio built out of any material that is less than seven inches above grade may project into any front, side, or rear yard. Any **WALKWAY**, including a stepped walkway that follows the contour of the grade and is less than seven inches above grade may project into any front, side, or rear yard.

WALL, OBSCURING. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter. A wall shall be a solid durable structure of masonry or concrete in contrast to a fence which may be constructed of wood.

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

WASTE RECEPTACLE. Any accessory exterior container used for the temporary storage of rubbish, pending collection, having capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be **WASTE RECEPTACLES**.

WETLAND. Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which is any of the following:

- (1) Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream;
- (2) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than five acres in size; (this requirement does not apply to counties of less than 100,000 population, unless the MDNR has inventoried the wetland in this county; or
- (3) Determined by the MDNR that the protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction. (Refer to Goemaere-Anderson Wetland Protection Act, Public Act 451 of 1994, being M.C.L.A. §§ 324.30301 et seq., as amended.)

WHOLESALE SALES. The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

YARDS. The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter, and as defined herein (see illustration below).

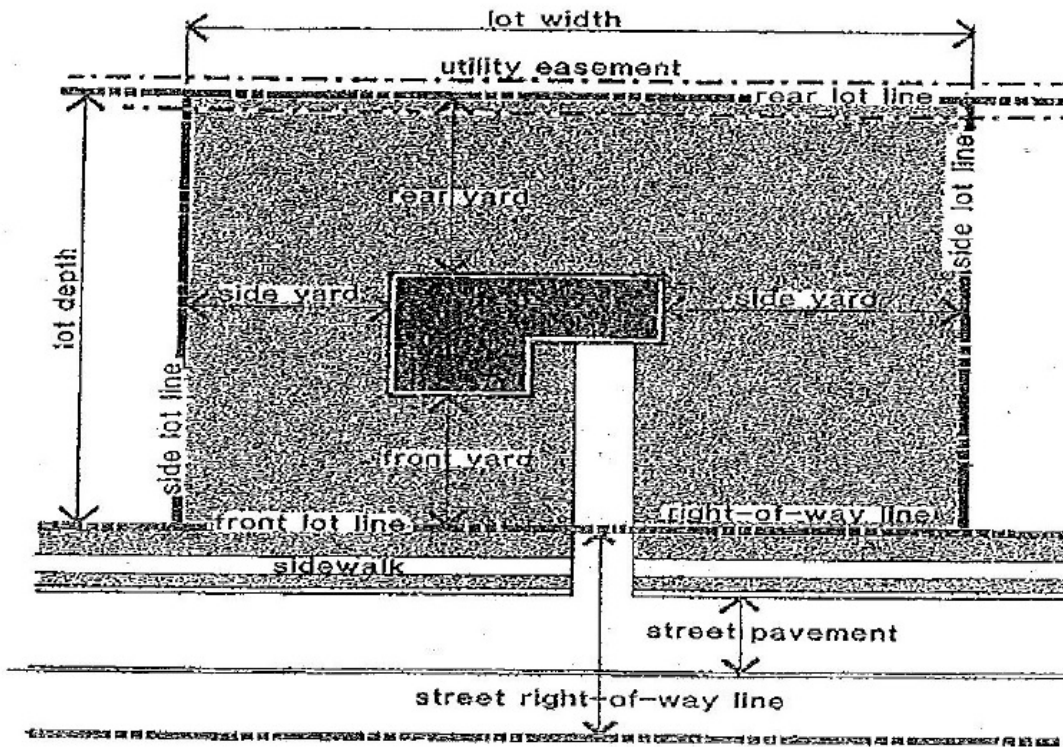
(1) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the horizontal distance between the front property line and the nearest wall of the main building, excluding any architectural features as defined in this chapter.

(2) **REAR YARD.**

(a) An open space extending the full width of the lot, the depth of which is the horizontal distance between the rear property line and the nearest wall of the main building, excluding any architectural features as defined in this chapter.

(b) In the case of a corner lot, the **REAR YARD** may be opposite either street frontage.

(3) **SIDE YARD.** An open space between a main building and the side property line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side property line to the nearest wall of the main building.



YARD ENCROACHMENTS and ARCHITECTURAL FEATURES.

- (1) (a) Architectural features, not including vertical projections, may extend or project into a required front, rear, or side yard not more than one-third of the required setback but not to exceed two feet.
- (b) **ARCHITECTURAL FEATURES** include bay windows, shutters, roof eaves, gutters, and overhangs.
- (2) (a) **YARD ENCROACHMENTS** such as residing shall be allowed in any yard up to six inches on an existing building.
- (b) Vertical projections include porch roof supports and chimneys.

ZONING ACT. The Michigan Zoning Enabling Act (Public Act 110 of 2006, M.C.L.A. §§ 125.3101, as amended).

ZONING OFFICIAL or ADMINISTRATOR. The Village Official(s) designated by the Village Council to administer and enforce the zoning ordinance of the village or his or her designee.

(Ord. 259, passed 10-24-1995; Ord. 324, passed 5-11-1999; Ord. 407, passed 3-13-2011; Ord. passed 2-1-2012; Ord. 437, passed 1-17-2016)

§ 157.009 SCHEDULE OF REGULATIONS.

(A) *Schedule generally.* The following is a schedule of regulations for principle buildings.

(1) *Residential districts.*

Residential Districts									
District	Minimum Lot Size or Maximum Density		Maximum Building Height		Principle Structure Minimum Yard Setback ⁴			Max. Lot Coverage By All Buildings	Min. Floor Area Per Unit
	Min. Lot Area	Width ¹	Stories	Feet ²	Front ³	Each Side	Rear		
Residential Districts									
District	Minimum Lot Size or Maximum Density		Maximum Building Height		Principle Structure Minimum Yard Setback ⁴			Max. Lot Coverage By All Buildings	Min. Floor Area Per Unit
	Min. Lot Area	Width ¹	Stories	Feet ²	Front ³	Each Side	Rear		
MHP Mobile Home Park	5,500 square feet per unit 8	50 feet per unit	1	14	See § 157.073, "Mobile Home Park District"				

NOC Multi-Family	1 BR: 4,000 square feet 2 BR: 5,000 square feet 3 BR and greater: 6,000 square feet	100 feet	2.5	30	25 feet 6,7	20 feet 6,7	40 feet 6,7	35%	Efficiency: 450 square feet 1 BR: 600 square feet 2 BR: 700 square feet 3 BR: 850 square feet Each add'l: 150 square feet
NOC Single-Family Attached	1 BR: 4,000 square feet 2 BR: 5,000 square feet 3 BR and greater: 6,000 square feet	60 feet	2	30	25 feet	20 feet	40 ft	35%	Efficiency: 450 square feet 1 BR = 600 square feet 2 BR = 700 square ft 3 BR = 850 square feet Each add'l: 150 square feet
PUD Planned Unit Development (Residential)	Min 5 acre site 9	Same as underlying zoning district, except as may be modified under § 157.080			See §§ 157.120 through 157.130. Setbacks from perimeter property lines shall be consistent with underlying zoning dist. for the specific use			35%	Same as underlying zoning district for the specific use
R1A Single-Family	12,000 square feet ⁵	100 feet ⁵	2.5	30	30 feet	10 feet	35 feet	35%	1,400 square feet
R1B Single-Family	7,200 square feet ⁵	60 feet ⁵	2	. 30	25 feet	9 feet	35 feet	35%	1,200 square feet
RM Moderate-Density Multi-Family	1 BR: 4,000 square feet 2 BR: 5,000 square feet 3 BR and greater: 6,000 square feet	100 feet	2.5	30	25 feet 6,7	12.5 feet 6,7	40 feet ^{6,7}	35%	Efficiency: 450 square feet 1 BR: 600 square feet 2 BR: 700 square feet 3 BR: S50 square feet Each add'l: 150 square feet
RM Moderate-Density Single-Family Attached	1 BR 4,000 square feet 2 BR 5,000 square feet 3 BR & greater 6,000 square feet	60 feet	2.5	30	25 feet	10 feet	40 feet	35%	Efficiency: 450 square feet 1 BR = 600 square feet 2 BR = 700 square feet 3 BR = S50 square feet Each add'l 150 square feet

Notes for Residential Districts:

1. Minimum lot width is measured at the required front yard setback distance from the right-of-way. Corner lots and double frontage lots are considered to have two front yards. The depth of a lot shall not exceed three times the width as measured at the building line for platted lots and four times the width for unplatted lots
2. Building heights shall be measured as the vertical distance from grade to the highest point of the roof surface for flat roofs; to the dock line for mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. The maximum building height may be increased upon application to and finding by the Planning Commission and/or Zoning Commission, as required, that such increased height will not adversely affect existing and surrounding adjacent properties
3. In the case of corner lots or lots with dual frontage, front setback requirements shall be maintained along all street frontages
4. See §§ 157.035 through 157.040(A) for accessory building and structure setbacks
5. See division (B) below, average lot size option and division (C) below, subdivision open space option (R1A District only), regarding flexibility allowances
6. For buildings with multiple dwelling units, a 10-foot landscaped setback from all roads, drives, parking areas, and adjacent Single-Family Residential Districts shall be provided meeting the requirements of § 157.168
7. Other yard dimensions:
 - (a) No multiple-family building designed, erected, or used for eight or more families shall be located closer than 50 feet to any Single-Family Residential District; where findings of the Planning Commission and/or Zoning Commission, as required, conclude that the adjoining property will eventually assume similar zoning as property in question, the Commission may waive the 50-foot minimum separation
 - (b) No single building or connected buildings may exceed 160 feet in any one dimension. All buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides
 - (c) The separation between grouped buildings shall be a minimum of 25 feet
 - (d) No building entrance to a multiple-family structure shall be located closer to any street, access road, driveway, or parking area than 25 feet
8. The minimum 5,500 square feet per unit site may be reduced by 20%; provided, that the individual site shall be equal to 4,400 square feet; provided, that for each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required by the Mobile Home Commission
9. The minimum site area of a PUD may be reduced upon application to, and approval by, the Planning Commission and/or Zoning Commission, as required

(2) Nonresidential districts.

Nonresidential Districts								
District	Min. Lot Area	Min Lot Width ¹	Minimum Yard Setbacks ²			Max. Impervious Surface Coverage ¹⁰	Max. Height ³	
			Front Yard	Each Side Yard	Rear Yard			
Nonresidential Districts								
District	Min. Lot Area	Min Lot Width ¹	Minimum Yard Setbacks ²			Max. Impervious Surface Coverage ¹⁰	Max. Height ³	
			Front Yard	Each Side Yard	Rear Yard			
C Commercial	Governed by setbacks	Governed by setbacks	(Note 4)	(Note 4)	15 feet ⁴	70%	40 feet or 2 stories ⁵	
C2 Central Business	Governed by setbacks	Governed by setbacks	(Note 6)	(Note 7)	(Note 7)	No maximum	40 feet or 3 stories ⁵	
M Industrial District	Governed by setbacks	Governed by setbacks	25 feet ⁸	10 feet ⁸	30 feet ⁸	85%	40 feet or 2 stories ⁵	
NOC, Office or Commercial Uses	7,200 square feet	60 feet	25 feet	9 feet	30 feet	75%	30 feet or 2 stories	
O Office	Governed by setbacks	Governed by setbacks	(Note 4)	(Note 4)	15 feet ⁴	60%	40 feet or 2 stories ⁵	
PUD Planned Unit Development (Nonresidential)	Minimum 3 acre site ⁹	Same as underlying zoning district, except as may be modified under §157.080						

Notes for Nonresidential Districts:

- 1 Minimum lot width is measured at the required front yard setback distance from the right-of-way. Corner lots and double frontage lots are considered to have two front yards. The depth of a lot shall not exceed three times the width as measured at

the building line for platted lots and four times the width for unplatted lots

2. See §§ 157.035 through 157.040 (A) for accessory building and structure setbacks
3. Building heights shall be measured as the vertical distance from grade to the highest point of the roof surface for flat roofs; to the dock line for mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. The maximum building height may be increased upon application to and finding by the Planning Commission and/or Zoning Commission, as required, that such increased height will not adversely affect existing and surrounding adjacent properties
4. Whenever property zoned for industrial or commercial use has a contiguous border with a residential district, the Planning Commission and/or Zoning Commission, as required, may require that no storage, driveway, parking area, building, sign, commercial or industrial activity be allowed in a setback area established by the Planning Commission and/or Zoning Commission, as required. The setback shall be at least 50 feet but not more than 200 feet from the property line abutting the residential district. The Planning Commission and/or Zoning Commission, as required, may further require that trees, shrubs, grasses, screening fences, berms, or other landscaping be placed in the above described area abutting this residential district.
 - a. The proposed use of the property;
 - b. Noise, odors, vehicle traffic, light, vibration, and dirt caused by the proposed use;
 - c. Size, construction, appearances, and exterior lighting of buildings, structures, parking areas, or driveways;
 - d. Exterior storage, including storage of waste or trash; and
 - e. Lot size and natural barriers
5. The height of a sign or building shall not exceed 50% of the horizontal distance to the nearest residential district boundary
6. The front setback shall be equal to the minimum setback established by existing buildings within 200 feet of a proposed principal building location
7. The principal building may be constructed on the side property line. Rear yards shall be at least 10 feet. No structure shall be less than 20 feet from any residential district
8. No building, sign, storage, or industrial activity shall be located within 20 feet of an abutting residential district and may be further limited by site plan requirements under § 157.196
9. The minimum site area of a PUD may be reduced upon application to and finding by the Planning Commission and/or Zoning Commission, as required, that the smaller site area can be developed to meet the intent and review objectives of the PUD
10. An **IMPERVIOUS SURFACE** is defined as surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Maximum impervious surface calculations do not include the area within the right-of-way on a parcel

(B) *Averaged lot size option.*

(1) The intent of this section is to permit the subdivider or developer to vary lot sizes and lot widths to average the minimum size of lot per unit as required in division (A) above, each Single-Family Residential District.

(2) If this option is selected, the following conditions shall be met.

(a) In meeting the average minimum lot size, the subdivision shall be designed so that no lot has area or width reduced more than 10% than the minimum or width-required in the schedule of regulations in division (A) above and shall not create an increase in the number of lots.

(b) Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located. The area and dimensions of each lot shall be listed on, the plan in tabular form.

(C) *Subdivision open space option.* The intent of the subdivision open space plan is to promote the following objectives:

(1) Provide a more desirable living environment by preserving the natural features such as woodlands, steep topography, water bodies, and wetlands;

(2) Encourage developers to use a more creative approach in the development of residential areas;

(3) Encourage a more efficient, aesthetic, and desirable use of open area, reducing development costs, and allowing the developer to avoid natural obstacles on the site; and

(4) Encourage the provision of open space within reasonable distance to lots in the subdivision and to further encourage the development of recreational facilities, such as pathways which link up to the village's sidewalk system.

(D) *Modifications.* Modifications to the standards as outlined in schedule of regulations in division (A) above, may be made in the R1A Single-Family Residential Districts when the following conditions are met (R1B Districts are not eligible for this option.).

(1) (a) Individual lots in the R1 A Single-Family Residential Districts may be reduced up to 20%. This reduction may be accomplished in part by reducing lot widths up to 20 feet.

(b) Lot area reductions shall be permitted; provided, that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each Single-Family District under schedule of regulations in division (A) above.

(c) The area remaining through the reduction of lot sizes shall be retained as permanent open space.

(2) Rear yards may be reduced to no less than 30 feet when such lots border land dedicated for park, recreation, and/or open space purposes, provided, the width of the dedicated land shall not be less than 100 feet measured at the point at which it abuts the rear yard of the adjacent lot.

(3) The area to be dedicated for subdivision open space purposes shall in no instance be less than one acre, and shall be in a

location and shape approved by the Planning Commission and/or Zoning Commission, as required.

(4) The plan for reduced lot sizes shall be permitted only if it is agreeable to the village.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.010 ADMINISTRATION AND ENFORCEMENT.

(A) *Enforcement.* The provisions of this chapter shall be administered and enforced by a Zoning Official designated by the Village Manager.

(B) *Duties of Zoning Official.*

(1) The Zoning Official shall have the power to grant zoning compliance permits, and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this chapter. It shall be unlawful for the Zoning Official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he or she has inspected such plans in detail and found them to conform with this chapter.

(2) Under no circumstances is the Zoning Official permitted neither to make changes to this chapter nor to vary the terms of this chapter in carrying out his or her duties as Zoning Official.

(3) The Zoning Official shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

(C) *Zoning compliance permits.*

(1) A zoning compliance permit shall be required prior to the erection, extension, demolition, moving, or alteration of any structure(s) or portion(s) thereof; prior to the use or change in use of a structure or land including special land use approval; prior to any proposal to fill, excavate, or grade land which causes more than a cumulative 100 cubic yards of earth to be disturbed within a six-month period; prior to any proposal to create, expand, or alter a use or structure which involves using, storing, or generating hazardous substances; or prior to clearing 25% of the trees of eight-inch caliper or greater on a site. No such zoning compliance permit shall be required for normal maintenance activities and minor repairs which do not constitute an erection, extension, demolition, or alteration of a site or building(s) as defined in § 157.191.

(2) No permit shall be granted by the Zoning Official for any purpose, except in compliance with the provisions of this chapter or, upon appeal, in compliance with an order of the Board of Appeals or the courts.

(a) *Application for zoning compliance permits.* Application for a zoning compliance permit shall be made to the village on such forms and in such number as required by the village by administrative directive. No application shall be accepted without the appropriate fee as established by Council.

(b) *Review of the application.* All applications for zoning compliance permits not requiring Planning Commission and/or Zoning Commission, as required, review of the site plan shall be granted or denied by the Zoning Official within 30 days from the receipt of the application and payment of fees. Those applications requiring site plan review by the Planning Commission and/or Zoning Commission, as required, shall be granted or denied within 60 days from receipt of the application and payment of fees. Those applications not meeting the deadlines established in this section shall be deemed approved as if they were reviewed according to this chapter. The applicants of all zoning compliance permit applications denied by whatever official or agency shall be notified by the Zoning Official in writing. The Zoning Official shall specify the provisions of this chapter with which the applications failed to comply.

(c) *Site plan review and approval by the Planning Commission and/or Zoning Commission, as required, is required.* Activities covered in § 157.191 require a site plan submitted to and approved by the Planning Commission and/or Zoning Commission, as required.

(d) *Sketch plan.* All applications for a zoning compliance permit not requiring a site plan shall be accompanied by a sketch plan, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot with a north arrow;
2. The shape, size, and location of all buildings or other structures already on the lot and proposed to be erected, altered, demolished, or moved. If nothing is being proposed, show only the shape, size, and location of all buildings and other structures;
3. The existing and intended use of the lot and of all such structures upon it, including residential areas, the number of dwelling units the building units the building is intended to accommodate; and
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(e) *Permit issuance; length permit valid.*

1. Approved applications for zoning compliance permits shall be given a zoning compliance permit. Such permit with any conditions noted on its face, as applicable, shall be evidence that all proposed work or changes in use comply with the provisions of this chapter.

2. A zoning compliance permit shall be valid for one year from the date of issuance and for such additional time as necessary to complete the project under a valid building permit. If an applicant does not obtain a building permit within one year after issuance of a zoning compliance permit, the permit expires. The zoning compliance permit may be extended for an additional six months from the date of initial expiration by the Planning Commission and/or Zoning Commission, as required, for those permits that required a site plan review and by the Zoning Official for those permits that did not.

(D) *Building Code coordination.*

(1) No building permit shall be issued unless and until the Zoning Official conducts an initial site inspection and issues a zoning compliance permit for the project requiring a building permit.

(2) No certificate of occupancy noting completion of a project for which a building permit was issued shall be given unless and until the Zoning Official conducts a final inspection and issues a certificate of zoning compliance.

(E) *Certificate of zoning compliance.* The holder of every zoning compliance permit shall notify the Zoning Official immediately upon the completion of the work or change of use authorized by such permit for a final inspection. Upon the satisfactory completion of the work or change of use authorized as evidenced by the final inspection, the Zoning Official shall issue a certificate of zoning compliance.

(F) *Fees.*

(1) The purpose of fees is to cover the costs of administering this chapter. Costs include inspections, issuance of permits and certificates, public hearings, and such other oversight activities necessary to administer this chapter. The amount of any fee is predicated on the costs of providing the services. Council shall set fees accordingly and may establish escrow accounts to cover the full costs of services not known at the outset of any permit or certificate process.

(2) In no case shall the Zoning Official issue a certificate of zoning compliance to any person owing the village fees.

(G) *Violations.*

(1) Any violation of any provision of this chapter or any permit, license, or special approval granted hereunder, or any lawful order of the building official, Zoning Official, Zoning Board of Appeals, or the Village Council issued in pursuance of this chapter shall be a municipal civil infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this chapter and any omission or failure to act where the act is required by this chapter.

(2) The sanction for any violation of this chapter which is a municipal civil infraction shall be a civil fine as provided in §157.999(A)(2), plus any costs, damages, expenses, and other sanctions, as authorized under Public Act 327 of 1961, Ch. 87, Public Act 237 of 1961, being M.C.L.A. §§ 600.8701 et seq., as amended, and other applicable laws.

(3) The Code Compliance Officer and the Village Manager, together with police officers of the village, are the village officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this chapter.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.011 AMENDMENTS.

(A) *Initiation of amendments.*

(1) The Village Council may, from time to time, amend, modify, supplement, or revise the zoning district boundaries shown on the official zoning map or the provisions of this chapter. Amendments to the provisions of this chapter may be initiated by the Village Council, the Planning Commission and/or Zoning Commission, as required, the Board of Appeals, the Administrative Official designated by the Village Council to enforce the ordinance or by petition of one or more residents or land owners. Amendments to the official zoning map may be initiated by the Village Council, the Planning Commission and/or Zoning Commission, as required, or by the owner or owners of the subject site.

(2) All proposed amendments to the provisions of this chapter or the official zoning map shall be referred to the Planning Commission and/or Zoning Commission, as required, for public hearing and recommendation to the Village Council prior to action by the Village Council.

(B) *Application procedure.*

(1) An amendment to this chapter or the official zoning map, except those initiated by the village, shall be initiated by submission of a completed application form and fee.

(2) 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 and address of the owner of the subject site, and a statement of the applicant's interest in the subject site if not the owner in fee simple title;

(c) The existing and proposed zoning district designation of the subject property;

(d) The land use classification for the subject site as illustrated on the Village's Master Plan;

(e) In the case of an amendment to this chapter, other than an amendment to the official zoning map, a general description of the proposed amendment and rationale for the change shall accompany the application form; and

(f) A written description of how the requested rezoning meets divisions (E) and (F) below.

(C) *Amendment procedure; public hearing and notice.*

(1) Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission and/or Zoning Commission, as required. Notice of the hearing shall be given as required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 et seq., as amended).

(2) Following the public hearing, the Planning Commission and/or Zoning Commission, as required, shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Village Council. The Planning Commission and/or Zoning Commission, as required, shall consider the criteria listed in division (E) below for a requested amendment to the official zoning map, and the criteria listed in division (F) below for requested amendments to the standards and regulations in the text.

(3) Following receipt of the findings and recommendation of the Planning Commission and/or Zoning Commission, as required, the Village Council shall act on the proposed amendment. In the case of an amendment to the text of this chapter, the Village Council may modify or revise the proposed amendment recommended by the Planning Commission and/or Zoning Commission, as required, prior to enactment. In the case of an amendment to the official zoning map, the Village Council shall approve or deny the amendment based on its consideration of the criteria in division (E) below.

(D) *Amendments required to conform to court decree.* Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Village Council and published, without necessity of a public hearing or referral thereof to any

other board or agency.

(E) *Criteria for amendment of the official zoning map.* In considering any petition for an amendment to the official zoning map, the Planning Commission and/or Zoning Commission, as required, and Village Council shall consider the following criteria in making its findings, recommendations, and decision:

(1) Consistency with the goals, policies, and future land use map of the Village Master Plan. If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic, and environmental issues) have changed significantly since the Master Plan was adopted, as determined by the village, the Planning Commission and/or Zoning Commission, as required, and Council shall consider the consistency with recent development trends in the area;

(2) Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district;

(3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one of the uses permitted under the current zoning;

(4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values;

(5) The capacity of the village's infrastructure and sendees sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare;

(6) The apparent demand for the types of uses permitted in the requested zoning district in the village area in relation to the amount of land currently zoned and available to accommodate the demand; and

(7) The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.

(F) *Criteria for amendment to the zoning ordinance text* The Planning Commission and/or Zoning Commission, as required, and Village Council shall consider the following criteria to determine the appropriateness of amending the text, standards, and regulations of this chapter:

(1) Documentation has been provided from village staff or the Board of Appeals indicating problems and conflicts in implementation of specific sections of this chapter;

(2) Reference materials, planning and zoning publications, information gained at seminars, or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the village's standards are outdated;

(3) The Village Attorney recommends an amendment to respond to significant case law; and

(4) The amendment would promote implementation of the goals and objectives of the Village's Master Plan.

(G) *Restrictions on re-submittal of a rezoning request.* An application for an amendment to the official zoning map (i.e., a rezoning request) that has been denied, shall not be reconsidered for one year, unless the applicant demonstrates that conditions have changed.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

GENERAL REGULATIONS

§ 157.025 INTRODUCTION.

The standards and regulations listed in this subchapter shall apply to all uses, buildings, and structures within all zoning districts, unless otherwise specifically addressed.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.026 WITHHOLDING OF APPROVAL.

The Planning Commission and/or Zoning Commission, as required, Board of Appeals, or Village Council may withhold granting of approval of any use, special land use, site plan, planned unit development plan, variance, or other approval required by this chapter pending approvals which may be required by state, county, or federal agencies or departments.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.027 VOTING PLACE.

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

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.028 LOT AREA.

Any lot existing and of record on the effective date of this chapter may be used for any principal use permitted, other than special land uses for which special lot area requirements are specified in this chapter, permitted in the district in which such lot is located, whether or not such lot complies with the lot area and width requirements of this chapter. Such use may be made; provided, that all requirements other than lot area and width prescribed in this chapter are complied with, and provided, that not more than one dwelling unit shall occupy any lot, except in conformance with the provisions of this chapter for required lot area for each dwelling unit.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.029 PRINCIPLE BUILDING, STRUCTURE, OR USE.

No lot may contain more than one principal building, structure, or use, except, groups of multiple-family dwellings under the same ownership; condominium developments; manufactured housing parks; unified shopping centers; an auto dealership; an office complex; a mixed-use development with residential and office uses; a multi-building industrial use; or a planned unit development.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012; Council Action Req. passed 4-18-2018)

§ 157.030 SINGLE-FAMILY DWELLING DESIGN STANDARDS.

(A) (1) Single-family dwellings, whether mobile homes, manufactured homes, modular homes, or site ("stick") built homes, located outside a mobile home park, shall conform to the standards of this section in addition to HUD standards or the Village Building Code, as appropriate.

(2) In order to preserve the substantial investment of property owners in single-family neighborhoods, single-family homes erected in residential districts shall not be grossly dissimilar to the exterior design and appearance of existing detached single-family homes in the surrounding area. The term **GROSSLY DISSIMILAR** as used in this section, means an immediately obvious difference apparent to professionals in the building trade, neighbors, and potential residents.

(B) The standards herein are intended to prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate, and lessen the opportunity to realize the development pattern envisioned in the community Master Plan.

(1) *Code compliance.*

(a) Each such dwelling unit shall comply 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 U.S. Department of Housing and Urban Development, being 24 C.F.R. pt. 3280, as amended.

(b) Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.

(2) *Building permit.* All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Village Building Code and other building regulations.

(3) *Certification.* If the dwelling unit is a mobile home, the mobile home must, either be:

(a) New and certified by the manufacturer and/or appropriate inspection agency as meeting the *Mobile Home Construction and Safety Standards* of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or

(b) Used and certified by the manufacturer and/or appropriate, inspection agency as meeting the standards referenced in division (B)(2)(a) above, and found, on inspection by the Zoning Official or his or her designee, to be in excellent condition and safe and fit for residential occupancy.

(4) *Dimensional standards.* Each such dwelling unit shall comply with the minimum standards listed in §157.009 for the zoning district in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks, and maximum building height.

(5) *Foundation.*

(a) Each dwelling unit shall be firmly attached to a permanent basement or crawl space 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 single-family dwellings.

(b) If said dwelling is a mobile home, the dwelling shall be securely anchored to the foundation to prevent displacement during windstorms.

(6) *Undercarriage.*

(a) In the event that such dwelling unit shall be a mobile home, the wheels, tongue, hitch assembly, and other towing appurtenances shall be removed before attachment to its permanent foundation.

(b) The foundation or skirting shall fully enclose the towing mechanism, undercarriage, and chassis.

(7) *Storage area.*

(a) Each such dwelling unit shall contain a storage area equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

(b) This storage area shall consist of a basement, attic, or attached garage, or in a separate detached accessory structure which complies with the standards of this section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.

(8) *Architectural compatibility.*

(a) In the event that such dwelling unit shall be a manufactured, modular, or mobile home as defined herein, each such home shall be aesthetically compatible in design and appearance with at least one-half of all other residences in similar zoning districts in the surrounding area. Surrounding area shall be defined as within 500 feet of the subject dwelling unit; with measurements made from the edge of the lot in each direction.

(b) The determination shall be made by the Zoning Official based on the following factors:

1. The type of material used in the proposed dwelling is not grossly dissimilar to the type of materials used in single-family homes in the surrounding area, provided, the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel;

2. The design and position of windows shall not be grossly dissimilar in relation to other single-family homes in the surrounding

area;

3. A roof overhang of not less than six inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling;
4. A minimum of two exterior doors shall be provided with the second one being in either the rear or side of the dwelling;
5. The width across any front, side, or rear elevation shall be a minimum of 20 feet and comply in all respects with the Village Building Code;
6. An applicant may appeal to the Board of Appeals within a period of 20 days from the receipt of notice of said Zoning Official's decision; or
7. The above standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(9) *Exceptions.* The foregoing standards 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 this chapter and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the village, unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this chapter.

(Ord. 259, passed 10-24-1995; Ord. 357, passed 3-16-2003; Ord. passed 2-1-2012)

§ 157.031 REGULATIONS ON USE OF BUILDING FOR DWELLING.

(A) The use of any portion of the cellar (more than one-half the room is below grade) of a partially completed building, detached garage, or accessory building for sleeping purposes in any zoning district is prohibited.

(B) (1) Dwellings are not permitted in the office, commercial, or industrial districts, except for legal nonconforming dwelling existing at the time the zoning ordinance was adopted, a caretaker's quarters in a funeral home or veterinary clinic, upper story residential in the Central Business District which meets applicable standards of this chapter, and the Village Building Code, or housing used exclusively by security or custodial personnel and approved by the Board of Zoning Appeals.

(2) The use of trailers and recreational vehicles for housing such security and custodial personnel is prohibited.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.032 DETERMINATION OF SIMILAR USES

(A) In recognition that every potential use cannot be addressed in this chapter, districts may include the phrase "uses of the same nature or class as uses listed in this district as either a permitted use or a special land use, but not listed elsewhere in this chapter, as determined by the Planning Commission and/or Zoning Commission, as required, based on the standards of this section" at the end of the list of special land uses. The Planning Commission and/or Zoning Commission, as required, shall make a determination of "uses of the same nature and class..." according to the following:

(1) A finding the proposed use is not listed as a principle use permitted or special land use in any zoning district;

(2) If the use is not addressed in the zoning ordinance, the Planning Commission and/or Zoning Commission, as required, shall select the use listed in the zoning ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts terms of health, safety, and welfare in the village. The Planning Commission and/or Zoning Commission, as required, may determine that there is no similar use and that the use should be prohibited (see § 157.033);

(3) Once a similar use is determined, the proposed use shall comply with any special conditions or special land use standard that apply to the similar use;

(4) The Planning Commission and/or Zoning Commission, as required, or applicant shall have the option to request that the Village Council consider an amendment to the zoning ordinance to specifically address the use in question, rather than treating the proposed use as a similar use; and

(5) (a) The determination as to whether a proposed use is similar in nature and class to other principal use permitted or special land uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation.

(b) Any use determined by the Planning Commission to and/or Zoning Commission, as required, be a "use of the same nature or class as uses listed" shall thereafter be included in the enumeration of the uses.

(B) The Planning Commission's and/or Zoning Commission's, as required, determination of a "similar use" may be appealed to the Zoning Board of Appeals.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.033 PROHIBITED USES.

(A) (1) Certain uses may not be appropriate within the village given the existing development pattern, environmental condition, and overall character of the community.

(2) In accordance with the Village and City Zoning Act, a zoning ordinance or zoning decision can totally prohibit the establishment of a requested land use within a village if there is not an appropriate location within the community or the use is unlawful, even if there is a demonstrated need for that land use either in the village or surrounding area.

(B) In determining if there is no appropriate location for the requested use within the village, the Planning Commission and/or Zoning Commission, as required, shall consider the following:

(1) The land area required by the proposed use;

- (2) Existing environmental conditions and potential environmental hazards;
- (3) The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation, and views;
- (4) Demand and capacity of utilities and municipal services to support the proposed use; and
- (5) Finding there is an alternative land use for the property that will provide the property owner with a reasonable rate of return on investment.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.034 ESSENTIAL PUBLIC SERVICES.

(A) Essential services buildings and structures.

(1) Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the village, subject to regulation as provided in any law of the state the list of uses within each zoning district or in any other village ordinance provided it is the intent of this section to ensure conformity of all buildings, structures uses, and storage yards to the requirements of this chapter wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation. or village ordinance.

(2) In the absence of such conflict, the zoning ordinance shall prevail.

(3) Appeal from the application of this chapter in regard to any essential service may be made to the Board of Zoning Appeals.

(B) Public and on-site utilities. Prior to issuance of a building permit under the terms of this chapter, the applicant shall obtain engineering approval from the village.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.035 ACCESSORY BUILDINGS.

All accessory buildings and structures permitted in this chapter shall be subject to the following.

(A) Relation to principal building.

(1) Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure, or use which is permitted in the particular zoning district.

(2) No accessory building, structure, or use shall be occupied or utilized, unless the principal structure to which it is accessory is occupied or utilized.

(B) Maximum size.

(1) In residential districts, the total floor area of all accessory buildings on a lot shall not exceed 35% of the floor area of the principal structure, plus 4% of the total lot area.

(2) Not more than two accessory structures shall be permitted on any residential lot.

(C) Placement and setbacks.

(1) Accessory buildings.

(a) Accessory buildings shall not be erected in any right-of-way, easement, front yard, required front yard, or in the required side yard between the required front yard and required rear yard.

(b) An accessory building wall shall be located a minimum of five feet from a property line when the width of the lot is 80 feet or less.

(2) Accessory building wall.

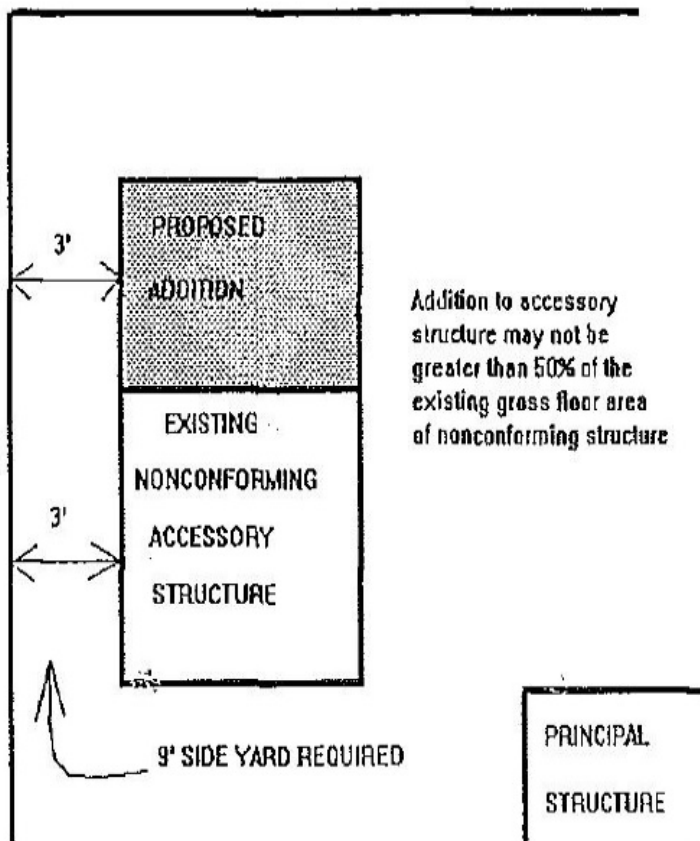
(a) An accessory building wall shall be located a minimum of nine feet from a property line on all other properties.

(b) Overhangs shall be allowed to extend into the setback area up to a maximum of 18 inches.

(c) A separate accessory building overhang shall not be located within five feet of any other building overhang.

(d) An enlargement or alteration of an existing nonconforming building line shall be permitted; provided, that the accessory structure is not enlarged by more than 50% of its existing gross floor area and; provided, that the accessory building is setback at least three feet from the lot line.

(3) *Setback of the addition.* The setback of the addition shall not be less than the existing building as illustrated below.



(4) *Corner lot location.*

(a) When an accessory building is located on a corner lot, it shall not be placed in either front yard. In the case of attached residential dwelling complexes, detached parking garages, or carports may be permitted in the non-required front yard provided the Planning Commission and/or Zoning Commission, as required, approves the site plan, landscaping, elevation drawings, and construction materials.

(b) In reviewing such structures, the Planning Commission and/or Zoning Commission, as required, shall consider the impact of headlights and views from nearby public streets and adjacent properties.

(5) *Required setbacks (attached).* Where the accessory building, structure, or use is structurally attached to a principal building, structure, or use (e.g., a deck, garage or breezeway), it shall be subject to all the regulations of this section applicable to principal buildings, structures, and uses.

(6) *Maximum, height.*

(a) The maximum height of any detached accessory building or structure in any district shall be 12 feet when allowed to be placed five feet or less from a property line, and 18 feet for all other locations.

(b) The height may exceed the limits listed above if the roof pitch matches the principal building, and the accessory building wall height is limited to eight feet or less.

(7) *Drainage.* The placement and design of any accessory building or structure shall not have a significant impact on stormwater runoff. The Zoning Official may require grading plans to ensure compliance with this section.

(8) *Restrictions on use.* Accessory buildings shall not be occupied for dwelling purposes nor used for any business, trade, or occupation, except for permitted caretaker's dwellings, except as permitted in § 157.031.

(9) *Permit required.* The construction or placement of any accessory building or structure greater than 200 square feet shall require a building permit.

(D) *Design standards.*

(1) This type of structure shall be suitably anchored to a foundation, piers, or by some other means so as to prevent the building from being moved by high winds.

(2) Shall be similar-colored to match the facades of buildings located on the property or earth tone.

(3) Shall have a pitched roof with the same slope as the primary structure on the property.

(Ord. 259, passed 10-24-1995; Ord. 319, passed 12-15-1998; Ord. 362, passed 9-14-2003; Ord. passed 2-1-2012; Ord. 459, passed 3-10-2020)

§ 157.036 WASTE RECEPTACLES.

(A) (1) Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the standards of this section.

(2) Waste receptacle location and details of construction shall be shown on site plans.

(B) A change in receptacle location or size shall require modification to the enclosure, as warranted by this section.

(1) *Location.*

(a) Waste receptacles shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission and/or Zoning Commission, as required, shall be as far as practical, and in no case be less than 20 feet from any residential district, and in such a way that they are not easily damaged by the refuse device.

(b) The location and orientation of waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from public street or adjacent residential districts.

(2) *Access.* Waste receptacles shall be easily accessed by refuse vehicles without potential to damage the building or automobiles parked in designated parking spaces.

(3) *Base design.*

(a) The receptacle base shall be at least ten feet by six feet, constructed of six inches of reinforced concrete pavement.

(b) The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.

(4) *Enclosure.*

(a) Waste receptacles shall meet the following standards. Each waste receptacle shall have an enclosing lid or cover.

(b) Waste receptacles shall be enclosed on three sides with a gate on the fourth side. The gate must be maintained in operable and sanitary condition.

(c) The enclosure shall be a berm or constructed of brick, decorative block, or decorative pre-cast panel with brick effect or of the same material as the principal building with a maximum height of six feet or at least one foot higher than the receptacle, whichever is higher, and spaced on three sides at least three feet from the receptacle.

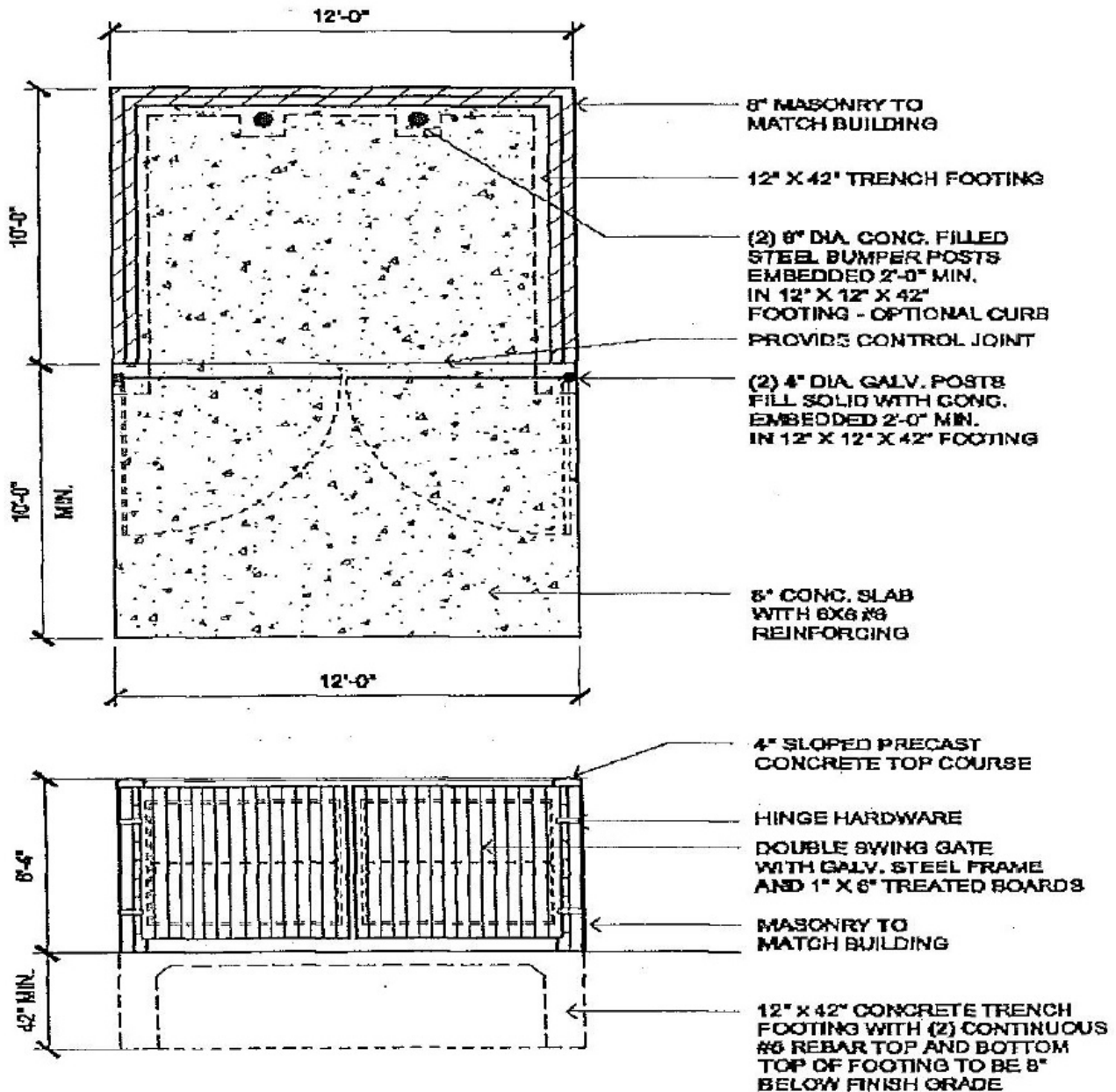
(d) Bollards or similar protective devices shall be installed at the opening to prevent damage to the enclosure.

(e) Two bollards shall be located at the front corners of the receptacle as shown on the sketch below. Two bollards or a concrete curb shall be located at the rear of the enclosure, behind the receptacle.

(g) The gates shall be constructed of wood or metal and shall be opaque so the receptacles are not visible when the gates are closed.

(h) In locating trash enclosures, primary consideration shall be given to access for service, minimizing on-site traffic congestion and minimizing visibility or other effects on those utilizing the site or adjoining properties.

(i) The Planning Commission and/or Zoning Commission, as required, may modify or waive the required enclosure or its construction standards when it determines that no significant negative effects will result from the waiver.



MASONRY DUMPSTER ENCLOSURE

SCALE : 3/16" = 1' - 0"

(5) *Receptacle and enclosure required.*

(a) All nonresidential uses shall have access to a dumpster enclosure on site or on a nearby property. The dumpster may be shared by two or more businesses.

(b) All newly created nonresidential sites shall be required to have an exterior trash receptacle and enclosure included in their site plan proposal.

(c) All existing nonresidential sites shall construct and utilize a proper enclosure within five years from the adoption date of this chapter. This provision shall be removed from this chapter at the end of the fifth year.

(Ord. 259, passed 10-24-1995; Ord. 349, passed 1-30-2002; Ord. passed 2-1-2012)

§ 157.037 FENCES.

Fences are permitted subject to the following regulations.

(A) *Location in front yards* Fences of an ornamental nature may be located in a front yard of any lot of record up to a height of 36 inches; provided, that for corner lots adequate sight distance is provided as described in § 157.049.

(B) *Location in other yards* Fences between two properties should be located on the property line or at least six inches inside the

property line and the fence owner is responsible for maintaining the property between the fence and the property line. On all lots of record, fences which enclose property and/or are within a required side, or rear yard shall not exceed six feet in height, and shall not extend toward the front of the lot nearer the front of the house or the required front yard, whichever is greater.

(C) *Prohibition in right-of way.* Fences shall not be erected in public street rights-of-way.

(D) *Location/height in industrial districts.* Fences in the M Industrial Districts with a maximum height of six feet may be located in any yard, except the front yard provided such fences shall be located on parcels with a principal building containing an approved industrial use, the fence is maintained in good condition and does not constitute an unreasonable hazard or nuisance.

(E) *Wood fence standards.* Wooden fences shall be a maximum of six feet in height measured from the surrounding grade at every point along the fence line. Wood fences having one finished side shall have the exposed fence posts facing inward with the finished side of the fence facing outward, unless otherwise approved by the Zoning Official. There shall not be more than two inches separating the bottom of the face board and the surface of the ground.

(F) *Chain link standards.* No chain link or wire fence shall hereafter be erected in any required rear or side yard area on any lot of record in excess of six feet in height measured from the surrounding grade at every point along the fence line. Welded wire fences are strictly prohibited, unless utilized in conjunction with an approved fencing operation.

(G) *Materials.* Ornamental fences are of approved materials, of a design as to be non-sight obscuring and of a fence type listed below:

- (1) Post and rail;
- (2) Split rail;
- (3) Picket;
- (4) Wrought iron; or

(5) Other types of ornamental fences must be approved by the Planning Commission and/or Zoning Commission, as required, prior to placement in a front yard area.

(H) *Restrictions on electrification.* Fences shall not contain electric current or charge of electricity.

(I) *Restriction on barbed wire, and the like.* Barbed wire, spikes, nails, or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence, except in industrial districts.

(J) *Maintenance.* All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard. Any fence which is not maintained, as determined by the Zoning Official, shall be removed or replaced (any required fence shall be replaced).

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.038 RECEPTION ANTENNAS.

(A) Radio or television antennas or towers, including satellite dish antennas and transmission or reception antennas below 300 watts of output, erected, or installed in any zoning district shall comply with the following requirements.

(B) Traditional television and radio antennas, reception antennas with a diameter of two feet or less and short wave (HAM) radio antenna are exempted from these regulations when not exceeding a 50-foot height above mean grade or ten feet above the roof line in a residential district; or 100 feet above mean grade in other zoning districts based on a finding that they do not impose potential negative safety, aesthetic, and welfare problems.

(1) There shall be only one antenna constructed per parcel or lot.

(2) An antenna, tower, or satellite dish antenna shall be located only in a side or rear yard.

(3) No portion of an antenna, including a satellite dish antenna, shall be located closer than six feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.

(4) (a) Ground-mounted satellite dish antennas in a yard fronting on a public street shall be screened from view from such street by landscaping or a wall. The applicant shall submit a sketch plan to the Zoning Official for approval. The sketch plan shall indicate the location and height of the satellite dish and buildings, paved areas, and other appropriate site features within 100 feet of the proposed location.

(b) Ground-mounted antennas shall be subject to the following conditions:

1. Maximum height permitted shall be 14 feet and 17 feet if placed on a structure;

2. The antenna shall be located in the non-required side or rear yard area; or

3. The antenna shall be obscured from the view of adjacent properties by a screening wall or fence, evergreen plantings, or a combination of the above.

(5) The diameter of antennas and satellite dishes shall not exceed ten feet.

(6) No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna.

(7) (a) Erection or movement of an antennas, tower, or satellite dish shall require a permit from the Village Zoning Official.

(b) Roof-mounted antennas shall be subject to the following conditions.

1. For the purposes of this section, a reception antenna regulated by this section shall be considered to be a portion of the structure and must comply with the maximum building height regulations in § 157.009.

2. All roof-mounted antennas must be anchored in an approved as outlined in the Village Building Code.

3. The antenna shall not be mounted on the front of the structure.

(8) The Zoning Board of Appeals may grant a variance from these standards upon determining compliance with the standards of this section would not provide reasonably good reception, that the variance requested is the minimum necessary to provide reasonably good reception and that adjacent properties shall not be negatively impacted.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.039 ACCESSORY USE AND BUILDING PARKING.

Each accessory use that may generate additional demand for parking shall provide parking in addition to that required for the principal use. The parking standards provided in §§ 157.145 to 157.151, shall be used as a guide to determine additional parking needed. If no specific standard is provided, the Zoning Official shall determine the additional parking needed based on factors such as increased occupancy potential, additional employees or patrons expected.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.040 NATURAL FEATURES PRESERVATION.

(A) Woodlands.

(1) The standards of this section are intended to promote the preservation of important woodlands and large mature trees which contribute to the character, welfare, and quality of life in the village.

(2) These standards are intended to prevent the unnecessarily removal of woodlands prior to, during, and following construction on a site.

(a) Any property owner or his or her representative proposing to clear more than 25% of the trees of eight-inch caliper or greater on a site, as determined by the Zoning Official, shall first notify the village of the intent of such clearing and/or earth change and submit a proposed sketch plan describing the sites features for review and approval by the Planning Commission and/or Zoning Commission, as required. In the case that such clearing is proposed on a site requiring site plan review, this information shall be provided as part of the submittal requirements for site plan review.

(b) The Planning Commission and/or Zoning Commission, as required, shall review the sketch plan and approve a clearing plan which minimizes disturbance to valuable natural site features and trees which exceed the eight-inch caliper standard.

(c) This section shall not prevent tree clearing for approved building envelopes, swimming pools, decks, essential services, utility lines, or construction drives, nor shall this chapter prohibit site alterations for farming purposes. The Planning Commission and/or Zoning Commission, as required, may waive the caliper standard for select clearing of lower quality species, including box elders, elms, poplars, willows, and cottonwoods.

(B) Wetlands.

(1) The village intends to promote compliance with the Goemaere-Anderson Wetland Protection Act, Public Act 203 of 1979, 451 of 1994, being M.C.L.A. §§ 324.30301 et seq., as amended. The village encourages placement of buildings to protect State Department of Natural Resources regulated wetlands and non-regulated wetlands between two acres and five acres in size.

(2) The village intends to ensure important wetlands are preserved, to prevent the mistaken elimination of regulated wetlands and to promote the goals of the Village Master Plan.

(a) Any disturbance of soils, removal of landmark trees or stumps, grading, alteration of water flowing into or from an MDNR regulated wetland, or any prohibited activity as listed in Public Act 203 of 1979, § 5, without a permit from the MDNR, may result in a stop work order issued by the village and/or require restoration of the wetland in accordance with MDNR standards.

(b) Judicious effort shall be made through site plan design to preserve non-MDNR regulated wetlands which exceed two acres in size, particularly those with standing water or considered to be important wildlife habitat.

(c) Where stormwater is planned to drain into a wetland, a filtration strip or other material shall be used to control runoff of sediment and the wetland. Maintenance of these material shall be addressed in a deed or as a condition of site plan approval.

(d) Land shall not be subdivided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this section or the MDNR regulations.

(C) Grading, removal, and filling of land

(1) Any grading which changes site elevation by more than three feet, or the use of land for the excavation, removal, filling, or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish, or other wastes or by-products, is not permitted in any zoning district, except under a certificate from, and under the supervision of the Zoning Official in accordance with a topographic plan, approved by the Zoning Official, submitted at a scale of not less than one inch equals 50 feet and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the Zoning Official.

(2) (a) Such certificate may be issued in appropriate cases upon the filing with the application of a performance or surety bond in an amount as established by the Zoning Official sufficient to rehabilitate the property upon default of the operator or such other reasonable expenses.

(b) The form of the bond shall be approved by the Village Attorney. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Building Department.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.041 MINIMUM FRONTAGE ON PUBLIC STREET.

No lot shall be used for any purpose permitted by this chapter, unless said lot has at least 35 feet abutting a public or approved private street. The minimum lot width is required at the front setback line as described in § 157.009. This shall not preclude use of existing lots of record which have a frontage of less than 35 feet. The intent of this section is to ensure no new lots with less than 35 feet of frontage are created and that conformance be required, except where may be allowed by a variance granted by the Zoning Board of Appeals. Once

obtained, the minimum lot width shall not be reduced at any point on the lot (see definition of "lot width").

(Ord. 259, passed 10-24-1995; Ord. 327, passed 9-23-1999; Ord. passed 2-1-2012)

§ 157.042 CALCULATION OF BUILDING LOT AREA.

Lakes and ponds, overhead utility easements, public street rights-of-way and private road easements are excluded from area calculations for buildable lot area.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.043 EXTERIOR LIGHTING.

(A) Intent and purpose.

(1) Village residents value small town character and the qualities associated with this character, including the ability to view the stars against a dark sky. They recognize that inappropriate and poorly designed or installed outdoor lighting causes unsafe and unpleasant conditions, limits their ability to enjoy the nighttime sky, and results in unnecessary use of electric power. It is also recognized that some exterior lighting is appropriate and necessary to maintain public safety and welfare.

(2) This section is intended to help maintain the health, safety, and welfare of the residents of the village through regulation of exterior lighting in order to:

- (a) Promote safety and security;
- (b) Help preserve the small town character;
- (c) Eliminate the escalation of nighttime light pollution;
- (d) Reduce glaring and offensive light sources;
- (e) Provide clear guidance to builders and developers;
- (f) Encourage the use of improved technologies for lighting;
- (g) Conserve energy; and
- (h) Prevent inappropriate and poorly designed or installed outdoor lighting.

(B) *Applicability.* The lighting standards of this section shall be applicable to all outdoor lighting within the village.

(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FIXTURE HEIGHT. Height of the fixture shall be the vertical distance from the ground directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

FOOTCANDLES. A unit of illumination of a surface that is equal to one lumen per square foot. For the purposes of these regulations, **FOOTCANDLES** shall be measured at a height of three feet above finished grade.

FULLY SHIELDED LIGHT. Light fixtures shielded or constructed so that no light rays are directly emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report. The fixture must also be properly installed to effectively direct light down in order to conform with the definition.

HIGH-INTENSITY DISCHARGE LIGHT SOURCE (HID). Light sources characterized by an arc tube or discharge capsule that produces light, with typical sources being metal halide, high pressure sodium, and other similar types which are developed in accordance with accepted industry standards.

LIGHT TRESPASS. The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

POINT LIGHT SOURCE. The exact place from which illumination is produced (i.e., a light bulb filament or discharge capsule).

(D) Lighting plans.

(1) Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas. One lighting structure shall be provided on each side of an entrance or exit drive or street at its intersection with the public road, except where a boulevard or divided entrance/exit drive is proposed, one lighting structure may be located in the boulevard or island area for the purpose of illuminating the intersection.

(2) (a) An outdoor lighting plan shall be submitted in conjunction with applications for subdivision, planned unit development, special use permit application, site plan review, and building permit application for a commercial, industrial, or multi-family building. Such lighting plans shall be subject to establishment and approval through the applicable review processes.

(b) Said lighting plan shall show, the following:

1. The location and height above grade of light fixtures;
2. The type (such as incandescent, halogen, high pressure sodium) and luminous intensity of each light source;
3. The type of fixture (such as floodlight, full-cutoff, lantern, coach light);
4. Estimates for site illumination resulting from the lighting, as measured in footcandles, should include minimum, maximum, and average illumination. Comparable examples already in the community that demonstrate technique, specification, and/or light level should be provided if available to expedite the review process; and
5. Other information deemed necessary by the Zoning Official to document compliance with the provisions of this subchapter.

(E) *Nonresidential lighting standards.* The following lighting standards shall be applicable to all nonresidential properties, including mixed uses.

(1) *Shielding.*

(a) Outdoor lighting used to illuminate parking spaces, driveways, maneuvering areas, or buildings shall conform to the definition for "fully shielded light fixtures" and be designed, arranged, and screened so that the point-light source shall not be visible from adjoining lots or streets.

(b) No portion of the bulb or direct lamp image may be visible beyond a distance equal to or greater than twice the mounting height of the fixture. For example, for a fixture with a mounting height of 12 feet, no portion of the bulb or direct lamp image may be visible from 24 feet away in any direction.

(c) All light sources which are not fully shielded shall use other than a clear lens material as the primary lens material to enclose the light bulb so as to minimize glare from that point light source. Exceptions may be allowed where there is a demonstrated benefit for the community determined through the exemption process listed in this section.

(2) *Intensity.* The light level shall maintain an average of one-half footcandles over the entire area to be illuminated, but no more than ten footcandles as measured three feet above finished grade in any given area. Exemptions may be requested for areas with high commercial, pedestrian, or vehicular activity up to a maximum of 20-footcandles. Where adjacent to Residential (R) Zoned Districts, light levels at the property line shall be limited to one-tenth footcandles. Exemptions may be granted by the Planning Commission and/or Zoning Commission, as required, based on actual use of the adjacent property or other conditions specific to the site plan.

(3) *Height.* Outdoor lighting shall be 12 feet or less in height, maximum, unless it meets one or more of the following criteria:

(a) Fixture heights may be match the roof height of the primary building on the site or parcel which the public or common area serves, provided the overall height does not exceed 20 feet;

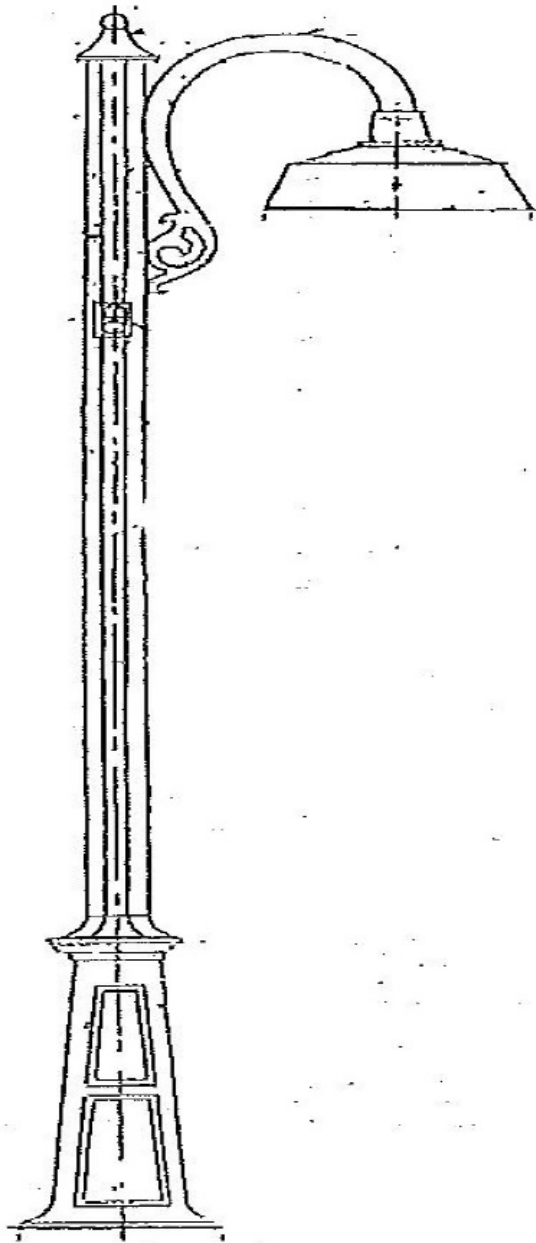
(b) Fixtures in pedestrian walkways, i.e., along internal sidewalks, shall be limited to 12 feet in height or less;

(c) Building mounted lighting located above over-head-doors shall be limited to 36 inches above the top of the door opening;

(d) Decorative building mounted lighting; and

(e) Lighting on above grade decks or balconies which shall be fully shielded.

(4) *Fixtures.* Outdoor pole type light fixtures shall be similar to that manufactured by D.S. Daley Co, of Highland, Michigan. See sketch 320-A below.



Sketch 320-A

(5) *High-intensity discharge (HID) light sources.* High Intensity discharge (HID) light sources are allowed with a maximum of 175-watt metal halide (coated lamp - 3,000 degrees Kelvin). Standards for other HID light sources may be established by the village for new technology consistent with the above restrictions.

(6) *Spacing.* Based on 20-foot high fixture height, parking lot lighting shall be no less than 80 feet and no more than 100 feet apart to achieve required illumination levels. Decorative fixtures (which are also fully shielded) are allowed to maintain 50 feet fixture spacing. Wall mounted fixture spacing for security lighting shall be no less than 50 feet measured horizontally. Decorative fixtures directed back toward a building face shall be exempt from this spacing requirement when shielded and shall not exceed 50 watts. Decorative fixtures that are not shielded shall maintain a minimum spacing of 25 feet and shall not exceed 50 watts.

(7) *Color.* Colors shall be determined by the Planning Commission and/or Zoning Commission, as required, selected from the manufacturer's range of standard colors.

(8) *Pole-mounted fixture.* Pole-mounted fixtures shall be limited to two light sources per pole.

(9) *Mixed-use areas.* Mixed use areas that include residential occupancies shall comply with the residential standards on those floors or areas that are more than 50% residential based on square footage of uses.

(10) *Up-lighting.*

(a) Up-lighting is only permitted if the light distribution from the fixture is effectively contained by an overhanging architectural or landscaping element. Such elements may include awnings, dense shrubs, or year-round tree canopies, which can functionally contain or limit illumination of the sky.

(b) In these cases the fixture spacing is limited to one fixture per 150 square feet of area (as measured in a horizontal plane) and a total lamp wattage within a fixture of 35 watts. Up-lighting of flags is permitted with a limit of two fixtures per flagpole with a maximum of 150 watts each. The fixtures must be shielded such that the point source is not visible outside of a 15-foot radius.

(11) *Time period.* Required lighting shall be turned on daily from one-half hour after sunset to one-half hour before sunrise.

(12) *Design.* The design of building mounted light fixtures shall compliment the character of the surrounding uses. In areas within the Downtown Development Authority (DDA) District, the applicant shall consult with the DDA on the appropriateness of the fixture, and the DDA shall provide a recommendation to the Planning Commission and/or Zoning Commission, as required. The DDA shall also provide a recommendation on the color of the lighting fixtures. In areas within the Historic District, the applicant shall consult with the Historic District Commission (HDC) on the appropriateness of the fixture, and the HDC shall provide a recommendation to the Planning Commission and/or Zoning Commission, as required.

(F) *Residential lighting standards.* The following lighting standards shall be applicable to residential properties.

(1) *Height.*

(a) No light fixture shall be greater than 12 feet in height.

(b) Exceptions are building mounted flood lights fully shielded, downward directed lights using a light of 50 watts or less.

(2) *Intensity.* Light intensity shall not exceed ten-footcandles measured three feet above finished grade. Outdoor lighting with HID light sources in excess of 35 watts (bulb or lamp) shall be prohibited. In addition, incandescent light sources, including halogen shall not exceed 50 watts. Landscape lighting is limited to 35 watts per fixture per 150 square feet of landscaped area (as measured in a horizontal plane).

(3) *Shielding.* Lights must be fully shielded, down directed and screened from adjacent properties in a manner that limits light trespass to one-tenths of a footcandle as measured at the property line. All light sources that are not fully shielded shall use other than a clear lens material, as the primary lens material, to enclose the light bulb to minimize glare from a point source.

(4) *Street lighting.*

(a) New residential subdivision construction shall be required to include street lighting.

(b) All new lighting illuminating public right-of-ways and easements or private streets shall conform with the following standards of this section.

1. *Location.* A minimum of one streetlight shall be placed at all intersections and curves in streets that exceed 25 degrees. One lighting structure shall be provided on each side of an entrance or exit drive or street at its intersection with the public road, except where a boulevard or divided entrance/exit drive is proposed, one lighting structure may be located in the boulevard or island area for the purpose of illuminating the intersection.

2. *Fixtures.* Streetlights shall be full cut-off traditional tear-drop type fixtures and shall be mounted on aluminum pole. Milled steel or cement poles may be considered as an option by the Planning Commission and/or Zoning Commission, as required. Street light fixtures shall not be attached to utility poles.

3. *Design.* In areas within the Historic District, the applicant shall consult with the Historic District Commission (HDC) on the appropriateness of the fixture, and the HDC shall provide a recommendation to the Planning Commission and/or Zoning Commission, as required.

(5) *Security lights.* Security lights shall be restricted as follows.

(a) The point light source shall not be visible from adjoining lots or streets.

(b) Floodlights must be controlled by a switch or preferably a motion sensor activated only by motion within owners property.

(c) Timer-controlled flood lights shall be prohibited.

(d) Photo-cell lights shall be allowed under the following circumstances:

1. At primary points of entrance (e.g., front entries) or in critical common areas for commercial and multi-family properties;

2. Where the light sources are fully-shielded by opaque material (i.e., the fixture illuminates the area but is not itself visibly bright);

3. The light source or fluorescent (or compact fluorescent) to eliminate excess electricity consumption.

(6) *Motion sensor lights.* Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owner's property lines. Light trespass at property lines should not exceed one-tenth of a footcandle as measured at the brightest point.

(G) *Exemptions.* The following types of lighting installations shall be exempt from the provisions, requirements, and review standards of this section, including those requirements pertaining to Zoning Compliance Officer review.

(1) *Holiday lighting.* Holiday lighting which is temporary in nature shall be exempt from the provisions of this section; provided, that such lighting does not create dangerous glare on adjacent streets or properties, is maintained in an attractive condition, and does not constitute a fire hazard.

(2) *Municipal lighting.* Municipal lighting installed for the benefit of public health, safety, and welfare, including, but not limited to, traffic-control devices, existing streetlights, and construction lighting.

(3) *Temporary lighting.*

(a) Any person may submit a written request to the Village Planner for a temporary exemption request. If approved, the exemption shall be valid for not more than 14 days from the date of issuance of a written and signed statement of approval. An additional 14-day temporary exemption may be approved by the Planner. The Planner shall have the authority to refer an application for a temporary exemption to the Planning Commission and/or Zoning Commission, as required, or the Historic District Commission if deemed appropriate.

(b) A temporary exemption request shall contain at least the following information:

1. Specific exemption or exemptions requested;

2. Type, use, and purpose of outdoor lighting fixture(s) involved;

3. Duration of time requested for exemption;

4. Type of lamp and calculated lumens;
5. Total wattage of lamp(s);
6. Proposed location on premises of the outdoor light fixture(s);
7. Previous temporary exemptions, if any;
8. Physical size of outdoor light fixture(s) and type of shielding provided; and
9. Such other information as may be required by the Village Planner.

(4) *Approved historic lighting fixtures.* Nonconforming lighting fixtures which are consistent with the character of the historic structure or district may be exempted with approval from the Historic District Commission. Approved fixtures shall be consistent with the architectural period and design style of the structure or district and shall not exceed 50 watts.

(5) *Decorative lighting.* Decorative lighting elements such as shades with perforated patterns and opaque diffusers may be exempted from the fully-shielded requirement provided they do not exceed 50 watts.

(6) *Lighting plans or fixture proposals.*

(a) If a proposed lighting plan or fixtures are proposed that do not meet this chapter but that have demonstrable community benefit, an exemption may be considered by the Planning Commission and/or Zoning Commission, as required.

(b) The applicant shall submit additional information to adequately assess the community benefit for review by the Village Planner.

(H) *Prohibitions.* The following types of exterior lighting sources, fixtures, and installations shall be prohibited in the village.

(1) Light sources shall not be affixed to the top of a roof or under a roof eave, except where required by the Building Code.

(2) Lighting for the purpose of illuminating a building facade shall be prohibited when such lighting is mounted to the ground or poles, or is mounted on adjoining/adjacent structures.

(3) Blinking, flashing, moving, revolving, scintillating, flickering, changing intensity, and changing color lights and internally illuminated signs shall be prohibited, except for temporary holiday displays, lighting for public safety or traffic control, or lighting required by the FAA for air traffic control and warning purposes.

(4) Unshielded floodlights and timer-controlled floodlights shall be prohibited.

(5) (a) No outdoor lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public thoroughfares.

(b) The following is prohibited:

1. Any fixed light not designed for roadway illumination that produces direct light or glare that could be disturbing to the operator of a motor vehicle; and

2. Any light that may be confused with or construed as a traffic-control device, except as authorized by state, federal, or city government.

(6) No beacon or searchlight shall be installed, illuminated, or maintained.

(7) Up-lighting is prohibited, except as otherwise provided for in this section.

(I) *Nonconforming lighting.* Unless otherwise specified within this chapter, existing nonconforming outdoor lighting shall be replaced with conforming fixtures or existing fixtures must be retrofitted to comply with this chapter whenever an application is submitted for a building permit for an addition or alteration to a structure or to part of a structure of which said lighting is an integral part, or any instance in which a special use or site plan review by the Planning Commission and/or Zoning Commission, as required, is necessary.

(J) *Review standards.*

(1) *Height.*

(a) Outdoor residential and commercial lighting shall not exceed the footcandles designated in their respective sections.

(b) Special review by the Planning Commission and/or Zoning Commission, as required, may allow lighting of greater height under the following circumstances: a fixture at a greater height is required due to safety, building design, or extenuating circumstances in which case the light shall be fully shielded with a non-adjustable mounting.

(2) *Intensity.*

(a) Outdoor nonresidential and residential lighting shall not exceed the footcandles designated in their respective sections.

(b) Special review by the Planning Commission and/or Zoning Commission, as required, may allow lighting of a greater intensity under the following circumstances:

1. A fixture of a greater light intensity is required due to safety, building design, or extenuating circumstances in which case the light shall be fully shielded with a non-adjustable mounting; or

2. An architectural or historical feature requires greater illumination, in which case the light shall be fully shielded with a non-adjustable mounting.

(3) *Fixtures.*

(a) Lighting fixtures must comply with the provisions of the residential or nonresidential section as appropriate.

(b) The Planning Commission and/or Zoning Commission, as required, will consider the recommendations of the HDC and/or DDA as appropriate.

(K) *Procedures.*

(1) *Administrative review procedures.* Lighting plans submitted in conjunction with applications for subdivision, planned unit development, development within any environmentally sensitive area, site plan review, or special review application shall be reviewed by the Planning Commission and/or Zoning Commission, as required.

(2) *Appeals.* Any appeals related to decisions regarding outdoor lighting shall be made to the Zoning Board of Appeals compliant with the procedures in the §§ 157.240 through 157.247, "Board of Appeals".

(Ord. 259, passed 10-24-1995; Ord. 371, passed 1-20-2005; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.044 ENTRANCES FEATURES.

In all districts, so called entrance-way structures, including, but not limited to, walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects, office complexes, shopping centers, and industrial parks may be permitted and may be located in a required yard, but not within a public street right-of-way, provided, such entrance-way structures do not conflict with required sight distance. (See § 157.049.)

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.045 BUILDING GRADES.

(A) Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.

(B) When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades. The final grade shall be approved by the Zoning Official.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.046 EXCAVATION OF HOLES.

(A) The construction, maintenance, or existence within the village of any unprotected, un-barricaded, open, or dangerous excavations, holes, pits or wells, or any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety, or welfare, is hereby prohibited; provided; however, this section shall not prevent any excavation under a permit issued pursuant to this chapter or the Village Building Code.

(B) Where such excavations are properly protected and warning signs posted in such a manner as may be required by the Zoning Official.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.047 BUILDINGS TO BE MOVED.

(A) Any building or structure which has been wholly or partially erected on any premises within or outside the village shall not be moved to and/or placed upon any premises in the village, unless a building permit for such a building or structure shall have been secured.

(B) Any such building or structure shall fully conform to all the provisions of this chapter in the same manner as a new building or structure.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.048 REQUIREMENTS FOR ENVIRONMENTAL IMPACT ASSESSMENT.

(A) (1) For certain land uses that are considered to have a significant potential impact on traffic, infrastructure, demands for public services, and/or significant impacts on surrounding properties due to scale, the applicant shall be required to provide an impact assessment during the initial submittal for either a rezoning or site plan approval.

(2) The cost of the impact assessment and review by the village shall be borne by the applicant.

(3) The applicant may request a meeting with village staff, consultants, and key agency, staff prior to developing the impact assessment.

(B) The minimum contents of this impact assessment shall be:

(1) *Generally.* Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications;

(2) *Area plan.* An area plan or aerial photograph illustrating the entire site and nearby properties;

(3) *Overall site conditions.* Narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, trees over eight inches caliper, soils types, 100-year floodplains, drainageways, and general topography. The area described shall be within one-quarter mile for sites up to 100 acres, and one-mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity;

(4) *Wetlands.* Documentation by a qualified wetland specialist shall be required wherever the village determines there is a potential state or federally regulated wetland which may be impacted by the proposed project;

(5) *Conceptual site plans.* Conceptual site plan illustrating a very general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing;

(6) *Land use impacts.*

(a) Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how

the proposed use(s) conforms or conflicts with existing and future development patterns.

(b) A description shall be provided of any increases in light, noise, or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing;

(7) *Environmental impacts.*

(a) Description of any general impacts expected to wildlife areas, lakes, streams, ponds, and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be described.

(b) The study shall also describe general measures to control soil erosion and sedimentation during and after construction.

(8) *Impact on public facilities and services.*

(a) Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection.

(b) In particular, describe the relationship of the use to municipal fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided;

(9) *Utility impacts.*

(a) Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site.

(b) For sites served with sanitary sewer and public water, general calculations for sewage flows, and water demands shall be provided in comparison with sewer line capacity;

(10) *Drainage.*

(a) Describe conceptual plans to control drainage and any significant changes from existing drainage patterns.

(b) If wetlands are to be used as stormwater basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the County Drain Commissioner shall be attached indicating their concerns and suggestions;

(11) *Storage and handling of waste and hazardous materials.*

(a) Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, stored or disposed of on the site; general location within the site; and method of containment.

9b) Documentation of compliance with federal and state requirements, and a pollution incident prevention plan (PIPP) shall be submitted, as appropriate; and

(12) *Traffic impacts.*

(a) A traffic impact analysis, including information regarding the existing volume of traffic and capacity of roads to be accessed by the project and the forecasted trip generation by the proposed project, including the a.m. and p.m. peak hour and average daily traffic generated.

(b) The forecasts shall be based on the data and procedures outlined in the most recent edition of the *Institute of Traffic Engineers Trip Generation Manual*.

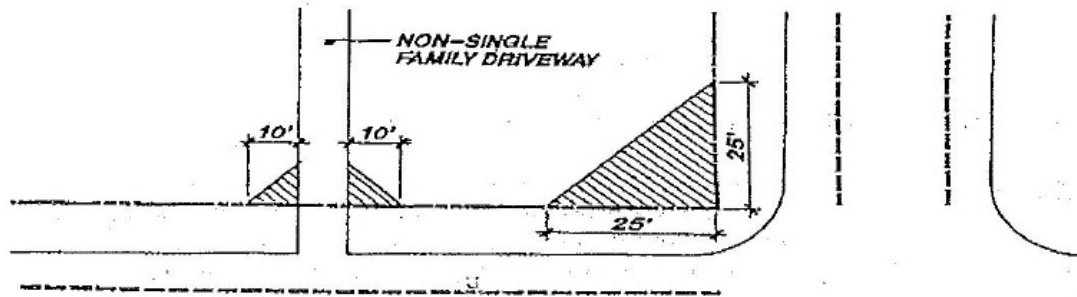
(c) The analysis shall include a distribution (inbound versus outbound, left turn versus right turn) onto the existing street network to project turning movements at major site access points and nearby intersections.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

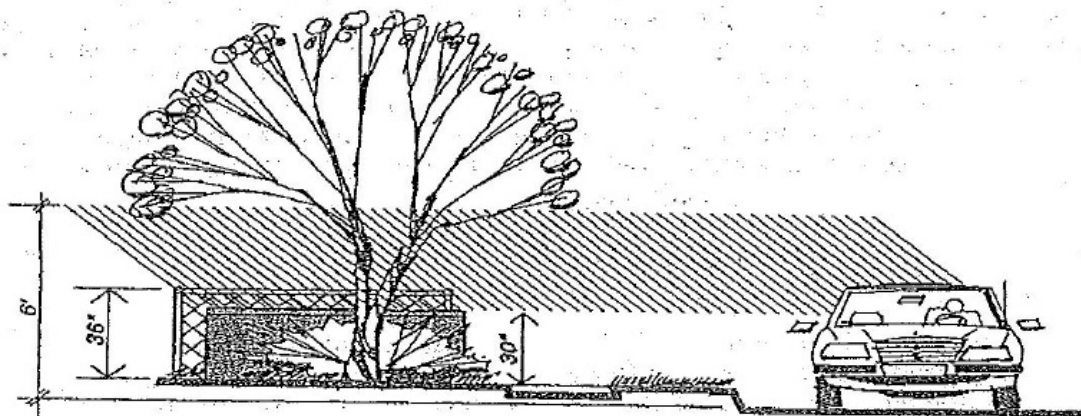
§ 157.049 CLEAR VISION ZONE.

(A) There shall be a clear vision zone at all corners of intersecting streets and/or private roads, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of 25 feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two feet to eight feet above centerline elevation of abutting streets, except not more than two trees with trunks of not more than 30 inches in diameter each, and clear of any branches for such heights may be located within such area.

(B) A greater clear vision area may be reviewed where necessary in view of anticipated traffic volumes, traffic speeds, geographic or topographic conditions, or based on a traffic engineering analysis using the standards of the American Association of State and Highway Transportation Officials (AASHTO). See illustration.



PLAN



MAXIMUM HEIGHT 36" FOR CHAIN LINK FENCE

MAXIMUM HEIGHT 30" FOR WALLS OR SOLID FENCES, SHRUBS, ETC.

ELEVATION

CLEAR VISION ZONES

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.050 ACCESS THROUGH YARDS.

(A) For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures.

(B) These drives shall not be considered as structural violations in front and side yards.

(C) Further, any walk, terrace, or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yard.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.051 TEMPORARY USES AND SEASONAL OR SPECIAL USES.

(A) Temporary uses, temporary sales, and seasonal or special events may be allowed in any zoning district upon issuance of a license under applicable village ordinances.

(B) Such events are permitted on the basis that they contribute to the economy and welfare of the village but with recognition that some regulation of such events is needed to protect the public health and safety.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.052 MAINTENANCE OF COMMONLY-OWNED PRIVATE FACILITIES.

(A) (1) The Planning Commission and/or Zoning Commission, as required, or Village Council, as appropriate, may require documents suitable to the Village Attorney to ensure the quality, construction, maintenance, and replacement of commonly-owned private facilities and land whether improved or unimproved.

(2) These facilities may include, but are not limited to, detention ponds, retention basins, lighting, open space, wetlands, signs, landscaping, fences, screen walls, drains, trails, and sidewalks to which more than two owners of lots or condominiums have rights of use or access or enjoyment; or which are owned in common by an association of owners.

(B) Prior to approving such commonly-owned private facilities, the Planning Commission and/or Zoning Commission, as required, or Village Council shall approve legal documents which assure the continuing maintenance, and periodic replacement of any commonly-owned private facilities.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.053 PERFORMANCE STANDARDS FOR SOUND, VIBRATION, ODOR GASES, AND THE LIKE.

(A) (1) It shall be unlawful to carry on or permit to be carried on any activity or operation or use of any land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the minimum permissible hazards to humans or humans' activities.

(2) Such measures may be supplemented by other means which are duly determined to be maximum permissible hazards to humans or human activity.

(B) The adoption of these standards is not intended to convey legal nonconforming status to any existing use or activity that may be in violation of these standards.

(1) *Sound.*

(a) The intensity level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses.

<i>In Decibels</i>	<i>Adjacent Uses</i>	<i>Where Measured</i>
55	Residential dwellings	Common lot line
60	Commercial	Common lot line
75	Industrial and other	On lot line

(b) The sound levels shall be measured with type of audio output meter approved by the Bureau of Standards. Objectionable noises due to intermittence, beat frequency, or shrillness, shall be muffled so as not to become a nuisance to adjacent uses.

(2) *Vibration.* All machinery shall be mounted and operated as to prevent transmission of ground vibration exceeding the displacement of three thousandths of one inch measured at any lot line of its source, or ground vibration which can be readily perceived by a person standing at any such lot line.

(3) *Odor.* The emission of noxious, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

(4) *Gases.* The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated, except as required in the delivery of essential service.

(5) *Glare and heat.* Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

(6) *Light.* Exterior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged as far a practical to reflect light away from any residential use, and in no case shall more than one footcandle power of light cross a lot line five feet above the ground in a residential district.

(7) *Smoke, dust, dirt, and fly ash.* It shall be unlawful to discharge into the atmosphere from any single source of emission whatsoever any air contaminator for a period or periods aggregating more than four minutes in any one half hour which is:

(a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the U.S. Bureau of Mines, is hereby made a part of this chapter, shall be the standard; however, the unbrascopes readings of smoke densities may be used when correlated with the Ringelmann Chart. A Ringelmann Chart shall be on file in the office of the Zoning Official; or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in division (B)(7)(a) above, except when the emission consists only of water vapor. The quantity of gas-borne or airborne solids shall not exceed two-tenths grains per cubic foot of the carrying medium at a temperature of 500°F.

(8) *Drifted air blown material.* The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.

(9) *Radioactive materials.* Radioactive materials shall not be emitted to exceed quantities, established as safe by the U.S. Bureau of Standards.

(10) *Water and sewage.* Every building used or intended to be used for human habitation or human occupancy, including, but not limited to, dwellings, industrial, commercial, office, and institutional uses, shall be furnished with water supply and sewage disposal as provided for in the Village's Building Code. Accessory buildings, such as garages or storage buildings, intended and used for incidental or no human occupancy are excluded from this requirement, except that if water supply and/or sewage disposal is furnished to such building, it shall comply with the standards of the Building Code.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.054 LAND DIVISIONS NOT REQUIRING PLATTING (LOT SPLITS).

The following standards shall apply to proposed divisions of land not requiring platting under the State Land Division Act Public Act 288 of 1967, being M.C.L.A. §§ 560.101 et seq., and Ch. 153.

(A) No lot, outlot, or other parcel shall be divided or changed without the written approval of the Planning Commission and/or Zoning Commission, as required, in accordance with the procedures of this section.

(B) Applicants for a lot, outlot, or other parcel division shall submit a written application to the Zoning Official. The application shall be accompanied by a survey prepared and certified by a licensed and registered land surveyor. The survey shall depict the original parcel, the proposed division, existing buildings, utilities, easements, drainage, all pertinent dimensions, legal descriptions of the new parcels to be created by the division, and such other pertinent data as the Zoning Official determines is necessary.

(C) The proposed division shall not create parcels which would fail to meet the minimum standards of the zoning district in which they are located, nor shall such division leave any existing principal or accessory buildings in violation of yard setback requirements; provided, however, that if existing nonconforming conditions are to be lessened by the proposed division, this requirement may be waived by the Planning Commission and/or Zoning Commission, as required.

(D) The proposed division shall not create parcels which are irregular in shape, unless the irregularity is due to a pre-existing natural feature such as a wetland, waterway, or woodland area.

(E) The Zoning Official shall determine if reviews of the application by the Village Planner, Village Engineer, or other Village Officials are needed to determine compliance with this section. Upon completion of the necessary reviews, and provided, that all taxes and special assessments on the original parcel have been paid, the Zoning Official shall recommend approval or denial of the application to the Planning Commission and/or Zoning Commission, as required. The Planning Commission and/or Zoning Commission, as required, shall act on the application at its next regularly scheduled meeting after receipt of the recommendation.

(F) If a property line is proposed to be altered (one parcel losing area and the other receiving it) in a manner that will meet the requirements of divisions (B) through (E) above, the Zoning Official shall be authorized to approved or deny the application. No new parcels shall be created under the provisions of this division (F). Not more than 10,000 square feet of property shall be reassigned from one parcel to another under the provisions of this section. The Zoning Official shall report all lot splits approved under this division (F) at the next regularly scheduled Planning Commission and/or Zoning Commission, as required, meeting.

(Ord. 259, passed 10-24-1995; Ord. 327, 9-23-1999; Ord. 351, passed 7-14-2002; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.055 PRIVATE ROAD AND DRIVEWAY STANDARDS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PRIVATE ROAD. A road owned and maintained by the owners of the property it serves and that provides access to four or more dwelling units or parcels, or four or more nonresidential principal buildings. **PRIVATE ROADS** include roads within site condominium projects, roads serving two-family dwelling units and roads within office or industrial complexes. A **PRIVATE ROAD** may be used to provide public services such as utility easements, waste collection, and emergency services.

SHARED DRIVEWAY. A **SHARED PRIVATE DRIVEWAY** serving three or fewer residential units shall be provided within an access easement recorded in the deeds of all parcels that have access to the driveway. The minimum finish surface width of the shared private driveway shall be 18 feet. A cul-de-sac turnaround may not be required if the length of the shared private driveway is 300 feet or less. For longer shared private driveways, a circular or hammerhead "T" turnaround shall be required depending on the length of the private driveway and the recommendation of the Fire Department. A proposed shared private driveway exceeding 1,000 feet in length or serving more than three residential units shall not be considered a shared private driveway and must be reviewed as a private road meeting village's *Standard Specifications for Street Construction*.

(B) *Exclusion for multiple family drives.* The definitions of "private road" or "shared private driveway" do not include drives serving multiple family buildings with three or more attached dwelling units, parking lot aisles, or drives connecting parking lots to internal roads.

(C) *Access to public or private road.* Any single-family residential lot or site created after the effective date of this chapter shall have frontage on and access to a public road right-of-way an approved private road or shared private driveway meeting the definitions and standards of this section.

(D) *Submittal requirements for private roads.* The following shall be submitted to the village when applying for approval of a private road, either separately or in conjunction with a site plan as required by §§ 157.190 through 157.204, "Site Plan Review and Approval":

- (1) Parcel number and name of owner for all properties having legal interest in the private road;
- (2) Plans designed by a registered engineer showing location, dimension, and design of the private road. The plan shall identify existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road;
- (3) Location of all public or private utilities located within the private road right-of-way or easement, or within 20 feet, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable;
- (4) Location of any lakes, streams, drainage-ways, MDNR regulated wetlands, or trees with a caliper of eight inches or greater, within 100 feet of the proposed private road right-of-way or easement; and
- (5) Evidence that property owners served by the road will provide financial and administrative mechanisms to ensure maintenance of the private road. A copy of a private road maintenance agreement shall be provided to the village in a manner acceptable to the Village Attorney.

(E) *Design standards.* Private roads shall be constructed to the following design standards.

(1) *Road design.*

(a) A private road shall meet the right-of-way width, street base, pavement width, surface, slope, drainage system, and all other standards of the Village's *Standard Specifications for Street Construction*.

(b) The design of private roads shall be approved by the Village Engineer.

(2) *Reduced width to preserve natural features.* The minimum pavement width may be reduced to not less than 22 feet wide where the Planning Commission and/or Zoning Commission, as required, determines that the reduced width will preserve significant natural features and there is no alternative design that will preserve the natural features and meet the regular width standard.

(3) *Maximum length, cul-de-sac turnarounds.*

(a) Maximum length of a private road providing access to more than two lots, buildings, or dwelling units shall be 1,000 feet with a maximum 24 lots or dwelling units served by a single means of access.

(b) Any single means of access serving more than five lots or dwelling units shall include a turn-around with a 45-foot radius, 55-foot radius if a center landscaped island is included, a hammerhead "T" turn or a continuous loop layout.

(c) A larger turnaround may be required for commercial and industrial private roads. These standards may be modified by the Planning Commission and/or Zoning Commission, as required, in particular cases, with input from the fire department and township staff or consultants.

(4) *Grade.* Grades shall not exceed 10% with a maximum grade of 2% for a minimum distance of 30 feet from its intersection with a public right-of-way or another private road.

(5) *Intersection design standards.*

(a) Private roads which intersect with existing or proposed private roads or public street rights-of-way should intersect at a 90-degree angle.

(b) Where constrained by environmental features, the Village Engineer may allow a reduced angle of intersection, but in no case shall the angle be less than 70 degrees.

(6) *Intersection offsets from public streets.*

(a) Proposed private roads or entrances to a development shall align directly across from, or be offset at least 250 feet from, public streets or private road intersections on the opposite side of the street, measured centerline to centerline.

(b) This standard may be reduced if approved by the County Road Commission.

(7) *Minimum offsets along private roads.* Private roads and driveways (excluding driveways serving one or two dwelling units) within a development shall align directly across from other private roads or driveways or be offset at least 150 feet measured centerline to centerline.

(8) *Vertical clearance.* In order to provide adequate access for emergency vehicles, 15 feet of overhead tree clearance shall be provided within the width of the pavement.

(9) *Street names.* Street names may be required by the Planning Commission and/or Zoning Commission, as required, to assist public emergency services.

(10) *Signs.*

(a) All signs within the private road or access easement shall be identified on the site plan and be in accordance with the State *Manual of Uniform Traffic-Control Devices*, unless the Planning Commission and/or Zoning Commission, as required, approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections.

(b) These signs shall contrast in terms of color with public street signs, and shall clearly indicate the road is private.

(F) *Existing nonconforming private roads and access easements.*

(1) (a) The village recognizes there exist private roads, service roads, and access easements which were lawful prior to the adoption of this section and which are inconsistent with the standards herein. Such roads are declared by this section to be legal nonconforming roads or easements. The intent of this section is to permit legal nonconforming roads and easements to continue and undergo routine maintenance for safety purposes, as determined by the Zoning Official.

(b) This section is also intended to allow new construction to occur on existing lots which front along such a road on the adoption date of this section if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles.

(2) This section is also intended to discourage the extension of nonconforming roads or increase the number of lots or building sites served by such a road, except in platted subdivisions, divisions of land, or site condominium projects existing on the adoption date of this section, unless provisions are made to upgrade such road to comply with the standards herein. Any reconstruction, widening, or extension of a nonconforming private road or access easement shall be in conformity with this section.

(G) *Existing lot.* For purposes of determining whether a lot along a private road or access easement qualifies as an existing lot as used in this section, at least one of the following conditions must have existed at the time this section was adopted:

(1) The lot consists of a "condominium unit" for which a master deed had been recorded with the County Register of Deeds in accordance with the requirements of the State Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 et seq., and other applicable laws and ordinances;

(2) The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the County Register of Deeds; and

(3) The lot had been assigned a unique parcel number by the County Register of Deeds and was individually assessed and taxed on that basis.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.056 STATE-LICENSED RESIDENTIAL CHILD AND ADULT CARE FACILITIES.

State-licensed child and adult care facilities, as defined in §157.008, are allowed within a residential structure only as provided in Table 3.1.

<i>Table 3.1</i>		
<i>Type of facility</i>	<i>Districts</i>	

	<i>R1A and R1B</i>	<i>RM</i>
Table 3.1		
<i>Type of facility</i>	<i>Districts</i>	
	<i>R1A and R1B</i>	<i>RM</i>
Adult foster care family home (6 or fewer adults)	Permitted	Permitted
Adult foster care large group home (13 to 20 adults)	Not allowed	Special use
Adult foster care small group home (12 or fewer adults)	Permitted	Permitted
Family day care home (6 or fewer children less than 24 hours per day)	Permitted	Permitted
Foster family home (4 or fewer children 24 hours per day)	Permitted	Permitted
Foster family group home (5 to 6 children 24 hours per day)	Permitted	Permitted
Group day care home (7 to 12 children less than 24 hours per day)	Permitted	Permitted
Notes: Permitted: permitted by right Special use: may be allowed upon review and approval of a special land use permit, in accordance with the general and specific standards of §§ 157.120 through 157.130, "Special Land Uses" Not allowed: not allowed in zoning district		

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.057 WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS.

(A) *Purpose.*

- (1) The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas.
- (2) The goals of this section are to:
 - (a) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 - (b) Encourage the location of towers on public land, existing water towers, school, and park property areas;
 - (c) Minimize the total number of towers throughout the community;
 - (d) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 - (e) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 - (f) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
 - (g) Encourage the location of essential public wireless services to be co-located on all new towers in the community;
 - (h) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
 - (i) Consider the public health and safety of communication towers; and
 - (j) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (3) In furtherance of these goals, the village shall give due consideration to the Village's Master Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERNATIVE TOWER STRUCTURE. Human-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA. Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

BACKHAUL NETWORK. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

HEIGHT. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

PRE-EXISTING TOWERS AND PRE-EXISTING ANTENNAS. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(C) *Applicability.*

(1) *New towers and antennas.* All new towers or antennas in the village shall be subject to these regulations, except as provided in divisions (C)(2) through (C)(4) below.

(2) *Amateur radio station operators/receive only antennas.* This subchapter shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

(3) *Pre-existing towers or antennas.* Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this section, other than the requirements of divisions (D)(6) through (D)(7) below.

(4) *AM array.* For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(D) *General requirements.*

(1) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(2) *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(3) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the Zoning Official an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the village or within two miles of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Official may share such information with other applicants applying for administrative approvals or special use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the village; provided; however that the Zoning Official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(4) *Aesthetics.* Towers and antennas shall meet the following requirements:

(a) Towers shall be subject to any applicable standards of the FAA, be constructed of a material with, or be painted a neutral color so as to reduce visual obtrusiveness;

(b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; and

(c) When an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(5) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(6) *State or federal requirements.*

(a) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.

(b) If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(7) *Building Codes; safety standards.*

(a) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

(b) If, upon inspection, the village concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards.

(c) Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(8) *Measurement.* For purposes of measurement, tower setbacks, and separation distances shall be calculated and applied to facilities located in village irrespective of municipal and county jurisdictional boundaries.

(9) *Nonessential services.* Towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(10) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in village have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

(11) *Site plan review.* All requests for new towers shall be submitted to the Planning Commission and/or Zoning Commission, as required, for a site plan review as provided in §§ 157.190 through 157.204, "Site Plan Review and Approval".

(12) *Public notice.* For purposes of this section, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in division (G)(2)(e) below, in addition to any notice otherwise required by this chapter.

(13) *Signs.* No signs shall be allowed on an antenna, tower, or associated buildings or equipment storage areas.

(14) *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of division (H) below.

(15) *Multiple antenna/tower plan.* The village encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(16) *Public wireless antennas and equipment.* All new towers and associated facilities shall provide space for collocation of public wireless services and instruments used by police and fire departments, weather departments, emergency preparedness organizations, and similar uses as determined by the Zoning Administrator.

(17) *Removal plan.*

(a) All applications for the installation of any wireless antenna or tower shall include a plan for the removal of the antenna or tower to be executed when the antenna or tower is no longer needed. The removal plan shall include security for the removal in the form of cash or a surety bond covering the amount of the removal of the antenna or tower.

(b) The funds or bond would be released upon the village determining that the antenna or tower had been completely removed. Any costs incurred by the village in this process would be deducted from the funds or bond.

(E) *Permitted uses.*

(1) *Generally.* The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.

(2) *Permitted uses.* The following uses are specifically permitted:

(a) Antennas or towers located on property owned, leased, or otherwise controlled by the village provided a license or lease authorizing such antenna or tower has been approved by the village;

(b) Antennas or towers located on property owned by the Village of Holly;

(c) Antennas or towers located on property owned by the village area school district; and

(d) The Zoning Official shall review the application for administrative approval and determine if the proposed use complies with division (D) above and divisions (G)(2)(d), and (G)(2)(e) below.

(F) *Administratively approved uses.*

(1) *Generally.* The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(a) The Zoning Official may administratively approve the uses listed in this section.

(b) Each applicant for administrative approval shall apply to the Zoning Official providing the information set forth in divisions (G)(2)(a) and (G)(2)(c) below, and a non-refundable fee as established by resolution of the Village Council for the costs of reviewing the application.

(c) The Zoning Official shall review the application for administrative approval and determine if the proposed use complies with division (D) above and divisions (G)(2)(c) and (G)(2)(d).

(d) The Zoning Official shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the Zoning Official fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.

(e) In connection with any such administrative approval, the Zoning Official may, in order to encourage shared use, administratively waive any zoning district setback requirements in division (G)(2)(d) below or separation distances between towers in division (G)(2)(e) below by up to 50%.

(f) In connection with any such administrative approval, the Zoning Official may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

(g) If an administrative request for approval is denied, the applicant shall file an application for a special use permit pursuant to division (G) below prior to filing any appeal that may be available under this chapter.

(2) *List of administratively-approved uses.* The following uses may be approved by the Zoning Official after conducting an administrative review:

(a) Locating antennas on existing structures or towers consistent with the terms of this division (F)(2)(a).

1. *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the Zoning Administrator as

an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:

- a. The antenna does not extend more than 30 feet above the highest point of the structure;
- b. The antenna complies with all applicable FCC and FAA regulations; and
- c. The antenna complies with all applicable building codes.

2. *Antennas on existing towers.* An antenna which is attached to an existing tower may be approved by the Zoning Official and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided, such collocation is accomplished in a manner consistent with the following.

a. *Modification or reconstruction.* A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.

b. *Height.*

i. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna;

ii. The height change referred to in division (F)(2)(a)2.a.i. above may only occur one time per communication tower.

iii. The additional height referred to in division (F)(2)(a)2.a.i. above shall not require an additional distance separation as set forth in division (G) below. The tower's pre-modification height shall be used to calculate such distance separations.

c. *On-site location.*

i. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within 50 feet of its existing location.

ii. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

iii. A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to division (G)(2)(e) below. The relocation of a tower hereunder shall in no way be deemed to cause a violation of division (G)(2)(e) below.

iv. The on-site re-location of a tower which comes within the separation distances to residential units or residentially zoned lands as established in division (G)(2)(e) below shall only be permitted when approved by the Zoning Official.

(b) 1. New towers in nonresidential zoning districts.

2. Locating any new tower in a nonresidential zoning district other than industrial, provided, a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Zoning Official concludes the tower is in conformity with the goals set forth in section a and the requirements of division (D) above; the tower meets the setback requirements in division (G)(2)(d) below and separation distances in division (G)(2)(e) below; and the tower meets the following height and usage criteria:

- a. For a single user, up to 90 feet in height;
- b. For two users, up to 120 feet in height; and
- c. For three or more users, up to 150 feet in height.

(c) Locating any alternative tower structure in a zoning district other than industrial that in the judgment of the Zoning Official is in conformity with the goals set forth in division (A) above.

(d) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(G) *Special use permits.*

(1) *Generally.* The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission and/or Zoning Commission, as required.

(a) If the tower or antenna is not a permitted use under division (E) above or permitted to be approved administratively pursuant to division (F) above, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

(b) Applications for special use permits under this section shall be subject to the procedures and requirements of §§157.120 through 157.130, "Special Land Uses", except as modified in this section.

(c) In granting a special use permit, the Planning Commission and/or Zoning Commission, as required, may impose conditions to the extent the Planning Commission and/or Zoning Commission, as required, concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(e) An applicant for a special use permit shall submit the information described in this section and a non-refundable fee as established by resolution of the Village Council to reimburse the village for the costs of reviewing the application.

(2) *Towers.*

(a) *Information required.* In addition to any information required for applications for special use permits pursuant to §§157.120 through 157.130, "Special Land Uses", applicants for a special use permit for a tower shall submit the following information:

1. A scaled site plan clearly indicating the location, type, and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in division (G)(2)(e) below, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other structures, topographies, parking, and other information deemed by the Zoning Official be necessary to assess compliance with this section;

2. Legal description of the parent tract and leased parcel (if applicable);

3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties;

4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to division (D)(3) above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

5. A landscape plan showing specific landscape materials;

6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination;

7. A description of compliance with divisions (D)(3) through (D)(7), (D)(10),(D)(11), (D)(13) above and divisions (G)(2)(d) and (G)(2)(e) below and all applicable federal, state, or local laws;

8. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users;

9. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality;

10. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower; and

11. A description of the feasible location(s) of future towers or antennas within the village based upon existing physical, engineering, technological, or geographical limitations in the event the proposed tower is erected.

(b) *Factors considered in granting special use permits for towers* In addition to any standards for consideration of special use permit applications pursuant to §§ 157.120 through 157.130, "Special Land Uses", the Planning Commission and/or Zoning Commission, as required, shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission and/or Zoning Commission, as required, may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission and/or Zoning Commission, as required, concludes that the goals of this section are better served thereby:

1. Height of the proposed tower;

2. Proximity of the tower to residential structures and residential district boundaries;

3. Nature of uses on adjacent and nearby properties;

4. Surrounding topography;

5. Surrounding tree coverage and foliage;

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

7. Proposed ingress and egress; and

8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in division (G)(2)(c) below.

(c) *Availability of suitable existing towers, other structures, or alternative technology*

1. No new tower shall be permitted, unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission and/or Zoning Commission, as required, that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission and/or Zoning Commission, as required, related to the availability of suitable existing towers, other structures, or alternative technology.

2. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements;

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;

e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and

g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable.

h. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(d) *Setbacks.* The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission and/or Zoning Commission, as required, may reduce the standard setback requirements if the goals of this section would be better served thereby:

1. Towers must be set back a distance equal to at least 75% of the height of the tower from any adjoining lot line; and
2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(e) *Separation.* The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission and/or Zoning Commission, as required, may reduce the standard separation requirements if the goals of this section would be better served thereby.

1. *Separation from off-site uses/designated areas*

a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1 below, except as otherwise provided in Table 1 below.

b. Separation requirements for towers shall comply with the minimum standards established in Table 1 below.

Table 1	
Off-Site Use/Designated Area	Separation Distance
Table 1	
Off-Site Use/Designated Area	Separation Distance
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower, whichever is greater
Nonresidentially-zoned lands or nonresidential uses	None; only setbacks apply
Single-family or duplex residential units ¹	200 feet or 300% height of tower, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower ² , whichever is greater
Vacant unplatted residentially zoned lands ³	100 feet or 100% height of tower, whichever is greater
Notes:	
1 Includes modular homes and mobile homes used for living purposes	
2 Separation measured from base of tower to closest building setback line	
3 Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex	

2. *Separation distances between towers.*

a. Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

b. The separation distances (listed in linear feet) shall be as follows:

- i. All towers and antennas shall be separated by a minimum distance of 2,000 feet;
- ii. Any new or existing municipal water towers shall not be subject to the minimum separation distance listed in division (G)(2) (e) above; and
- iii. All towers above 150 feet high shall be separated from all other towers above 150 feet high by one mile (5,280 feet).

(f) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Planning Commission and/or Zoning Commission, as required, may waive such requirements, as it deems appropriate.

(g) *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission and/or Zoning Commission, as required, may waive such requirements if the goals of this section would be better served thereby.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound. All landscaping shall meet the planting requirements of §§ 157.165 through 157.176, "Landscaping Standards".
2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
3. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some

cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(H) *Buildings or other equipment storage.*

(1) *Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following.

(a) The cabinet or structure shall not contain more than 200 square feet of gross floor area or be more than ten feet in height, in addition, all structures placed on buildings shall not exceed the height limitations found in § 157.009 for the zoning district in which the structure is located.

(b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.

(c) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(2) *Antennas mounted on utility poles or light poles* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following.

(a) In residential districts, the equipment cabinet or structure may be located in a side or rear yard provided the cabinet or structure is no greater than ten feet in height and no greater than 200 square feet of gross floor area and the cabinet/structure is located a minimum of ten feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(b) In commercial or industrial districts the equipment cabinet or structure shall be no greater than ten feet in height or 200 square feet in gross floor area and the cabinet/structure is located a minimum of 25 feet from the front property line, and ten feet from all other lot lines. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(3) *Antennas located on towers.* The related unmanned equipment structure shall not contain more than 200 square feet of gross floor area or be more than ten feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(4) *Modification of building size requirements* The requirements of divisions (H)(1) through (H)(3) above may be modified by the Zoning Official in the case of administratively-approved uses or by the Planning Commission and/or Zoning Commission, as required, in the case of uses permitted by special use to encourage collocation.

(I) *Removal of abandoned antennas and towers.*

(1) Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the village notifying the owner of such abandonment.

(2) Failure to remove an abandoned antenna or tower within said 90 day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(J) *Nonconforming uses.*

(1) *No expansion of nonconforming use.* Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

(2) *Pre-existing towers.*

(a) Pre-existing towers shall be allowed to continue their usage as they presently exist.

(b) Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this chapter.

(3) *Rebuilding damaged or destroyed nonconforming towers or antennas.*

(a) Notwithstanding division (I) above, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in divisions (G)(2)(d) through (G)(2)(e) above.

(b) The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval building permits to rebuild the facility shall comply with then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed.

(c) If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in division (I) above.

(Ord. 259, passed 10-24-1995; Ord. 340, passed 5-27-2001; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.058 LITTLE FREE LIBRARIES

(A) A little free library is a "take a book, return a book" gathering place where neighbors share their favorite literature and stories. In its most basic form, a little free library is a box full of books where anyone may stop by and pick up a book (or two) and bring back another book to share.

(B) Little free libraries are permitted to be placed on single-family residential lots, church properties and public or parochial school properties. These are considered an accessory structure and accessory use to the property and shall conform to the following guidelines:

(1) The little free library shall not be located in or overhang the public street right-of-way or any public or utility easement and shall be at least five feet behind the curb;

(2) The associated structures shall not obstruct vehicular, bicycle or pedestrian traffic, either physically or by a person utilizing the little free library;

(3) The structures shall not obstruct access aisles or paths utilized by persons in wheelchairs or for ADA accessibility;

(4) The little free library must be placed in the front yard between the face of the house or building and the street right-of-way. At its discretion, the village may make exceptions for churches and schools which may be approved administratively by the Village Manager;

(5) The library structure shall be designed to hold books. The overall structure shall be limited to a height not to exceed 66 inches; a width not to exceed 30 inches; a depth not to exceed 18 inches; and the box height shall not exceed 30 inches from the ground on which it is placed;

(6) The structures shall be anchored to the ground or securely attached to something having a permanent location on the ground;

(7) The structure shall be maintained and kept in good repair at all times; and

(8) There shall be a limit of one little free library per address.

(C) A little free library meeting the above conditions will not be subject to any permits or special licensing requirements.

(Ord. 441, passed 8-23-2016)

ZONING DISTRICTS AND MAPS

§ 157.070 ZONING DISTRICTS AND MAPS GENERALLY.

(A) *Districts established.* For purposes of this chapter, the village is hereby divided into the following districts:

(1) *Residential districts.*

(a) R1A Single-Family Residential District;

(b) R1B Single-Family Residential District;

(c) RM Moderate-Density Residential District; and

(d) MH Mobile Home Park District.

(2) *Nonresidential districts.*

(a) NOC Neighborhood Office Commercial;

(b) O Office;

(c) CBD Central Business District;

(d) C Commercial; and

(e) M Industrial.

(3) *Special districts.*

(1) PUD Planned Unit Development District; and

(2) WO Waterfront Overlay District.

(B) *District boundaries.* The boundaries of these districts are hereby established as shown on the zoning map, which accompanies this chapter, and which map with all notations, references, and other information shown thereon shall be as much a part of this chapter as if fully described herein.

(C) *District boundaries interpreted.* Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply.

(1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerline.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following village limits shall be construed as following city limits.

(4) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

(5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

(6) Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(7) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by the above, the Board of Appeals shall interpret the district boundaries.

(8) Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

(D) *Zoning of annexed areas.* Whenever any area is annexed to the village the zoning classification and regulations applicable to that area shall be subject to the provisions of Public Act 171 of 1958, being M.C.L.A. § 125.311. The Village Council may zone the area to an appropriate village zoning district at any time following annexation. The zoning or rezoning of the annexed land shall comply with the rezoning amendment procedures of § 157.011 which include a public hearing and notice to surrounding property owners. Rezoning

procedures may be initiated concurrently with the annexation of the property so that the rezoning is effective immediately after annexation.

(E) *Zoning of vacated areas.* Whenever any street, alley, or other public way, within the village 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. Ownership of vacated rights-of-way shall be by adjacent property owner to site, unless other arrangements are specified by the village.

(F) *District requirements.* All buildings and used in any district shall be subject to the provisions of §157.009, "schedule of regulations" and §§ 157.025 through 157.057, "General Regulations".

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.071 R1A AND R1B SINGLE-FAMILY RESIDENTIAL DISTRICTS.

(A) *Intent.* The R1A and R1B Single-Family Residential Districts are intended to provide for low-density, detached one-family dwellings, and other facilities which serve the residents in the district.

(B) *Permitted uses.* In the R1A and R1B Single-Family Residential Districts, no building or land shall be used or erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

(1) Detached single-family dwellings meeting the standards of §157.030. Single-family subdivisions and site condominium projects must also comply with the design standards of Ch. 153;

(2) Publicly-owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, civic centers, and municipal buildings;

(3) Cemeteries which lawfully occupied land at the time of adoption of this chapter;

(4) Private swimming pools as an accessory use within the rear yard only;

(5) State-licensed residential child and adult care facilities in conformance with §157.056;

(6) Essential public services not including storage yards, when operating requirements necessitate their location within the district to serve the immediate vicinity; and

(7) Accessory uses, buildings, and structures, customarily incident to any of the above-permitted uses defined in §157.008 and regulated in §§ 157.035 through 157.039.

(C) *Accessory home occupations.*

(1) Permitted home occupations. The following are permitted home occupations provided they meet all of the standards listed in division (C)(2) below:

(a) Dressmaking, sewing, and tailoring;

(b) Painting, sculpturing, or writing;

(c) Telephone answering or telemarketing.

(d) Home crafts, such as model making, rug weaving, and lapidary work.

(e) Tutoring, limited to four students at a time.

(f) Computer program development.

(g) Salesperson's office or home office of a professional person that meets all conditions of (C)(2), below, no sales or director/customer are permitted on premise.

(h) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odor or results in electrical interference.

(2) *Required conditions.* Home occupations shall comply with all of the following standards:

(a) Home occupation shall be based on an annual permit for such home occupation, and fees are to be set by resolution of the Village Council.

(b) There shall be no visible change to the outside appearance of the dwelling.

(c) Traffic, parking, sewage or water use shall not be noticeably different from impacts associated with a typical home in the neighborhood.

(d) The use shall not generate noise, vibration, glare, fumes, toxic substance, odors or electrical interference, at levels greater than normally associated with a single-family home.

(e) Outside storage or display is prohibited.

(f) The home occupation shall not become a nuisance.

(g) Only an occupant of the dwelling may be employed or involved in the home occupation.

(h) The home occupation shall occupy a maximum of 10% of the usable floor area of the dwelling. Garages, whether attached or detached, shall not be used for any home occupation.

(i) All delivery of goods and visits by patrons and activity shall occur between 6:00 a.m. and 8:00 p.m.

(3) *Prohibited home occupations.* The following are prohibited as home occupations:

(a) Private clubs;

(b) Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors, or electrical interference;

- (c) Restaurants;
- (d) Stables or kennels;
- (e) Tourist homes;
- (f) Repair, maintenance, painting and storage of automobiles, machinery, trucks, boats, recreational vehicles, and similar items.

(4) Any proposed home occupation that is neither specifically permitted above, nor specifically prohibited above, shall be considered a special land use and be granted or denied upon consideration of the required conditions contained in division (C)(2) above.

(5) Home occupation permits shall be limited to the applicant who legally resides in the residence.

(D) *Special land uses.* The following uses may be permitted upon review and approval in accordance with the general standards for all special land uses in § 157.122 and the standards for the specific use in §157.130.

- (1) Churches and other facilities normally incidental thereto;
- (2) Public, parochial, and private elementary schools;
- (3) Bed and breakfast inns with not more than four transient sleeping units;
- (4) Cemeteries;

(5) Essential public service buildings and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity;

(6) Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs;

(7) Public or private golf courses, excluding driving ranges which are open to the public;

(8) Uses of the same nature or class as the majority of the uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this chapter, as determined by the Planning Commission and/or Zoning Commission, as required, following a public hearing. The determination shall be based on the standards of § 157.032. Any use not listed and not found to be "similar" is prohibited in this district.

(9) Accessory uses, buildings and structures customarily incidental to an approved special land use permit; however, a separate special land use permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

(10) Short-term rentals.

(E) *Site development standard; orientation of principal structures.* The front facade of all principal residential structures shall be oriented to face a common front yard and may not be composed of primarily metal facade. The common front yard orientation shall be determined by the zoning official based on a survey of the orientation of buildings within the same zoning district and located within 500 feet of the subject site. In the case of a platted subdivision or site condominium in which there are an insufficient number of buildings to establish a predominating orientation, the common front yard shall be determined by the zoning official.

(F) *Additional site development standards.* No plat or site plan shall be approved creating lots or parcels in accordance with the requirements given for the Single-Family Residential District unless served by water and sanitary sewer facilities as approved by the village. All permitted and special land uses shall comply with all applicable provisions of the zoning ordinance including those listed below as a reference guide.

(1) Definitions.

(2) General provisions for standards on a variety of items such as: calculation of buildable lot, regulations for single-family dwellings; illegal dwellings; accessory uses, temporary buildings and structures; parking and repair of vehicles; swimming pools; fences; reception antennae; limitations on dealing and grading site, etc.

(3) Schedule of regulations (minimum lot area, lot width, setbacks, max. height, etc.).

(4) Parking and loading standards.

(5) Landscaping standards.

(6) Site plan review standards

(7) Condominium development standards

(8) Subdivision control, see Ch. 153; and

(9) Signs, see Ch. 154.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012; Ord. 457, passed 6-11-2019; Ord. 459, passed 3-10-2020) Penalty, see § 157.999

§ 157.072 RM - MODERATE-DENSITY RESIDENTIAL DISTRICTS.

(A) *Intent.* The Moderate-Density Residential District is intended to provide rental or individually- owned multiple-family dwelling units, and related facilities. This District will generally serve as a transition zone between nonresidential districts and lower-density single-family districts.

(B) *Permitted uses.* In the RM District, no building or land shall be used or erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Single-family homes;
- (2) Two-family homes;
- (3) Multiple-family dwellings;

- (4) Activity center building specifically for the elderly;
- (5) Publicly-owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, civic centers, and municipal buildings;
- (6) State-licensed residential child and adult care facilities in conformance with §157.056;
- (7) Essential public services, not including storage yards when operating requirements necessitate their location within the district to serve the immediate vicinity; and
- (8) Accessory uses, buildings, and structures customarily incidental to any of the above uses as defined in §157.008 and described in §§ 157.035 through 157.039, such as leasing offices, community buildings, and recreation facilities.

(C) *Special land uses.* The following uses may be permitted upon review and approval in accordance with the general standards for all special land uses in § 157.122 and the standards for the specific use in §157.130:

- (1) State-licensed adult foster care large group homes as listed in §157.056;
- (2) Adult congregate care facilities;
- (3) Nursing and convalescent homes;
- (4) Housing for the elderly;
- (5) Bed and breakfast inns with not more than six transient sleeping units;
- (6) All special land uses listed for the Single-Family Residential Districts, except those uses already listed as a permitted use in this District;
- (7) Uses of the same nature or class as the majority of the uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this chapter, as determined by the Planning Commission and/or Zoning Commission, as required, following a public hearing. The determination shall be based on the standards of § 157.032. Any use not listed and not found to be similar is prohibited in this zoning district; and
- (8) Accessory uses, buildings, and structures customarily incidental to an approved special land use permit are permitted without a separate special land use permit.

(D) *Additional site development standards.*

- (1) No site plan shall be approved unless the site is served by public water and sanitary sewer facilities.
- (2) All permitted and special land uses shall comply with all applicable provisions of this chapter and the following listed as a reference guide:
 - (a) Section 157.008, "definitions";
 - (b) Sections 157.025 through 157.057, "General Regulations" for standards on a variety of items such as: calculation of buildable lot; regulations for single-family dwellings; illegal dwellings; accessory uses, temporary buildings, and structures; parking and repair of vehicles; swimming pools; fences; reception antennas; limitations on clearing and grading site; and the like;
 - (c) Section 157.009, "schedule of regulations" (minimum lot area, lot width, setbacks, maximum height, and the like);
 - (d) Sections 157.145 through 157.151, "Parking and Loading";
 - (e) Sections 157.165 through 157.176, "Landscaping Standards";
 - (f) Sections 157.190 through 157.204, "Site Plan Review and Approval";
 - (g) Sections 157.260 through 157.268, "Condominium Development Standards";
 - (h) Ch. 153, Subdivision Control; and
 - (i) Ch. 154, Signs.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.073 MHP - MOBILE HOME PARK DISTRICTS.

(A) *Intent.* The MHP Mobile Home Park Districts are intended to provide sites for mobile home parks which are characterized by a relatively high-density structures which are replaced periodically and dwelling units which are permitted by state law to exist without conforming to local codes and ordinances applicable to other dwelling units. Because the mobile home park possesses site characteristics similar to multiple-family residential development and because they typically develop with private streets and utility systems, thereby creating an interruption in the continuity of the local streets and utility systems, they are not compatible when located in an otherwise single-family area. Therefore, in this chapter, mobile home parks are intended to be located so as to provide a transition of use between extensive nonresidential districts (Industrial and Commercial Districts) and Moderate-Density Residential Districts.

(B) *Permitted uses.* In an MHP Mobile Home Park District, no building, structure, or land shall be used or erected, and no building or structure shall be erected, except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Mobile home parks, which conform to the requirements of division (C) below; and
- (2) Multiple-family dwellings as permitted and as regulated in the RM Moderate-Density Residential Districts.

(C) *Mobile home park required standards.*

(1) *Development.* The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by 20%; provided, that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as

open space. This open space shall be in addition to that required under the standards required under the Mobile Home Commission Act, Public Act 96 of 1987, or any administrative rules promulgated therein.

(2) *Distances.*

- (a) Each mobile home site shall have a front yard setback of ten feet;
- (b) Each mobile home shall be in compliance with the following minimum distances:
 - 1. Ten feet from an on-site parking space of an adjacent mobile home site; and
 - 2. Ten feet from an attached or detached structure or accessory of an adjacent mobile home which is not used for living purposes.
- (c) Fifty feet from a permanent building;
- (d) One hundred feet from a baseball or softball field; and
- (e) Any park or structure that belongs to a mobile home shall be set back the following minimum distances:
 - 1. Seven feet from a parking bay;
 - 2. Seven feet from a common pedestrian walkway; and
 - 3. Twenty five feet from a natural or human-made lake, object, or walkway.

(3) *Setbacks from property boundary lines:*

(a) Mobile homes, permanent buildings, and facilities and other structures shall not be located closer than ten feet from the property boundary line of the mobile home parks or mobile home condominiums.

(b) If mobile homes, permanent buildings, and facilities, and other structures abut a public right-of-way, they shall not be located closer than 50 feet from the boundary line, except that if the boundary line runs through the center of the public road, the 50 feet shall be measured from the road right-of-way line.

(4) *Service drive requirements.*

- (a) The service drives shall be hard surfaced.
- (b) The service drive shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement which shall be recorded prior to approval by the state. Sole access by an alley is prohibited.
- (c) A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
- (d) An adequate safe-sight distance shall be provided at intersections.
- (e) An offset at an intersection or an intersection of more than two streets is prohibited.
- (f) All roads shall be clearly marked with appropriate traffic signs, subject to the provisions of the Mobile Home Commission Rules and standards required under the Mobile Home Commission Act, Public Act 96 of 1987, or any administrative rules promulgated thereunder.
- (g) A road sign shall be named and so identified by street signs located at all road intersections.
- (h) A name of an internal road shall be approved by the village.
- (i) A service drive shall be constructed of materials suitable for sub-grades and hard surface in compliance with the standards of the American Association of State Highway and Transportation Officials, adopted herein by reference. The park developer may use other suitable materials of equal quality, if approved by the Mobile Home Commission.
- (j) The Village Engineer shall review ingress and egress of the service drives as established in § 11 of the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L.A. §§ 125.2311 et seq., and standards required under the Mobile Home Commission Act, or any administrative rules promulgated thereunder.

(5) *Electrical system.* A park electrical system shall, at a minimum, be designed, installed, operated, and maintained in compliance with the rules entitled "Electrical Liners and Equipment", of the State Administrative Code, pursuant to the construction, installation and safety standards of the servicing public service company and in compliance with standards required under the Mobile Home Commission Act, Public Act 96 of 1987, or any administrative rules promulgated thereunder.

(6) *Compliance with state law.* All mobile home park developments shall further comply with Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 to 125.2350.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.074 NOC - NEIGHBORHOOD OFFICE COMMERCIAL DISTRICTS.

(A) *Intent.*

(1) To permit the integration of office, personal service, and limited business uses, in what is predominantly a residential setting. This District is specifically designed for application to the transitional sections where existing residential uses are experiencing redevelopment pressures. Among the purposes of the NOC District is the accommodation of a variety of housing types at a moderate density; as well as various office uses performing administrative, professional, and personal services; and very limited commercial ventures, such as boutiques and similar enterprises; and

(2) Upon individual review and the granting of a special exception permit, day-to-day retail shopping facilities providing service to persons living in adjacent areas, and having minimal impact upon surrounding neighborhoods, may also be permitted. In order to minimize incompatibility with existing residential development and to promote a unified and positive physical image for these critical areas, all office or commercial uses shall be housed in structures possessing a residential facade and general character of a residence.

(B) *Permitted uses.*

- (1) All uses permitted in the RM Moderate-Density Residential District;
- (2) The following office establishments in structures not originally erected for residential purposes which perform services on the premises:
 - (a) Financial institutions;
 - (b) Insurance offices;
 - (c) Real estate offices;
 - (d) Office for attorneys, accountants, architects, engineers, and similar professionals;
 - (e) Photographic studios; and
 - (f) Other office establishments similar to and compatible with the above establishments.
- (3) Professional service establishments providing human health care on an outpatient basis;
- (4) The following establishments customarily related to medical and dental uses when located in a medical or dental building or complex and when intended primarily to serve to occupants of the building or complex in which they are located:
 - (a) Pharmacies;
 - (b) Medical, dental, and optical laboratories;
 - (c) Stores offering supportive or corrective garments and prosthetic appliances;
 - (d) Other establishments similar to and compatible with the above establishments;
 - (e) The following miscellaneous business service establishments:
 1. Consumer credit reporting agencies;
 2. Mailing list and stenographic services;
 3. Business management consulting services;
 4. Duplicating services; and
 5. Other establishments similar to and compatible with the above establishments.
 - (f) Governmental offices and libraries;
 - (g) Churches and related facilities;
 - (h) Offices of nonprofit organizations, such as professional membership organizations, labor unions, civic, social and fraternal associations, political organizations;
 - (i) Mortuaries and funeral homes, subject to the following restrictions.
 1. Sufficient off-street automobile parking and assembly area shall be provided for vehicles to be used in funeral possessions. The assembly area shall be provided in addition to otherwise required off-street parking area.
 2. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from view with an opaque fence or wall not less than six feet in height.
 - (j) Fraternal lodges or similar civil or social clubs; and
 - (k) Accessory uses, buildings, and structures customarily incident to the above uses as defined in §157.008 and meeting the standards of §§ 157.035 through 157.039;
- (5) Safety compliance facility.

(C) *Special land uses.* The following uses may be permitted upon review and approval in accordance with the general standards for all special land uses in § 157.122 and the standards for the specific use in §157.130.

- (1) All special land uses permitted in the RM Moderate-Density Residential District;
- (2) Retail establishments marketing convenience goods, such as groceries, fruit, meats, dairy products, produce, baked goods and alcoholic beverages, stores selling drugs, hardware, novelties and gifts, flowers, books, stationery, tobacco, and sundry small household articles;
- (3) Office or commercial uses located in a structure originally erected for residential purposes, provided, all commercial structure standards of the Village Building Code are complied with;
- (4) Boutiques or establishments operated expressly for the sale of antiques, collectibles, and similar merchandise; and
- (5)
 - (a) Uses of the same nature or class as the majority of the uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this chapter, as determined by the Village Council, following a Planning Commission and/or Zoning Commission, as required, public hearing and recommendation.
 - (b) The determination shall be based on the standards of §157.032.
 - (c) Any use not listed and not found to be similar is prohibited in this zoning district.

(D) *Additional site development standards.*

- (1) No site plan shall be approved, unless the site is served by public water and sanitary sewer facilities.

(2) All permitted and special land uses shall comply with all applicable provisions of this chapter and the following listed as a reference guide:

- (a) Section 157.008, "definitions";
- (b) Sections 157.025 through 157.057, "General Regulations" for standards on a variety of items such as: calculation of buildable lot; regulations for single-family dwellings; illegal dwellings; accessory uses, temporary buildings, and structures; parking and repair of vehicles; swimming pools; fences; reception antennas; limitations on clearing and grading site; and the like;
- (c) Section 157.009, "schedule of regulations" (minimum lot area, lot width, setbacks, maximum height, and the like);
- (d) Sections 157.145 through 157.151, "Parking and Loading";
- (e) Sections 157.165 through 157.176, "Landscaping Standards";
- (f) Sections 157.190 through 157.204, "Site Plan Review and Approval";
- (g) Sections 157.260 through 157.268, "Condominium Development Standards";
- (h) Ch. 153, Subdivision Control; and
- (i) Ch. 154, Signs.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012; Ord. 469, passed 2-8-2022) Penalty, see §157.999

§ 157.075 O - OFFICE DISTRICTS.

(A) *Intent.* The O Office District is intended to accommodate uses such as administrative offices, banks, and personal services. Office Districts generally serve as a transitional area between residential and commercial districts or to buffer residential neighborhoods from arterial roadways.

(B) *Permitted uses.* In an O Office District, no building or land shall be used or erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Offices for uses, including administrative, professional, physicians, dentists, optometrists, chiropractors, psychiatrists, psychologists, real estate, legal, accounting, writing, clerical, stenographic, and drafting;
- (2) Banks, credit unions, savings and loan associations, and similar uses with or without drive-through facilities and 24-hour ready tellers;
- (3) Personal service establishments, performing on-site services, including barber shops, beauty shops, and health salons;
- (4) Publicly-owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, civic centers, and municipal buildings;
- (5) Churches, places of worship, and related facilities;
- (6) Colleges, universities, and similar institutions of higher learning;
- (7) Accessory essential public services and structures, excluding buildings and storage yards;
- (8) Accessory and uses buildings and structures customarily incidental to the above uses, as defined in §157.008 and the standards of §§ 157.035 through 157.039; and
- (9) Safety compliance facility, see requirements in § 157.130(B)(32).

(C) *Special land uses.* The following uses may be permitted upon review and approval in accordance with the general standards for all special land uses in § 157.122 and the standards for the specific use in §157.130:

- (1) Essential public service buildings, not including storage yards, such as telephone exchange buildings, transformer stations, substations, or gas regulator stations;
- (2) Substance abuse treatment facilities;
- (3) General and specialty hospitals and urgent medical care centers;
- (4) Nursing and convalescent homes;
- (5) Uses of the same nature or class as the majority of the uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this chapter, as determined by the Village Council, following a Planning Commission and/or Zoning Commission, as required, public hearing and recommendation. The determination shall be based on the standards of § 157.032. Any use not listed and not found to be similar is prohibited in this Zoning District;
- (6) Funeral homes or mortuary establishments; and
- (7) Accessory uses, buildings, and structures customarily incidental to an approved special land use permit are permitted without a separate special land use permit, however, a separate special land use permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

(D) *Required conditions.*

- (1) No interior display shall be visible from the exterior of the building.
- (2) The outdoor storage of goods or materials shall be prohibited.
- (3) Warehousing or indoor storage of goods or materials, beyond that normally incident to the above-permitted uses, shall be prohibited.

(E) *Additional site development standards.* All permitted and special land uses shall comply with all applicable provisions of this chapter,

including those listed below as a reference guide:

- (1) Section 157.008, "definitions";
- (2) Sections 157.025 through 157.057, "General Regulations" for standards on a variety of items such as: calculation of buildable lot; regulations for single-family dwellings; illegal dwellings; accessory uses, temporary buildings, and structures; parking and repair of vehicles; swimming pools; fences; reception antennas; limitations on clearing and grading site; and the like;
- (3) Section 157.009, "schedule of regulations" (minimum lot area, lot width, setbacks, maximum height, and the like);
- (4) Sections 157.145 through 157.151, "Parking and Loading";
- (5) Sections 157.165 through 157.176, "Landscaping Standards";
- (6) Sections 157.190 through 157.204, "Site Plan Review and Approval";
- (7) Sections 157.260 through 157.268, "Condominium Development Standards";
- (8) Ch. 153, Subdivision Control; and
- (9) Ch. 154, Signs.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012; Ord. 469, passed 2-8-2022) Penalty, see § 157.999

§ 157.076 CBD - CENTRAL BUSINESS DISTRICT.

(A) Intent.

(1) These special regulations are intended to promote development of a pedestrian-oriented, mixed-use district, consisting of a variety of retail, office, and service uses. Because of the variety of uses permitted in the CBD, special attention must be paid to site layout, building design, vehicular circulation, and coordination of site features between adjoining sites. Buildings should be placed close to the street with parking in the side, or preferably, rear yard.

(2) (a) Permitted uses should be complementary to each other, and should not have an adverse impact on street capacity, public utilities, and services, or the overall image and function of this District. Uses should reflect the traditional small-town character of the area and have a design that accommodates pedestrian-shopper movement, rather than an orientation to primarily automobile movement.

(b) A mixture of uses within a building, such as retail on the ground floor and office or residential on upper floors is permitted. It is the intent of this District to prohibit automotive related sendees and non-retail uses which tend to interfere with the continuity of the retail frontage.

(B) *Permitted uses.* In the CBD, no building or land shall be used or erected, except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) Food service establishments; including grocery, meat market, supermarket, bakeries, delicatessen, ice cream stores, and other food service establishments similar to and compatible with the above;
- (2) Personal service establishments; including barber shop, beauty parlor, tailor shop, shoe repair, dress maker, photographic studio, and other personal service establishments similar to and compatible with the above;
- (3) Other service establishments; that include a showroom, workshop, or a retail adjunct, such as that occupied by an electrician, decorator, painter, upholsterer, a business performing radio, television or home appliance repair, and other service establishments similar to and compatible with the above;
- (4) Theaters, restaurants, bars, nightclubs, and other similar entertainment facilities, where the patrons are seated or served while seated in a building;
- (5) Amusement enterprises; if conducted wholly within an enclosed building;
- (6) Boutiques or establishments operated expressly for the sale of art, antiques, collectibles, and similar merchandise;
- (7) General retail establishments whose principal activity is the sale of new merchandise to the public. These include such establishments as household appliance stores, furniture stores, department or variety stores, drug stores, hardware stores, clothing stores; specialty stores selling flowers, books, stationary, jewelry, novelties and gifts, tobacco, and sundry small household articles; convenience stores selling fruit, meat, dairy products, produce, and alcoholic beverages; and other retail establishments similar to and compatible with the above;
- (8) Hotels; and
- (9) Accessory uses, buildings, and structures customarily incident to the above uses as defined in §157.008 and meeting the standards of §§ 157.035 through 157.039.

(C) *Permitted accessory uses.* The following accessory uses shall be permitted subject to any licensing requirements of the village:

- (1) Open air or outdoor restaurants, bars or cafés on private property;
- (2) Outdoor sales of specialty items, including flowers, books, novelties, and gifts on private property;
- (3) Circus, fair, carnival, or similar use;
- (4) Sidewalk seating and cafés on village sidewalks shall comply with the following: sidewalk seating and cafés (sit down). The village may issue revocable annual permits to any commercial establishments that apply for a permit to place benches and/or tables, or to operate a sidewalk café as an immediate extension of an eating and drinking establishment, on to a limited portion of a public sidewalk adjacent to the business, provided:
 - (a) The sidewalk on which the tables and/or chairs are to be located is flat and is in good repair;
 - (b) The location of the tables and/or chairs used on the sidewalk will not interfere with the clear vision of a motorist on the adjoining

street, particularly at any intersection of the sidewalk with another street or alley;

(c) The sidewalk use will leave a clear and unencumbered area not less than five feet in width on the sidewalk for the safe and efficient passage of pedestrian traffic. One bench placed against the front wall of a building may encroach into this area by a maximum of 18 inches;

(d) When placed on the sidewalk, all tables and chairs shall be located next to the building and as far away from the street curb as possible. The location may be adjusted with approval from the village;

(e) All sidewalk furniture shall be subject to review and approval by the village prior to installation. The goal of this item is to have furniture that enhances the downtown area;

(f) Items such as pots of flowers shall be allowed on the sidewalk immediately in front of a business as long as there is no interference with any pedestrian traffic as required by this chapter;

(g) No goods shall be displayed on the sidewalk in any fashion;

(h) The following indemnification and insurance requirements shall apply.

1. The applicant shall execute a statement agreeing, at the applicant's sole expense, to hold the village and its elected and appointed officials, employees, and agents harmless from, indemnify them for, and defend them (with legal counsel reasonably acceptable to them through any appellate proceedings they wish to pursue until a final resolution, settlement, or compromise approved by them) from any liability for loss, damage, injury, or casualty to persons or property caused or occasioned by or arising from any act, use or occupancy or negligence by or of the applicant and any of its agents, servants, visitors, licensees, or employees occurring during the term of this agreement or any extended term.

2. The applicant shall furnish to the village a certificate or other evidence indicating that the applicant has secured a policy or policies of insurance against damage to village property in the amount of \$100,000 and bodily injury (including death) in the minimum amount of \$500,000 for injury to one person and \$1,000,000 for injury to more than one person. The certificate(s) of insurance shall show the village as a certificate holder and an insured and shall provide that coverage may not be terminated without 30 days prior written notice to the village. Such insurance must provide coverage of the village and its officers, employees and agents for any occurrence during the term of the permit (up to one year). Upon request, the applicant shall also provide the village a copy of the insurance policy(ies).

3. The applicant shall secure and maintain any legally required worker's disability compensation and unemployment compensation insurance.

(i) The following items shall apply to all sidewalk cafés.

1. Each business owner shall provide a trash receptacle(s) in the eating area. The village shall specify the type and number of trash receptacles provided in the café area. The property owner and operator of the establishment shall keep the area clean and free of all paper, trash, refuse, and debris.

2. All eating areas may be covered by a temporary structure such as a canopy or awning approved by the village, or umbrella-type shades affixed, in a manner acceptable to the village, securely to a table or to the sidewalk. No advertising or signs will be allowed on the temporary structures. All temporary structures must be totally within the area permitted for the sidewalk case use.

3. The seating for any sidewalk café shall meet all the requirements of the State Building Code for amount of seating, spacing, restrooms, barrier-free accessibility, and exiting;

4. The sale or consumption of alcoholic beverages, beer, wine, and spirits shall not be permitted in any sidewalk café permitted under this policy unless permission is granted by the Village Council.

5. No outdoor cooking will be permitted in any sidewalk café under this policy.

6. Materials other than tables and seating used in conjunction with a sidewalk café shall be fully and completely removed from the sidewalk and kept elsewhere, when the café is not in operation.

(j) 1. Prior to issuance of a sidewalk seating or café permit, a fee established by resolution of the Village Council, shall be paid by the applicant to the village.

2. The permit shall include the dates and duration of the sidewalk use.

3. Any permit so issued shall be subject to immediate revocation by the village for failure to meet or to maintain the area of the sidewalk café in strict accordance with the requirements of this policy or to comply with other applicable laws, rules, regulations, orders, and directives;

(k) Applications for sidewalk seating and cafés shall be in a form and contain the following information and such other information as shall be deemed necessary by the Village Manager:

1. The name(s), address(es), and telephone number(s) of the owner(s), operator(s), and responsible person(s);

2. The proposed dates and hours of operations;

3. A sketch of the site plan for the use; and

4. All other information required herein.

(D) *Special land uses.* The following uses may be permitted upon review and approval in accordance with the general standards for all special land uses in § 157.122 and the standards for the specific use in §157.130:

(1) Government offices, post offices, and libraries;

(2) Offices of nonprofit organizations, such as professional membership organizations, labor unions, civic, social and fraternal associations, political organizations;

(3) Banks, savings and loan associations, and other financial or lending institutions;

(4) General office or professional office uses, including the offices and facilities of publishing operations for newspapers, magazines or other periodicals (excluding heavy printing facilities and machinery), and business services such as mailing, copying and data processing;

(5) Professional service establishments, including, but not limited to, offices or facilities for members of the dental, medical, legal, architectural, accounting, or other professions, and other professional service establishments similar to and compatible with the above; and

(6) Multi-family dwellings (apartments) above the first story of any structure where the ground floor is devoted to a permitted use; provided, that:

1. Existing and proposed dwelling units are kept in an attractive condition conducive to an appealing Central Business District, and in such a manner that residential activities do not interfere with the customary business activities associated with the district;

2. Each dwelling unit or group of such units are provided with adequate refuse containers suitable for the temporary outdoor storage of household refuse. Such containers shall be fitted with a secured lid and located to the rear of the building;

3. With the exception of legally registered and operable automobiles, the storage of all personal property shall be done within the dwelling unit or an approved accessory building located to the rear of the building;

4. Dwelling unit entrances located on the street frontage shall be inconspicuous, kept in good repair, and free of debris; and

5. Windows facing the street shall be maintained in good repair.

(7) (a) Adequate provisions shall be made for the storage of trash or waste materials in the building or if such trash or waste materials are to be temporarily stored outside the building, trash, or waste containers shall be screened from view, on at least three sides, by a structure.

(b) The waste storage areas shall be maintained free from water.

(8) Where a commercial or C-2 District is directly contiguous to property within a residential zoning district, a buffer yard, vertical screen, or berm shall be provided along the side and/or rear yard as approved by the Planning Commission and/or Zoning Commission, as required;

(9) Architectural standards shall be as follows.

(a) All new buildings, additions, and significant exterior changes or renovations shall be found to be architecturally compatible with existing historic architectural styles found in the Central Business District.

(b) In making such a determination, the following will be considered.

1. Front facade materials must be consistent with traditional buildings in the downtown. Materials should consist of brick or another common material such as clapboard wood, not reflective glass.

2. Colors must be consistent with that of the majority of the existing buildings in the downtown. Stark or bold colors and other non-traditional downtown colors are not permitted.

3. Traditionally styled windows should be used along facades facing a public street.

4. The site design shall provide for pedestrian and bicycle needs, including direct and convenient access for pedestrians and bicyclists from the walkway to the building entrance.

5. Rear or side entrances should be provided where parking is on the side or rear of the building.

6. Parking shall be located in the side or rear yards, not in the front yard; however, parking in one front yard shall be permitted for corner lots; and

(10) Short-term rentals when located above the first story of any structure. Other requirements when this use is located in the CBD District are listed below and where there is a conflict in regulation, the below provision shall apply:

(a) Smoke detectors or fire alarms shall be physically interconnected to the use on the below floor(s) including the first floor.

(E) *Additional site development standards.* All permitted and special land uses shall comply with all applicable provisions of this chapter, including those listed below as a reference guide:

(1) Section 157.008, "definitions";

(2) Sections 157.025 through 157.057, "General Regulations" for standards on a variety of items such as: calculation of buildable lot; regulations for single-family dwellings; illegal dwellings; accessory uses, temporary buildings, and structures; parking and repair of vehicles; swimming pools; fences; reception antennas; limitations on clearing and grading site; and the like;

(3) Section 157.009, "schedule of regulations" (minimum lot area, lot width, setbacks, maximum height, and the like);

(4) Sections 157.145 through 157.151, "Parking and Loading";

(5) Sections 157.165 through 157.176, "Landscaping Standards";

(6) Sections 157.190 through 157.204, "Site Plan Review and Approval";

(7) Ch. 153, Subdivision Control; and

(8) Ch. 154, Signs.

(Ord. 259, passed 10-24-1995; Ord. 356, passed 1-19-2003; Ord. passed 2-1-2012; Council Action Req. passed 5-3-2018; Ord. 459, passed 3-10-2020) Penalty, see § 157.999

§ 157.077 C - COMMERCIAL DISTRICT.

(A) *Intent.* The intent of the C Commercial District is to promote the following:

- (1) Provide for a full range of business uses that may not be compatible with residential and commercial uses in the CBD Central Business District;
- (2) Minimize the hazards of highway commercial activity;
- (3) Encourage the clustering of similar retail and service establishments;
- (4) Meet minimum standards of health and safety by protecting against hazards and nuisances; and
- (5) Encourage stable retail and service development.

(B) *Permitted uses.* In a C Commercial District, no building or land shall be used or erected, except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Uses permitted in the CBD District, including §157.075(D), excluding residential uses and bed and breakfast inns;
- (2) Athletic clubs and health spas;
- (3) Automobile supply, parts, and accessories;
- (4) Medical, dental, and veterinary clinics;
- (5) Laundromats and dry-cleaners;
- (6) Mortuaries and funeral homes subject to the following restrictions.

1. Sufficient off-street automobile parking and assembly area shall be provided for vehicles to be used in funeral possessions. The assembly area shall be provided on addition to otherwise required off-street parking area.

2. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from view with an opaque fence or wall not less than six feet in height.

- (7) Restaurants, excluding drive-in or drive-through service;
- (8) Business schools and colleges operated for profit;
- (9) Accessory essential public services and structures, excluding buildings and storage yards; or
- (10) Accessory uses, buildings, and structures customarily incident to the above uses as defined in §157.008 and meeting the standards of §§ 157.035 through 157.039;
- (11) Marijuana retailer/provisioning center, see requirements in § 157.130(B)(32);
- (12) Safety compliance facility, see requirements in §157.130(B)(32);
- (13) Marijuana grower GFA of under 35,000 square feet, see requirements in §157.130(B)(32); or
- (14) Secure transporter, see requirements in § 157.130(B)(32).

(C) *Special land uses.* The following uses may be permitted upon review and approval in accordance with the general standards for all special land uses in § 157.122 and the standards for the specific use in §157.130:

- (1) Outdoor displays, bazaars, carnivals, and civic events of a temporary nature;
- (2) Essential public service buildings and storage yards. In permitting such uses, the Planning Commission and/or Zoning Commission, as required, may vary the area, height, bulk and placement regulations as reasonably necessary for public convenience and service, and reasonably compatible with the intent and character of the district;
- (3) Public parking garages;
- (4) New and used car lots, trailer sales, and rental lots;
- (5) Outdoor retail sales of a limited and specified duration;
- (6) Gasoline stations;
- (7) Drive-in and drive-through services;
- (8) Lumber yards, subject to the following:
 - (a) The use is primarily for the storage and sale of retail goods; and
 - (b) No manufacturing, processing, planning, or milling operations are permitted.
- (9) Automotive repair and service facilities, including minor and major maintenance and repair;
- (10) Shopping centers over 60,000 square feet;
- (11) Commercial outdoor recreation establishments (excluding golf related uses);
- (12) Golf driving ranges and miniature golf courses;
- (13) Automobile towing;
- (14) Medical marijuana dispensary;
- (15) Uses of the same nature or class as the majority of the uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this chapter, as determined by the Planning Commission and/or Zoning Commission, as required, following a public hearing. The determination shall be based on the standards of § 157.032. Any use not listed and not found to be similar is prohibited

in this zoning district; and

(16) Accessory uses, buildings, and structures customarily incidental to an approved special land use permit; however, a separate special land use permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

(D) *Required conditions.*

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

(2) All business, servicing, or processing, except for off-street parking or loading, and those open air uses indicated subject to a special land use permit shall be conducted within completely enclosed buildings.

(3) No manufacturing processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises, shall be permitted.

(4) Where a commercial district is directly contiguous to property within a residential zoning district, a buffer yard, vertical screen, or berm shall be provided along the side and/or rear yard meeting the conditions of § 157.168(B) or (C).

(5) Outside storage or work areas, or the storage of any commercial vehicles are not permitted in this District.

(E) *Additional site development standards.* All permitted and special land uses shall comply with all applicable provisions of this chapter, including those listed below as a reference guide:

(1) Section 157.008, "definitions";

(2) Sections 157.025 through 157.057, "General Regulations" for standards on a variety of items such as: calculation of buildable lot; regulations for single-family dwellings; illegal dwellings; accessory uses, temporary buildings, and structures; parking and repair of vehicles; swimming pools; fences; reception antennas; limitations on clearing and grading site; and the like;

(3) Section 157.009, "schedule of regulations" (minimum lot area, lot width, setbacks, maximum height, and the like);

(4) Sections 157.145 through 157.151, "Parking and Loading";

(5) Sections 157.165 through 157.176, "Landscaping Standards";

(6) Sections 157.190 through 157.204, "Site Plan Review and Approval";

(7) Ch. 153, Subdivision Control; and

(8) Ch. 154, Signs.

(Ord. 259, passed 10-24-1995; Ord. 407, passed 3-13-2011; Ord. passed 2-1-2012; Ord. 469, passed 2-8-2022) Penalty, see § 157.999

§ 157.078 M - INDUSTRIAL DISTRICTS.

(A) *Intent.*

(1) The M Industrial District is designed to accommodate research, wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner detrimentally affect any of the surrounding districts. The M District is intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material. The processing of raw material for shipment in bulk form to be used in an industrial operation at another location, shall not be permitted.

(2) Goals of the M District include the following:

(a) Provide sufficient space, in appropriate locations to meet the needs of the village's future economy for all types of manufacturing and related uses;

(b) Prohibit the use of industrial areas for new residential development; and

(c) Promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibrations, smoke, odor, and other objectionable influences.

(B) *Permitted uses.* In an M Industrial District, no building or land shall be used erected or except for one or more of the following specified uses, unless otherwise provided in this chapter:

(1) Research, design, or experimental laboratories and product development when conducted within a completely enclosed building;

(2) The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products, except livestock; electrical machinery, and equipment; tobacco and tobacco products; beer, wine, and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; and any commodity the manufacturer of which is permitted in this District. Also storage or transfer buildings, commercial laundries or cleaning establishments, and frozen food lockers;

(3) Communication facilities with buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, communication, and relay stations with outdoor storage;

(4) Manufacturing (indoors), compounding, processing, packaging, or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops;

(5) Manufacturing, compounding, assembling, or treatment of articles or merchandise indoors from previously prepared materials such as: bone; canvas; cellophane; cloth; cork; elastomers; feathers; felt; fiber; fur; glass; hair; horn; leather; paper; plastics; rubber; precious or semi-precious metals or stones; sheet metal; shell; textiles; tobacco; wax; wire; wood (excluding saw and planing mills); and yarns;

(6) Manufacturing of pottery and ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;

(7) Manufacturing of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products;

- (8) Manufacturing or assembly of electrical appliances and instruments;
- (9) Manufacturing and repair of electric or neon signs, light sheet metal products, such as heating and ventilating equipment, cornices, eaves;
- (10) Central dry cleaning plants or laundries, with no retail service;
- (11) Tool and dye shops; metal working machine shops involving the use of grinding or cutting tools, such as manufacturing tools, dies, jigs and fixtures; publishing, printing, or forming of box, carton, and cardboard products;
- (12) Retail sales specifically incidental to contractor's establishments which require a workshop and retail outlet or show room as accessory uses, including:
 - (a) Plumbing and electrical contractors;
 - (b) Building material suppliers and wholesalers such as lumber yards which include manufacturing;
 - (c) Processing, planing, or milling operations, and other similar uses;
 - (d) Carpenter shops, including door, sack, or trim manufacturing;
 - (e) Jobbing and repair machine shops;
 - (f) Plastic products forming and molding;
 - (g) Printing and publishing;
 - (h) Trade and industrial schools;
 - (i) Air conditioning and heating dealers, including incidental sheet metal work;
 - (j) Furniture re-upholstering and refinishing establishments;
 - (k) Sign painting establishments;
 - (l) Establishments producing and selling monuments, cut stone, stone, and similar products; or
 - (m) Other uses similar to and compatible with the above uses.
- (13) Greenhouses;
- (14) Commercial mini-storage warehouses and storage buildings, including the dwelling and office of a caretaker, with no outdoor storage. Buildings shall be spaced not less than 30 feet apart;
- (15) Automotive repair and service facilities, including minor and major maintenance and repair; and
- (16) Accessory uses, buildings, and structures customarily incident to any of the above-permitted uses as defined in §157.008 and meeting the standards of §§ 157.035 through 157.039;
- (17) Marihuana grower GFA of 35,000 square feet or more, see requirements in §157.130(B)(32);
- (18) Marihuana grower GFA of under 35,000 square feet, see requirements in §157.130(B)(32);
- (19) Marihuana processor, see requirements in § 157.130(B)(32);
- (20) Secure transporter, see requirements in § 157.130(B)(32).

(C) *Special land uses.* The following uses may be permitted upon review and approval in accordance with the general standards for all special land uses in § 157.122 and the standards for the specific use in §157.130:

- (1) Special uses as may be permitted in the C District;
- (2) Planned research or industrial parks;
- (3) The storage of trucks, trailer coaches, campers, buses, and recreation vehicles;
- (4) (a) The following uses may only be permitted upon conclusive demonstration through specific plans that the performance standards of § 157.053 shall be satisfied, and that the proposed use shall not be obnoxious, hazardous, or detrimental to the public health, safety, and welfare.
 - (b) No such use shall be located closer than 1,000 feet to a residential district:
 1. Junk scrap paper or rag bailing or handling; poultry killing, dressing, or live storage;
 2. Abattoirs;
 3. Ammonia-bleaching powder or chlorine manufacture;
 4. Asphalt manufacture or refining;
 5. Boiler-works, forge works, aluminum, brass, cooper, iron, or steel foundry employing five or more workers;
 6. Brick, tile, or terra-cotta manufacture;
 7. Celluloid manufacture or treatment;
 8. Creosote treatment or manufacture;
 9. Disinfectant or insecticide manufacture;
 10. Distillation of bones; coal tar or wood;

11. Dye manufacture;
 12. Electroplating;
 13. Fat rendering;
 14. Fertilizer manufacture;
 15. Glue, gelatin, or size manufacture;
 16. Lime, cement, or plaster of pans manufacture;
 17. Molten bath plating;
 18. Oil cloth or linoleum manufacture;
 19. Plastic manufacture or articles therefrom;
 20. Raw hides or skins or the storage, curing, or tanning thereof;
 21. Rock crushing;
 22. Rolling mills;
 23. Rubber manufacture;
 24. Slaughtering of animal or fowl;
 25. Melting of iron;
 26. Soap manufacture;
 27. Stock yards;
 28. Sulfuric, nitric, or hydrochloric acid manufacture;
 29. Tallow, grease, or lard manufacture or refining;
 30. Tar distillation or manufacture of dyes;
 31. Tar roofing or tar water-proof lag manufacture;
 32. Yeast manufacture;
 33. Food processing employing more than ten people; and
 34. Concrete ready-mix plants; and similar uses.
- (5) Automobile service centers, including major automobile repair;
 - (6) Contractor's storage yards;
 - (7) Lumber and planing mills if completely enclosed and no property lines from the exterior boundary of the M District;
 - (8) Commercial composting;
 - (9) Recycling stations;
 - (10) Retail, restaurant, and service establishments serving the needs of the Industrial District, such as, but not limited to, banks, savings and loan associations, credit unions, automobile service stations, motels, bowling alleys, trade or industrial schools, or industrial clinics;
 - (11) Outdoor theaters;
 - (12) Storage facilities for building materials, sand, gravel, stone, lumber, contractor's equipment and supplies;
 - (13) Commercial kennels;
 - (14) Radio, television microwave, and cellular phone towers;
 - (15) Essential public service and utility buildings and facilities, stations structures, storage yards, and other related uses, public utility plants, tanks, water supply, and sewage disposal plants. Railroad transfer and storage tracks, rights-of-way, and freight terminals;
 - (16) Uses of the same nature or class as the majority of the uses listed in this District as either a permitted use or a special land use, but not listed elsewhere in this chapter, as determined by the Planning Commission and/or Zoning Commission, as required, following a public hearing. The determination shall be based on the standards of § 157.032. Any use not listed and not found to be similar is prohibited; and
 - (17) Accessory uses, buildings, and structures customarily incidental to an approved special land use permit, however, a separate special land use permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.
 - (18) Indoor recreational use or gymnasium uses and supporting uses such as lockers, retail area for sales of sports related items, and/or snack bar area.
 - (a) Parking requirements for the proposed recreational use should follow the standards set forth by §§157.145 through 157.151 and the table of § 157.146(A) and (B);
 - (b) One recreational activity use within a building will account for the entire building's parking requirement given the supporting uses are not on more than 50% of the main recreational use or 25% of the total building's square footage; whichever is greater. These uses can be but are not limited to the following business and commercial parking uses: swimming pool (§ 157.146(A) and (B)), racquetball/tennis centers (§ 157.146(A) and (B)), batting cages, go-cart track (§157.146(A) and (B)), or ice skating/roller rink (§157.146(A) and (B));

(c) Establishments proposing multiple uses of the space shall follow parking requirements as set forth by §§157.145 through 157.151 under business and commercial parking uses for a health fitness centers without swimming pools. Pool areas should be calculated separately for the parking requirements per (§ 157.146(A) and (B));

(d) Indoor recreational establishments proposing fixed spectator seating shall use parking requirements as set forth by §§157.145 through 157.151 and the table of § 157.146(A) and (B): Institutional - auditoriums, assembly halls and outdoor arenas.

(D) *Other requirements.*

(1) Unless specifically authorized by the Planning Commission and/or Zoning Commission, as required, all activities in this district shall be carried on in completely enclosed buildings.

(2) Storage of finished or unfinished materials, or any equipment or machinery necessary to the operation, is permitted, but all storage areas shall be effectively screened with a solid, uniformly finished wall or fence with solid entrance and exit gates. Said wall or fence shall in no case be lower than the enclosed storage.

(E) *Additional development standards.* All permitted and special land uses shall comply with all applicable provisions of this chapter, including those listed below as a reference guide:

(1) Section 157.008, "definitions";

(2) Sections 157.025 through 157.057, "General Regulations" for standards on a variety of items such as: calculation of buildable lot; regulations for single-family dwellings; illegal dwellings; accessory uses, temporary buildings, and structures; parking and repair of vehicles; swimming pools; fences; reception antennas; limitations on clearing and grading site; and the like;

(3) Section 157.009, "schedule of regulations" (minimum lot area, lot width, setbacks, maximum height, and the like);

(4) Sections 157.145 through 157.151, "Parking and Loading";

(5) Sections 157.165 through 157.176, "Landscaping Standards";

(6) Sections 157.190 through 157.204, "Site Plan Review and Approval";

(7) Ch. 153, Subdivision Control; and

(8) Ch. 154, Signs.

(Ord. 259, passed 10-24-1995; Ord. 340, passed 5-27-2001; Ord. passed 2-1-2012; Ord. 438, passed 1- 17-2016; Ord. 469, passed 2-8-2022) Penalty, see § 157.999

§ 157.079 WATERFRONT OVERLAY DISTRICT.

(A) *Intent.*

(1) The intent of these regulations is to preserve the scenic and natural resource values of shorelines and river and stream banks within the village.

(2) More specifically, the purposes of this Overlay District are to:

(a) Promote public health, safety, and general welfare;

(b) Encourage the use of natural resources in the village in accordance with their character and adaptability;

(c) Preserve and maintain the scenic views of shorelines and river and stream banks;

(d) Establish the location and size of waterfront structures which may hereafter be erected or altered; and

(e) Provide rules and regulations for the construction of such waterfront structures.

(3) These regulations shall apply to all zoning districts in the village which extend into, abut, or are adjacent to lakes and navigable waterways in the village. This Overlay District regulates the construction of waterfront structures and appurtenances proposed along, abutting upon, or extending into lakes and navigable waterways in the village.

(B) *Permitted uses.*

(1) Principal uses are identified by each separate zoning district.

(2) (a) Waterfront structures and appurtenances are permitted accessory uses to the principal use permitted in zoning districts within the Waterfront Overlay District.

(b) They are permitted for recreational and personal use of the principal user (occupant) and family members residing with the principal user of the property. No structure will be approved without an existing principal structure on the parcel.

(3) Applications to construct all waterfront structures and appurtenances shall be subject to review and approval procedures outlined in division (D) below.

(C) *Waterfront requirements.*

(1) *Water-related structures and appurtenances.* The following structures and appurtenances shall be permitted, subject to the conditions in division (C)(2) below:

(a) Piers and docks, including floating types;

(b) Boat hoists, davits, or mooring whips;

(c) Spring or mooring piles, ice cluster; and

(d) Enclosed or unenclosed boat port/wells not exceeding a height of one story or 15 feet above mean high water.

(2) *Standards for water-related structures and appurtenances.* The above structures and appurtenances shall be constructed to meet the following conditions.

- (a) Individually or collectively, the structure(s), appurtenance(s), and dock(s) shall not be closer than six feet to a side lot line.
- (b) Construction or installation of structures and appurtenances shall not obstruct the access of boaters to:
 - 1. Adjoining or nearby parcels;
 - 2. Normal boating routes; or
 - 3. Obstruct the natural flow of water.
- (c) No bulkheads shall be constructed which shall extend into the waterway.

(d) A maximum of two covered unenclosed boat ports/wells and a maximum of two out of water-lifting devices are permitted per site and shall be designed and constructed as a unit.

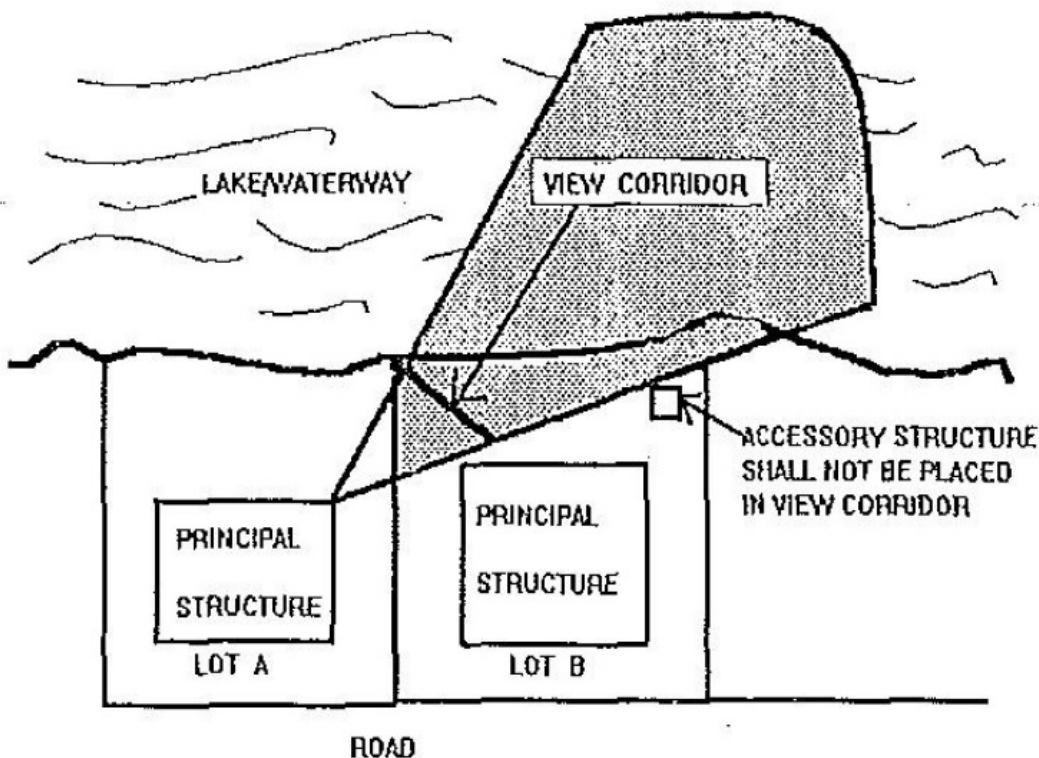
(e) All permitted structures and appurtenances set forth in division (C)(1) above shall be kept safe, secure, and in good repair.

(3) *Number of boats and structures.*

(a) The allowable accessory use of the waterfront shall be limited to not more than one boat for every 33 feet of water frontage to a maximum of three boats. For the purposes of this chapter, a **BOAT** shall mean any water craft equipped with a motor or engine.

(b) The number of structures covered in this division (C) is limited to the extent they serve the number of boats permitted in division (C)(3)(a) above, except for covered boat ports/walls and lifting devices which are otherwise limited to a maximum of two by division (B)(2) above.

(4) *Waterfront yards and accessory structures.* Accessory structures shall be permitted in yard areas as allowed by §157.035, subject to the following condition: the placement of the accessory structure shall not obscure the view corridor across the yard of the subject lot to open water from any adjoining residence. This standard is diagramed below.



(5) *Shoreline fill, dredging, and construction of seawalls.*

(a) Application for shoreline fill or construction of seawalls shall be referred to the State Department of Natural Resources for any necessary permits.

(b) Additionally, such activities must meet the following standards, except as modified by any required state or county permit.

1. In no case shall shoreline fill, dredging, or construction of seawalls impede the natural flow of water or obstruct the access of boaters to deeper waters.

2. No seawall or fill shall project beyond an existing seawall or shoreline in such a manner as to interfere with the normal flow of water, result in the deposit of debris, or cause a hindrance to navigation.

3. Proposed fill shall avoid the appearance of being added on. Any extension of land shall blend into the existing shoreline in a natural appearing manner.

4. Prior to final inspection for shoreline filling or construction of seawalls, the land shall be graded and seeded so as to provide

proper drainage within the applicants property, away from buildings. The grade must be established within 90 days of the completion of construction.

(D) *Application and review procedures.* Applications to construct accessory structures, waterfront structures and appurtenances, to fill along the shoreline or to construct, repair, or demolish a seawall shall be subject to the following review procedures.

(1) *Waterfront application.*

(a) Applications for activities not requiring site plan review under §§157.190 to 157.204, "Site Plan Review and Approval", shall include two sets of plot plans, drawn to a scale of one inch equals 50 feet or other appropriate scale, which shall show the information listed below.

(b) For applications which require site plan review under §§157.190 to 157.204, "Site Plan Review and Approval", the following information shall be included on the site plan:

1. Existing seawalls, waterfront structures, and appurtenances on the property and structures adjacent to the applicant's property;
2. Cross-sections and topography at two-foot contour intervals which show the existing and proposed topography of waterfront land, the depth of water along the shore, the relation of existing rights-of-way for free passage of watercraft on waterways, and the relation of proposed grades to adjoining property;
3. Designation of all property lines along with the method used to verify the location of the property lines;
4. Quantities and type of shoreline fill materials, if proposed;
5. Time frame for completion of the project; and
6. For proposed waterfront uses or activities involving the use, storage, handling, or processing of hazardous or toxic materials in excess of 25 gallons or 250 pounds, the applicant shall submit a written statement describing measures to prevent groundwater and surface water contamination caused by accidental spills or leakage.
7. Such measures may include, but not be limited to, special check valves, drain back catch basins, and automatic shut-off valves, as approved by the Fire Department.
8. Such measures also may include a location of the proposed use or facility where accidental spills are not as likely to contaminate surface or groundwater.
9. For the purposes of this section, hazardous or toxic materials shall include materials listed as SARA Title III, being 42 U.S.C. §§ 11004, materials by the State Department of Natural Resources.

(2) *Review procedure.*

(a) The Zoning Official shall approve an application that meets all village requirements and issue a permit, except that the Planning Commission and/or Zoning Commission, as required, shall have full jurisdiction concerning applications where Planning Commission and/or Zoning Commission, as required, review is required by this chapter.

(b) In the event the Planning Commission and/or Zoning Commission, as required, is required to review and act on an application for waterfront development, the Planning Commission and/or Zoning Commission, as required, shall conduct such review in accordance with the normal procedures for review and approval as outlined in §§ 157.190 to 157.204, "Site Plan Review and Approval".

(E) *Additional site development standards.* All permitted and special land uses shall comply with all applicable provisions of this chapter, including those listed below as a reference guide:

- (1) Section 157.008, "definitions";
- (2) Sections 157.025 through 157.057, "General Regulations" for standards on a variety of items such as: calculation of buildable lot; regulations for single-family dwellings; illegal dwellings; accessory uses, temporary buildings, and structures; parking and repair of vehicles; swimming pools; fences; reception antennas; limitations on clearing and grading site; and the like;
- (3) Section 157.009, "schedule of regulations" (minimum lot area, lot width, setbacks, maximum height, and the like);
- (4) Sections 157.145 through 157.151, "Parking and Loading";
- (5) Sections 157.165 through 157.176, "Landscaping Standards";
- (6) Sections 157.190 through 157.204, "Site Plan Review and Approval";
- (7) Ch. 153, Subdivision Control; and
- (8) Ch. 154, Signs.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.080 PUD - PLANNED UNIT DEVELOPMENT DISTRICT.

(A) *Intent.*

(1) The intent of the Planned Unit Development District (PUD) is to permit flexibility in the regulations for development that either includes a mix of land uses or is proposed for a site containing unique natural or historic features which the developer and the village desire to preserve. The standards of this section are intended to encourage innovative design and create opportunities that may not be obtainable through the more rigid standards of a single zoning district.

(2) The provisions of this chapter are to be used to promote land use substantially consistent with the character of the surrounding districts and area. Departure from the generally applicable requirements of the existing zoning district will be made to provide flexibility in design to the developer with proper review and approval by the village.

(3) The PUD standards are not to be used as a technique to circumvent the intent of this chapter, to avoid imposition of specific

zoning ordinance standards, or the planning on which it is based.

(B) *Criteria.* A proposed PUD may be allowed as a distinct zoning district for a particular parcel(s) of land within the village upon a determination by the Village Council following a recommendation from the Planning Commission, as required, based on the following criteria.

(1) The subject tract of land proposed as a PUD shall be a minimum of three acres in size. The minimum site area of a PUD may be reduced upon application to and finding by the Planning Commission, as required, that the smaller site area can be developed to meet the intent and review objectives of the PUD when preservation of existing buildings or natural features are present on the site and shall be under single ownership.

(2) The proposed PUD shall directly abut a major street (a collector or arterial road as defined in the Village Master Plan).

(3) The site shall contain significant natural or historic features that will be preserved through development under the PUD standards as determined by the Planning Commission, as required, or the site is proposed with a complimentary mixture of housing types within a unique, high quality design.

(4) 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 unlikely to be achieved. The benefits can be accomplished through a higher quality unified design than would be required by the normal regulations of this chapter. The benefits shall be demonstrated in terms of preservation of natural features, architectural design, extensive landscaping, special sensitivity to adjacent land uses, well designed access and circulation systems, or integration of various site features into a unified development.

(5) The PUD type and density will not result in an increase in traffic movements, the use of public services, residential population, facilities, and utilities when compared to the most dense use allowed within the current zoning requirements for the property.

(6) The development shall not place an unreasonable burden on surrounding property or property owners.

(7) The PUD will only be applied to properties when municipal sanitary sewers and water mains are provided to all segments of the proposed development and are designed and constructed in accordance with village engineering and design standards.

(8) Each lot, principal building, or principal use within the PUD shall have vehicular access from a street that is designed and constructed in accordance with the village engineering and design standards.

(9) The Village Council, upon Planning Commission, as required, recommendation, may permit certain lots, principal buildings, or principal uses to maintain vehicular access to a private street; provided, that such street is constructed in accordance with the village engineering and design standards and the continued maintenance of the private street by the property owners(s).

(10) Each lot, principal building, or principal use shall have pedestrian access from a public or private sidewalk that is physically separated from streets and that provides for safe and convenient movement of pedestrians.

(11) Each access from a major street shall be provided with turn lanes, as required by the Village Council, upon a recommendation by the Planning Commission, as required.

(12) A residential structure shall not have direct access to an arterial road or a collector street.

(13) The proposed street layout shall provide for the continuation of collector streets in the adjoining developments or the proper projection of streets when the adjoining property is undeveloped.

(14) The minimum floor area for residential uses shall meet the requirements of the R1B and RM Zoning Districts.

(C) *Permitted uses.*

(1) A PUD may provide for a mixture of land uses; however, industrial uses and mobile home parks are expressly prohibited.

(2) A PUD may provide for a variety of permanent housing types, including single-family homes, townhouses, condominiums, apartments, and cluster housing units.

(3) Commercial uses permitted in the C-Commercial District, together with other uses deemed consistent within the overall plan by the Planning Commission, as required, may occupy not more than 25% of the gross land area of the PUD.

(4) (a) A PUD shall provide a minimum of 15% of the gross land area as common open space that shall be readily accessible and available to the occupants of those dwelling units for whose use the open space is intended. All common open spaces shall be of a size, configuration, function, and location that is satisfactory to the Planning Commission, as required.

(b) 1. If a PUD is developed in phases, the open spaces shall be developed in a proportional manner.

2. A PUD may consist entirely of residential use. A PUD with commercial and office uses shall also contain residential development.

(5) The only uses permitted in a PUD are those approved by the Village Council after receiving a recommendation from the Planning Commission, as required.

(D) *Density.*

(1) The maximum permitted residential density for a PUD shall be determined based upon the following average land area per each type of dwelling unit.

Single-family attached unit (horizontal separation only)	7,200 square feet
Single-family detached unit	12,000 square feet
Townhouses, apartments, and other multiple family units	4,000 square feet

(2) The area used for computing residential density shall be the total site area exclusive of any proposed or existing road right-of-ways

and unbuildable areas such as water-covered property, wetlands, and floodplain areas.

(3) The maximum lot coverage of all uses in a PUD, including accessory buildings, shall not exceed 35%.

(E) *Building, height, setbacks, and floor area.*

(1) The maximum building height permitted in a PUD shall be 35 feet.

(2) A minimum yard setback of 50 feet shall be provided along the perimeter of a PUD fronting on a street.

(3) (a) A minimum yard setback of 35 feet shall be provided along the perimeter of a PUD not fronting on a street.

(b) Such area shall be designed and landscaped as a buffer to neighboring properties.

(c) No parking lots and driveways shall be permitted in this area.

(4) (a) The distance between any residential building and any nonresidential building shall be 150 feet.

(b) A heavily landscaped strip that is a minimum of 50 feet wide shall be provided between any residential building and any nonresidential building.

(c) The strip shall be heavily planted with trees, shrubs, and berms with ground cover as required by the Planning Commission, as required.

(5) Residential buildings and nonresidential developments shall maintain setbacks as follows.

Uses	Front	Side (Each)	Rear
Nonresidential developments	15 feet	10 feet	20 feet
Single-family attached unit (horizontal separation only)	15 feet	5 feet	20 feet
Single-family detached unit	15 feet	5 feet	20 feet
Townhouses, apartments, and other multiple family units	15 feet	10 feet	20 feet

(6) The minimum usable floor area for all uses in a PUD shall be those stated in §157.009.

(7) At least one bedroom shall be provided in each residential unit.

(8) Residential and commercial uses may be combined in the same building; however, no residential use shall be located on the same floor, or below any commercial use.

(9) The following materials shall not be used for any building facade: beveled wood siding (lap, board and batter, shake); primarily metal exterior (such as unimproved facade material to a shipping container), vinyl siding; and T-111 and other panel siding.

(F) *Signs.* Signs shall be permitted in a PUD based on the regulations provided in this code of ordinances and reviewed by the Planning Commission, as required, as part of the PUD approval.

(G) The Planning Commission may waive or modify the requirements of §157.080(D) and (E) when it is determined that doing so will be consistent with the general intent of that section and will encourage development that promotes the health, safety and welfare of village residents.

(H) *Landscaping.* All portions of each lot, parcel, or area not covered by buildings or paving shall be landscaped and permanently maintained by the property owner, tenant or organization responsible for maintaining common areas as provided in §§ 157.165 through 157.176, "Landscaping Standards."

(I) *Phasing.* Development within a PUD may be phased as delineated on an approved plan and the time span for completion of each phase of a PUD shall be as delineated on an approved plan, but in no case longer than five years.

(Ord. 259, passed 10-24-1995; Ord. 321, passed 4-13-1999; Ord. passed 2-1-2012; Ord. 454, passed 10-23-2018; Ord. 459, passed 3-10-2020) Penalty, see § 157.999

PUD-APPLICATION AND REVIEW PROCEDURE

§ 157.095 GENERALLY.

The application process for a PUD involves:

(A) Request for rezoning to appropriate PUD designation, a conceptual (preliminary) site plan. and an environmental assessment;

(B) A final site plan(s) and environmental impact assessment. The final site plan shall meet the requirements of §§157.190 through 157.204, "Site Plan Review and Approval". For PUD projects over 30 acres, the applicant may choose to submit a schematic site plan, and submit more detailed final site plans for each project phase;

(C) Contractual agreement between the applicant and the village; and/or

(D) A final site plan review for each building or project phase, where appropriate.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.096 REZONING TO A PUD DESIGNATION.

(A) An optional pre-application workshop with the Planning Commission and/or Zoning Commission, as required, may be requested by the applicant to discuss the appropriateness of a PUD concept, solicit feedback, and receive requests for additional materials supporting

the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission and/or Zoning Commission, as required, agenda.

(B) The applicant shall prepare and submit to the Administrative Official a request for rezoning to the appropriate PUD designation, including 12 copies of a conceptual PUD site plan meeting the submittal requirements of § 157.097 and 12 copies of an environmental impact assessment meeting the submittal requirements of § 157.048. The conceptual PUD site plan shall illustrate uses within each component, road layout, parking areas, and open space. Materials shall be submitted at least 30 days prior to the meeting at which the Planning Commission and/or Zoning Commission, as required, shall first review the request; 14 days for an applicant who has had a pre-application workshop.

(C) The Planning Commission and/or Zoning Commission, as required, shall review the rezoning request, the conceptual PUD site plan, and the environmental impact assessment, conduct a public hearing, and make a recommendation to the Village Council based on the review standards of § 157.196.

(D) Within 90 days following receipt of a recommendation from the Planning Commission and/or Zoning Commission, as required, the Village Council shall conduct a public hearing on the requested PUD rezoning and the conceptual PUD site plan and either approve, deny, or approve with a list of conditions made part of the approval. The Village Council may require a re-submittal of the conceptual PUD site plan reflecting the conditions for approval by the Administrative Official (prior to submittal of a PUD final site plan).

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.097 CONCEPTUAL SUBMITTAL REQUIREMENTS.

(A) The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the village.

(B) Submittal requirements include:

(1) Current 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;

(2) A completed application form, supplied by the Administrative Official, and an application fee. A separate escrow deposit may be required for administrative charges to review the PUD submittal;

(3) An environmental impact assessment meeting the requirements of §157.204;

(4) Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics at an engineer's scale;

(5) Cover sheet providing:

(a) The applicant's name;

(b) The name of the development;

(c) The preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the state;

(d) Date of preparation and any revisions;

(e) North arrow;

(f) Property lines and dimensions;

(g) Complete and current legal description and size of property in acres;

(h) Small location sketch of the subject site and area within one-half; and scale;

(i) Zoning and current land use of applicants property and all abutting properties and of properties across any public or private street from the PUD site;

(j) Lot lines and all structures on the property and within 100 feet of the PUD property lines; and

(k) Location of any access points on both sides of the street within 100 feet of the PUD site along streets where access to the PUD is proposed.

(6) A plan sheet(s) labeled existing site conditions, including the location of existing buildings and structures, rights-of-way and easements, significant natural and historical features, existing drainage patterns (by arrow), surface water bodies, floodplain areas, wetlands over two acres in size, the limits of major stands of trees and a tree survey indicating the location, species, and caliper of all trees with a caliper over eight inches, measured four feet above grade. This sheet shall also illustrate existing topography of the entire site at two-foot contour intervals and a general description of grades within 100 feet of the site. A reduced copy of this sheet may be included in the environmental assessment.

(7) A conceptual PUD site plan sheet including:

(a) Conceptual layout of proposed land use, acreage allotted to each use, residential density overall, and by underlying zoning district (calculations shall be provided for both overall and useable acreage), building footprints, structures, roadways, parking areas, drives, driveways, pedestrian paths, and identification signs. Note: useable area is total area less public road rights-of-way, year-round surface water bodies, and MDNR regulated wetlands;

(b) Building setbacks and spacing;

(c) General location and type of landscaping proposed (evergreen, deciduous, berm, and the like) noting existing trees over eight inches in caliper to be retained, and any woodlands that will be designated as "areas not to be disturbed in development of the PUD";

(d) A preliminary layout of contemplated stormwater drainage, detention, or retention pond location, water supply and wastewater disposal systems, any public or private easements and a note of any utility lines to be removed; and

(e) If a multi-phase planned unit development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.098 STANDARDS FOR APPROVAL OF CONCEPTUAL PUD SITE PLAN.

(A) Based upon the following standards, the Planning Commission and/or Zoning Commission, as required, may recommend denial, approval, or approval with conditions, and the Village Council may deny, approve, or approve with conditions the proposed planned unit development:

(1) The planned unit development meets the qualification requirements;

(2) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district;

(3) Judicious effort has been used to preserve significant natural and historical features, surface, and underground water bodies and the integrity of the land; and

(4) Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site is provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.

(B) The village may impose additional reasonable conditions:

(1) To ensure that public services and facilities affected by a planned unit development will be capable of accommodating increased service and facility loads caused by the planned unit development;

(2) To protect the natural environment and conserve natural resources and energy;

(3) To ensure compatibility with adjacent uses of land; and

(4) To promote the use of land in a socially and economically desirable manner.

(C) Upon approval of the conceptual PUD site plan by the Village Council, the property shall be rezoned to an appropriate Planned Unit Development Zoning District, with the underlying zoning district noted on the official zoning map for a residential planned unit development.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.099 EXPIRATION.

Approval of the conceptual PUD site plan by the Village Council shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed two years from date of approval. If application for final PUD site plan approval is not requested within this time period, re-submittal of the application shall be required. The Village Council may extend the period up to an additional two years, if requested in writing by the applicant prior to the expiration date.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.100 PROCESS FOR FINAL SITE PLANS.

A final site plan review and environmental impact statement for each building or project phase for larger scale PUDs, as noted above shall be submitted according to the procedures and standards of this section.

(A) The applicant shall submit 12 copies of an environmental impact assessment and a detailed final site plan for the entire approved conceptual PUD site plan to the Administrative Official at least 30 days prior to the Planning Commission and/or Zoning Commission, as required, meeting at which the Planning Commission and/or Zoning Commission, as required, shall first review the request. For projects over 30 acres, the applicant may submit a schematic site plan illustrating general building footprints, parking lot areas, road alignments, open space, and general landscaping; with more detailed site plans submitted at a later date for each building or project phase in accordance with §§ 157.190 through 157.204, "Site Plan Review and Approval".

(B) Upon submission of all required materials and fees, the Planning Commission and/or Zoning Commission, as required, shall hold such hearings as may be required by law, and shall approve, deny, or approve with conditions in accordance with the standards and regulations of §§ 157.190 through 157.204, "Site Plan Review and Approval".

(C) If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the Administrative Official for approval prior to the issuance of any building permits.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.101 FINAL PUD SITE PLAN SUBMITTAL PROCEDURES AND APPROVAL.

The purpose of the PUD final review is to consider the final site plan and environmental impact assessment for the entire PUD which is consistent with the approved conceptual PUD site plan. Receipt of a building permit shall require final approval by the Planning Commission and/or Zoning Commission, as required.

(A) The final submittal shall include the materials required by §§ 157.190 through 157.204, "Site Plan Review and Approval", including an environmental impact assessment and a proposed written agreement specifying all the terms and understanding of the PUD development.

(B) The final site plan and impact assessment shall be reviewed by the Planning Commission and/or Zoning Commission, as required, according to the procedures outlined in §§ 157.190 through 157.204, "Site Plan Review and Approval". The impact assessment for an individual phase or site may consist of minor modifications to the material submitted for the overall PUD if the proposed uses are consistent with the approved PUD Plan.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.102 FINAL PUD AGREEMENT.

(A) (1) Upon approval of the final PUD site plan, the applicant shall submit a written agreement setting forth the conditions upon which the PUD approval was based, as specified in § 157.198.

(2) The Planning Commission and/or Zoning Commission, as required, shall review the agreement, with assistance from the Village Attorney and Village Planner.

(3) The agreement shall be recorded in the Office of the County Register of Deeds at the expense of the applicant.

(B) The agreement shall:

(1) Set forth the conditions upon which the approval is based, with reference to the approved final PUD site plan, and environmental impact assessment;

(2) When open space or common areas are indicated in the PUD plan for use by the residents, the open space or common areas shall be conveyed in fee or otherwise committed by dedication to an association of the residents, and the use shall be irrevocably dedicated for the useful life of the residences, and retained as open space for park, recreation, or other common uses;

(3) Set forth a program and financing for maintaining common areas and features, such as walkways, signs, lighting, and landscaping;

(4) Assure that trees and woodlands will be preserved as shown on the site plan, or replaced on a caliper for caliper basis;

(5) Assure the construction and maintenance of all streets and necessary utilities (including public water, wastewater collection, and treatment) through bonds or other satisfactory means, for any and all phases of the PUD. In the case of phased PUD, this requirement shall be reviewed at the time of any final site plan approval; and

(6) Address any other concerns of the village regarding construction and maintenance.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.103 SCHEDULE OF CONSTRUCTION.

Final site plan approval of a PUD, PUD phase, or a building within a PUD shall be effective for a period of three 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.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.104 DEVELOPMENT OF THE PUD; PROPORTIONAL STANDARD.

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 25% or more of the total housing stock proposed for the PUD. Nonresidential structures designed to serve the PUD residents shall not be built until the PUD has enough dwelling units built to support such nonresidential use. The Planning Commission and/or Zoning Commission, as required, may modify this requirement in its conceptual or final submittal review process.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.105 APPEALS AND VIOLATIONS.

The Board of Zoning Appeals shall have the authority to hear and decide appeal requests by property owners for variances from this chapter, however, the Board of Zoning Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement. A violation of the PUD plan or agreement shall be considered a violation of this chapter.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.106 CHANGES AND AMENDMENT TO THE PUD.

(A) Minor modifications to the PUD site plan may be handled in the same manor as provided for in §§ 157.190 through 157.204. When the Administrative Official determines that the requested amendment to the approved final PUD site plan is major, re-submittal to the Planning Commission and/or Zoning Commission, as required, shall be required.

(B) Should the Planning Commission and/or Zoning Commission, as required, determine that the modifications to the final PUD site plan significantly alter the intent of the conceptual PUD site plan, a revised conceptual PUD site plan shall be submitted according to the procedures outlined in § 157.244 illustrating the modification shall be required.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.107 PHASED PROJECTS.

(A) For projects over 30 acres, the applicant may submit a schematic site plan illustrating general building footprints, parking lot areas, road alignments, open space, and general landscaping; with more detailed site plans submitted for the first building or project phase.

(B) Each detailed site plan and impact assessment shall be reviewed according to the procedures and standards of §§ 157.240 through 157.247.

(C) The Planning Commission and/or Zoning Commission, as required, may waive the required impact assessment for subsequent buildings or phases where the earlier submittal is determined to be acceptable.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.108 CONDOMINIUM PROJECTS.

(A) For any condominium section of a PUD, the applicant shall provide a copy of the master deed and condominium association by-laws for approval by the Planning Commission and/or Zoning Commission, as required.

(B) The condominium documents shall provide limits on use of common areas or open space for accessory structures such as swimming pools, decks, playground equipment, and buildings.

(C) A plan shall be provided indicating the limits of such accessory structures within a defined envelope.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

SPECIAL LAND USES

§ 157.120 INTENT.

(A) (1) This subchapter is intended to regulate uses which may be compatible with uses in some, but not all, locations within a particular zoning district.

(2) Among the purposes of the special land use standards of this subchapter are to accomplish the following:

(a) Provide a mechanism for public input on decisions involving more intense land uses;

(b) Establish criteria for both new development and infill/redevelopment consistent with the village's land use goals and objectives as stated in the Village Master Plan;

(c) Regulate the use of land on the basis of impact to the village overall, and adjacent properties in particular;

(d) Promote a planned and orderly development pattern which can be served by public facilities and service in a cost-effective manner;

(e) Ensure uses can be accommodated by the environmental capability of specific sites;

(f) Provide site design standards to diminish negative impacts of potentially conflicting land uses; and

(g) Provide greater flexibility to integrate land uses within the village.

(B) (1) This subchapter provides both general standards for all special land uses (§157.121) and specific location, site, or operational standards for particular special land uses (§ 157.122). The review of a special land use requires a public hearing before the Planning Commission and/or Zoning Commission, as required.

(2) The Planning Commission and/or Zoning Commission, as required, then denies, approves, or approves with conditions, the proposed special land use and site plan. Approval of any special land use receives a zoning compliance permit.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.121 APPLICATION, REVIEW, AND APPROVAL PROCEDURES; APPEALS.

The procedure for special land use review shall be as follows:

(A) *Application generally.*

(1) An applicant for a special land use shall submit a zoning compliance permit application for review and pay the required fee.

(2) The application presented for consideration shall contain the following:

(a) Name of proposed development;

(b) Common description of the property and complete legal description (also address, if available);

(c) Dimensions of land: width; length; acreage; and frontage;

(d) Existing zoning classification and zoning of all adjacent properties;

(e) Proposed use of the land;

(f) Name, address, city, and phone number of:

1. Firm or individual who prepared the application;

2. Legal owner of the property; and

3. Applicant (including basis of representation).

(g) Signature of the legal owner and the applicant; and

(h) A site plan, prepared in accordance with the provisions of §§157.190 through 157.204, "Site Plan Review and Approval".

(B) *Planning Commission and/or Zoning Commission, as required, public hearing*

(1) If the Zoning Official finds all of the information required above is in order, the Planning Commission and/or Zoning Commission, as required, shall schedule a public hearing to review the request.

(2) (a) The Village Clerk-Treasurer shall publish a notice of the public hearing in a newspaper which circulates in the village and copies of the notice shall be sent by mail to property owners and occupants of structures within 300 feet of the property in question.

(b) The notice shall be given not less than five days nor more than 15 days before the date of the public hearing and 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 the date, time, and place of public hearing; and

4. Indicate that written comments may be submitted prior to or at the public hearing.

(c) The Planning Commission and/or Zoning Commission, as required, shall conduct the required public hearing.

(d) The Planning Commission and/or Zoning Commission, as required, shall review the application in terms of the requirements of the special land use general standards listed in § 157.122 and any specific standards of § 157.130.

(e) The Planning Commission and/or Zoning Commission, as required, shall approve, approve with conditions (as described in § 157.123) or deny the special land use and the accompanying site plan. The decision on a special land use shall be incorporated in a statement of conclusions relative to the land use under consideration. The decision shall specify the basis for the decision, and other conditions imposed.

(f) Appeals of decisions of the Planning Commission and/or Zoning Commission, as required, to deny a special land use or to approve a special land use with conditions shall not be appealed to the Zoning Board Appeals and may only be appealed to Circuit Court.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.122 GENERAL REVIEW STANDARDS FOR ALL SPECIAL LAND USES.

(A) Prior to approving an application of zoning compliance permit for special land use application, the Planning Commission and/or Zoning Commission, as required, shall require the following general standards be satisfied for the use at the proposed location.

(B) In addition to specific standards for individual special land uses listed in §157.130, the Planning Commission and/or Zoning Commission, as required, shall require stipulation to ensure that the following are met:

(1) The special land use will be consistent with the goals, objectives, and future land use plan described in the Village's Master Plan;

(2) The special land use will be consistent with the stated intent of the zoning district;

(3) The special land use will be designed, constructed, operated, and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property, values, or similar impacts;

(4) The special land use will not significantly impact the natural environment;

(5) The special land use can be served adequately by public facilities and services such as police and fire protection, drainage structures, water and sewage facilities, refuse disposal, and schools; and

(6) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration the following:

(a) Vehicular turning movements;

(b) Proximity and relationship to intersections;

(c) Adequacy of sight distances;

(d) Location and access of off-street parking; and

(e) Provisions for pedestrian traffic.

(7) The proposed use shall be of a nature that the location and height of buildings or structures, and the location, nature, and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

(8) The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.123 CONDITIONS OF APPROVAL.

(A) The Planning Commission and/or Zoning Commission, as required, may impose conditions of approval, which will help ensure the special land use meets the standards of this chapter; provided, that the conditions:

(1) Protect the health, safety, and welfare of those affected;

(2) Are related to the valid exercise of the police power of the village;

(3) Are necessary to meet the intent and purpose of this chapter;

(4) Are related to the standards established in this chapter for the land use or activity under consideration and are necessary to ensure compliance with those standards; and

(5) Provide adequate protection to existing land uses so the proposed land use will not be detrimental or injuries to the surrounding neighborhood.

(B) Approval of a special land use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property. A record of conditions imposed shall be made a part of the Planning Commission and/or Zoning Commission, as required, minutes and maintained by the Zoning Official. The conditions shall remain unchanged, unless an amendment to the special land use permit is approved by the Planning Commission and/or Zoning Commission, as required.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.124 VALIDITY OF PERMIT.

(A) The Zoning Official may issue a zoning compliance permit in conformity with the particular special land use so approved, in all cases

where a particular special land use has been granted as provided herein, application for a zoning compliance permit must be made and received by the village no later than 120 days thereafter, or such approval shall automatically be revoked, unless an extension is granted. The Planning Commission and/or Zoning Commission, as required, may grant an extension of the zoning compliance permit for special land use for good causes shown under such terms and conditions for such a period of time not to exceed six months.

(B) The Planning Commission and/or Zoning Commission, as required, may require a performance guarantee to ensure completion of the improvements (excluding the building). The performance guarantee may take the form of a cash deposit, surety bond, certified check, or an irrevocable bank letter of credit.

(C) Where actual physical construction of a substantial nature of structures authorized by a special land use has not commenced within one year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate (note: it is the responsibility of the applicant to request such an extension).

(D) Upon written application filed prior to the termination of the one-year period as provided above, the Planning Commission and/or Zoning Commission, as required, may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one year extension period.

(E) Any approved special land use shall be deemed a use permitted in the district in which it is located and is not to be considered a nonconforming use.

(F) If a use regulated as a special land use which has not previously received a special land use permit ceases operations for more than one year, the special land use permit shall become null and void, and a new special land use permit shall be required to reopen the use. The time frame shall be extended to two years for a use which was approved as a special land use under this chapter amendment.

(G) The Zoning Official shall make periodic investigations of development authorized by special land use permit to determine continued compliance with all requirements imposed by the Planning Commission and/or Zoning Commission, as required, and this chapter. Noncompliance with the requirements and conditions approved for the special land use shall constitute grounds to terminate said approval following a public hearing.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.125 INSPECTIONS.

The Zoning Official shall make periodic investigations of developments authorized by special land use permit to determine continued compliance with all requirements imposed by the Planning Commission and/or Zoning Commission, as required, and this chapter. Noncompliance with the requirements and conditions approved for the special land use shall constitute grounds to terminate said approval following a public hearing.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.126 REVOCATION.

(A) The revocation of a special land use may occur if its recipient fails to continuously abide by its terms and conditions.

(B) The revocation procedure is as follows.

(1) The Planning Commission and/or Zoning Commission, as required, through its designated administrators, shall notify the recipient, in writing, of any violations of village codes or provisions of the special land use.

(2) The recipient shall have 30 days to correct all deficiencies to the satisfaction of the Planning Commission and/or Zoning Commission, as required.

(3) If after 30 days any deficiencies remain, the Planning Commission and/or Zoning Commission, as required, may then revoke the special land use, or if the conditions warrant, allow additional time.

(4) A repeat violation may cause immediate revocation of the special land use.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.127 AMENDMENTS TO SPECIAL LAND USE PERMITS.

Any person or agency who has been granted a zoning compliance permit for special land use shall notify the Zoning Official of any proposed amendment to the approved site plan of the special land use permit. The Zoning Official shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with §§ 157.190 through 157.204, "Site Plan Review and Approval". A major amendment to a zoning compliance permit for special land use shall comply with the application and review procedures contained in this subchapter.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.128 SPECIAL LAND USE EXPANSIONS.

The expansion, change in activity, reuse, or redevelopment of any use requiring a zoning compliance permit for special land use shall require re-submittal in manner described in this subchapter. A separate special land use permit shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use which has not previously received a zoning compliance permit for special land use.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.129 RESTRICTIONS ON RE-SUBMITTAL OF A SPECIAL LAND USE PERMIT.

No application for a special land use permit which has been denied wholly or in part shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission and/or Zoning Commission, as required. A resubmitted application shall be considered a

new application.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.130 SPECIAL LAND USE SPECIFIC REQUIREMENTS.

The following sections identify specific requirements which shall be complied with by individual special land uses, as determined by the Planning Commission and/or Zoning Commission, as required, in addition to the general standards of § 157.122.

(A) *Listing.* Special land uses with specific site and/or use standards described on the following pages:

- (1) Accessory above-ground fuel services and storage;
- (2) Accessory use or storage of hazardous materials;
- (3) Accessory commercial outdoor sales or storage (see commercial outdoor sales);
- (4) Adult regulated uses;
- (5) Arcades and similar devices at public commercial mechanical amusement device centers;
- (6) Automobile service centers (minor repair) and major auto repair establishments;
- (7) Automobile service (gasoline) stations, including those accessory to another use;
- (8) Automobile towing;
- (9) Automobile washes, automatic or self-service;
- (10) Banks, credit unions, and savings and loan institutions with over three drive-through lanes;
- (11) Bed and breakfast inns;
- (12) Cemeteries;
- (13) Churches;
- (14) Commercial outdoor sales or storage, including contractor's yard (as permitted or accessory use);
- (15) Composting centers;
- (16) Essential public service buildings and structures;
- (17) Essential public service storage yards;
- (18) Adult foster care large group home (13 to 20 adults);
- (19) Housing for the elderly, retirement villages, and the like;
- (20) Kennels, commercial;
- (21) Nursing and convalescent homes;
- (22) Open air business, see commercial outdoor display, sales, and storage;
- (23) Recreation: commercial outdoor establishments (excluding golf related uses);
- (24) Recreation: golf driving ranges, miniature golf courses;
- (25) Recreation: indoor commercial recreation (bowling-alleys, ice areas, skating rinks, and the like);
- (26) Recreation: private, non-commercial institutional or community recreation facilities, and swimming pool clubs;
- (27) Recycling centers;
- (28) Restaurants and other establishments with drive-in or drive-through facilities;
- (29) Schools: public, parochial, and private intermediate or secondary schools;
- (30) Shopping centers over 60,000 square feet;
- (31) Short-term rentals; and
- (32) Marihuana establishments.

(B) *List of specific requirement by use.*

(1) *Accessory above-ground fuel services and storage.* Location of accessory fuel services related to the marine, aviation, agriculture, mobile home parks, recreational uses, medical facilities, and industrial uses shall be permitted subject to the following:

(a) Minimum lot size for above-ground fuel service or storage shall be three acres;

(b) Above-ground storage tanks other than those holding water shall be located not less than 75 feet from any occupied building or any lot line and shall be mounted on a solid concrete slab to prevent overturn and spilling, according to EPA specifications; and

(c) A pollution incidence prevention plan shall be submitted and approved.

(2) *Accessory use or storage of hazardous materials.* The applicant shall provide documentation for the following, with appropriate correspondence from the State Department of Natural Resources (MDNR), State Police Fire Marshal, the EPA, local fire department, and other applicable local codes and ordinances:

(a) Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body,

or into the groundwater;

(b) Description of storage of any salt, oil, or other potentially hazardous materials, including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling;

(c) Description of any transportation, on-site treatment, storage, or disposal of hazardous waste generated in quantities of 250 gallons or 2200 pounds per month;

(d) Description of any secondary containment measures proposed, including design, construction materials and specifications, volume, and security measures; and

(e) Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.

(3) *Accessory commercial outdoor display, sales, or storage.* See commercial outdoor sales in division (B)(14) below.

(4) *Adult regulated uses.*

(a) *Intent.* In the development and execution of this subchapter, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute to a blighting affect on the surrounding area. This division (B)(4) describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts.

(b) *Uses regulated.* The following uses are regulated by this division (B)(4)(b):

1. Adult book or supply store;
2. Adult model studio;
3. Adult motion picture arcade;
4. Adult motion picture theater or adult living state performing theater;
5. Adult outdoor motion picture theater;
6. Adult physical cultural establishment;
7. Cabaret; or
8. Massage parlor, except those licensed by the state and meeting the criteria outlined in the definitions section in §157.008.

(c) *Required spacing.* The establishment of the types of adult regulated uses listed in division (B)(4)(b) above shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:

1. At least 1,000 feet from any other adult regulated use;
2. At least 1,000 feet from all churches, convents, temples, and similar religious institutions;
3. At least 1,000 feet from all public, private or parochial nursery, primary or secondary schools, public parks, and hospitals;
4. At least 1,000 feet from any use defined as a "care organization";
5. At least 800 feet from any single-family or multiple-family residential district or use; and
6. At least 800 feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation, such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks, and similar uses frequented by children and teenagers.

(d) *Special site design standards.*

1. Maximum size of the building shall be 5,000 square feet;
2. The building and site shall be designed, constructed, and maintained so material such as a display, decoration, or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas (as defined in § 157.008) cannot be observed by pedestrians, motorists on a public right-of-way, or from an adjacent land use;
3. Adult regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center are not considered to be a freestanding building;
4. The color of the building materials shall be approved by the Planning Commission and/or Zoning Commission, as required;
5. A six-foot high brick or masonry wall shall be constructed to screen the parking lot. The Planning Commission and/or Zoning Commission, as required, may permit use of landscaping in place of the wall; and
6. Access shall be from an arterial roadway.

(e) *Conditions of approval.* Prior to the granting of approval for the establishment of any regulated use, the Planning Commission and/or Zoning Commission, as required, may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgment may be necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(f) *Specific penalties.* No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.

(5) *Arcades, mechanical amusement devices, and similar devices.*

(a) Any part of the lot occupied by such use shall not be located within 300 feet of any residential district or within 500 feet of the property line of any public, parochial, or other private school offering courses in general education.

(b) Access to the site shall be directly from a regional arterial or arterial street.

(c) All activities, except for off-street parking or loading, shall be conducted within completely enclosed buildings constructed in accordance with all other applicable codes and village ordinances.

(6) *Automobile service centers, including major auto repair.*

(a) The site shall be separated a minimum of 300 feet from a single-family residential district, school, or hospital.

(b) All repair work shall be conducted within a completely enclosed building.

(c) The minimum lot area shall be 15,000 square feet plus 1,000 square feet of additional lot area for each additional service bay over two and 300 square feet of additional lot area for each space intended for storage of inoperable vehicles. The minimum lot width shall be 120 feet.

(d) Overhead doors shall not face a residential district or other businesses or future businesses whose image requires a positive atmosphere and setting. The Planning Commission and/or Zoning Commission, as required, can modify this requirement upon determining there is no reasonable alternative any poor visual impact will be diminished through use of landscaping and screening beyond that required in §§ 157.165 through 157.176, "Landscaping Standards".

(e) Access driveways shall be along an arterial or major collector street. Only one driveway shall be permitted from any street, unless the Planning Commission and/or Zoning Commission, as required, determines additional driveways are necessary and will not increase accident or congestion potential.

(f) Where adjoining a non-single-family residential district, a wall six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission and/or Zoning Commission, as required, may require landscaping as an alternative.

(g) There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment.

(h) Storage of wrecked, partially dismantled, inoperable or other derelict vehicles, and vehicles for towing shall be parked and stored in an area obscured from view at the lot lines.

(i) No vehicle shall be parked outside, unless it is an employee's vehicle or an operable vehicle waiting repair with a valid work order.

(j) The applicant shall submit a written statement describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as, special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department. Such measures also may include a location of the proposed facility where accidental spills are not likely to easily contaminate surface or groundwater.

(k) Any portion of a building containing an automotive body shop shall consist of a solid masonry wall or equivalent, with no openings other than those required for access.

(7) *Automobile service (gasoline) stations, including those that perform minor repair work.*

(a) All operations and minor repair work shall be conducted completely within an enclosed building.

(b) The minimum lot area for gasoline service stations shall be 10,000 square feet, plus 500 square feet for each additional pump over four. The minimum lot width shall be 80 feet.

(c) The outside storage or display of any parts or products is prohibited.

(d) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited.

(e) Above-ground tanks for the storage of gasoline, liquefied petroleum, kerosene, or other flammable liquids or oil or other lubricants shall meet all applicable federal and state regulations.

(f) Vehicles shall not be parked outside, unless it is an employee's vehicle or an operable vehicle waiting repair with a valid work order.

(g) Pump islands, tanks, propane, and petroleum products shall be a minimum of 15 feet from any public right-of-way or lot line.

(h) Overhead canopies shall be setback at least 15 feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan.

(i) Access driveways shall be along an arterial or major collector street. Only one driveway shall be permitted from any street, unless the Planning Commission and/or Zoning Commission, as required, determines additional driveways are necessary and will not increase accident or congestion potential.

(j) Where adjoining residential district, a wall six feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The Planning Commission and/or Zoning Commission, as required, may require landscaping as an alternative.

(k) The applicant shall submit a written statement describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves.

(l) In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises, as per state requirements.

(8) *Automobile towing.*

- (a) Any parking or outdoor storage of vehicles shall be separated by a minimum of 300 feet from a single-family residential district, school, or hospital.
- (b) The minimum lot area shall be 15,000 square feet plus 300 square feet for each vehicle stored on-site.
- (c) The minimum lot width shall be 120 feet, provided, the Planning Commission and/or Zoning Commission, as required, may reduce the minimum lot width requirement where the Planning Commission and/or Zoning Commission, as required, determines that such reduction will not negatively impact adjacent land uses and traffic operations.
- (d) Access driveways shall be along an arterial street.
- (e) All tow trucks and vehicles for towing shall be parked and stored in an area obscured from view at the lot lines by a wall or fence six feet in height. Such wall or fence shall be continuously maintained in good condition. The Planning Commission and/or Zoning Commission, as required, may require landscaping as an alternative.
- (f) No vehicle shall be parked outside the screening wall, unless it is an employee's personal vehicle.
- (g) The applicant shall submit a written statement describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the Fire Department. Such measures also may include a location of the proposed facility where accidental spills are not likely to easily contaminate surface or groundwater.
- (h) All outdoor storage areas shall be paved with asphalt or concrete and shall be graded and drained to dispose of stormwater without negatively impacting adjacent property.
- (i) The site shall include a building of at least 500 feet of gross floor area for office use in conjunction with the approved use.
- (j) There shall be no repair or dismantling of vehicles or sale of vehicle parts associated with such use.
- (k) 1. Vehicles may be stored on-site for a duration not to exceed 30 days.
2. The operator of the special land use shall be responsible for maintaining a manifest that tracks the date each vehicle is brought onto the site and the date each vehicle is removed from the site.
3. Such manifest shall be available for inspection by the village for the purpose of monitoring compliance with this section and the conditions of special land use approval.
- (9) *Automobile washes, automatic, or self-service.*
- (a) Only one ingress/egress driveway shall be permitted on any single street, unless the Planning Commission and/or Zoning Commission, as required, determines additional driveways are necessary and will not increase accident or congestion potential.
- (b) Where adjoining a residential district, a solid fence or wall six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission and/or Zoning Commission, as required, may require landscaping, including a berm, as an alternative.
- (c) All washing facilities shall be within a completely enclosed building with no openings other than those required for access.
- (d) Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least 50 feet from any residential district.
- (e) All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required in §§ 157.145 through 157.151, "Parking and Loading".
- (f) Truck wash must be at least 100 feet from all property lines and entirely screened using landscaping from residential uses.
- (10) *Banks, credit unions, and savings and loan institutions with drive-through facilities with over three drive-through lanes.*
- (a) Only one ingress/egress driveway or one pair of one-way driveways or one stand-alone ready teller structure shall be permitted along any street.
- (b) Exit and required stacking lanes shall not face directly at a single-family residence zoned for residential use, unless the alignment is designated or landscaped to prevent headline glare.
- (11) *Bed and breakfast inns.*
- (a) Must be operated entirely within the principal dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in use of a residential type garage;
- (b) Must be operated by the persons who own and occupy the premises;
- (c) Shall not have any exterior evidence, other than a permitted sign, to indicate that the residence is being utilized for any purpose other than that of a dwelling;
- (d) Shall not involve alteration or construction not customarily found in a residential dwelling;
- (e) Must be clearly incidental and subordinate to the principal use of the premises for residential purposes;
- (f) Shall not constitute an annoyance or nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises;
- (g) Must have a minimum of 100 square feet for each unit of 100 square feet for two lodgers and 50 square feet for each additional lodger;
- (h) Shall not display or create outside the structure any external evidence of the operation, except for one unanimated, non-illuminated wall sign having an area of not more than four square feet. Sign materials are to be comparable with the architecture of the building;

(i) Guests are not allowed to stay longer than 14 consecutive days or 30 days in any one calendar year at any bed and breakfast location;

(j) All bed and breakfast operations shall maintain on the premises a guest register, and all guests shall be legibly registered, and such register is subject to inspection during reasonable hours by the Village Manager or his or her designate;

(k) All bed and breakfast permit holders shall be reviewed on an annual basis and shall be required to comply with all state and local regulations and laws concerning bed and breakfast operations;

(l) Sufficient landscaping shall be used to screen adjacent residences from parking areas or any outdoor eating area; and

(m) A sketch plan showing the floor plan shall be submitted for approval.

(12) *Cemeteries.*

(a) Minimum property size shall be ten acres;

(b) All grave sites, buildings, and structures shall be setback at least 100 feet from all property lines;

(c) The Planning Commission and/or Zoning Commission, as required, shall determine that the cemetery will have a "park like" setting; or

(d) Uses such as crematoriums, mausoleums, casket sales, and monument sales shall be permitted as an accessory use to a cemetery. Setbacks and landscaping shall be compatible with adjacent uses; and

(13) *Churches, temples, and similar places of worship*

(a) Minimum lot area shall be two acres, plus an additional 15,000 square feet for each 100 persons of occupant load as determined by Village Building Code;

(b) Buildings of greater than the maximum height permitted in §157.009 may be allowed provided the front, side, and rear yard setbacks are increased above the minimum required by one foot for each foot of building height that exceeds the maximum permitted;

(c) All vehicular access to the site shall be onto a regional arterial, arterial, or collector street, as classified in the Village Master Plan. The Planning Commission and/or Zoning Commission, as required, may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single-family homes;

(d) Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five feet in height shall be provided. The Planning Commission and/or Zoning Commission, as required, may reduce this buffer based on the standards of § 157.176; and

(e) The Planning Commission and/or Zoning Commission, as required, may require a traffic impact analysis, particularly if the church is to have services or activities during peak times on the roadway, or if there are other religious institutions in the vicinity which could create traffic conflicts (refer to § 157.048(B)(12)).

(14) *Commercial outdoor sales or storage and open air businesses* As a permitted or accessory use, including sales or storage of: building/lumber supply; contractors yards; flea markets; auctions; garden/landscape supplies; nurseries; greenhouses; stone; farm implement; automobiles; trucks; recreational vehicles; mobile homes; boats; jet skis; mowing equipment; construction equipment; and similar materials or equipment).

(a) Any stockpiles of soils, fertilizer, or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.

(b) All outdoor storage areas shall be paved and include a stormwater drainage system approved by the Planning Commission and/or Zoning Commission, as required.

(c) No outdoor storage shall be permitted in the front yard or in any required side yard or required rear yard of buildings for the district in which the commercial outdoor display, sales, or storage use is located.

(d) The site shall include a building of at least 500 feet of gross floor area for office use in conjunction with the approved use.

(e) The display and storage area shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose stormwater without negatively impact adjacent property.

(f) All loading and truck maneuvering shall be accommodated on-site.

(g) All outdoor storage areas adjacent to a residential district shall provide a wall or buffer strip as described in §57.175.

(15) *Commercial composting centers.*

(a) The applicant shall submit an impact assessment (See §157.048) describing the expected odors, aesthetics, environmental impacts, vehicular, and truck traffic impacts associated with the use, and any mitigation measures to be employed.

(b) The site plan which shall clearly illustrate the layout of the composting operation, including: buildings; staging area; parking; on-site truck maneuvering (truck turning radii shall be illustrated); curing area; landscaped buffers; sales area; and fencing.

(c) Commercial composting operations shall be at least 1,000 feet from any residential district.

(d) All composting operations shall be at least 200 feet from boundary of any lake, stream, drain, wetland, or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.

(e) Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.

(f) The applicant shall describe acceptable methods for control of odors.

(g) A landscaped buffer strip or wall, as described in §157.175 shall be provided on all sides adjacent to a residential district.

(h) Access shall be provided solely on Class A truck routes.

(i) All storage areas shall be enclosed in a building.

(j) Temporary signs shall be prohibited.

(16) *Essential public service buildings and structures.*

(a) Operating requirements necessitate that the facility be located at the subject site to serve the immediate vicinity.

(b) Electric or gas regulator equipment and apparatus shall be setback a minimum of 30 feet from all lot lines or equal to district setbacks, whichever is greater. They cannot be located in the district front yard setback.

(c) Essential public service storage yards shall be screened from any adjacent residential district by a buffer strip or berm. (See § 157.175.)

(d) The buildings or structures shall be architecturally compatible with the surrounding buildings and shall be of brick construction.

(17) *Essential public service storage yards.*

(a) Requirements of division (B)(16) above;

(b) The minimum lot size shall be three acres; and

(c) An open air fence six feet in height shall be constructed on the boundary property lines.

(18) *Adult foster care large group home (13 to 20 adults).*

(a) Shall have a minimum lot area of one-half acre (21,780 square feet);

(b) 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 public street; and

(c) There shall be a fenced, contiguous open space with a minimum area of 5,000 square feet provided on the same premises as the large group day care home. The required open space shall not be located within a required front yard.

(19) *Housing for the elderly.*

(a) All sites shall be located within adequate walking distance of food stores, shopping centers, restaurants, and drug stores, as determined by the Planning Commission and/or Zoning Commission, as required.

(b) All dwelling units shall consist of at least 350 square feet per unit (not including kitchen and sanitary facilities).

(c) Passive recreation area(s) shall be provided at the rate of 25 square feet per 250 square feet of living area.

(d) The minimum lot size shall be not less than one acre.

(e) All units shall have at least one living room and one bedroom, except that not more than 20% of the units may be of an efficiency-type apartment.

(f) The gross density of the dwelling units shall not exceed 20 units per acre, exclusive of any dedicated public right-of-way of either interior or bounding roads.

(g) Except as provided herein, all buildings and sites shall be in compliance with RM requirements in §157.009.

(h) No housing for the elderly shall be converted to any other use without complying with the provisions of this chapter in effect.

(i) The Planning Commission and/or Zoning Commission, as required, may add any conditions it deems appropriate to ensure the compatibility of the development with the surrounding area.

(k) All buildings permitted hereunder shall not exceed 40 feet in height.

(20) *Kennels, commercial.*

(a) For kennels housing dogs, the minimum lot size shall be two acres.

(b) Building wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to property lines and shall not be located in any required front, rear, or side yard setback area.

(c) Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e., fencing, sound-proofing, and sanitary requirements).

(d) An operations/management plan shall be submitted to the village.

(21) *Nursing and convalescent homes.*

(a) There shall be provided on the site, not less than 1,500 square feet of open space for each bed in the home. The 1,500 square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement, and accessory uses, but shall not include the area covered by main or accessory buildings.

(b) Principal buildings shall not be closer than 40 feet to any property line.

(22) *Open air businesses.* See commercial outdoor display, sales, and storage in division (B)(14) above.

(23) *Recreation: commercial outdoor recreation establishments (excluding golf related uses).*

(a) Such uses shall include, but are not limited to, recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private nonprofit organization, archery and shooting ranges, commercial riding stables, animal racing, go-cart, automobile, or motorcycle tracks, music concert pavilions and band shells, amusement parks, and uses accessory to the above uses, such as refreshment stands, retail shops selling items related

to the above uses, maintenance buildings, office for management functions, spectator seating, and service areas, including locker rooms and rest rooms.

(b) The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust, or blowing debris, as determined by the Planning Commission and/or Zoning Commission, as required. The applicant shall provide documentation that the site area is adequate using national facility standards.

(c) The site shall be located on a paved street which is classified as a regional arterial or arterial in the Village Master Plan.

(d) No building or spectator seating facility shall be located within 100 feet of a property line.

(e) The site shall be periodically cleared of debris.

(24) *Recreation: golf driving ranges, miniature golf courses.*

(a) All traffic ingress and egress shall be from regional arterial or arterial as classified in the Village Master Plan.

(b) Parking lots shall be set back at least 30 feet from the street right-of-way and 100 feet from any property line abutting a residential district.

(c) Any lot line abutting a residential district shall provide a 50-foot wide, landscaped buffer strip with landscaping meeting the standards of § 157.175.

(d) No building shall be constructed or located closer than 200 feet from the property line of any abutting residential lot.

(e) The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots, or public streets.

(f) Site size shall be sufficient to retain errant balls within the site by means of landscaping, berms, or a six-foot high fence. Netting shall be prohibited, unless the Planning Commission and/or Zoning Commission, as required, determines the netting would be compatible with surrounding uses.

(g) The Planning Commission and/or Zoning Commission, as required, may restrict lighting and hours of operation for a driving range in consideration of surrounding land uses and zoning.

(h) Tee areas for a driving range shall be clearly distinguished by elevating the stations six inches to one and one-half feet above the ground, or through use of short walls or alternate distinction to separate tee stations.

(25) *Recreation: indoor commercial recreation such as bowling alleys, indoor golf, ice arenas, skating rinks, and the like)*

(a) The principal and accessory buildings and structures shall not be located within 100 feet of any residential district or permitted use.

(b) All uses shall be conducted completely within a fully enclosed building.

(c) The buildings shall be sound-proofed.

(d) A minimum eight-foot high, 20-foot wide berm landscaped with evergreen trees to create a totally obscuring screen shall be provided.

(26) *Recreation: private, non-commercial institutional or community recreation facilities, and swimming pool clubs.*

(a) The proposed site shall have at least one property line abutting a regional arterial or arterial roadway as classified in the Village Master Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.

(b) Front, side, and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

(c) Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The Planning Commission and/or Zoning Commission, as required, may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the Planning Commission and/or Zoning Commission, as required, on the basis of usage.

(d) Swimming pools shall meet the applicable standards of §157.040(A)(2)(c), all applicable building and health codes.

(27) *Recycling centers.*

(a) Recycling stations shall be only for the collection of recyclable materials for hauling to another site for processing. A one or two yard dumpster may be provided for non-recyclable waste, such as twine, lids, and the like.

(b) Paved loading and stacking spaces shall be provided for at least three automobiles.

(c) All storage of recycled materials shall be within appropriate containers, with access through doors on the sides of the container.

(d) The Planning Commission and/or Zoning Commission, as required, may require a totally obscuring fence or wall around the perimeter of the recycling center.

(e) The hours of operation and materials accepted shall be clearly posted.

(f) Front, side, and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

(28) *Restaurants and other establishments with drive-in or drive-through facilities.*

- (a) Principal and accessory buildings shall be setback at least 75 feet from any adjacent public right-of-way line or property line. Location shall be along a regional arterial or arterial, as classified in the Village Master Plan.
- (b) Only one access shall be provided onto any regional arterial or arterial. Access points shall be located at least 60 feet from the intersection of any two streets.
- (c) Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
- (d) A six-foot high wall which creates a completely obscuring effect shall be provided when abutting or adjacent districts are zoned residential, OS-1 or B-1.
- (e) The applicant shall provide a traffic impact assessment, including projected traffic generation according to §157.048(B)(12).

(29) *Schools: public, parochial and private intermediate and/or secondary schools offering courses in general education.*

- (a) All vehicular access to the site shall be onto a regional arterial, arterial or collector road, as classified in the Village Master Plan.
- (b) The Planning Commission and/or Zoning Commission, as required, may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single-family homes.

(30) *Shopping centers.*

- (a) Shopping centers over 60,000 square feet in any Commercial District shall meet the standards below.
- (b) For purposes of calculation, the principal building and all outbuildings, including those on outlots, shall be included in calculating the gross floor area threshold for this section.
 1. A traffic impact analysis shall be submitted (refer to §157.048(B)(12)).
 2. The principal building with front parking shall be setback 250 feet from any public right-of-way or property line.
 3. Such shopping centers shall have access to at least one arterial road.
 4. The design of regional shopping centers shall ensure that vehicular circulation patterns are designed and regulated to reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the center on adjacent streets.
 5. Internal circulation shall be designed such that no intersection includes more than four aisles or drives.
 6. Site entrances shall be restricted to three-way movements, with unrestricted inbound movements.
 7. Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.
 8. Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.
 9. Any building side facing a public street or residential district shall be constructed with brick, fluted block, or similar decorative material.
 10. Any outlot shall have circulation and parking designed to complement the entire site.
 10. Any outlot shall have circulation and parking designed to complement the entire site.

(31) *Short-term rentals.*

- (a) Must be operated entirely within the principal dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in use of a residential type garage;
- (b) Shall not have any exterior evidence, other than a permitted sign, to indicate that the residence is being utilized for any purpose other than that of a dwelling;
- (c) Shall not involve alteration or construction not customarily found in a residential dwelling;
- (d) Shall not constitute an annoyance or nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises;
- (e) Must have a minimum of 100 square feet for each unit or 100 square feet for two lodgers and 50 square feet for each additional lodger;
- (f) All operations shall maintain on the premises a guest register, and all guests shall be legibly registered, and such register is subject to inspection during reasonable hours by the Village Manager or his or her designee;
- (g) All short-term rentals shall be reviewed/inspected on a bi-annual basis by the Zoning Administrator;
- (h) Sufficient landscaping shall be used to screen adjacent residences from parking areas or any outdoor eating area;
- (i) A sketch plan showing the floor plan shall be submitted for approval;
- (j) Each short-term rental shall have a local agent as the primary contact on file with the village. The local agent must live or maintain a physical place of business within 15 miles of the dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent. The village shall be notified of any changes to the primary contact before such change occurs;
- (k) A reference guide, provided by the village, must be made available to all guests in a central visible location;
- (l) A safety information sheet shall be provided regarding fire exits, available tornado shelter, the address of the property, and a local contact must be posted on the back of each sleeping unit door and exit;

(m) At least one fire extinguisher must be made available in the kitchen;

(n) Smoke detectors or fire alarms shall be interconnected at a minimum of one per floor. In addition, one smoke detector or fire alarm shall be installed in each sleeping unit.

(32) *Marihuana establishments.*

(a) Must meet all of the requirements of Chapter 158, Recreational Marihuana Establishments;

(b) Must meet all applicable village and State of Michigan marihuana license and other regulation.

(Ord. 259, passed 10-24-1995; Ord. 340, passed 5-27-2001; Ord. 407, passed 3-13-2011; Ord. passed 2-1-2012; Ord. 447, passed 1-10-2017; Ord. 457, passed 6-11-2019; Ord. 469, passed 2-8-2022) Penalty, see § 157.999

PARKING AND LOADING

§ 157.145 OFF-STREET PARKING REQUIREMENTS.

(A) The purpose of this section is to provide in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

(B) Off-street parking spaces, in conjunction with all land or building uses shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

(1) Off-street parking spaces may be located within a front, side, or rear yard setback, unless otherwise provided in this chapter.

(2) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

(3) Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions for accessory uses, buildings, and structures (See §§ 157.035 through 157.040(A)).

(4) Any area once designated as required off-street parking shall not be changed to any other use, unless and until equal facilities are provided elsewhere.

(5) Off-street parking existing at the effective date of this chapter, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(6) In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than 10% shall not be allowed, except as approved by the Planning Commission and/or Zoning Commission, as required. Documented evidence of the need for additional parking on a typical day shall be submitted to the Planning Commission and/or Zoning Commission, as required, for then review and approval.

(7) Two or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(8) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced if a signed agreement is provided by the property owners, and the Planning Commission and/or Zoning Commission, as required, determines that the peak usage will occur at significantly different periods of the day and/or there is potential for a parker to visit two or more uses.

(9) Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise herein.

(10) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

(11) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission and/or Zoning Commission, as required, considers similar in type.

(12) For uses not specifically listed in §157.146, the requirements for off-street parking facilities shall be in accordance with a similar use or based on documentation regarding the specific parking needs for the particular use, as determined by the Planning Commission and/or Zoning Commission, as required.

(13) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(14) During construction, off-street parking shall be provided on site for all construction vehicles and employees.

(15) (a) Carports and garages for multiple-family dwellings shall be calculated as parking spaces on a one-to-one basis.

(b) Carports and garages in multiple-family dwelling developments shall have a maximum height of 14 feet, measured from the grade to the peak of the structure.

(c) Carports shall be enclosed or obscured at least 25% along all sides visible from public streets, residential districts, or vehicular drives within the site.

(16) All existing buildings and uses and all buildings erected or uses established thereafter within the CBD (Central Business District) may be exempt from the requirements of this section for privately supplied off-street parking facilities.

(Ord. 259, passed 10-24-1995; Ord. 354, passed 12-15-2002; Ord. passed 2-1-2012)

§ 157.146 PARKING UNITS OF MEASUREMENT.

(A) *Floor area.*

(1) Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area (GFA), unless otherwise noted.

(2) (a) Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas, excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems, and similar uses, and other areas not intended for use by the general public.

(b) Where these areas are not yet defined, leasable floor area shall be considered to be 85% of the gross floor area.

(3) In calculating bench seating for places of assembly, each 24 inches of benches, pews, or other such seating, shall be counted as one seat.

(4) Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.

(5) When units of measurements determining the number of required parking or loading spaces results in a fractional space, any fraction shall be counted as one additional space.

(B) *Off-street parking spaces.* The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule.

<i>Use</i>	<i>Number of Minimum Parking Spaces, Per Unit of Measure</i>
<i>Use</i>	<i>Number of Minimum Parking Spaces, Per Unit of Measure</i>
Business and Commercial	
Appliance Store	3 spaces per 1,000 square feet gross leasable floor area
Auto service station and auto care centers without convenience goods	2 spaces, per each service bay, plus 1 space per employee, plus 1 space per each tow truck, plus 1 space for each 500 square feet devoted to sales of automotive goods
Auto wash (self-service or coin-operated)*	2 for each washing stall in addition to the stall itself
Automobile sales	1 space per 500 square feet gross leasable floor area, plus 2 spaces per service bay
Automobile wash (automatic)*	2 spaces, plus 1 space per each employee on peak shift
Barber shop/beauty salon	2 spaces per each barber or beautician's chair/station
Batting cages, go-cart track	3 spaces per each batting cage and/or go-cart
Bowling centers	4 spaces per lane, plus 25% of the required parking for any lounge
Convenience store, with or without gasoline sales*	3 spaces per 1,000 square feet gross leasable floor area
Dry cleaners	2 spaces per 1,000 square feet gross leasable floor area
Equipment repair	1 space per 1,000 square feet gross leasable floor area
Funeral home	1 space per 500 square feet of service parlors, chapels, and reception area, plus 1 space per each funeral vehicle stored on the premises
Furniture/carpet store	1.5 spaces per 1,000 square feet gross leasable floor area
Hardware or home improvement center	3 spaces per 1,000 square feet gross leasable floor area
Health fitness centers without swimming pool	5 spaces per 1,000 square feet gross leasable floor area
Ice skating/roller rink	4 spaces per 1,000 square feet gross leasable floor area
Laundromat	1 space per each 2 washing machines
Marihuana retailer/provisioning center	3 spaces per 1,000 sq. ft. of gross leasable space
Motel/hotel with lounge, restaurant, conference or banquet rooms or exhibit	1 space per guest room, plus 8 spaces per 1,000 square feet of lounge, restaurant, conference, or banquet rooms or exhibit space
Motel without restaurant/lounge; bed and breakfast inn	1 space per guest room, plus 2 spaces for employees
Other general retail uses not specified	3 spaces per 1,000 square feet gross leasable area

Planned commercial or shopping center or enclosed malls	1 for each 250 square feet of gross leasable floor area
Racquetball/tennis centers	1 space per 1,000 square feet gross floor area or 6 spaces per court, whichever is greater
Restaurant/bar/nightclub with liquor license and dancing	12 spaces per 1,000 square feet gross leasable floor area, plus 1 space for each employee per seat, plus 1 space for each employee, whichever is greater
Restaurant: sit-down type with or without drive through*	10 spaces per 1,000 square feet gross leasable floor area, plus 1 space for each employee, or 0.5 space per seat, plus 1 space for each employee, whichever is greater
Restaurant: take-out with seating for 25 or less patrons	6 spaces, plus 1 space for each employee on peak shift
Safety compliance facility	5 plus 1 space for every 1-1/2 employees in the largest working shift
Showroom of a plumber, decorator, or similar trade	1 space per 1,000 square feet gross leasable floor area
Supermarket	Four (3.5) spaces per 1,000 square feet gross leasable floor area
Swimming pool	1 space per each 3 persons of capacity authorized by the Village Building Code
Veterinary clinic or veterinary hospital	2 spaces per 1,000 square feet gross leasable floor area
Video arcade	1 spaces per 200 square feet leasable floor area with a minimum of 6 spaces
Video/audio rental/sales establishment	6 spaces per 1,000 square feet gross leasable floor area
Industrial	
Light industrial, manufacturing, testing labs, research and development centers	1.5 spaces per 1,000 square feet gross floor area, or 1.2 spaces per employee at peak shift, whichever is greater, plus 1 space for each corporate vehicle
Marihuana grower	1 per each 1,500 sq. ft. of gross floor area or 1 space per employee at peak shift, whichever is greater
Marihuana processor	1 per each 1,500 sq. ft. of gross floor area or 1 space per employee at peak shift, whichever is greater
Mini-storage, self-storage warehouse	4 spaces outside any fenced or secure area for office use
Secure transporter	
Warehousing	1 space per each 1,500 square feet gross floor area, or 1 space per employee at peak shift, whichever is greater, plus 1 space for each corporate vehicle (separate standard provided for mini-storage)
Institutional	
Auditoriums, assembly halls, and outdoor arenas	1 per space per each 3 seats or 6 feet of bleachers
Child care centers	2 spaces, plus 1 additional space per each 8 children of licensed authorized capacity
Churches, places of worship	1 space per each three seats or 6 feet of pews
Dance and union halls, fraternal orders, civic clubs, banquet rooms, and similar uses or facilities	1 space per every 2 persons of capacity authorized by the Village Building Code
Fraternity or sorority	1 for each 5 permitted active members, or 1 for each two beds, whichever is greater
Golf course driving range	1 space per every 2 tee boxes or tee areas
Golf course, open to the general public or country club, except miniature or par-3 courses	6 spaces for each 1 golf hole and one for each 1 employee, plus spaces required for each accessory use such as a restaurant or bar or banquet rooms
Golf courses, par-3 or miniature	3 spaces per each course hole

Hospitals, including emergency rooms, but excluding areas devoted to outpatient care	2.5 spaces per each licensed bed or 1 space per each two licensed beds, plus 1 space per each staff doctor and employee during peak shifts, whichever is greater (requirements for outpatient care listed separately)
Primary schools (elementary and junior high schools)	10 space per each instructor, plus 1 space per each employee and administrator, plus spaces required for any assembly hall, auditorium, and/or outdoor arena
Public libraries	1 for each 350 square feet of usable floor area
Public recreation centers	5 spaces per 1,000 square feet or gross floor area
Secondary (high) schools, commercial schools, colleges	1 per each instructor, plus 1 per each employee and administrator, plus 5 spaces per each classroom, plus parking required for any assembly hall, auditorium, or outdoor arena
Theaters	1 for each 3 seats, plus 1 for each 2 employees
Office	
Branch bank, credit union, or savings and loans*	1 space per 200 square feet gross floor area, plus 2 spaces per each 24-hour teller
General office building	3.5 spaces per 1,000 square feet gross floor area
Government office building/courthouse	3 spaces per 1,000 square feet gross floor area
Medical/dental clinic office	7 spaces per 1,000 square feet gross area
Residential	
Convalescent homes, nursing home units, sanitariums, rest homes, and the like	1 space per each 3 beds or 2 rooms, whichever is less, up to 120 beds, plus 3 spaces per each additional 8 beds over 120 beds
Manufactured homes in a mobile home park	2 spaces per each manufactured/mobile home unit or site
Multiple-family dwellings	1.5 spaces per each efficiency or 1-bedroom dwelling unit 2 spaces per each 2-bedroom unit and 3 spaces for each 3- or 4-bedroom unit
Senior independent units	1.5 spaces per unit
Senior interim care and intermediate care units, retirement villages, and the like	1 space per each room or 2 beds, whichever is less, plus 1 space per each employee expected during the peak shift
Single- and two-family dwellings	2 spaces per dwelling unit
Notes: * See § 157.147 for required stacking spaces	

(Ord. 259, passed 10-24-1995; Ord. 354, passed 12-15-2002; Ord. passed 2-1-2012; Ord. 457, passed 6-11-2019; Ord. 469, passed 2-8-2022)

§ 157.147 STACKING SPACE REQUIREMENTS.

(A) Separate, outdoor, stacking spaces which will not conflict with traffic accessing the use, and each 25 feet in length, shall be provided for the following uses.

Automatic or semi-automatic car wash	5 spaces per bay
Automobile repair station	1 space per bay
Automobile service station	2 spaces per pump island
Convenience store drive-through	2 spaces
Drive-through financial institution	4 spaces per window
Drive-through food service	10 spaces
Dry cleaning drop-off station	2 spaces
Self serve car wash	2 spaces per bay

(B) Stacking spaces shall not block access to parking spaces.

(Ord. 259, passed 10-24-1995; Ord. 354, passed 12-15-2002; Ord. passed 2-1-2012)

§ 157.148 BARRIER-FREE PARKING REQUIREMENTS.

(A) (1) Handicapped parking space(s) shall be located as close as possible to elevators, ramps, walkways, and entrances so that the physically handicapped are not compelled to wheel or walk behind parked cars to reach them.

(2) Access from the parking lot to the principal use and all accessory uses shall be by means of ramping consisting of asphalt and/or concrete material constructed to the engineering specifications and standards of the village.

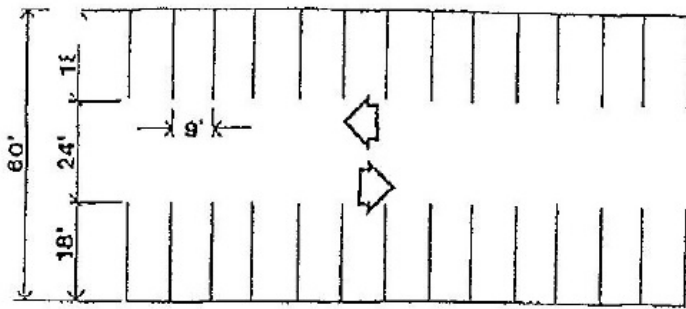
(B) (1) (a) On each site proposed for use, additions, and/or redevelopment for which the zoning ordinance requires submission of a site plan, designated handicapped parking spaces shall be provided in accordance with the table in division (B)(12) below.

(b) The number of barrier free spaces may be increased if needed to comply with the State Department of Labor, Construction Code Commission, Barrier Free Design Division, or the Americans with Disabilities Act, being 42 U.S.C. §§ 12101 et seq., or for which the Planning Commission and/or Zoning Commission, as required, determines may have a higher demand for such spaces.

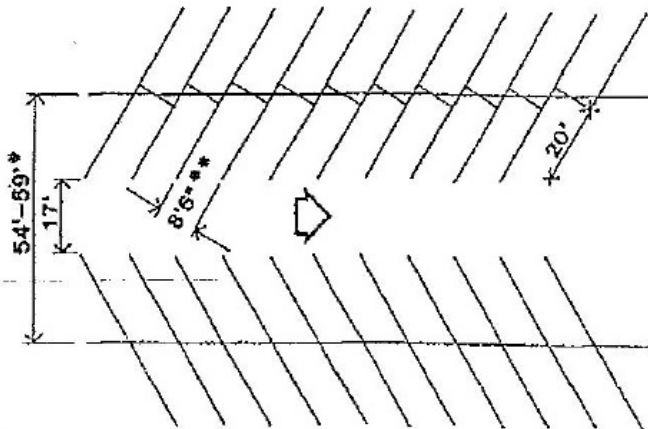
(2) (a) Such space(s) shall be a minimum of eight feet wide with an adjacent five-foot wide access isle and 20 feet in depth, clearly depicted upon the site plan, and clearly indicated by a sign and/or pavement markings.

(b) A 16-foot wide space for vans is also required at a rate of one for every eight barrier-free parking spaces installed.

Total Spaces	Number Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total parking spaces



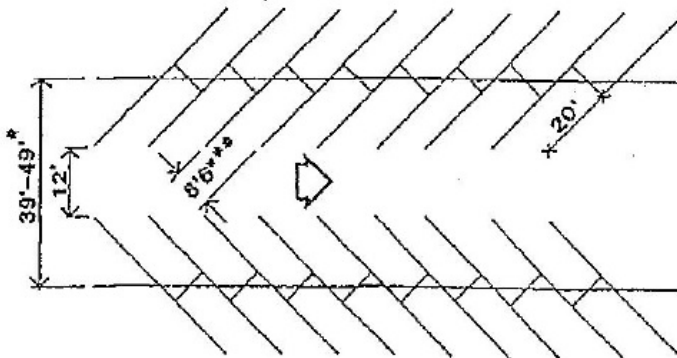
75 to 90
degrees



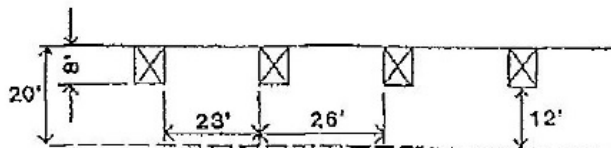
54 to 74
degrees

*Overlapping dimension (including herringbone pattern)

** Nine feet required when use involves significant loading and unloading or use of shopping carts, as determined by the Planning Commission.



30 to 53
degrees



Parallel

Parking Layouts

(B) Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four feet shall be provided for wheelchair access.

(Ord. 259, passed 10-24-1995; Ord. 354, passed 12-15-2002; Ord. passed 2-1-2012)

§ 157.149 OFF-STREET PARKING SPACE LAYOUTS, STANDARDS, CONSTRUCTION, AND MAINTENANCE.

Whenever the off-street parking requirements found in this subchapter require the building of an off-street parking facility, or where P-1 Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations.

(A) No parking lot shall be constructed until a permit is issued by the Zoning Official. Applications for a permit shall be submitted in a form specified by the Zoning Official. Applications shall be accompanied with two sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

(B) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements.

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0 (parallel parking)	12 feet	8 feet	23 feet
30 to 53	12 feet	8 feet 6 inches	20 feet
54 to 74	15 feet	8 feet 6 inches	20 feet
75 to 90	24 feet	9 feet	18 feet

Note:
Where a parking space is curbed, the vehicle overhang of the curb maybe credited as 2 feet if abutting landscaping or abutting a sidewalk at least 7 feet wide

(C) (1) All spaces shall be provided adequate access by means of maneuvering lanes.

(2) Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.

(D) (1) Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. All driveways and parking lots shall have a concrete or asphalt surface in accordance with specifications of the village. The parking area shall be surfaced within one year of the date the occupancy permit is issued.

(2) Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

(E) All maneuvering lane widths shall permit one-way traffic movement, except that the 90 pattern may permit two-way movement.

(F) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any Single-Family Residential District.

(G) See §§ 157.165 through 157.176, "Landscaping Standards", and § 157.170 for required parking lot screening walls and internal landscaping.

(H) Off-street parking areas shall be drained away from buildings and adjacent property.

(I) All lighting used to illuminate any off-street parking area shall be installed to be shielded within and directed onto the parking area only. All parking lot or display lighting shall be designed, located, and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways. (See § 157.043, "exterior lighting".)

(J) Cement curbing shall be provided where maneuvering lanes or parking spaces abut landscaping, property lines, sidewalks or required setback areas. Asphalt curbing is prohibited. (See § 157.170, "parking lot landscaping").

(Ord. 259, passed 10-24-1995; Ord. 354, passed 12-15-2002; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.150 OFF-STREET LOADING AND UNLOADING.

On-premises space for standing, loading, and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.

(A) All spaces shall be provided as required in § 157.009.

(B) Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping as described in §§ 157.165 through 157.167, "Landscaping Standards".

(C) All required loading and unloading spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable, and dustless surface.

(D) All loading and unloading in an I District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least 50 feet. Required loading areas shall not be included in calculations for off-street parking space requirements.

(E) The minimum number of loading spaces provided shall be in accordance with the following table.

(1) *Industrial uses.*

Up to 1,400 square feet GFA	0
1,401 to 20,000 square feet GFA	1 space
20,001 to 100,000 square feet GFA	1 space, plus 1 space per each 20,000 square feet GFA in excess of 20,000 square feet
100,001 square feet	5 spaces

(2) *Institutional, commercial, and office uses.*

Up to 5,000 square feet GFA	1 space
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5,001 to 60,000 square feet GFA	1 space, plus 1 space per each 20,000 square feet GFA
60,001 square feet GFA and over	4 spaces, plus 1 space for each additional 60,000 GFA

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.151 PARKING AND STORAGE OF RECREATIONAL VEHICLES.

The off-street parking and/or storage of any recreational vehicle on any residential property shall be subject to the following conditions.

(A) Except as provided in division (B) below, all recreational vehicles shall be parked and/or stored:

(1) In the rear yard or interior side yard of a property; and

(2) In a front yard if the recreational vehicle is setback from the front property line by at least the required building setback for zoning district, and is completely obscured from view at the street by landscaping materials.

(B) On a residential property with lake frontage, recreational vehicles may also be parked and/or stored in the yard between the house and the street on a hard surface such as concrete or asphalt. No landscape screening shall be required for lake front properties.

(C) Recreational vehicles parked and/or stored on a property shall be subject to the height provisions of §157.045, accessory buildings.

(D) Recreational vehicles may also be parked and/or stored in a garage.

(E) Recreational vehicles may be parked anywhere on a residential property not to exceed 48 hours for unloading and loading purposes.

(F) At no time shall any recreational vehicle be parked and/or stored on a residential lot that has no principal building; provided, however, that this division (F) shall not apply if:

(1) Said lot is adjacent to a lot on which there is an occupied residence;

(2) Both lots are under common ownership; and

(3) The recreational vehicle parked and/or stored on the vacant lot is owned by and licensed and/or registered to the occupant of the residence on said adjacent lot.

(G) Recreational vehicles parked and/or stored on a residential premises shall be kept in good repair and carry a current license plate and/or registration.

(H) At no time shall any recreational vehicle be used for living or housekeeping purposes, nor shall it be connected to water or sanitary sewer facilities.

(I) The parking and/or storage of recreational vehicles on any residential property shall be limited to only vehicle owned by and licensed and/or registered to the occupant of the dwelling on the residential lot on which the vehicle is stored.

(J) In the case of a multiple-family dwelling, a complex of multiple-family dwellings or a manufactured home park, the village may require a screened area, in addition to off-street parking-spaces be provided on the site for the parking and storage of recreational vehicles.

(Ord. 259, passed 10-24-1995; Ord. 347, passed 1-27-2002; Ord. passed 2-1-2012) Penalty, see § 157.999

LANDSCAPING STANDARDS

§ 157.165 INTENT.

(A) The intent of this subchapter is to establish minimum standards for the design, installation, and maintenance of landscaping along public streets as buffer areas between uses on the interior of a site, within parking lots and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character in the village. The standards of this subchapter are also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of stormwater runoff and salt spray.

(B) The landscape standards of this section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance, and value of their property.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.166 REQUIREMENTS AND TIMING OF LANDSCAPE.

(A) *Plan required.* Landscaping shall be included with any site plan or plot plan application reviewed by the village. A separate landscape plan shall be submitted at a minimum scale of one inch equals 40 feet. The landscape plan shall clearly describe the location, type, size, and spacing of all plant materials. It shall also include planting details and specifications clearly describing planting technique, material installation, planting mixtures, mulch, material depth, seed blends, and other necessary information.

(B) *Installation and inspection.*

(1) Wherever this chapter requires landscaping or plant materials, it shall be planted within six months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Administrative Official may require a performance guarantee to cover the cost of landscaping prior to issuing a certificate of occupancy.

(2) (a) Landscaping shall be installed in a sound manner according to generally accepted planting procedures with the quality of plant materials as hereinafter described.

(b) Landscaped areas shall be protected from vehicular encroachment by use of curbing.

(c) Landscaped areas shall be elevated above the pavement to a minimum height of eight inches to protect plant materials from snow removal operations, salt, and other hazards.

(d) If building or paving construction is completed in an off-planting season, a temporary certificate of occupancy may be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

(3) An inspection of plant materials will be conducted by the Administrative Official within three months of written notification of installation to release the performance guarantee.

(C) *Plant material standards.*

(1) It is the intent of this subchapter that an interesting and thoughtful mixture of plantings shall be provided. Therefore, all required landscaping shall comply with the following minimum plant material standards, unless otherwise specified within this subchapter.

(2) These standards may be varied by the Planning Commission and/or Zoning Commission, as required, when these established minimums will not serve the purpose and intent of this subchapter.

(1) *Plant quality.* Plant materials permitted in required landscaped areas shall be nursery grown, hardy to the climate of southeast Michigan, long lived, resistant to disease and insect attack, and shall have orderly growth characteristics.

(2) *Plant size specifications.*

(a) *Trees.* Required trees shall be of the following sizes at the time of planting, unless otherwise stated in this subchapter.

1. *Deciduous trees.* Two and one-half-inch caliper minimum trunk measurement at four feet off the ground, with a minimum eight feet in height above grade when planted.

2. *Evergreen trees.* Eight feet in height, with a minimum spread of three feet and the size of the burlapped root ball shall be at least ten times the caliper of the tree measured six inches above grade.

3. *Deciduous ornamental trees.* One-inch caliper minimum at three feet off the ground, with a minimum height of six feet above grade when planted.

(b) *Shrubs.* Minimum 24 inches in height above planting grade;

(c) *Hedges.* Planted in such a manner as to form a continuous unbroken visual screen within two years after planting;

(d) *Vines.* Minimum of 30 inches in length after one growing season;

(e) *Ground cover.* Planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season;

(f) *Grass.*

1. Planted in species normally grown as permanent lawns in the county.

2. Grass may be plugged, sprigged, seeded, or sodded, except that rolled sod, erosion reducing net, or suitable mulch shall be used in swales or other areas subject to erosion.

3. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and disease; and

(g) *Mulch material.* Minimum of six inches deep for planted trees, shrubs, and vines, and shall be installed in a manner as to present a finished appearance.

(3) *Approved plant species.* Unless otherwise provided herein, or specifically permitted by the Planning Commission and/or Zoning Commission, as required, all required plant materials shall be of the following species:

(a) *Deciduous trees.* Hard Maple, Oak, Beech, Ash, Ginko, Bradford Pear, or Linden, Honey Locusts;

(b) *Evergreen trees.* Fir, Spruce, Pine, or Hemlock;

(c) *Deciduous ornamental trees.* Amur Maple, Dogwood, Redbud, Magnolia, Hicks Yew, Pfitzer Juniper, Ornamental Cherry, or Viburnum, Flowering Crabapple;

(d) *Shrubs.* Honeysuckle, Lilac, Cotoneaster, Forsythia, Euonymus, Hydrangea, Privet, Alpine Currant, Barberry, Flowering Quince, Spreading Yews, Juniper, Burning Bush, Spiraea, or Mugo Pine, Bayberry; and

(e) *Ground cover.* Pachysandra, Spreading Juniper, Wintercreeper, Periwinkle, or English Ivy.

(4) *Prohibited plant materials.* The following plant materials shall not be used for landscaping purposes under any circumstances because of susceptibility to storm damage, disease, or other undesirable characteristics: Box Elder; Silver Maples; American Elm; Horse Chestnut; Poplar; Aspen; Ailanthus; Catalpa; or European Barberry.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.167 SPECIAL PROVISIONS FOR EXISTING SITES.

(A) (1) Special provision is made for applying these standards to developed sites which existed prior to the village adopting landscaping requirements.

(2) Therefore, when an existing site is undergoing improvement, a change in use or expansion, the objective of these standards is to gradually bring the existing site into compliance with the minimum standards of this subchapter in relation to the extent of expansion or change on a site.

(B) When reviewing plans for a change in use or expansion which requires site plan review, the Administrative Official or body reviewing the plan shall require an upgrade in landscaping, using the following as guidelines.

(1) Each building expansion of 1% of gross floor area should include at least 2% of the landscaping required for new developments, or a minimum of 30% of the landscaping required for new developments, whichever is greater.

(2) (a) Landscaping along the street and as a buffer between adjacent land uses should take priority over parking lot and site landscaping.

(b) Where parking lot landscaping can not be provided, additional landscaping along the street or in the buffer areas should be considered.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.168 REQUIRED LANDSCAPING ALONG PUBLIC STREETS.

One of the following street landscaping options is required on land abutting village street rights-of-way or where otherwise referenced.

(A) *Greenbelt.* A greenbelt meeting the following standards:

(1) Minimum width of ten feet. The Planning Commission and/or Zoning Commission, as required, may permit the width of the greenbelt to be reduced in cases where existing conditions do not permit a ten-foot width and in the Central Business District where it is desirable to maintain a shallow front setback in keeping with the character of the Central Business District. In such cases, the greenbelt requirement may be met through the provision of street trees within the four-foot street furniture zone at the curb, or the provision of landscaping as required below;

(2) At least one deciduous tree (minimum two and one-half-inch caliper) and four minimum 24-inch high shrubs per each 40 lineal feet of street frontage. Location of the trees and shrubbery is discretionary (refer to § 157.173). In the Central Business District, additional canopy trees may be provided in lieu of the requirement for shrubs at the rate of one additional canopy tree for every four required shrubs;

(3) The greenbelt area shall contain grass, vegetation ground cover, six-inch shredded bark mulch, or six-inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds; and

(4) Where headlights from parked vehicles will shine into the roadway, the Planning Commission and/or Zoning Commission, as required, may require use of a totally obscuring hedge with a minimum height of 24 inches and a maximum height of 36 inches.

(B) *Berms.* A combination of a raised earth berm and plantings meeting the following standards:

(1) Minimum height of two feet with a crest at least three feet in width. The height of the berm may meander if the intent of this subchapter is met and an appropriate screen is provided;

(2) The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one foot of vertical rise to three feet of horizontal distance (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other means acceptable to the Administrative Official;

(3) At least one deciduous tree (minimum two and a one-half inch caliper) shall be provided for each 30 feet of lineal street berm length;

(4) At least one minimum 24-inch high shrub shall be provided for each 100 square feet of berm surface area (calculated from a plan view);

(5) Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected, until the seed germinates and a permanent lawn is established by a straw mulch, hydro-mulching of netting specifically designed to control erosion; and

(6) The base of any signs placed within the berm shall be at, or below, the average grade along the berm.

(C) *Buffer strip.*

(1) A buffer strip may be required, particularly where the adjacent uses and those across the street are residential in character or less intense than the use of the subject site. The intent of the buffer strip is to have a minimum five-foot high obscuring area alongside or rear lot lines, and an appropriate landscaped strip along front lot lines.

(2) A buffer strip shall meet the following requirements:

(a) Minimum width of ten feet;

(b) All trees shall be evergreens a minimum eight feet high at planting;

(c) The buffer planting area shall contain grass, vegetation ground cover, six-inch shredded bark mulch, or six-inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds; and

(d) The following species and planting spacings are recommended.

Common Name	Scientific Name	Feet on Center
Common Name	Scientific Name	Feet on Center
"Burki" Red Cedar	Juniperus in Virginia "B"	4
Canadian Hemlock	Tsuga Canadensis	12
Dark Green	Thuja Nigra	3
Irish Juniper	Juniperus Communis	3
Ketleeri Juniper	Juniperus Chinensis "Ketleeri"	5

Mugo Pine	Pinus Mugo	5
Serbian Spruce	Picea Omoriac	10
White Fir	Abies Concolor	10
White Pine	Pinus Strobos	10

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.169 INTERIOR LANDSCAPING.

(A) For every new development, except in the R1A and R1B Single-Family Districts, and the MHP-Mobile Home Park District, there shall be interior landscaping areas exclusive of any other required landscaping consisting of at least 10% of the total lot area.

(B) This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas. All interior landscaping shall conform to the following.

- (1) One deciduous (minimum two and one-half- inch caliper) or ornamental tree (minimum two-inch caliper) or evergreen tree (minimum five-foot height) shall be provided for every 400 square feet of required interior landscaping area.
- (2) One 24-inch high shrub shall be provided for every 250 square feet of required interior landscaping area.
- (3) The interior landscaping area shall contain grass, vegetation ground cover, six-inch shredded bark mulch, or six-inch deep crushed stone on a weed barrier, excluding marble chips or lava rock, and curbed or edged as necessary. Steel, aluminum, or black plastic edging shall be used for any planting beds.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.170 PARKING LOT LANDSCAPING.

(A) Within every parking area containing ten or more proposed spaces, at least one deciduous tree (two and one-half-inch minimum caliper) and ornamental tree (minimum two-inch caliper if tree form, six foot minimum height if clump form) with at least 100 square feet of planting area shall be used for every ten parking spaces, in addition to any other landscaping requirements.

(B) This landscaping shall meet the following standards.

- (1) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.
- (2) Landscaping shall be planned and installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants, nor interfere with adequate motorist sight distance.
- (3) All landscaped areas, when adjacent to streets, driveway aisles, or parking areas, shall be curbed. Dimensions of separate landscaped areas within the interior of or adjacent to parking areas shall be shown on the site plan. Minimum width of such areas shall be ten feet; minimum radii shall be ten feet at ends facing main aisles and a minimum one foot for radii not adjacent to main circulation aisles. The length of these areas shall be two feet shorter than adjacent parking space to improve maneuvering. A parking space overhang of two feet may be used to widen a landscaped area and reduce the length of a parking space by two feet less than required by the zoning ordinance.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.171 WASTE RECEPTACLE AND MECHANICAL EQUIPMENT SCREENING.

Waste receptacles shall be located and screened in accordance with the standards of §157.036, "waste receptacles". Ground-mounted mechanical equipment shall be screened with plant materials or a wall, when deemed necessary by the Planning Commission and/or Zoning Commission, as required.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.172 PLANT MATERIALS AND MINIMUM SPACING.

(A) All plant material shall be hardy to the area, free of disease and insects, and conform to the *American Standards for Nursery Stock* of the American Association of Nurserymen. The overall landscape plan shall not contain more than 33% of any one plant species.

(B) The use of trees native to the area and southeast Michigan, and mixture of trees from the same species association, is encouraged.

- (1) *Trees and shrubs for parking areas (or comparable species).*
 - (a) London Plane;
 - (b) Tree Snowdrift Crabapple;
 - (c) Sweetgum;
 - (d) Marshal Seedless Green Ash;
 - (e) Linden Tree;
 - (f) Junipers (Spreading);
 - (g) Hawthorns;
 - (h) Spiraea;
 - (i) Dwarf Callery Pear; and

(j) Honey Locust.

(2) *Trees and shrubs for greenbelt and interior landscape areas (or comparable species).*

(a) Amur Maple;

(b) Sweetgum;

(c) Goldenrain Tree;

(d) Viburnum;

(e) London Plane Tree;

(f) Scarlet Oak;

(g) Hawthorns;

(h) Pin Oak;

(i) European Linden;

(j) White Ash (seedless);

(k) Sugar Maple;

(l) Little Leaf Linden;

(m) Honeylocust (thornless);

(n) Zelkova;

(o) Dense Yew;

(p) Pine Border Privet;

(q) Red Maple;

(r) Hicks Yew;

(s) Junipers;

(t) Gingko;

(u) Mugo Pine;

(v) Serbian Spruce;

(w) Mockorange;

(x) Euonymus;

(y) Cottoneaster;

(z) Snowdrift Crabapple;

(aa) Hedge Maple;

(bb) Dwarf Callery Pear (Bradford); and

(cc) European Hornbeam.

(3) *Salt-resistant trees and shrubs (or comparable species).*

(a) Pinus Nigra;

(b) Sweetgum;

(c) Tamarix;

(d) Black Locust;

(e) Juniper (all species);

(f) Bayberry; and

(g) Honey Locust.

(4) *Trees and shrubs for shady areas (or comparable species).*

(a) Euonymus;

(b) Honey Locust;

(c) Arborvitea (all species);

(d) Mabonia Aquifolium;

(e) Alpine Currant;

(f) Dogwoods;

(g) Amelanchier;

- (h) Mountain Laurel;
- (i) Viburnums; and
- (j) Cottoneasters.

(5) *Trees not permitted.* Except where they are considered appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed buildings or structures.

- (a) Box Elder;
- (b) Soft Maples (Silver);
- (c) Elms;
- (d) Poplars;
- (e) Willows;
- (f) Horse Chestnut (nut bearing);
- (g) Tree of Heaven;
- (h) Catalpa;
- (i) Buckthorn; and
- (j) European Alder.

(6) *Plant material spacing.*

- (a) Plant materials shall not be placed closer than four feet from the fence line or property line.
- (b) Plant materials used together in informal groupings shall meet the following on-center spacing requirements.

Evergreen	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees	Large Shrubs	Small Shrubs
Min. 10 feet Max. 20 feet	Min. 12 feet	Min. 20 feet	Min. 12 feet	Min. 6 feet	Min. 5 feet
Min. 20 feet	Min. 15 feet	Min. 20 feet Max. 30 feet	Min. 15 feet	Min. 5 feet	Min. 3 feet.
Min. 6 feet	Min. 5 feet	Min. 5 feet	Min. 6 feet	Min. 4 feet Max. 6 feet	Min. 5 feet
Min. 12 feet	Min. 5 feet Max. 10 feet	Min. 15 feet	Min. 10 feet	Min. 5 feet	Min. 4 feet
Min. 12 feet	Min. 10 feet	Min. 15 feet	Min. 8 feet Max. 15 feet	Min. 6 feet	Min. 3 feet
Min. 5 feet	Min. 4 feet	Min. 3 feet	Min. 3 feet	Min. 5 feet	Min. 3 feet Max. 4 feet

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.173 GENERAL LAYOUT AND DESIGN STANDARDS.

(A) Landscaped areas and plant materials required by this chapter 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. If any plant material required by this chapter dies or becomes diseased, they shall be replaced within 30 days of written notice from the village or within an extended time period as specified in said notice.

(B) Tree stakes, guy wires, and tree map are to be removed after one year.

(C) All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one outlet located within 100 feet of all planted material to be maintained. Frontage landscaping, boulevard medians, interior parking lot landscaped areas, and other curbed landscaped areas shall be irrigated via an underground sprinkler system.

(D) Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants and shall not interfere with or obstruct the view of public view sheds and sight lines from rights-of-way and public property to streams, lakes, and other waterways, (see also § 157.049, "clear-vision zone").

(E) Cul-de-sacs, site entrances, and boulevard medians shall be landscaped with species tolerant of roadside conditions in southeast Michigan.

(F) Landscape within the site shall be approved in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance-performance guarantee, curbing around landscape areas.

(G) Plantings within 15 feet of a fire hydrant shall be no taller than six inches at maturity.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.174 INCENTIVES TO PRESERVE EXISTING TREES.

(A) The village encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping, and within parking lots. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line. Tree species, location, and caliper must be shown on the landscape plan. Tree protection measures must be shown and noted on the landscape plan. To obtain credit, the preserved trees shall be of a high quality and at least two and one-half caliper. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the Planning Commission and/or Zoning Commission, as required. Trees over 12 inches in caliper to be removed shall be noted on the landscape plan.

(B) (1) The credit for preserved trees shall be as follows. Any preserved trees receiving credit which are lost within two years after construction shall be replaced by the land owner with trees otherwise required.

Caliper of Preserved Tree (In Inches)	Numbers of Trees Credit
2.5 to 8	1
8 to 12	2
Over 12	3
Note: Caliper measurement for existing trees is the diameter at a height of four and one-half feet above the natural grade. (Diameter at Breast Height, D.B.H.)	

(2) The following trees are not eligible for preservation credits:

- (a) Box Elder;
- (b) Apple;
- (c) Willows;
- (d) Hawthorn;
- (e) Poplars;
- (f) Malus (all species);
- (g) Hackberry;
- (h) Silver Maple;
- (i) Locust (all species);
- (j) Autumn Olive;
- (k) Scotch Pine;
- (l) Buckthorn;
- (m) Red Pine;
- (n) European Alder;
- (o) Norway Maple; and
- (p) Siberian Elm.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.175 WALLS AND BUFFER STRIPS BETWEEN LAND USES.

In those instances where the following conditions occur, the need for the wall or berm or similar type of landscaped buffer strip shall be determined by the Planning Commission and/or Zoning Commission, as required, or the Administrative Official, as appropriate.

(A) For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below (except as otherwise required).

Use	Requirements
Use	Requirements
Auto wash, drive-in restaurants	6-foot-high wall
C, CBD, and O Districts and commercial or offices uses in an NOC District	5-foot-high wall
Hospital, ambulance and delivery areas	6-foot-high wall
M Districts, open storage areas, loading or unloading areas, service areas	5-foot to 8-foot-high wall or fence, plus buffer
Off-street parking area (other than P-1 Districts)	5-foot-high wall
P-1 vehicular parking district	5-foot-high wall
Utility buildings, stations, and or sub-stations	6-foot-high wall

(B) Required walls shall be located on the lot line, except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts where there is an established wall height and material acceptable to the village, the wall shall be continued on the subject site.

(C) (1) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and, except such openings as may be approved by the Administrative Official. All walls herein required shall be constructed of materials approved by the Administrative Official to be durable, weather-resistant, rust-proof, and easily maintained; and wood or wood products shall be specifically excluded. Materials shall be compatible with surrounding building materials, including, but not limited to, brick or stone.

(2) Masonry walls may be constructed with openings which do not in any square section (height and width) exceed 20% of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Administrative Official.

(D) The village may approve a three to four-foot high heavily landscaped berm (as determined by the Planning Commission and/or Zoning Commission, as required) as an alternative to a wall upon finding the landscaped berm will provide a similar screening effect.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.176 WAIVER OR MODIFICATION OF STANDARDS FOR SPECIAL SITUATIONS.

The Planning Commission and/or Zoning Commission, as required, may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening, in making such a determination to waive or reduce the landscape and screening requirements of this subchapter, the following may be considered:

- (A) Extent that existing natural vegetation provides desired screening;
- (B) There is a steep change in topography which would limit the benefits of required landscaping;
- (C) The presence of existing wetlands;
- (D) Existing and proposed building placement;
- (E) The abutting or adjacent land is developed or planned by the village for a use other than residential;
- (F) Building heights and views;
- (G) The adjacent residential district is over 200 feet away from the subject site; and
- (H) Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

SITE PLAN REVIEW AND APPROVAL

§ 157.190 INTENT.

(A) The purpose of site plan review is to ensure that each proposed development and its components, appearance, and function are in compliance with this chapter, other village; ordinances, and state and federal laws. These purposes apply to development of previously improved sites; to the redevelopment, expansion, contraction, or alteration of existing sites; and to the alteration or replacement of existing uses.

(B) 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; prevention of air, water, and noise pollution; provision of screening and shade; and limitation of obnoxious odors, glare, and exposure to dangerous or toxic substances and wastes. The site plan review procedures and standards in this section are intended to provide a consistent and uniform method of review of proposed development plans.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.191 SITE PLAN AND APPROVAL BY PLANNING COMMISSION AND/OR ZONING COMMISSION REQUIRED.

Submission of a site plan and approval by the Planning Commission and/or Zoning Commission, as required, shall be required for any of the following.

- (A) Any development or use for which submission of a site plan is required by provisions of this chapter;
- (B) Except as otherwise provided in § 157.192, any proposal to construct, move, relocate, convert, or structurally alter a nonresidential building, or an addition to a nonresidential building, including nonresidential accessory buildings, that affects a gross building area greater than 500 square feet. A structural alteration shall be defined as one that changes the location of the exterior walls and/or increases the area of the building;
- (C) Any multiple-family residential development;
- (D) Any condominium development;
- (E) Any proposal to fill, excavate, or grade land which causes more than a cumulative 100 cubic yards of earth to be disturbed within a six-month period; and
- (F) Any proposal to create, expand, or alter a use or structure which involves using, storing, or generating hazardous substances.

(Ord. 259, passed 10-24-1995; Ord. 280, passed 8-26-1997; Ord. 338, passed 4-15-2001; Ord. passed 2-1-2012)

§ 157.192 SITE PLAN NOT REQUIRED.

Submission of a site plan shall not be required for:

(A) Any proposal to reconstruct, move, relocate, convert, or structurally alter a single-family or two-family detached house in a residential district; or

(B) Any proposal to construct a portion of a nonresidential building, including nonresidential accessory buildings damaged by casualty where such reconstruction will not expand, add to, or otherwise modify the building as it existed prior to the casualty loss. All construction shall conform to § 157.198.

(Ord. 259, passed 10-24-1995; Ord. 280, passed 8-26-1997; Ord. 338, passed 4-15-2001; Ord. passed 2-1-2012)

§ 157.193 APPLICATION INFORMATION.

(A) Application for a zoning compliance permit requiring site plan review and approval shall be made to the village on such forms and in such number as required by the village by administrative directive. No application shall be accepted without the appropriate fee as established by Council.

(B) Those site plans requiring a public hearing prior to review and any subsequent action shall be submitted to the Zoning Official no later than 20 days prior to the regularly scheduled meeting of the Planning Commission and/or Zoning Commission, as required, at which the plan will be first considered. All other site plans shall be submitted to the Zoning Official no later than 15 days before the regularly scheduled meeting of the Planning Commission and/or Zoning Commission, as required, at which it will be first considered.

(C) (1) The Zoning Official shall examine the application to determine that it contains all the necessary information. If found substantially incomplete, the Zoning Official shall return the application and all supporting material to the applicant along with 80% of the fee submitted with the application. Otherwise, the application and supporting documentation will be forwarded for review by the Village Planner.

(2) Each application shall be supported by the following information:

(a) The applicant's name, address, and telephone number;

(b) The address and legal description of the site;

(c) A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf;

(d) The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s);

(e) Project title;

(f) Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, and other pertinent information;

(g) The gross and net acreage of all lots or parcels in the project;

(h) Existing zoning classification, land uses, and structures on the subject lot and all lots within 100 feet;

(i) Name and address of developer (if different from the applicant), engineer, architect, and/or land surveyor;

(j) Project completion schedule/development phases; and

(k) Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing-utilities) and on the natural environment of the site and adjoining lands.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.194 SITE PLAN INFORMATION.

(A) Each submittal for site plan review shall be accompanied by a detailed site plan which shall consist of an accurate drawing, showing the entire site and all land within 100 feet of the site. The scale of the site plan shall be not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more. If multiple sheets are used, each shall be labeled and the preparer identified. If there is an accurate site plan for the lot filed with the village within the previous 180 days, the Zoning Official may waive the requirement for a site plan.

(B) The following information shall be shown on the detailed site plan:

(1) Name of development and general location sketch;

(2) Name, address, and phone number of owner(s), developer, and designer;

(3) North arrow, scale, and date of original drawing and each revision;

(4) The seal of one of the following professionals registered in the state: registered architect; registered civil engineer; registered landscape architect; registered land surveyor; or registered professional community planner on the site plan;

(5) A legal description and address of the property in question;

(6) The area of the site in square feet and acres, excluding all existing and proposed public rights-of-way;

(7) The dimensions of all lots and subject properties, showing the relationship of the subject property to abutting properties, including lots across rights-of-way and easements. The boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is a part of a larger parcel, boundaries of total land holding shall be indicated;

(8) Existing topographic elevations at two-foot intervals, including ground elevations of all existing buildings, drives and/or parking lots, and any adjacent unusual surface conditions. Indicate direction of drainage flow;

(9) The location and elevations of existing watercourses and water bodies, including county drains and human-made surface

drainage ways, floodplains, and wetlands;

(10) Location and type of significant existing vegetation, including location of all existing trees over eight inches in diameter, stands rather than individual trees may be indicated;

(11) Any significant site amenities and unique features;

(12) Existing land uses and zoning classification of the subject parcels and adjacent parcels;

(13) All required minimum setbacks from the existing or proposed right-of-way and from adjacent lots;

(14) The location and dimensions (length, width, height) of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property;

(15) The location and width of all existing public roads, rights-of-way, or private easements of record, abutting streets, alleys, and driveway locations to abutting streets;

(16) With residential proposals, a site summary indicating the number and location of one bedroom units, two-bedroom units, and the like; typical floor plans with the square feet on floor areas; density computation, recreation facilities, open spaces, street names, and lot coverage;

(17) With nonresidential proposals, the number of offices, number of employees, the number of floors, and typical floor plans and cross sections;

(18) Proposed parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed per ordinance requirements), and type of surfacing;

(19) Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration, and passing lanes (if any) serving the development;

(20) Proposed traffic and pedestrian circulation patterns, both within the site and on public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks. Designate loading and unloading areas, barrier free access, any fire lanes, and carports;

(21) All proposed screening and freestanding architectural walls, including typical cross-sections and the height above ground on both sides;

(22) The dimensions and location of all signs, both wall signs and free-standing signs and of lighting structures and shielding;

(23) Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities, if required by the standards of this chapter;

(24) Location and specifications for any existing or proposed outdoor or below ground storage facilities as well as any screening or containment structures or clear zones required by government authorities;

(25) Notation of any variances which have been or must be secured;

(26) Notation of performance guarantees to be provided including amounts, types, and terms;

(27) Statement that applicant will comply with state, local, and federal laws, as applicable to the site or intended use;

(28) 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, impact on historical or cultural resources, displacement of people or other uses as a result of the proposed development, alterations of the character of the surrounding area, effect on the village's tax base, and adjacent property values;

(29) Other data which the village may reasonably deem necessary for adequate review;

(30) The site plan shall indicate size, location, and description of any proposed interior or exterior areas or structures for storing, using, loading, or unloading of hazardous substances. A listing of types and quantities of hazardous substances which will be used or stored on-site in quantities of hazardous substances which will be used or stored on-site in quantities greater than 100 kilograms or 25 gallons per month;

(31) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of the cleanup;

(32) For developments that are of a scale to warrant phased development, the phasing of construction shall be indicated;

(33) Proposed finish grade of buildings, driveways, walkways, and parking lots;

(34) Proposed type of building materials, roof design, projections, canopies, and overhangs, roof-located mechanical equipment, such as: air conditioning, heating units, and transformers that will be visible from the exterior. 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 licensed builder or contractor;

(35) 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.

(36) 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;

(37) Proposed stormwater management plan, including design of sewers, outlets (enclosed or open ditches), and retention or detention ponds. Sufficient data regarding site run-off estimates and off-site drainage patterns shall be provided to permit review of feasibility and permanency of drainage detention and/or retention as well as the impact on local surface and groundwater. The plan shall indicate location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes should be specified on the site plan;

(38) Locations of existing and proposed fire hydrants with reasonable access thereto for firefighting, police and other emergency equipment;

(39) Location of all other utilities on the site, including, but not limited to, natural gas, electric, cable television, and telephone;

(40) Soil erosion and sedimentation control measures;

(41) Detailed landscaping plan, indicating location, quantity, types, and sizes of material. A landscaping maintenance plan and schedule for pruning, mowing, watering, fertilizing, irrigating, and replacement of dead and diseased materials shall be provided. Also, cross-sections of any berms shall be provided; and

(42) Easements for proposed public rights-of-way, utilities, access, shared access, and drainage; and

(43) The information listed in divisions (B)(34) through this division (B)(43) may be required by the Zoning Official to be submitted with the site plan prior to Planning Commission and/or Zoning Commission, as required, review, or submitted prior to final site plan approval and/or required as a condition of final site plan approval.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.195 PRE-APPLICATION CONFERENCE.

(A) A pre-application conference may take place to review a generalized site plan presented by a prospective applicant for consideration of the overall idea of the development. The purpose of the conference is to discuss basic questions regarding use, density, integration with existing development in the area, and impacts on and the availability of public infrastructure. Also, the applicant may be presented with the applicable procedures required by the ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance.

(B) The conference may be scheduled by a prospective applicant with the Zoning Official and such other village representatives, as appropriate.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.196 SITE PLAN REVIEW.

Site plans shall be reviewed in accordance with the following procedures.

(A) *Department review.* The Zoning Official shall secure comments from all relevant Village Departments and the Village Engineer and Planner, and forward all comments to the Planning Commission and/or Zoning Commission, as required, for its review. The Planning Commission shall review the plans and may solicit further comments from the Engineer, Planning Consultant, and other agencies, groups, or persons, as appropriate.

(B) *Preliminary site plan review.*

(1) An applicant may request a preliminary site plan review by the Planning Commission and/or Zoning Commission, as required, prior to the submittal of a complete site plan review application. The purpose of the preliminary review is to allow the applicant to receive comment and concerns from the Planning Commissioners and/or Zoning Commissioners, as required, in regards to potential locations of buildings, egress and ingress, compatibility of the architecture as it relates to the historic nature of the village, and to indicate any other possible concerns of the Planning Commission and/or Zoning Commission, as required, that would be necessary to meet this chapter's and/or site plan approval.

(2) Generally, the preliminary review submittal should include the building(s) footprint, general parking layout, location of ingress and egress, existing and proposed grades, proposed landscaping, building elevations, and other items pertinent to the site plan. The comments and concerns expressed by the Planning Commission and/or Zoning Commission, as required, are non-binding and are only to assist the applicant in preparing a plan for submittal requiring Planning Commission and/or Zoning Commission, as required, review and approval.

(C) *Planning Commission and/or Zoning Commission, as required, review.*

(1) The Planning Commission and/or Zoning Commission, as required, is hereby authorized to review and approve, with or without conditions, or to review and deny approval all site plans submitted under this chapter. Decisions rejecting, approving or conditionally approving a site plan shall be based upon standards and requirements contained in this chapter and in other applicable ordinances. A site plan shall be approved if it contains the information required by this chapter and is in compliance with this chapter and the conditions imposed under this chapter, other applicable ordinances, and state and federal law.

(2) When the Commission approves a site plan with conditions, the applicant shall submit a revised site plan in three copies showing a revision date and the conditions directly on what becomes the final site plan.

(3) If the Commission denies a site plan, the Commission shall so note the action taken by marking the plan "denied" and showing the date of the date of the action. The Planning Commission and/or Zoning Commission, as required, Chair and Secretary and the Zoning Official shall sign three copies of the denied site plan. The village retains two copies with the applicant receiving the third as part of the notification of denial for a zoning compliance permit described in § 157.010(C).

(D) *Record of action.* Each action taken with reference to site plan review and approval shall be duly recorded in minutes of the Planning Commission and/or Zoning Commission, as required.

(E) *Final site plan.*

(1) No zoning compliance permit shall be issued until the Chair and Secretary of the Planning Commission and/or Zoning Commission, as required, and the Zoning Official or then designates sign three copies of the final site plan with all revised information shown on it marking the plan "approved" and the date the action was taken. The Village retains two copies with the third being returned to the applicant.

(2) If a site plan is approved by an action of the Board of Appeals, the Chair and Secretary of the Board of Appeals and the Zoning Official or their designates sign the three copies of the final site plan. Any conditions coming as a result of the Board's action shall be shown on the plan prior to any person affixing their signature.

(F) *Notice to surrounding property.* Notice shall be sent to property owners and occupants of property within 300 feet of commercial or industrial property for which a site plan is to be reviewed by the Planning Commission and/or Zoning Commission, as required. The written notice shall be sent not less than five days nor more than 15 days before the Planning Commission and/or Zoning Commission, as required, meeting at which the site plan is to be considered, unless the plan was tabled from a previously noticed meeting.

(Ord. 259, passed 10-24-1995; Ord. 361, passed 7-13-2003; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.197 CRITERIA FOR SITE PLAN APPROVAL.

(A) Each site plan shall conform to all applicable provisions of this chapter. The following criteria shall be used by the Planning Commission and/or Zoning Commission, as required, as a basis upon which site plans will be reviewed and approved.

(B) The village shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards.

(1) All elements 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 shall be developed so as not to impede the reasonable 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", see § 157.009, unless otherwise provided in this chapter.

(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) The site plan shall provide 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. Where landscaping is provided, there must be provision for maintaining all plantings through a regular program of fertilizing, irrigating, pinning, mowing, and replacing all dead and diseased materials.

(5) All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

(6) There shall be a pedestrian circulation system that is separate from the vehicular circulation system. In order to ensure 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.

(7) (a) All streets shall be developed in accordance with the Village's *Subdivision Control Regulations and Standard Specifications for Street Construction*. 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 part of an existing or planned street system serving adjacent developments shall have a width adequate to accommodate the anticipated volume of traffic and shall have a dedicated right-of-way equal to that specified in a village recognized source of reference.

(b) The applicant may be required to dedicate adequate land and improvements to the village in order to achieve access which is safe and convenient.

(8) Special attention shall be given to proper site drainage. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect adjacent lots 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. Where possible and practical, drainage design shall recognize existing natural drainage patterns.

(9) All off-street parking, loading and unloading areas, and outside storage areas, including areas for storage of trash, that face or are visible from adjacent residential districts, or public thoroughfares, shall be screened by walls or landscaping of effective height, if required by the standards of this chapter. Building entrances designed for vehicular access shall not access any building through the front yard of a development.

(10) Exterior lighting shall be so arranged and limited in intensity and height so that it is deflected away from adjacent lots and so that it does not impede vision of drivers along adjacent streets.

(11) Adequate sewers 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.

(12) Any use permitted in any zoning district must comply with all applicable requirements of state, local, and federal statutes, including 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, floodplains, wetlands, and requirements of the State Fire Marshal. Site plan approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

(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 groundwater strata; to act as a natural drainage system and solve stormwater drainage problems; to prevent soil erosion; to provide shade; to conserve and stabilize property values; to relieve the stark character of parking lots; to conserve energy, provide visual and sound privacy and to otherwise facilitate the preservation and creation of a healthful, convenient, attractive, and harmonious community.

(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 sound site development standards of the village and with the Village Master Plan. Site plans should conform with the village design standards in § 157.198.

(15) A major objective shall be to retain, enhance, and protect the quality, value, and privacy of single-family land uses.

(16) All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon 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) (a) In the case of the expansion or redevelopment of sites with existing improvements, the Planning Commission and/or Zoning Commission, as required, shall evaluate existing conditions of the site that are not proposed to be brought up to current minimum standards of the ordinance.

(b) Upon its evaluation, the Planning Commission and/or Zoning Commission, as required, may require that existing conditions or improvements be brought up to current minimum standards for landscaping, circulation, parking, and other site development standards in §§ 157.025 through 157.057, "General Regulations", to ensure the protection of public health, safety, and welfare.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.198 VILLAGE DESIGN STANDARDS.

(A) (1) The purpose of the following architectural and site design standards is to evaluate proposed buildings and site improvements during site plan review to ensure that certain design and appearance standards are maintained. These standards provide a means of evaluating whether the proposed building design and site layout meet the overall intent of site plan review and this chapter.

(2) These standards shall be used to ensure all proposed buildings and site improvements meet the intent of this chapter.

(B) These standards also are intended to protect the general health, safety, welfare, and harmony of the village by ensuring that the village's appearance, character, and historic and natural resources are preserved and respected by achieving high quality design; reducing the visual and physical dominance of the automobile; providing for pedestrian access and orientation; providing public open spaces; providing landscaping and seasonal color; and adding distinctive architectural features and roofline to the viewsapes of the village.

(1) *Architectural standards in the C, CBD, O, and NOC Districts.*

(a) *Building form.* Building mass, height, bulk, and width-to-height ratio must be similar in scale and in proportion to buildings within 500 feet for buildings in the C, CBD, O, and NOC Districts, unless existing buildings do not meet the standards of this section as determined by the Planning Commission and/or Zoning Commission, as required.

1. *Walls and facades.* A single uninterrupted length of a building facade shall not exceed 100 feet. Recesses, off-sets, angular forms, curved or stepped walls, projecting vestibules from the plane of the wall, or other features shall be used to provide a changing and visually interesting shape. Vertical elements such as towers, cupolas, and chimneys are recommended.

2. *Windows.*

a. The approximate size, orientation, and spacing of windows should match that of buildings within 500 feet, unless existing buildings do not meet the standards of this section as determined by the Planning Commission and/or Zoning Commission, as required. Window shapes shall be rectangular, square, or palladian (mostly rectangular with semi-circular top). Circular, octagonal, or diamond shaped windows are not permitted other than for decorative gable windows. Horizontal windows are permitted with a recommended width-to-height ratio of between one to one and four to one. Vertical windows are permitted with a maximum width-to-height ratio of one to two.

b. Windows shall be recessed and include visually obvious sills. Spaces between windows shall be formed by columns, mullions, or material found elsewhere on the facade. Clear window glass is recommended; green, blue, bronze, or smoke tints are permitted.

c. The first floor of front facades of nonresidential buildings shall include at least 30% windows, and remaining floors of front facades shall include at least 20% windows.

3. *Roofline.*

a. Roofline shall be consistent with the surrounding neighborhood character as determined by the Planning Commission and/or Zoning Commission, as required. Pitched roof forms (gable, hip, shed) with overhanging eaves shall be used within the C, O, and NOC Districts with between four inches of vertical rise to 12 inches of horizontal run and 12 inches of vertical rise to 12 inches of horizontal run. Standing seam metal roofs may also be permitted within the C, O, and NOC Districts. Flat roofs should be used in the CBD. Mansard, mock mansard, or barrel roofs are not permitted.

b. Dormer windows are recommended. Distinctively shaped roof forms, detailed parapets, and exaggerated cornice lines shall be incorporated into roofline along building facades greater than 100 feet. Roof-top mechanical equipment must be screened by the roof form.

4. *Main entrances.* Main entrances shall be emphasized with larger doors and framing devices such as deep overhangs, recesses, peaked roof forms, porches, or arches.

(b) *Building content.* Buildings in the C, CBD, O, and NOC Districts should possess architectural variety, but must enhance the overall cohesiveness of the neighborhood's character and appearance as determined by the Planning Commission and/or Zoning Commission, as required.

1. *Architectural features.*

a. Building facades greater than 100 feet shall contain architectural features, details and ornaments that are consistent with predominating architectural styles found within the neighborhood such as: arches; roof cornices; contrasting bases; contrasting masonry courses, water tables, or molding; pilasters or columns; corbeling; contrasting bands or color; stone or ceramic accent tiles; colonnades; or porches. All sides of a building shall be similar in design, details, and materials to present a cohesive appearance to neighboring properties.

b. Elements such as wall clocks, decorative light fixtures, and door or window canopies are also recommended. Canopies should be of metal or canvas; vinyl canopies are not recommended. All nonresidential buildings must have interior downspout and gutter systems; exterior downspouts and gutters are not permitted for nonresidential buildings, except for those originally constructed for single-family residential purposes.

2. *Entrance details.* Main entrances to buildings shall incorporate devices such as canopies, overhangs, raised parapets over the

door, larger door openings and display windows, accent colors, and architectural details such as tile work, moldings, and distinctive door pulls. Canopies should be of metal or canvas; vinyl canopies are not recommended.

3. *Building materials.* Building materials must be consistent with the surrounding neighborhood character, as determined by the Planning Commission and/or Zoning Commission, as required. Building materials on the front facade or any facade visible from a public right-of-way must be primarily of natural materials conveying permanence, as determined by the Planning Commission and/or Zoning Commission, as required. Each front facade, any facade visible from a public right-of-way, and any facade with a dedicated public entrance into the building should contain at least 60% of the recommended materials listed below, excluding window areas.

a. *Recommended materials.* Brick masonry, clear and reflective glass, stone, concrete slab (poured-in-place, tilt-up construction).

b. *Acceptable materials.* Split face, scored, or ground face block; beveled wood siding (lap, board and batter, shake); exterior finish insulation systems (EIFS).

c. *Discouraged materials.*

i. Smooth face block; vinyl siding; metal siding (standing seam panels, aluminum siding); T-111 and other wood panel siding; and

ii. Acceptable or discouraged materials, or similar synthetic or highly, reflective materials should not be used except for decorative or accent features only. Exterior insulation finish systems (EIFS) may be used for decorative or accent features, and may also be a primary facade material provided it is placed at a height of eight feet or greater and provided it is no more than 20% of the total facade area.

d. *Colors.* The following natural colors shall be used for the main portions of building facades and roof forms; neutral earth tones (sand to brown); shades of gray; traditional colors (e.g., brick red, forest green, navy blue); light, subdued hues (e.g., salmon); or white. Contrasting, accent colors which are compatible with the primary colors listed above are encouraged for trim, accent, and other decorative architectural features. The use of bright or fluorescent colors (e.g., purple, orange, pink, lime, yellow) is discouraged. Colors should be natural to the material or pigmented, and not painted on the material whenever possible.

(c) *Historic District buildings.*

1. New buildings and building renovations within the village's historic districts must have architectural features, details, and ornaments such as arches, colonnades, cornices, or porches that are consistent with predominating architectural styles found within the district.

2. New buildings within the CBD must also contain the following elements.

a. New buildings in the CBD must be placed along the front property line with no front setback and must contain a second story if an adjacent building is built to the front property line and contains a second story. Building height, story levels, and window sizes are proportions must remain consistent with those of existing, adjacent buildings.

b. Although rear and side accessory entrances are encouraged where possible, new buildings in the CBD must contain a main front entrance fronting upon a public street.

(2) *Architectural standards in other districts*

(a) *Multiple-family residential developments.* The architectural standards listed above in division (B)(1) for the C, CBD, O, and NOC Districts shall apply to multiple-family residential developments in the RM District.

(b) *Industrial developments.* Architectural standards within the M Districts shall be as follows:

1. *Building materials.*

a. Building materials for an attached office/main entrance portion of a building within an M District must be primarily of natural materials conveying permanence, as determined by the Planning Commission and/or Zoning Commission, as required, such as: brick masonry; stone; concrete slab (poured-in-place, tilt-up construction); split face, scored, or ground face block; or clear or reflective glass. Exterior insulation finish systems (EIFS) may also be a primary facade material provided it is placed at a height of eight feet or greater. If a building within a M District does not have an attached office/main entrance portion, the above standards shall apply to the front facade of the building to a height of 12 feet.

b. The following materials, along with those listed above, may be used for all other facades of a building within an M District; smooth face block; and metal siding (standing seam panels, aluminum siding). The following materials shall not be used: beveled wood siding (lap, board and batter, shake); primarily metal exterior (such as unimproved facade material to a shipping container), vinyl siding; and T-111 and other panel siding.

2. *Colors.* Buildings within an M District shall comply with the standards of division (B)(1)(b)1. above regarding color.

3. *Garages.* At least 25% of individual garages on residential units within new residential subdivisions or planned unit developments should be side entry or recessed at least ten feet behind the front building line (living area).

4. *Porches and awnings.* The location, size, and types of architectural projections such as porches or awnings should be compatible with buildings within 500 feet in the same designated district as determined by the Planning Commission and/or Zoning Commission, as required.

(3) *Signs.*

(a) Signs and other site features should be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby developments. Site features such as decorative entry signs, ornamental lighting, and/or pedestrian furniture are desirable.

(b) Signs should be integrated with the architecture of the main building and should not appear to be tacked onto the building.

(c) Location, scale, and design of signs should be consistent with the character and appearance of other signs, streetscape

improvements, and uses located along the same street.

(4) *Open space, pedestrian circulation, and view protection.*

(a) Site design should provide a pedestrian circulation system separate from that provided for vehicles and should ensure pedestrian safety.

(b) The location and design of landscaping and pedestrian areas should be compatible with and enhance the pedestrian and open space network in the area. Whenever possible, the location and design of open spaces should form a continuation of open space areas within the immediate vicinity so that open spaces are linked together in a connected system.

(c) The location, size, and use of yards should maintain the unobstructed view of lakes, ponds, rivers, and streams for adjacent properties and from nearby public rights-of-way and public parks or open spaces. The placement of accessory structures in yard areas which block the view of waterways, lakes, and wetlands from adjacent properties or public rights-of-way should be avoided.

(d) Sidewalks at least five feet wide and at least seven feet wide where abutting parking should be provided along all public streets and private roads. Multiple-purpose pathways for pedestrian and bicycle use meeting the design standards of the American Society of Transportation Officials may be required along major arterial roads.

(e) Multiple-purpose pathways are intended to connect with existing or planned multiple-purpose pathways and to link residential areas to recreational facilities and commercial and institutional destinations.

(f) All developments should provide pedestrian walkways between public sidewalks and building entrances.

(f) A consistent type of ornamental lighting designed to illuminate pedestrian areas should be provided along all sidewalks.

(5) *Parking and loading.*

(a) The amount of parking for nonresidential uses in the CBD District required under §§157.145 through 157.151, "Parking and Loading", may be reduced by the Planning Commission and/or Zoning Commission, as required, by up to 50% upon a finding that patrons will be able to walk to the use from nearby residential areas, patrons are parked at other uses and visiting several uses, and/or on-street parking is available.

(b) Parking lots visible from the public right-of-way should be screened from view by an evergreen hedge row or masonry wall which is consistent with other elements of the site and adjacent sites and should be at least three feet in height.

(c) Loading/unloading from secondary streets may be permitted by the Planning Commission and/or Zoning Commission, as required, rather than the required on-site loading, upon demonstration by the applicant that through traffic flow and access to neighboring uses will not be disrupted.

(d) Parking lot lighting should not be greater than 30 feet in height.

(6) *Street and access design.*

(a) The road system should be designed to balance the distribution of internal traffic so that no one road or access point is overburdened and relied on as the only path for a large number of vehicles. This objective should be accomplished by providing a collector road system in addition to local streets that is connected at frequent intervals to the arterial road network.

(b) Shared access or connections between adjacent uses as a means to limit conflict points and preserve capacity on adjacent roads may be required.

(c) In designing the road system, the objective should be to limit blocks to a maximum length of 600 feet.

(Ord. 259, passed 10-24-1995; Ord. 318, passed 11-17-1998; Ord. passed 2-1-2012; Ord. 459, passed 3-10-2020) Penalty, see § 157.999

§ 157.199 LENGTH OF TIME APPROVAL VALID.

Site plan approval hereunder shall be valid for one year from the date of approval. If an applicant does not obtain a building permit within one year after site plan approval, the site plan approval expires and is of no force or effect, unless extended by the Planning Commission and/or Zoning Commission, as required. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.200 CONFORMITY TO APPROVED SITE PLANS; SANCTIONS FOR NOT CONFORMING TO APPROVED SITE PLAN.

The applicant shall construct site plan improvements in complete conformity with the approved final site plan. Failure to do so is a violation of this chapter and in addition to the penalties contained in this chapter, the Zoning Official may issue an order to cease and desist. The Planning Commission and/or Zoning Commission, as required, may take additional action to revoke the permit following a due process hearing. Upon finding a preponderance of evidence, the Planning Commission and/or Zoning Commission, as required, shall revoke the zoning compliance permit at issue. The hearing standards used for this process shall be those established for the Board of Appeals.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.201 ARCHITECTURAL REVIEW COMMITTEE.

The purpose of the Architectural Review Committee shall be to meet on short notice to review and act on minor changes to a previously approved site plan under the following provisions.

(A) The Planning Commission and/or Zoning Commission, as required, Chairperson shall designate three members of the Commission to

serve on the architectural review Committee. Committee appointments shall be made every six months with not more than one member serving consecutive terms on the Committee.

(B) The Architectural Review Committee shall meet as required to review minor changes to site plans that have been approved by the Planning Commission and/or Zoning Commission, as required.

(C) Items that would be taken to the Architectural Review Committee for review and approval include, but are not limited to:

- (1) A minor color change in the finished exterior of a proposed building;
- (2) A change in the trim materials to be used on a building;
- (3) A variance from the approved landscaping and lighting plan for a project;
- (4) Minor changes to parking lots, sidewalks, and driveways; and
- (5) Minor architectural changes to the facade of a building.

(D) The Architectural Committee would meet as necessary and report their actions in writing to the full Planning Commission and/or Zoning Commission, as required, at the next regular Planning Commission and/or Zoning Commission, as required, meeting.

(Ord. 259, passed 10-24-1995; Ord. 339, passed 4-15-2001; Ord. passed 2-1-2012)

§ 157.202 SUBMITTAL OF AS BUILT PLANS.

Upon completion of the installation of required improvements as shown on the approved final site plan, the property owner shall submit to the Zoning Official two copies of an "as built" site plan, certified by an engineer or architect, at least one week prior to the final inspection leading to a certificate of zoning compliance. A certificate of zoning compliance shall be withheld by the Zoning Official in any case where the final site plan and major conditions as approved by the Planning Commission and/or Zoning Commission, as required, have not been complied with. Any minor variations may be approved by the Zoning Official, and shall be reported to the Planning Commission and/or Zoning Commission, as required, within 30 days after the issuance of a certificate of zoning compliance.

(Ord. 259, passed 10-24-1995; Ord. 339, passed 4-15-2001; Ord. passed 2-1-2012)

§ 157.203 PERFORMANCE GUARANTEES.

(A) To ensure compliance with the provisions of this chapter and any conditions imposed thereunder, the Planning Commission and/or Zoning Commission, as required, or Board of Appeals may require that a performance guarantee be deposited with the village to ensure the faithful completion of improvements in accordance with of the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 et seq., as amended.

(B) Improvements for which the village may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, surfacing of drives, parking, and acceleration/ deceleration lanes, traffic-control devices, sewer or water line expansion, stormwater retention areas, and land reclamation activities.

(1) *Scope of requirement.* The performance guarantee can apply only to those specific features and actions which the Planning Commission and/or Zoning Commission, as required, or Board of Appeals considers necessary to protect natural resources or the health, safety, or welfare of residents, project users, or the general public. A performance guarantee may not be required for the entire project. The guarantee is limited to those project components specifically designated by the Planning Commission and/or Zoning Commission, as required, or Board of Appeals.

(2) *General requirements.*

(a) A performance guarantee shall be required by the Planning Commission and/or Zoning Commission, as required, on the applicable portion(s) of a site plan under any of the following circumstances:

1. To meet the costs of improvements required to be made by the applicant to public facilities owned by the village as a condition of site plan approval;
2. To ensure completion of common elements of site plan affecting two or more parties; and
3. To ensure the completion of those portions of a site plan which will not be completed by the applicant prior to a request for occupancy.

(b) The Planning Commission and/or Zoning Commission, as required, or Board of Appeals may require a performance guarantee on any other specific improvement when determined by resolution that the guarantee is necessary to protect the natural resources of the village or the health, safety, or welfare of residents, project users, or the general public.

(3) *General conditions.*

(a) The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. No building permit or related village permit shall be issued, unless the Building Inspector is satisfied that the guarantee is in full compliance with this subchapter.

(b) The performance guarantee shall be in the form of:

1. A cash deposit or deposit by certified check drawn on a bank authorized to do business in the state;
2. An irrevocable letter of credit issued on behalf of the village by a bank authorized to do business in the state; or
3. A surety bond in a form and manner acceptable to the Village Attorney. The costs of the review of a surety bond by the Village Attorney shall be paid by the applicant as part of the issuance of a permit.

(c) The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for a project which has received site plan approval or zoning variance. The applicant shall provide an itemized listing of estimated costs and a proposed time schedule to complete all of the improvements determined to require a performance guarantee. The Zoning Official shall review the submitted costs and shall determine an accurate amount for the performance guarantee. In determining the amount, the Zoning Official may consider signed contracts or subcontracts supplied by the applicant or the Zoning Official may secure or require that the applicant secure a sealed statement from a licensed architect or engineer verifying the estimates.

(d) Cash funds or a certified check made payable to the village shall be deposited by the village into an interest-bearing account in a financial institution with which the village regularly conducts business.

(e) In the case of a guarantee exceeding \$2,000, and by request of the applicant, the guarantee may be released to the applicant in an amount proportional to the work completed on various elements; provided, that a minimum of 10% shall be retained on each element until the satisfactory completion of the entire project. The amount of work completed shall be based upon an inspection and determination by the Zoning Official.

(f) An amount not to exceed the actual cost of the installation of landscape materials may be retained by the village for at least one year following the installation of said materials to ensure proper maintenance and, if necessary, replacement. This amount shall be released to the applicant upon certification by the Zoning Official that all landscape materials are being maintained in good condition.

(g) Prior to the acceptance of a public improvement by the village and upon the recommendation of the Village Engineer, the Zoning Official shall require a maintenance bond for the public improvement in an amount not to exceed 35% of the total cost of the Improvement to remain in effect for a period not to exceed three years.

(h) The unexpended balance of a performance guarantee, including interest accrued, shall be returned to the applicant following inspections by the appropriate village officials and a positive determination by the Zoning Official that the required improvements have been satisfactorily completed and that all other requirements of this subchapter are met.

(4) *Unsatisfactory completion of improvements*

(a) When required improvements are not installed or maintained within the time stipulated or are not completed in accordance with the standards set forth within this chapter or as agreed upon between the applicant and the Planning Commission and/or Zoning Commission, as required, or Board of Appeals, the Zoning Official may order the improvements completed by the village or by an independent contractor, or may order that the site be returned to its original condition.

(b) The Zoning Official shall order the completion of the improvements and so notify the applicant by certified mail at least 14 calendar days prior to the undertaking of completion. During this time period, the applicant may seek an order from a court of competent jurisdiction to prevent the action by the village. All costs incurred by the village for the completion of the improvements or the restoration of the site, including direct administrative costs, shall be assessed against the performance guarantee, including any interest accrued on any funds deposited in escrow.

(5) *Subdivision improvements.* This subchapter shall not be applicable to improvements for

which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited with the village by the applicant pursuant to the Subdivision Control Act, Public Act 288 of 1967, being §§ 560.101 through 560.293, as amended.

(Ord. 259, passed 10-24-1995; Ord. 339, passed 4-15-2001; Ord. passed 2-1-2012)

§ 157.204 ENVIRONMENTAL IMPACT ASSESSMENT.

(A) The requirement for the submission of an environmental impact assessment, in accordance with §157.048 during the rezoning, special land use, and/or site plan review process is to provide relevant information concerning the environmental, economic, social, and cultural effects a project may have on the community.

(B) (1) Also, this information should provide the data needed by the village to make a rational determination on the request.

(2) Such data is necessary to minimize pollution, retain environmental resources, and to investigate the adequacy of public utilities and facilities such as sewer, water, and transportation system.

(C) An environmental assessment providing the information and data specified herein, shall be submitted by the applicant and prepared and reviewed at the expense of the applicant:

(1) Whenever a request for rezoning or site plan approval is submitted, whichever shall occur first, for parcels having an area of 20 acres or greater;

(2) Whenever a request for rezoning is not consistent with the Village's Master Plan;

(3) Whenever a development of 150,000 square feet of gross floor area or greater is submitted for site plan review;

(4) Whenever a development of 200 dwelling units or greater is submitted for site plan review;

(5) For any special land use in the M Industrial District;

(6) Whenever required for a special land use; or

(7) For a site containing significant wetlands, steep slopes or other natural features, as determined by the Zoning Official.

(Ord. 259, passed 10-24-1995; Ord. 339, passed 4-15-2001; Ord. passed 2-1-2012)

NONCONFORMANCE

§ 157.215 INTENT.

(A) It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed, but not to encourage their survival.

(B) It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments.

(C) Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter 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.

(D) 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 chapter 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.

(E) (1) To avoid undue hardship, nothing in this chapter 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 chapter and upon which actual building construction has been diligently carried on.

(2) **ACTUAL CONSTRUCTION** is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided, work shall be diligently carried on until completion of the building involved.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.216 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EFFECTIVE DATE. Includes the effective date of any amendments to this chapter if the amendments created a nonconforming situation.

NONCONFORMING BUILDING. A building or portion thereof which was lawfully in existence at the effective date of this chapter, or amendments thereto, that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.

NONCONFORMING LOT. A lot which was lawfully in existence at the effective date of this chapter, or amendments thereto, that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located.

NONCONFORMING USE. A use which was lawfully in existence at the effective date of this chapter, or amendment thereto, and which does not now conform to the use regulations of this chapter for the zoning district in which it is now located.

STRUCTURAL NONCONFORMITY: A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a **DIMENSIONAL NONCONFORMITY**.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.217 NONCONFORMING LOTS.

(A) (1) Any nonconforming lot shall be used only for a use permitted in the district in which it is located.

(2) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, 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 chapter.

(3) 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 Board of Appeals.

(B) Upon application, the Administrative Official may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this chapter; provided, that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this chapter.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.218 NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter 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 chapter.

(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 chapter.

(C) If such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(D) Where nonconforming off-street parking, landscaping, signage, fences, and other similar land uses exist, those uses shall be made to conform to the terms of this chapter when any use, principal or accessory, is expanded either by expansion of the main building or the addition of an accessory building, necessitating site plan changes.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.219 NONCONFORMING STRUCTURES.

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

(A) No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase any nonconformities; provided, that all additions or enlargements to principal structures conform with the current maximum height and setback requirements of the district in which the structure is located. Nonconforming accessory structures may be enlarged or altered in conformance with the provisions of § 157.035(C).

(B) Should such structure be destroyed by any means to an extent of more than 50% of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this chapter.

(C) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

(D) Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the degree of nonconformity.

(Ord. 259, passed 10-24-1995; Ord. 364, passed 2-12-2004; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.220 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 chapter that would not be permitted in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

(B) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

(C) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification; provided, that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

(D) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

(E) When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for 180 consecutive days the structure, or structure and land in combination, shall not thereafter be used, except in conformance with the regulations of the district in which it is located. structures occupied by seasonal uses shall be excepted from this provision.

(F) Where nonconformity use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. 259, passed 10-24-1995; Ord. 364, passed 2-12-2004; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.221 NONCONFORMING SITES.

(A) The intent of this section is to permit improvements and minor modifications, as described in §§157.165 through 157.176, "Landscape Standards" and §§ 157.190 through 157.204, "Site Plan Review and Approval", to a conforming use and building which does not meet all of the various site improvement related regulations of this chapter. The purpose is to allow gradual compliance with the site related requirements for sites which predate the various zoning ordinance standards for landscaping, paving, and other non-safety site related items.

(B) Such improvements or expansions may be permitted without a complete upgrade of all site elements under the following conditions:

(1) The applicant is proposing reasonable site improvements in relation to the scale and construction cost of the building improvements or expansion;

(2) The applicant has addressed safety related site issues;

(3) The applicant has upgraded the site landscaping consistent with §157.167; and

(4) The improvements or minor expansion will not increase noncompliance with site requirements.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.222 REPAIRS AND MAINTENANCE.

(A) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding 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 chapter shall not be increased.

(B) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.223 USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES.

Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.224 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and land in combination.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.225 DECLARATION OF NONCONFORMING BUILDING OR USE.

(A) *Survey.* The Zoning Official shall, upon the discretion of the Planning Commission and/or Zoning Commission, as required, compile a list of existing nonconforming buildings, structures, and uses within a category as of a specific date. Structures, buildings, and uses in existence prior to the enactment of this chapter or a section of this chapter shall be considered existing legal nonconforming uses.

(B) *Maintenance of record.*

(1) The Zoning Official shall maintain a record of such nonconforming uses, structures, and buildings, which shall be organized by survey sections, and wherever possible, by named plats within sections.

(2) Periodic review shall be made of this record. Abandonment of buildings, structures, or uses shall be reported to the Planning Commission and/or Zoning Commission, as required, and the Village Council by the Zoning Official.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

BOARD OF APPEALS

§ 157.240 CREATION AND MEMBERSHIP.

(A) There is hereby established a Board of Appeals, which shall perform its duties and exercise its power as provided in the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 et seq., as amended, and in such a way that the objectives of this subchapter shall be served, public safety served, and substantial justice done.

(B) (1) (a) The Board of Appeals shall consist of seven members, each to be appointed for a term of three years. The terms of the seven members shall be staggered in such manner so as to provide for the appointment of no less than one, nor more than three members each year. One member may be a member of the Village Council and one member shall be a member of the Planning Commission and/or Zoning Commission, as required. In the event a member of the Board of Appeals is elected to the Village Council and such election increases the number of Council persons serving on the Board of Appeals to more than one, then such member's seat on the Board of Appeals shall be deemed vacant.

(b) Such vacancy shall be filled for the remainder of the unexpired term by appointment in the same manner as for regular appointments for full terms. The former Council member shall be eligible to be appointed to such vacancy, but such appointment shall not be deemed to be the appointment of a Council member.

(2) The Village Council may appoint two alternate members for three-year terms. The alternate members may be called on a rotating basis, as specified in the rules of procedure of the Board of Appeals, to sit as regular members of the Board of Appeals in the absence of then regular members. An alternate member may also be called on to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals. Members of the Board of Appeals may be removed from office by the Village Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the Village Council.

(Ord. 268, passed 8-13-1996; Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.241 MEETINGS.

(A) All meetings of the Board of Appeals shall be held at the call of the Chairperson and at such times as the Board may determine. All hearings conducted by the Board of Appeals shall be open to the public. The Secretary, or his or her representative, shall keep minutes of the proceedings, recording the vote of each member upon each question, and indicating absences and abstentions, and shall keep records of hearings and other official action.

(B) The Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.242 APPLICATION AND PROCEDURES.

(A) An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any officer, department, board, or bureau affected by a decision of the Zoning Official charged with enforcement of the ordinance.

(B) Appeals to the Board of Appeals concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer, board, or bureau of the village affected by any decision of the Zoning Official. Such appeals shall be taken with a reasonable time of the aggrieved action, not to exceed 21 days, by filing with the Zoning Official a notice of appeal specifying the grounds thereof. The Zoning Official shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(C) Appeals shall be submitted at least 20 working days before a scheduled meeting of the Board. A fee, as established by the Village Council, shall be paid to the Village Clerk-Treasurer at the time the notice of appeal is filed. Appeals shall be initiated by a person filling out an application to the Board of Appeals on forms and in such number as required by the village administrative directive. Applications involving a specific site shall be accompanied by a plot plan drawn to scale that includes the following information, where applicable:

- (1) Applicant's name, address, and telephone number;
- (2) Property Identification (Sidwell), number, scale, north-point, and dates of submission and revisions;
- (3) Zoning classification of petitioner's parcel and all abutting parcels;
- (4) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 50 feet of the site;
- (5) For variances requested from any dimensional standards of these regulations, the plot plan shall include verification measurements of existing conditions and the proposed dimensions or calculations regarding the specific standards from which the variance is sought; and
- (6) Any additional information required by the Zoning Official or the Board of Appeals to make the determination requested herein.

(D) The Zoning Official shall forthwith transmit to the Board of Appeals the application and all the documents and records pertaining to the action being appealed. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Official certifies to the Board of Appeals, after notice of appeal has been filed with the Zoning Official, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.

(E) The Board of Appeals shall fix a reasonable time for a hearing, not to exceed 60 days from the filing of the notice of appeal, and give due written notice of the hearing, to be personally delivered or mailed, at least 15 days thereof to the appellant and all owners of any real property within 300 of the premises in question according to the last assessment role. At the hearing, any party may appear in person or by agent or attorney and offer testimony if called as part of the proceedings.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.243 JURISDICTION.

(A) The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, or to make any change in terms of this chapter, but shall have power to act on those matters where this chapter provides for an administrative review, interpretation, or exception permit and to authorize a variance as defined in this section and laws of the state.

(B) Said powers include the following:

(1) *Administrative review.* To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the person or body charged with administering or enforcement of this chapter; and

(2) *Variance.*

(a) To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where, by reason of exceptional narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this chapter, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional 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 chapter.

(b) In granting or denying a variance, the Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it deems reasonable in furtherance of the purpose of this chapter. In granting or denying a variance, the Board of Appeals shall state the grounds upon which it justifies the granting or denying of a variance. A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") may be permitted by the Board of Appeals.

(Ord. 259, passed 10-24-1995; Ord. 395, passed 12-7-2008; Ord. passed 2-1-2012)

§ 157.244 STANDARDS FOR VARIANCES AND APPEALS.

Variances and appeals shall be granted only in accordance with Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. §§ 125.3101 et seq., as amended, and based on the findings set forth in this section. The Board of Appeals shall review each case under at least one of the following provisions, as determined by the Board of Appeals.

(A) *Criteria applicable to variances.* Variances to the standards of this chapter shall be granted only where the Board of Appeals finds that a request for a variance satisfactorily meets all of the following criteria.

(1) *Practical difficulties.* Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

(2) *Substantial justice.* Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

(3) *Public safety and welfare.* The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.

(4) *Extraordinary circumstances.* There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created. The nonconforming condition of adjacent or nearby properties does not constitute a circumstance justifying the granting of a variance.

(5) *No safety hazard or nuisance.* The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.

(6) *Relationship to adjacent land uses.* The development permitted upon granting of a variance will relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood, in evaluating this criterion,

consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the village.

(B) *Criteria applicable to appeals.*

(1) The Board of Appeals shall reverse an order of the Zoning Official or other Enforcement Official only if it finds that the action or decision appealed meets one or more of the following conditions:

- (a) The action or decision was arbitrary or capricious;
- (b) The action or decision was based on an erroneous finding of a material fact;
- (c) The action or decision constituted an abuse of discretion; or
- (d) The action or decision was based on erroneous interpretation of this chapter or zoning law.

(2) Appeals to a denial of Board of Appeals may be taken to County Circuit Court.

(C) *Exceptions.*

(1) To hear and decide, in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the zoning map, and for situations on which this chapter specifically authorizes the Board of Appeals to act;

(2) Any exception shall be subject to such conditions as the Board of Appeals may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this chapter, including the following:

(a) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts accompanying and made part of this chapter, where sheet layout actually on the ground varies from the street layout as shown on the map aforesaid;

(b) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements;

(c) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is shaped such or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification;

(d) Permit modification of obscuring wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development; and

(e) Permit, upon proper application, the following character of temporary use, not otherwise permitted by §157.052, not to exceed 12 months with the granting of one 12-month extension being permissible for uses which do not require the erection of any capital improvement of a structural nature.

(3) The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions.

(a) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

(b) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.

(c) All setbacks, land coverage, off-street parking, lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the village, shall be made at the discretion of the Board of Appeals.

(d) In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.

(e) The use shall be in harmony with the general character of the district.

(f) No temporary use permit shall be granted without first giving notice to owners of adjacent property and all owners of record listed in the latest assessment roll of the village located within 300 feet of the area of the request of the time and place of a public hearing to be held as further provided for in this chapter. Further, the Board of Appeals of Zoning Appeals shall seek the review and recommendation of the Planning Commission and/or Zoning Commission, as required, prior to the taking of any action.

(D) *Votes required.*

(1) The concurring votes of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of applicant in matter upon which is authorized by this chapter to render a decision.

(2) Nothing contained herein shall be construed to give or grant to the Board of Appeals the power or authority to alter or change this chapter or the zoning map.

(Ord. 259, passed 10-24-1995; Ord. 275, passed 5-13-1997; Ord. passed 2-1-2012) Penalty, see § 157.999

§ 157.245 ORDERS.

In exercising the above powers, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such an order, requirement, decision, or determination as ought to be made, and to that end, shall have all the powers of the Zoning Official from whom the appeal is taken.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.246 NOTICE.

(A) The Board of Appeals shall make no determination on a specific case until after a public hearing. Notice of the hearing shall be given as required by the Michigan Zoning Enabling Act, Public Act 110 of 2008, being M.C.L.A. §§ 125.3101 et seq., as amended). Notice shall be given to all owners or tenants of property within 300 feet. Such notices shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll.

(B) The Board of Appeals may require any party applying to the Board of Appeals for relief to give notice to such other interested parties as it shall prescribe.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.247 ORDER VALIDITY; JURISDICTION OF THE BOARD.

(A) No order of the Board of Appeals permitting the erection of a building shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

(B) No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one year, unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

(C) The Board of Appeals shall not have any jurisdiction to consider any decision by the Village Council regarding a request for special land use Approval.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

CONDOMINIUM DEVELOPMENT STANDARDS

§ 157.260 INTENT.

(A) The intent of this subchapter is to provide regulatory standards for condominiums and site condominiums similar to those required for projects developed under other forms of ownership.

(B) This subchapter is not intended to prohibit or treat a proposed or existing condominium project different than a project developed under another form of ownership.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.261 APPLICATION OF REQUIREMENTS.

(A) The definitions contained in § 157.008, Definitions, are intended to make comparison possible between the definitions of terms in this chapter for lots, conventional platted lots, and subdivisions and to ensure that the standards in the zoning ordinance are properly and uniformly applied to condominiums and site condominium projects.

(B) Site condominium projects in single-family residential districts shall comply with all setback, height, coverage, and area restrictions in § 157.009 in the same manner as these standards would be applied to lots and platted lots in a subdivision. Site condominium projects also shall conform to the design layout and improvement standards in Ch. 153, however, the plat review and approval process required by Ch. 153 shall not apply to site condominiums. Multiple-family residential buildings shall meet the standards for multiple-family developments.

(C) The relocation of boundaries as defined in § 148 of the Condominium Act, Public Act 59 of 1978, being M.C.L.A. § 559.148, shall conform to all setback requirements of § 157.009 for the district in which the project is located, shall be submitted to the Planning Commission and/or Zoning Commission, as required, for review and approval and these requirements shall be made a part of the by-laws and recorded in the master deed.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.262 APPROVAL OF PLANS.

Prior to the issuance of any building permit, all condominium plans must be approved by the Planning Commission and/or Zoning Commission, as required, following the site plan review process in §§ 157.190 through 157.204, "Site Plan Review and Approval", in reviewing the project, the Planning Commission and/or Zoning Commission, as required, shall consult with the Village Attorney, Village Planner, and the Village Engineer regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design and layout and compliance with the Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 et seq.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.263 STREETS AND NECESSARY EASEMENTS.

Condominium projects with streets shall comply with all street requirements found in this code of ordinances. Projects which connect to public streets shall have the project street dedicated to the public. The condominium plan shall include all easements granted to the village necessary to construct, operate, inspect, maintain, repair, alter, replace, and/or remove pipelines, mains, conduits, and other installations of a similar character for the purpose providing public utilities. Public utilities shall include, but not limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.264 SUBDIVISION OF UNIT SITES.

Subdivision of condominium unit sites or lots is permitted subject to Planning Commission and/or Zoning Commission, as required, approval and the submittal of the amended by-laws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the by-laws and recorded as part of the master deed.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.265 WATER AND WASTEWATER.

The condominium project shall comply with and meet all federal, state, and county standards for a fresh water system and wastewater disposal.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.266 MASTER DEED.

(A) The project developer shall furnish the Administrative Official with one copy of the proposed consolidated master deed, one copy of by-laws and two copies of the proposed plans.

(B) The master deed and by-laws shall be reviewed for compliance with this code of ordinances to ensure that an assessment mechanism has been included to guarantee the financing of adequate maintenance of common elements.

(C) Master deeds submitted to the village for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed and by-laws to the Village Planning Commission and/or Zoning Commission, as required, for review and approval. Fees for these reviews shall be as established, from time to time, by the Village Council.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.267 AS BUILT PLAN AND OCCUPANCY.

(A) (1) Submission of an as built plan of a condominium project is required prior to occupancy.

(2) The Administrative Official may allow occupancy of the project before all improvements required are installed; provided, that a bond is submitted to the Village Clerk-Treasurer, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the city.

(B) The amount of the bond shall be determined by the Village Council based on an estimate of the city engineers.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.268 FINAL BY-LAWS, CONSOLIDATED MASTER DEED, AND SITE PLAN.

Upon approval of the condominium site plan, the applicant shall furnish the Village Clerk-Treasurer a copy of the by-laws and consolidated master deed. A site plan shall be provided on a Mylar sheet of at least 24 inches by 36 inches.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)

§ 157.999 PENALTY.

(A) *Generally.*

(1) *Municipal civil infraction.* A person, corporation, or firm who, as a result of violating any provision of this chapter, is responsible for a municipal civil infraction shall pay a civil fine of not more than \$500, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as set forth below. As used in this section, **REPEAT OFFENSE** means a second or any subsequent municipal civil infraction violation of the same requirement or provision of this chapter:

(a) Committed by a person, corporation or firm within any 24-month period; and

(b) 1. For which the person admits responsibility or is determined to be responsible.

2. The increased fine for a repeat offense under this chapter shall be as follows.

a. The fine for any offense which is a repeat offense shall be no less than \$100, plus costs and other sanctions.

b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$200, plus costs and other sanctions.

(2) *Fines for violation notices.* A person, corporation, or firm who, as a result of violating any provision of this chapter, receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay a civil fine at the village Municipal Ordinance Violations Bureau as follows:

(a) Fifty dollars for the first violation;

(b) One hundred dollars for the second violation within a 12-month period; and

(c) Two hundred for the third or subsequent violation within a 24-month period.

(B) *Deviation of approved PUD site plans.* Pursuant to § 157.105, any deviation from the approved PUD site plan, except as authorized in this chapter, shall be considered a violation of this subchapter and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

(Ord. 259, passed 10-24-1995; Ord. passed 2-1-2012)