

# Zoning Ordinance

VILLAGE OF ORTONVILLE, MICHIGAN

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Prepared with Assistance from McKenna Associates



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# Article 1 PREAMBLE AND SHORT TITLE

## Chapter 1.1 Generally

### Section 1.101 PREAMBLE AND ENACTING CLAUSE

Pursuant to and in accordance with the laws of the State of Michigan made, determined and provided by the Legislature and Courts, the Village of Ortonville, County of Oakland, State of Michigan does hereby enact and ordain the following Ordinance for the purpose and with the intent of promoting and protecting the public health, safety, peace and general welfare, and promoting, protecting and encouraging the zoning and land development objectives declared by the Legislature and Courts, and, further, promoting and insuring the orderly, environmentally sound, peaceful and healthful development and coexistence in and around the Village of Ortonville:

### Section 1.102 SHORT TITLE

This Ordinance shall be known and may be cited as the "Village of Ortonville Zoning Ordinance", and shall hereinafter sometimes be referred to as "this Ordinance".





# Article 2 ZONING DISTRICTS AND PERMITTED USES

## Chapter 2.1 Generally

### Section 2.101 ZONING DISTRICTS ESTABLISHED

For purposes of this Ordinance, the Village of Ortonville is hereby classified and divided into the following several Zoning Districts:

Abbreviation	Title
N-P	Natural Preserve
R-1	Single Family Residential
R-2	Village Residential
R-3	Mixed Residential
R-M	Multiple Family Residential
RMH	Manufactured Housing
P	Public
G	Gateway
D	Downtown
C	M-15 Corridor Commercial
W	Workplace

### Section 2.102 ZONING MAP

The boundaries of several districts bearing the classification set forth, above, are hereby established as set forth on the Official Zoning Map, which shall, and by this reference does, constitute a part of this Ordinance.

### Section 2.103 INTERPRETATION OF DISTRICT BOUNDARIES

Where, due to the scale, lack of details, or illegibility of the Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of any Zoning District boundary, interpretation concerning the exact location of district boundary lines, or the like, shall be determined upon written application to the ZBA. The ZBA, in arriving at a decision on such matters, shall apply the following standards:

1. The boundaries of the Zoning Districts are intended to follow center lines of alleys, streets, or other right-of-ways, water courses, or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are otherwise clearly indicated on the Zoning Map.
2. Where district boundaries are so indicated that they approximately follow lot record lines, such lines shall be construed to be boundaries.

3. With respect to acreage property, i.e., property which has not been subdivided, and/or where a district boundary divides a lot of record, the location of such boundary, unless shown by dimensions of the Zoning Map, shall be determined by the use of the map scale shown thereon.

**Section 2.104 ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the Village of Ortonville shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same Zoning District as the property to which it attaches by ownership.

**Section 2.105 USE CONFORMITY**

All land, buildings and structures, and any and all combinations and/or parts thereof, shall be used, altered, and improved in conformity with the provisions of this Ordinance. This Ordinance shall be deemed to be an "inclusive" or "permissive" Ordinance, and, accordingly, only uses and actions expressly authorized or enumerated herein shall be permitted.

**Section 2.106 CONFORMITY TO ORDINANCE AND REGULATIONS**

1. No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, constructed, moved or altered, except in conformity with the regulation specified in this Ordinance.
2. Except as otherwise provided herein, regulations governing land and building use, minimum lot size, minimum area per dwelling unit, building height, building placement, required yards, and other pertinent factors are hereby established as stated in the detailed provisions for each of the Zoning Districts. In each Zoning District a permitted use of land or buildings shall be subject to the minimum requirements specified for such use in the Zoning District in which such use is located as well as applicable requirements found elsewhere in this Ordinance. A use permitted subject to special conditions shall be a use of land or building requiring some measure of individual consideration, as authorized under applicable law, and therefore, subject not only to the minimum requirements specified for such use in the Zoning District in which such use is located, together with applicable requirements found elsewhere in the Ordinance, but also to any special conditions imposed under this Ordinance and/or by the Village Council.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, subject to [Section 4.101.1.d](#).
4. No yard or lot existing at the time of passage of this Ordinance, or thereafter, shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. It is not the intent of this Ordinance to repeal, abrogate or annul any existing provision of the law, ordinances, or any rules, regulations, or permits previously adopted or issued pursuant to laws or ordinances relating to the use of buildings or land. Further, it is not the intent of this Ordinance to abrogate or annul any existing easement, covenant or other agreement between parties.
6. The requirements of this Ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant, easement, agreement between parties, or restrictions running with the land, except where such covenant, easement, agreement between parties or restrictions imposes a lesser requirement.
7. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required under this Ordinance, then the provisions of such law or ordinance shall govern.

## Chapter 2.2 Zoning District Purpose Statements

### Section 2.201 **N-P: NATURAL PRESERVE DISTRICT PURPOSE**

Natural Preserve areas are areas of significant natural features in the Village, such as wetlands and/or woodlands. Because of environmental limitations associated with these natural features, these areas are not suitable for development.

### Section 2.202 **R-1: SINGLE FAMILY RESIDENTIAL DISTRICT PURPOSE**

The Single Family Residential district is intended to accommodate larger residential lot sizes than other areas of the Village and provide a residential environment for individuals and families insulated, to the extent possible, from through-traffic vehicular interference and/or business impact. Appropriate land uses in Single Family Residential areas include detached single family units and uses that can be compatible with single family dwellings such as churches, municipal and civic buildings.

### Section 2.203 **R-2: VILLAGE RESIDENTIAL DISTRICT PURPOSE**

Areas planned Village Residential reflect the “in-town” character of the historic neighborhoods surrounding the Downtown area. Appropriate land uses in Village Residential areas include detached single family units and uses that can be compatible with single family dwellings such as churches, municipal and civic buildings.

### Section 2.204 **R-3: MIXED RESIDENTIAL DISTRICT PURPOSE**

Mixed Residential areas include a range of residential development types at a density that falls in between single family neighborhoods and multiple family areas. Appropriate land uses in Mixed Residential areas include single family and attached dwelling units and uses that can be compatible with single family dwellings such as churches, municipal and civic buildings.

### Section 2.205 **R-M: MULTIPLE FAMILY RESIDENTIAL DISTRICT PURPOSE**

Multiple family residential areas permit apartment-style attached dwelling units. This is the residential land use category that permits the highest density developments in the Village. Uses that can be compatible with residential development such as churches, municipal, and civic buildings are also appropriate for Multiple Family Residential areas.

### Section 2.206 **RMH: MANUFACTURED HOUSING DISTRICT PURPOSE**

The manufactured housing district classification is intended to provide standards and regulations applicable to the development and use of manufactured housing parks.

### Section 2.207 **P: PUBLIC DISTRICT PURPOSE**

The public district is intended for publicly owned and operated uses such as Village buildings, libraries, museums, schools, and other similar uses.

### Section 2.208 **G: GATEWAY DISTRICT PURPOSE**

Gateway areas are located along South and Mill Streets, and form important entranceways into the downtown from M-15. These corridors have an established historic character that should be preserved and enhanced. Single family,

restricted multiple-unit residential buildings, office, and light commercial uses that do not generate large volumes of traffic are appropriate in gateway areas. Drive-through facilities and automotive uses are not appropriate in gateway areas.

### Section 2.209 **D: DOWNTOWN DISTRICT PURPOSE**

The Downtown is the visual and economic center of Ortonville. Downtown has a small town character, and is walkable mixed use area designed at a pedestrian scale. New Buildings in the downtown area should be built to traditional specifications, and a mixing of residential, commercial and office, municipal, and civic uses are appropriate and encouraged. Senior housing in particular is encouraged as a residential land use in the downtown area. Buildings should be restricted in floor area to reflect the existing character of buildings in the downtown, and to discourage overly large buildings from destroying the close-knit fabric of downtown. Uses that have an outdoor storage component are specifically discouraged in the downtown area.

### Section 2.210 **C: M-15 CORRIDOR COMMERCIAL DISTRICT PURPOSE**

The M-15 Corridor area is located along a principal regional arterial road and, as such, is intended to contain businesses and uses that depend upon large volumes of traffic that pass by every day. Commercial and office uses are appropriate in the M-15 Corridor, including uses that have drive-through facilities or are automotive-related. Outdoor storage and sales may also occur in the M-15 Corridor area, provided that the outdoor sales/storage areas are screened from view.

### Section 2.211 **W: WORKPLACE DISTRICT PURPOSE**

The workplace district is intended to accommodate commercial, office, light industrial, and service uses that do not depend on or generate large volumes of vehicular or customer traffic. In view of the relatively small size of the Village, and degree of residential development, it is necessary to limit uses in the workplace district to those with minimal external impact. Outdoor storage is appropriate in workplace areas provided that the storage area is completely screened from view.

## Chapter 2.3 Permitted Uses

### Section 2.301 TABLE OF PERMITTED USES

The following Table 1 lists the uses that may be permitted in each zoning district, provided that the development also meets the design and building standards set forth for each district, along with all other development standards contained in this Ordinance. For instance, when a certain use is or may be permitted in more than one zoning district, each zoning district will have different standards for building bulk, location, and design. The customized design standards set forth in each zoning district are tailored to the existing and intended character of each zoning district, and are further intended to prevent contextually inappropriate development from occurring within the Village.

1. **Uses Permitted in Each District.** Table 1 lists the permitted uses in each district. Refer to [Chapter 7.3](#) for definitions of all uses listed in the following Table 1.
2. **Development Standards Applicable to Uses.** Whenever a specific development standard is included for a particular use in Table 1, any development must comply with the requirements of the referenced section. Specific development standards are listed in [Chapter 2.4](#), while general development standards are contained in [Article 3](#).
3. **Multiple Uses.** A use may be combined with any other use(s) permitted in the zoning district provided that the regulations for each use are maintained.
4. **Use and Development Standards.** Development in the Village is regulated by the use standards in the following Table 1, the dimensional standards of the schedule of regulations ([Chapter 3.1](#)), the building design standards ([Chapter 3.2](#)), and any other applicable standards elsewhere in the Ordinance.

The process for determining the standards applicable to a site or a development is as follows:

- a. **Use.** Check Table 1 to determine if the proposed use is permitted, or may be permitted following special land use approval in the zoning district.
- b. **Dimension Standards.** Refer to the schedule of regulations in [Chapter 3.1](#) to determine the setback, building height, lot coverage, and permitted building types applicable in the zoning district.
- c. **Building Design Standards.** Choose one of the permitted building design standards in [Chapter 3.2](#). When more than one building design is permitted in a zoning district, the property owner may choose which building design standard to develop under. Note that some building design types, such as single family, multiple unit single family, townhouse, apartment, or civic/institutional are only appropriate for specific types of uses.

**Table 1. Uses Permitted by District**

USE	ZONING DISTRICT										DEVELOPMENT STANDARDS	
	N-P	R-1	R-2	R-3	R-M	RMH	P	G	D	C		W
<b>RESIDENTIAL USES</b>												
Cluster Option		◆		◆								<a href="#">Section 2.401</a>
Functional Equivalent Family: Additional Persons			◆	◆	◆			◆				<a href="#">Section 2.402</a>
Manufactured Housing Park						■						<a href="#">Section 2.403</a>
Mixed Residential Development				◆	◆							<a href="#">Section 2.404</a>
Mixed Use Building – Residential with Nonresidential								■	■	■		<a href="#">Section 3.205</a>
Multiple-Family Dwelling (3-4 units)						■		◆	◆			<a href="#">Section 2.405</a> (D district only)
Multiple-Family Dwelling (5+ units)						■			◆			<a href="#">Section 2.405</a> (D district only)
Single-Family Dwelling, Detached	■	■	■	■	■			■	■			<a href="#">Section 2.406</a> (D district only)
State Licensed Residential Facility (6 or fewer)		■	■	■	■			■				<a href="#">Section 2.407</a>
State Licensed Residential Facility (7 or more)			◆	◆				◆				<a href="#">Section 2.407</a>
Townhouse					■			◆	◆			<a href="#">Section 2.405</a> (D district only)
Two-Family Dwelling			◆					◆				<a href="#">Section 2.408</a>
<b>CIVIC/INSTITUTIONAL USES</b>												
Cultural, Municipal, or Public Use	■	■	■	■	■	■	■	■	■	■	■	
Day Care Center or Nursery School								◆		■		
Essential Services and Utilities	■	■	■	■	■	■	■	■	■	■	■	
Hospitals and Medical Clinics							■			■		
Institution for Higher Education							■					
Nursing Home or Assisted Living					■		■		◆			<a href="#">Section 2.405</a> (D district only)
Place of Worship		◆	◆	◆	◆	◆	■	■	◆	◆	◆	<a href="#">Section 2.409</a>
Primary or Secondary School							■					
Public Recreation	■	■	■	■	■	■	■	■	■	■	■	
<b>COMMERCIAL USES</b>												
Adult Oriented Businesses										◆	◆	<a href="#">Section 2.414</a>
Banks and Financial Institutions									■	■		
Commercial Indoor Recreation									◆	◆		<a href="#">Section 2.410</a>
Commercial Outdoor Recreation										◆		<a href="#">Section 2.411</a>
Drive Through Facility (accessory to a principal use)										◆		
Gallery or Studio								■	■	■		
Kennel	◆	◆	◆									<a href="#">Section 2.412</a>
Lodging (<10 units)								◆	■	■		
Lodging (10-20 units)									◆	■		
Lodging (21+ units)										■		
Offices								■	■	■	■	
Outdoor Dining (accessory to a restaurant use)									■	■		<a href="#">Section 2.413</a>
Personal Services								◆	■	■		
Place of Assembly (<20 persons at max. occupancy)								◆	■	■		

USE	ZONING DISTRICT										DEVELOPMENT STANDARDS	
	N-P	R-1	R-2	R-3	R-M	RMH	P	G	D	C		W
Place of Assembly (20-74 persons at max. occupancy)									◆	■		
Place of Assembly (75+ persons at max. occupancy)										■		
Restaurants and Private Clubs									■	■		
Retail Sales (indoor)									■	■	◆	
Retail Sales (unrestricted outdoor)										◆	◆	<a href="#">Section 2.415</a>
Retail Sales or Storage (limited outdoor)									◆	■	◆	<a href="#">Section 2.416</a>
Vehicle Service (minor)										◆		<a href="#">Section 2.417</a>
Veterinary Offices								◆	◆	◆		<a href="#">Section 2.418</a>
<b>INDUSTRIAL USES</b>												
Manufacturing, Fabrication and Processing											■	
Manufacturing, Fabrication and Processing (heavy)											◆	<a href="#">Section 2.419</a>
Outdoor Storage or Outdoor Yard											■	<a href="#">Section 2.420</a>
Mineral and Soil Removal		◆	◆	◆	◆	◆	◆				◆	<a href="#">Section 2.421</a>
Vehicle Service (major)											■	<a href="#">Section 2.419</a>
Warehousing/Distribution											■	
<b>TEMPORARY and OTHER USES</b>												
Accessory Buildings, Structures, and Uses	■	■	■	■	■	■	■	■	■	■	■	<a href="#">Section 2.422</a>
Home Occupation		■	■	■	■			■				<a href="#">Section 2.423</a>
Wireless Transmission Towers	See development standards in <a href="#">Section 2.424</a>											

**Key to Zoning District Abbreviations:**

Abbreviation	Title
N-P	Natural Preserve
R-1	Single Family Residential
R-2	Village Residential
R-3	Mixed Residential
R-M	Multiple Family Residential
RMH	Manufactured Housing
P	Public
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## Chapter 2.4 Development Standards for Specific Uses

### Section 2.401 CLUSTER OPTION

1. This special use is intended to apply where there are several lots or parcels being established, and where, owing to natural characteristics of the land, previous improvement in the area, and/or other reason, it would be either impractical to improve the land under the otherwise applicable requirements of the zoning district, or it would be in the clearly demonstrated public interest (including the preservation of natural resources) to improve on a mixed basis.
2. The lots or parcels may be divided, for purposes of meeting minimum area requirements for this Ordinance (and subject to all other applicable law and ordinances) as follows, provided in all events that no lot or parcel shall be less than the greater of 80% of the applicable zoning district minimum lot size or 6,400 square feet, and, the maximum number of lots or parcels created as a result of the division shall be equal to the quotient of the total land area involved (in square footage) divided by the applicable zoning district minimum lot size:
  - a. Some lots or parcels may be established with square footage larger than fifteen thousand and some smaller; or
  - b. All parcels may be established with square footage smaller than fifteen thousand square feet, with an open space area irrevocably deed restricted and reserved to and for open space, with the beneficiaries thereof being the Village, all owners and transferees of the property in question, and all abutting owners of property; or
  - c. All front, side and rear yard setback requirements and the minimum lot width requirement shall remain the same as the applicable zoning district.

### Section 2.402 FUNCTIONAL EQUIVALENT FAMILY: ADDITIONAL PERSONS

The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged upon a demonstration by the applicant of all of the following:

1. There are adequate provisions on the subject property for off street parking for each adult proposed to reside on the premise, and adequate storage for each person proposed to reside on the premises.
2. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonable projected population concentration in the area, place an unreasonable burden upon public services, facilities, and/or schools.
3. There shall be a minimum of 125 square feet of usable floor space per person on the premises.
4. An approval under this subsection shall be conditioned upon approval by the Oakland County Health Department of the number of persons on the premises in relation to sanitary sewage and water facilities.
5. If the Planning Commission grants an application under this provision, the determination shall include the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

**Section 2.403 MANUFACTURED HOUSING PARK**

1. Intent. The mobile home park classification is intended to provide standards and regulations applicable to the development and use of mobile home parks.
2. Applicable Law. The law, code, standards and regulations applicable to mobile home parks shall be Act 419 of the P.A. 1976, as amended, and the code, rules, and regulations adopted and administered pursuant thereto.
3. Zoning Map Authorization. In the event there is no available land expressly designated on the official zoning map for manufactured home park, such use may be developed and used within districts classified as W, Workplace.

**Section 2.404 MIXED RESIDENTIAL OPTION**

A mixed residential development may include a mixture of residential development types, subject to the following restrictions:

1. The maximum density shall not exceed that permitted in the underlying zoning district.
2. A maximum of 40% of all units within any development may be multiple family or townhouse units. At least 60% of all units must be single family detached units.
3. The minimum lot width, lot area, and setback requirements for single family lots in a mixed residential development shall comply with the R-3 district standards.

**Section 2.405 RESIDENTIAL USES IN THE DOWNTOWN DISTRICT**

Multiple family, townhouse, and nursing home/assisted living residential land uses in the D district are not permitted in the core downtown area. The core downtown area is the area along Mill Street between Cedar and Church Streets, and along South Street between Mill Street and Church Street.

Residential dwelling units are permitted in the core downtown area in mixed use buildings (see [Section 3.205](#)).

**Section 2.406 EXISTING SINGLE FAMILY DWELLINGS IN THE D DISTRICT**

Detached single family dwellings in the D District that existed on the date of adoption of this Ordinance shall be allowed to continue as a principal permitted use. No new detached single family dwelling unit may be constructed on a lot or parcel in the D district where one did not exist on the date of adoption of this ordinance.

**Section 2.407 STATE LICENSED RESIDENTIAL FACILITY TYPES**

Note that wherever the term "private home" is used in the following table, it shall mean a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency

**Table 2. Summary of State Licensed Residential Facility Types**

Type of State Licensed Residential Facility	Number of Persons	Permitted in Private Home?
<b>Less Than 24-Hour Care</b>		
Family Day Care Home	1-6	Yes
Group Child Day Care Home	7-12	Yes
<b>24-Hour Care</b>		
<i>Persons under age 18</i>		
Foster Family Home	1-4	Yes
Foster Family Group Home	4-6	Yes
<i>Persons age 18 and Over</i>		
Adult Foster Care Family Home	1-6	Yes
Adult Foster Care Small Group Home	1-12	Yes
Adult Foster Care Large Group Home	13-20	No
Adult Foster Care Congregate Facility	20 or more	No

**Section 2.408 TWO FAMILY DWELLING UNITS**

Two Family dwelling units are permitted subject to the following:

1. Minimum lot area shall be fifteen thousand square feet.
2. Minimum road frontage and lot width of one hundred feet.
3. Adequate on-site vehicular parking facilities.
4. Compliance with all other area and dimensional regulations, e.g., yard setbacks applicable to single-family residential.

**Section 2.409 PLACE OF WORSHIP**

1. Buildings of greater than the maximum height allowed in the district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
2. At least one boundary of the lot upon which the church is to be constructed shall border a street designed as a collector thoroughfare having an existing and/or planned right-of-way of at least sixty-six feet in width.

**Section 2.410 COMMERCIAL RECREATION (INDOOR)**

1. Determination that the activity conducted will not endanger those participating and/or adjoining uses and/or vehicular and/or pedestrian traffic as a result of the location of the use in relation to thoroughfares, adjoining uses, and the like.

2. The entire premises shall be situated at least two hundred fifty feet from property classified for residential use.

### Section 2.411 **COMMERCIAL RECREATION (OUTDOOR)**

1. The property in question shall not share a common boundary line with land zoned for residential purposes.
2. All driveway approaches, curbs, curb cuts and road drainage shall meet the requirements of all agencies having jurisdiction.
3. Devices for the transmission or broadcasting of voices or music shall be directed and muffled in such a manner as to reasonably prevent sounds or music from being audible beyond the boundary of the property in question. Noises generated by the operation of the use shall comply with the performance standards for noise contained in [Chapter 5.2](#). No transmission of noise (including voices or music) is permitted after 10 pm.

### Section 2.412 **KENNEL**

In those districts where a dog kennel is permitted, a minimum lot area of not less than one acre with a minimum lot width of not less than 200 feet is required for any kennel, and all buildings pens and runways for housing or keeping of such animals shall not be less than 75 feet from any adjacent property line.

### Section 2.413 **OUTDOOR DINING (ACCESSORY TO A PERMITTED USE)**

1. No music or other noises generated by the operation of an outdoor dining area shall be audible on adjacent residential properties before 4 pm or after 10 pm. Music or other noises generated by the operation of the outdoor dining area shall comply with the performance standards for noise contained in [Chapter 5.2](#).
2. Outdoor dining areas are exempt from parking regulations, and shall not be included in calculations for minimum parking requirements.

### Section 2.414 **ADULT ORIENTED BUSINESSES**

1. **Intent and Purpose.** In the development and execution of this Ordinance, it is recognized, based upon studies undertaken and reported by other communities, that there are some uses which, because of their very nature, are recognized as having serious objectionable, operational characteristics when concentrated with certain other uses under certain circumstances thereby having a deleterious effect upon adjacent areas, as well as the community as a whole. Relying on such studies, the Village Council has concluded that special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.
2. **Regulated Uses.** The following uses are considered "regulated uses" for the purposes of this Section:
  - a. Adult Uses, including the following:
    - i. Adult Arcade, defined as a place to which the public is permitted or invited to view motion pictures, video or laser disc pictures or other products of image-producing devices where the images displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
    - ii. Adult book stores, adult novelty store or adult video store, defined as a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion pictures, video cassettes or video reproductions, slides or

other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

- iii. Adult cabaret, defined as a night club, bar, restaurant, or similar commercial establishment which regularly features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
  - iv. Adult motion picture theater, defined as a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
  - v. Adult theater, defined as a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"
- b. *Motels* defined as an establishment for temporary lodging where each individual room has a main entry door on the exterior of the building or where the rooms are advertised for rent for less than a twelve (12) hour period of time, or both.
  - c. *Pawnshops*, as contemplated in Act No. 273 of the Public Acts of 1917, as amended and/or Act No. 231 of the Public Acts of 1945, as amended.
  - d. *Pool and billiard halls*.
  - e. *Precious metal and gem dealers*, as contemplated under Act 95 of the Public Acts of 1981, as amended.
  - f. *Second-hand dealers*; defined as any person, corporation, partnership, firm or other entity, a substantial portion of whose business is that of purchasing, storing, exchanging and receiving second-hand property of any kind or description, excepting businesses whose primary products are bona fide antiques.
  - g. *Tattoo Parlors and Body Piercing Establishments*;
  - h. *Sole Use Tobacco Shops*;
3. **Other Definitions**
- a. *Nudity* or a *state of nudity* means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering or any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state.
  - b. *Semi-nude* or *semi-nude condition* means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
  - c. *Specified anatomical areas* means: the human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

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d. *Specified sexual activities* means any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

4. **Dispersal Requirement.** In addition to compliance with the other provisions of this Ordinance, the following apply to regulated uses:
- a. No regulated use may be located within 1,000 feet of another regulated use; and
  - b. No regulated use may be located within 250 feet of any residential zoning district, school property, church, public park or other use which is primarily oriented to youth (less than 18 years of age) activities. Existing structures and/or uses which are in violation of this Section shall be subject to the regulation set forth in [Chapter 6.6](#) of this Ordinance, governing non-conforming structures and uses.

**Section 2.415 RETAIL SALES (UNRESTRICTED OUTDOOR)**

1. **Setbacks.**
- a. Display areas shall have a minimum 10 foot front yard setback and shall meet the side and rear setback requirement applicable to principal buildings in the zoning district.
  - b. Storage areas. The outdoor storage of operative automobiles and other products for sale shall not be in any required yard and shall be handled and stored so as to present an orderly, planned, efficient operation at all times. Any area used for storage of products for sale shall be effectively hidden from any area zoned for residential use by an obscuring fence or wall not less than six feet in height.
2. **Vehicle Sales Lots.** All areas subject to vehicular use, display, or storage shall have a concrete surface with appropriate bumper guards where needed.

**Section 2.416 RETAIL SALES OR STORAGE (LIMITED OUTDOOR)**

Areas for outdoor display of merchandise associated with a principal retail sales use may require screening, depending on the nature of the outdoor sales use. Outdoor sidewalk sales areas in the D district will not require screening, but an outdoor sales area attached to a nursery or garden center would require screening. The screening requirement shall be determined by the official or body reviewing the application.

**Section 2.417 VEHICLE SERVICE (MINOR)**

Vehicular service stations are subject to the following:

- 1. The lot for the automobile service station shall have one hundred sixty feet of frontage on the principal streets serving the station.
- 2. The lot shall contain an area of not less than fourteen thousand square feet.
- 3. All buildings shall be set back not less than fifty feet from right-of-way lines.
- 4. Curbs, curb cuts, driveway widths, acceleration or deceleration lanes shall meet the requirements of all agencies having jurisdiction.
- 5. No structure shall be located closer than one hundred feet from any residentially zoned land.
- 6. Gasoline storage tanks shall be located no closer than one hundred feet from any property line.

7. Pump islands shall be located no closer than twenty-five feet from any property line.
8. All trash, waste and/or discarded material shall be screened from view and confined so as to be completely contained within an enclosure, and the site plan shall make provision to insure compliance with this subparagraph.

**Section 2.418 VETERINARY OFFICES**

1. All facilities shall be completely enclosed in a building in such a manner as to produce no offensive odor or audible sound at the lot line.
2. Refuse storage and disposal shall be accomplished by an adequate and enclosed unit, maintained in a location and under such circumstances that the same is not visible to the general public and not a nuisance.

**Section 2.419 INDUSTRIAL USES WITH POTENTIAL OFF-SITE IMPACT**

1. The site shall not share a common boundary with any residential zoning district.
2. Devices and controls adequate to meet the standards enumerated in this Ordinance relative to sound, vibration, smoke, odor, and/or grass shall be installed.
3. The front, rear, and side yard setback requirements shall be two times the applicable requirements in the W district.

**Section 2.420 OUTDOOR STORAGE YARD**

1. The site shall not share a common boundary with any land in a residential district.
2. On those sides abutting any public thoroughfare, storage is permitted if surrounded by an obscuring wall constructed to a minimum height so as to screen the stored item having the greatest height on the property.

**Section 2.421 MINERAL AND SOIL REMOVAL: LIMITED PERIOD SPECIAL USE**

1. An application will be required for the removal of sand, gravel, stone, aggregate and/or other minerals from specified property. Such application must reflect in detail the geography, topography, natural surface features and vehicular traffic routes and access on and in a one-half mile radius of the property in question, together with a geological, hydrological, botanical and engineering survey and study prepared by appropriate experts, and also contain an operating and reclamation plan for the entire duration of the use, and an environmental impact study. The ZBA, following recommendation by the Planning Commission, and in accordance with the standards hereinafter set forth, and subject to any additional reasonable conditions imposed by the ZBA, may grant the limited period special use authorization.
2. The ZBA may grant the application only upon a finding that no harm and/or impairment shall result to the water, air, natural resources and/or public trust on and around the property, and that such use shall not unreasonably impact on the surrounding area from a land use and/or planning standpoint.
3. The ZBA shall establish a specific time period during which the special use shall be authorized, beyond which time there shall be no vested rights to continue such limited period special use.
4. Immediately following termination of active removal activities, the property shall be restored and reclaimed in accordance with the approved plan, which, among other things, shall include a re-grading of the property so as to

prohibit any slopes in excess of one foot vertical to five feet horizontal and further include a ground cover, which will prevent erosion in the short and long term. Use of appropriate native plants is encouraged.

- 5. Nothing in this Section shall be construed or interpreted to prohibit the necessary preparation of land in connection with any immediately lawful use, provided that a site plan or other required application has been submitted to undertake such use.

**Section 2.422 ACCESSORY USES PERMITTED**

- 1. **In the R-1 and R-2 Districts.**
  - a. Garage; tool sheds; non-commercial greenhouse; off-street parking of vehicles less than seven thousand pounds; non-commercial swimming pool; home occupations (as defined) without signs; indoor storage of vehicles and equipment.
  - b. Outdoor storage of utility trailers under seven thousand pounds, recreational vehicles such as travel trailers, motor homes, boats on trailers, and snowmobiles on trailers providing:
    - i. The recreational vehicle is owned by the owner of the property upon which it is stored.
    - ii. Storage is in the rear or side yards and not within three feet of the rear or side yard lot lines. Utility trailers and recreational vehicles may be stored in the front driveways for the express purpose of loading or unloading for a period of six days during one calendar month; however, each loading/unloading period shall not exceed three consecutive days.
    - iii. The utility trailers and recreational vehicle shall not be used for living, sleeping or housekeeping except for the occasional living purposes to accommodate visitors. This exception shall not exceed a two week period within a calendar year. During that two week period of time, the recreational vehicle shall not be hooked to any sanitary facilities.
    - iv. Recreational vehicles and trailers parked or stored on any residential property shall be kept in good repair, be appropriately registered and display an appropriate license plate.
  - c. The total combined areas of accessory buildings (as defined in [Section 5.102](#)), utility trailers, and recreational vehicles shall not exceed 25% of the total of the rear yard plus side yard square footage.
- 2. **In Any District Other than the R-1 or R-2 District.** Structures and uses customarily incidental to uses permitted by this Ordinance.

**Section 2.423 HOME OCCUPATION**

- 1. No article or service shall be sold or offered for sale on premises, except to the extent that the same is produced by the home occupation.
- 2. The home occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas.
- 3. ZBA consideration and approval of a particular use shall be required in order to establish a home occupation.
- 4. A home occupation shall not occupy more than 20% of the usable floor area of the principle building or more than 50% of an accessory building.



Section 2.424 **WIRELESS COMMUNICATION FACILITIES**

1. **Purpose and Intent.** It is the general purpose and intent of the Village to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Village to provide for such authorization in a manner which will retain the integrity of the neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.  
Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this Section to:
  - a. Facilitate adequate and efficient provision of sites for Wireless Communication Facilities.
  - b. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of Wireless Communication Facilities, subject to applicable Village standards and conditions.
  - c. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
  - d. Ensure that Wireless Communication Facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
  - e. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
  - f. Promote the public health, safety and welfare.
  - g. Provide for adequate information about plans for Wireless Communication Facilities in order to permit the community to effectively plan for the location of such facilities.
  - h. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
  - i. Minimize the negative visual impact of Wireless Communication Facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public right-of-ways. This contemplates the establishment of as few structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
  - j. The Village Council finds that the presence of numerous tower and/or pole structures, particularly if located within or abutting residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact form the presence of numerous tower and/or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.
2. **Permitted Uses.** Subject to the standards and conditions set forth in subsection 5.a., Wireless Communication Facilities shall be permitted uses in the following circumstances:

- a. An existing structure which will serve as an Attached Wireless Communication Facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Building Inspector, proposed to be either materially altered or materially changed in appearance.
  - b. A proposed co-location upon an Attached Wireless Communication Facility which had been pre-approved for such co-location as part of an earlier approval by the Village.
  - c. An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Building Inspector, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
3. **Special Land Uses.** Subject to the standards and conditions set forth in subsections 5.a and 5.b, wireless communications facilities may be authorized as a special land use in the following locations:
- a. Within the C zoning district.
  - b. On municipal, school or other governmentally owned property.
4. **Special Land Uses in Non-Permitted Districts or Zones.** If it is demonstrated by an applicant that there is no reasonable difference of opinion that a Wireless Communication Facility may not reasonably be established as a permitted use under subsection 2, or as a special land use under subsection 3, a Wireless Communication Facility may be permitted elsewhere in the Village as a special land use, subject to all the criteria and standards of subsection 5.
5. **General Regulations**
- a. **Standards and Conditions Applicable to All Facilities.** All applications for Wireless Communication Facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its direction.
    - i. Facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize Attached Wireless Communications Facilities.
    - ii. Wireless Communication Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a Certification of Compliance by the applicant's licensed engineer.
    - iii. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
    - iv. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure) which in no event shall exceed 195 feet. Any accessory building contemplated to enclose such things as switching equipment, shall be limited to the maximum height for accessory structures of buildings within the respective district.
    - v. The setback of the support structure from any residential district shall be at least the one and one-half (1 1/2) times the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.

- vi. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structures, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located and otherwise sufficient, taking into account the information required by Subsection 6.c.
- vii. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- viii. The division of property for the purpose of locating a Wireless Communication Facility is prohibited unless all zoning requirements and conditions are met.
- ix. Where an Attached Wireless Communication Facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be visually and architecturally compatible with the principle building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard set-backs. For co-location facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
- x. The design and appearance of the support structure and equipment enclosure shall minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the Wireless Communication Facility in a neat and orderly condition.
- xi. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geo-technical engineer, license in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- xii. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
- xiii. The antenna and other attachments on a Wireless Communication Facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.
- xiv. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a license operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a Wireless Communication Facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative

approval demonstrates that it would not be feasible for it to co-locate on the facility that has been newly granted final approval.

- b. Standards and Conditions Applicable to Special Land Use Facilities. Applications for Wireless Communication Facilities which may be approved as special land uses under subsection 3, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in subsection 5.a, the following additional standards:
  - i. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
    - (1) Proximity to an interstate or major thoroughfare.
    - (2) Areas of population concentration.
    - (3) Concentration of commercial, industrial, and/or other business centers.
    - (4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
    - (5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
    - (6) Other specifically identified reason(s) creating facility need.
    - (7) The proposal shall be reviewed in conformity with the co-location requirements of this Section.
- c. Standards and Conditions Applicable to Special Land Uses in Non-Permitted Districts or Areas. For facilities which are not permitted uses under subsection 2, and proposed to be located outside of a district or area identified in subsection 3, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in subsections 5.a and 5.b.
  - i. At the time of the submittal, the applicant shall demonstrate that a location within a designated district or area cannot reasonably meet the coverage and/or capacity needs of the applicant.
  - ii. Wireless Communication Facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Village.
  - iii. In single-family residential neighborhoods, site locations outside a district or area identified in subsections 2 or 3 may only be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:
    - (1) Municipally owned site.
    - (2) Other governmentally owned site.
    - (3) Religious or other institutional site.
    - (4) Public park and other large permanent open-space areas when compatible.
    - (5) Public or private school site.
    - (6) Other locations if none of the above is available.

6. Application Requirements

- a. A site plan prepared in accordance with [Chapter 6.1](#) of this Ordinance shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- b. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is it provide screening and aesthetic enhancement for the structure base and equipment enclosure.
- c. The application shall include a signed certification by a State of Michigan license professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- d. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility, when it has been abandoned or is no longer needed, as provided in paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credi: or, (4) an agreement in a form approved by the attorney for the community and recordable at the office of the Register of Deeds, to be held by the Village and recorded if needed, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required uner this setion of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the community in securing removal.
- e. The application shall include a map showing existing and known proposed Wireless Communication Facilities within the Village, and further showing existing and known proposed Wireless Communication Facilities within areas surrounding the borders of the Village in the location, and in the area, which are relavant in terms of potential co-location or in demonstrating the need for the proposed facility. To the extent the information in question is on file with the Village, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commerca information which, if released would result in ccommericla disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Village.
- f. The name, address, and phone number of the person to contact for engineering, maintenance and other notice purposes. Written notice of any changes in this information shall be provided to the Village immediatly. This application information shall also be confirmed in writing on an annual basis.
- g. The owner or duly authorized representative of all ownership interest in the land on which the Wireless Communication Facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in the General Resolutions, above.
- h. The application fee, in the amount specified by Village Council Resolution.

7. Co-location

- a. Statement of Policy. It is the policy of the Village to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Village, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in subsection A. Each licensed

provider of a Wireless Communication Facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of Wireless Communication Facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Village that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above and in subsection 1. If a provider fails or refuses to permit co-location on a facility owned or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Village. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Village.

- b. Feasibility of Co-location. Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:
  - i. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location.
  - ii. The site on which co-location is being considered, taking to consideration reasonable modification or replacement of a facility, is able to provide structural support.
  - iii. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  - iv. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Village, taking into consideration the several standards contained in parts 4 and 6 of this section, above.
- c. Requirements for Co-location.
  - i. A special land use approval for the construction and use of a new Wireless Communication Facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
  - ii. All new and modified Wireless Communication Facilities shall be designed and constructed so as to accommodate co-location.
  - iii. The policy of the Village is for co-location. Thus, if a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
  - iv. If a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new Wireless Communication Support Structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Village, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new Wireless Communication Support Structure within the Village for a period of five years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate

among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

- d. Incentive. Review of an application for co-location, and review of an application for a permit for use of a facility permitted under subsection 2, shall be expedited by the Village.

**8. Removal.**

- a. A condition of every approval of a Wireless Communication Facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one of more of the following events:
  - i. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  - ii. Six months after new technology is available at reasonable cost as determined by the Village Council, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or more compatible with the area.
- b. The situations in which removal of a facility is required, as set forth in paragraph a. above, may be applied and limited to portions of a facility.
- c. Upon the occurrence of one or more of the events requiring removal, specified in paragraph 1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Building Official.
- d. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the application deadline, and after at least thirty (30) days written notice, the Village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- e. The person who had used the facility shall immediately notify the Village Clerk in writing if and as soon as use of a facility ceases.

**9. Effect and Approval.**

- a. Subject to the following subparagraph b., final approval under this section shall be effective for a period of six (6) months.
- b. If construction of a Wireless Communication Facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the six month period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Village of the commencement of the other facility unless the applicant granted approval of that facility which has not been commenced demonstrate that it would not be feasible for it to co-locate on the facility that has been newly commenced.





# Article 3 **DIMENSION AND DESIGN STANDARDS**

## Chapter 3.1 **Schedule of Regulations**

**Table 3. Schedule of Regulations**

Zoning District	Minimum		Setback Requirements				Max. Building Height (ft.)	Max. Density (d.u./acre)	Max. Lot Coverage (all buildings)	Permitted Building Types (see <a href="#">Chapter 3.2</a> )
	Lot Area (sq. ft.)	Lot Width (ft.)	Front	Side (Interior)	Side (street)	Rear				
<b>N-P</b>	43,560	150	30	10	20	35	30	--	15%	Single Family Civic/Institutional
<b>R-1</b>	15,000	100	30	10	20	35	30	--	25%	Single Family Civic/Institutional
<b>R-2</b>	12,000	80	20	5	20	35	30	--	25%	Single Family Civic/Institutional
<b>R-3</b>	7,200	60	15-25	5	10-20	20	30	6	30%	Single Family Civic/Institutional
<b>R-M</b>	12,000	100	25	20	20	30	30	10	30%	Single Family Multiple Unit S.F. Townhouse Apartment Civic/Institutional
<b>RMH</b>	See <a href="#">Section 2.403</a>									
<b>P</b>	--	--	20	20	20	30	40	--	--	Civic/Institutional
<b>G (South St.)</b>	10,000	80	10-20	10	10-20	30	30	--	--	Single Family Multiple Unit S.F. Townhouse Mixed Use Civic/Institutional
<b>G (Mill St.)</b>	10,000	80	20-35	10	10-20	30	--	--	--	Single Family Multiple Unit S.F. Civic/Institutional
<b>D</b>	--	--	0-5	0	0-10	5	35	--	--	Mixed Use Civic/Institutional
<b>C</b>	--	--	25	10	25	25	30	--	--	Mixed Use Office/Retail Civic/Institutional
<b>W</b>	--	--	25	10	20	25	40	--	--	Office/Retail Civic/Institutional

*\*Note: Whenever a setback range is specified in the above table (e.g. 0-10), it shall mean that the front building face must be located within a "build-to-zone" with a minimum and maximum setback as noted above. Whenever a single number is specified in the above table, it is a minimum setback and there is no maximum setback.*

**Section 3.101 ONE LOT, ONE PRINCIPLE USE**

1. In all districts, there shall be no more than one principle use conducted on a single lot or parcel.
2. In all single-family residential districts, there shall be no more than one principle structure on a single lot or parcel.

**Section 3.102 REQUIRED STREET FRONTAGE**

Any parcel of land which is to be occupied by a use, building or structure, shall have frontage on and direct access to:

1. A public thoroughfare which has been accepted for maintenance by the State of Michigan, County Road Commission, or Village of Ortonville; or
2. A permanent and unobstructed existing private road which is of record at the Oakland County Register of Deeds and/or the Village of Ortonville on the date of this Ordinance. No such occupancy shall be permitted on a private road not of record at the Oakland County Register of Deeds and/or Village of Ortonville as of the date of this Ordinance.

**Section 3.103 EXCEPTIONS TO HEIGHT LIMITATIONS**

Subject to the following, the general height limitations shall not apply to church spires, chimneys, flagpoles, water towers, aerials and TV, radio, and microwave towers, and wind generators:

1. There shall be a fall area between the structure and all boundary lines of the property with a dimension no less than the height of the structure.
2. There shall be compliance with all other applicable law, ordinances, rules and regulations, and the site plan shall represent that each and every necessary approval from other governmental entities has either been granted or is pending, and the structure shall in no event be erected until all such approvals have been granted.

**Section 3.104 DEVELOPMENT PROHIBITIONS IN YARD SETBACKS**

There shall be no improvements constructed or moved on to the required front, side and/or rear yard setback areas, except as permitted in this Ordinance, provided, a driveway may pass through the front yard. This prohibition shall not prevent underground improvements.

**Section 3.105 RIPARIAN SETBACK REQUIREMENTS**

The setbacks in this section govern the use and alteration of land within a specified distance of the Duck and Kearsley Creeks and wetlands contiguous to those watercourses. This setback is established to implement water quality protection, environmental protection, resource protection, and to preserve the Village’s existing character.

1. Setback Requirement. No dwelling unit or other principal building, or accessory building may be constructed within 25 feet of the ordinary high water mark of the Duck and Kearsley Creeks, or any wetland contiguous thereto.
2. Permitted Structures Within Riparian Setback Area. The following structures are permitted within the setback:
  - a. Flood control or bank protection structures.
  - b. Pedestrian or vehicular bridges.
  - c. Decks or pervious paver patios.

3. Vegetation. The area within the riparian setback should be kept in a predominantly natural condition. Only native species should be planted in the setback area, and the maintenance of land as turf grass is discouraged.

### Section 3.106 MEASUREMENT OF SETBACKS

1. Front yard setbacks shall be measured from the edge of the planned Village or County right-of-way, if one exists.
2. The front yard on corner lots shall be consistent with the layout of front yards on nearby parcels, considering the relationship of nearby buildings to the street. If either street may reasonably be considered the front yard, the property owner may designate one yard as the front yard and one yard as the side street yard.

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## Chapter 3.2 Building Design Standards

### Section 3.201 SINGLE FAMILY RESIDENTIAL

A single family dwelling constructed, erected, structurally altered, repaired, and/or moved in whole or in part from or to a site in the Village shall conform to the following regulations, in addition to all other applicable state and/or federal standards and/or regulations:

1. It shall comply with all applicable building, construction and fire codes.
2. Unenclosed porches attached to a dwelling may project up to 8 feet into a required front yard, but in no case may be closer than fifteen feet (15') to any right-of-way or similar easement.
3. It shall comply with a minimum floor area, lot size, yard setback, and the like, requirements of this Ordinance for the zone in which it is situated.
4. It shall have a minimum width of twenty (20) feet on the front, rear and all side elevations.
5. It shall be firmly attached to a permanent foundation, and have a wall of the same perimeter dimensions as the dwelling, constructed of materials required for single-family dwellings pursuant to the Village's adopted building code.
6. All means of access to the dwelling, such as steps, porches, ramps, and the like, shall be permanent in nature, with footings below the frost line.
7. It shall be connected to a public sewer and water supply, or to such private facilities approved by the Oakland County Health Department.
8. It shall contain inside storage capability equal to ten (10%) percent of the square footage of the dwelling, or one hundred (100) square feet, whichever is less, such storage area, one or more closet areas, or an attached or detached structure with construction standards and materials of equal or greater quality and durability than the principal structure, including foundation.
9. It shall have no less than two (2) exterior doors situated on different sides of the dwelling unit.
10. In terms of construction standards, character, materials, design, appearance, aesthetics and quality, it shall be compatible, i.e., it shall meet equal or greater standards, as compared with existing dwellings in the area. The Building Official, or his designate, shall make the determination of compatibility in the first instance, based upon the plans, specifications and elevations which shall be presented upon application for a building permit. Such determination shall be made in view of the following:
  - a. Area of consideration: If the dwelling is to be located in a platted subdivision, it shall be compatible with the houses in the plat; and, if not in a platted subdivision, it shall be compatible with the houses within two thousand (2,000) feet which might be considered as being an area which relates to the property in question.
  - b. Square footage of floor space.
  - c. Length, width and height of structure.
  - d. Architectural type and design, including, without limitation, exterior materials, custom nature of design, roof style, and the like, to the extent that the same would likely bear upon property value.
  - e. The attachment of garages.

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- f. These regulations shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices, including solar energy, view, unique land contour, and/or custom qualities.

The determination of the Building Official, or his designate, shall be subject to appeal to the Zoning Board of Appeals, provided, a written application to appeal must be filed within fifteen (15) days after notice of the decision in the first instance.

- 11. There shall be no dumpsters situated on single family residential premises, provided, this regulation shall further prohibit dumpsters on property utilized for duplex purposes. The building official may approve temporary dumpsters during periods of construction.

### Section 3.202 MULTIPLE UNIT SINGLE FAMILY

- 1. **Use Standards.** Multiple unit single family buildings may contain residential dwelling units (as permitted in the zoning district, see [Table 1](#)).
- 2. **Site Design Standards.**
  - a. **Front Building Wall Frontage in Build-To-Zone.** A minimum of 80% of the total width of the front building wall shall be located in the build-to zone specified in the schedule of regulations for the zoning district in which the building is located. This provision only applies to zoning districts with a build-to-zone requirement.
  - b. **Parking.**
    - i. All parking spaces, including those in garages, shall be located behind the front building wall of the principal building closest to the front street. Driveways should access side streets for sites with side street access. Driveways that access front streets are discouraged where side street access is available.
    - ii. Cross-access between non-residential parking lots on adjacent sites is required. Property owners may be required to file easements granting such cross-access rights to adjacent property owners for the purpose of facilitating common rear-yard parking areas.
    - iii. Vehicle maneuvering areas may be located in between the building and the front street.
  - c. **Front Yard Landscaping.** The area between the building and the front street shall be landscaped except where vehicle or pedestrian circulation areas are located.
  - d. **Encroachments.** Patios, unenclosed porches, decks, or balconies attached to a dwelling may project up to 8 feet into a required front yard, but in no case may be closer than fifteen feet (15') to any right-of-way or similar easement.
- 3. **Scale and Appearance.** The structure shall have a design scale and appearance similar to a single family residential structure.
- 4. **Architectural details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.
- 5. **Garage Orientation.** Attached garages shall be set back a minimum of 5 feet behind the front building wall of the principal structure. There is no limitation on the number or orientation of parking areas, garages and any

other accessory structure or uses that may be located within the established rear yard, with access provided by an alley or access drive.

6. **Garage Proportion of Front Façade.** The width of front-loaded garage doors may not exceed 50% of the total width of the front building façade.
7. **Front Door Orientation.** The manor house building shall have not more nor less than one main entrance located on the front façade of the building. The front entrance shall include a front porch or stoop that is at least six feet (6') in width and depth with a minimum area of 36 square feet. Additional exterior entrances may be located on a side façade if the entrance is set back at least 15 feet from the front building wall, or on rear facades.

### Section 3.203 TOWNHOUSE

1. **Use Standards.** Townhouse buildings may contain residential dwelling units (as permitted in the zoning district, see [Table 1](#)).
2. **Site Design Standards.**
  - a. **Front Building Wall Frontage in Build-To-Zone.** A minimum of 75% of the total width of the front building wall shall be located in the build-to zone specified in the schedule of regulations for the zoning district in which the building is located. This provision only applies to zoning districts with a build-to-zone requirement.
  - b. **Parking.**
    - i. All parking spaces, including those in garages, shall be located behind the front building wall of the principal building closest to the front street. Exception: portions of driveway spaces for residential dwelling units may be located in a front yard provided that the driveway space has a minimum depth of 18 feet measured from the front property line.
    - ii. Driveways should access side streets for sites with side street access. Driveways may not access front streets when a site has side street access.
    - iii. Cross-access between parking lots on adjacent sites is required. Property owners may be required to file easements granting such cross-access rights to adjacent property owners for the purpose of facilitating common rear-yard parking areas.
  - c. **Front Yard Landscaping.** The area between the building and the front street shall be landscaped except where vehicle or pedestrian circulation areas are located.
  - d. **Encroachments.**
    - i. Front stoops attached to a dwelling may project up to 6 feet into a required front yard, but in no case may project into a right-of-way or similar easement.
    - ii. Balconies on upper stories may project up to 6 feet from the face of the building, and may encroach into front and rear setback areas.
3. **Building Design Standards.**
  - a. **Design Features.** Any street-facing façade that is visible from a public right-of-way or private road easement shall include features such as, but not limited to columns, cornices, pediments, articulated bases, and fluted masonry covering a minimum of 10% of the exterior wall area.
  - b. **Front Porch or Stoop Required.**

- i. Each dwelling unit or building subdivision shall have a minimum 30 sq. ft. unenclosed porch or stoop.
  - ii. The porch or stoop shall be raised at least 18 inches above sidewalk grade.
  - iii. The porch or stoop may be covered so long as the vertical area between the top surface of the stoop and the underside of the canopy covering the stoop is at least 75% open. For the purpose of calculating the enclosure requirement, the vertical area of any surface or building element intended to enclose the stoop, including screens, shall be subtracted from the total vertical area of the stoop between the floor and the canopy.
- c. Elevated First Floor. In order to provide privacy for first floor rooms, the first floor of the building shall be elevated a minimum of 30 inches above the level of the sidewalk adjacent to the front property line.
- d. Garages.
- i. Garage doors may not comprise more than 35% of the width of any façade facing a public or private street.
  - ii. Front-facing garage doors may not be located closer to any front street than the front door of the unit to which they are accessory.
  - iii. Garages are encouraged to be accessed from side or rear facades, particularly when a parcel has side street access.
- e. Building Materials.
- i. *Combination of Materials*. Building materials may be combined on a building façade horizontally, with the heavier material below the lighter material.
  - ii. *Primary Building Materials*. Primary building materials shall be used on a minimum of 60% of the façade area of the building (excluding the area of doors and windows).  
  
Durable natural or natural-appearing building materials such as brick, stone, exposed logs or timber, cementitious siding, split face block, or other similar materials are preferred primary building materials. Durable synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material.
  - iii. *Accent Building Materials*. Accent materials may be used on up to 40% of the façade area of the building (excluding the area of doors and windows).  
  
Acceptable accent materials include decorative precast concrete block, metal, and glass. Non-durable building materials such as EIFS may be used as an accent building material on up to 10% of the total wall area of any façade, but may not be used on the base level of a building.
- f. Entrances.
- i. *Individual Entrances Required*. All dwelling units shall have entrances that are directly accessible from the exterior of the building. No unit shall gain access from an interior hallway within a building. The primary exterior entrance to all units shall face a street with a connection leading from the roadside sidewalk to the front entrance of the unit. In no case shall a front entrance to a townhouse unit face the rear yard of another dwelling unit or a service area.
  - ii. A minimum of 75% of all units within a building shall have their principal entrance on the front façade of the building.



- g. Buildings wider than 75 feet shall incorporate vertical elements in the principal façade to mimic smaller-scale development.
- h. Mechanical Equipment and Service Areas.
  - i. *Service Areas*, including utility access, loading areas, and dumpsters shall be located in side or rear yards and shall be screened from view from any street and any residentially used property.
  - ii. *Mechanical and Utility Equipment*, such as gas or electrical meters, telephone boxes, utility cabinets, HVAC equipment, and other similar utility devices (whether ground, wall, or roof mounted) shall be screened from view from a point 8 feet above grade level at the centerline of any abutting roads and along any parcel line abutting a residentially used property. The applicant shall submit a line of sight drawing demonstrating that the equipment will not be visible from the above locations. Exterior screening materials shall be the same as the predominant materials of the principal building.

**Section 3.204    APARTMENT**

1. **Use Standards.** Apartment buildings may contain residential dwelling units (as permitted in the zoning district, see [Table 1](#)).
2. **Front Building Wall Frontage in Build-To-Zone.** A minimum of 70% of the total width of the front building wall shall be located in the build-to zone specified in the schedule of regulations for the zoning district in which the building is located. This provision only applies to zoning districts with a build-to-zone requirement.
3. **Building Entrances.** Each building shall have at least one entrance door on each street-facing facade to create an appearance that is consistent with a single family character. Entrances to individual units may occur off an interior hallway that is accessed via a front door, or may be located on the side or rear of the building. Interior hallways may also have a secondary entrance on the side or rear of the building.
4. **Architectural Details.**
  - a. Any façade facing a public street shall be designed as a front façade, including architectural elements to distinguish the façade as the buildings’ primary face. Patio areas are prohibited between the building and a public street unless they are designed to have the appearance of a front porch or stoop commonly found on the front facades of residential structures, or screened by an integral architectural element of the building’s architecture. A freestanding wing wall is an example of a method of screening that is not an integral element of the building. A screening wall that is integral with the front building façade, and that screens a patio area that is partially recessed into the main mass of the building may count as an integral element of the building.
  - b. Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.
5. **Garage Orientation.** Where multiple family buildings contain attached or detached garages that are accessory to the dwelling unit, no more than 25% of all garage doors may be located at or in front of the front building wall of the building, with all other garage doors being located at least 10 feet behind the front building wall of the unit or facing the side or rear of the unit. There is no limitation on the number or orientation of parking areas, garages and any other accessory structure or uses that may be located within the established rear yard, with access provided by an alley or access drive.
6. **Street Design and Vehicular Circulation.** Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within

a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots.

7. **Private Streets or Access Drives** may be permitted within multiple family housing developments, provided that the following minimum requirements are met:
  - a. All dimensions for private drives, streets or roadways, including the length of dead-end drives, shall meet the municipal standards requirements.
  - b. Arrangements satisfactory to the Village regarding the maintenance and repair of streets, roadways, or access drives.
8. **Pedestrian Circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided to connect parking areas, public sidewalks and recreation areas to all building entrances; along collector roads and streets within the development; and streets adjacent to the development.
9. **Parking.** On-street parking spaces on interior streets are encouraged and shall count towards the minimum parking requirement. Parking spaces on streets exterior to the development shall not be counted towards the minimum parking requirement.
10. **Recreation Areas.**
  - a. Passive or active outdoor recreation areas (including but not limited to seating areas, playgrounds, swimming pools, plazas, courtyards, and other recreational elements in accordance with the intended character of the development) shall be provided at a ratio of at least five percent (5%) of the gross site area of the development.
  - b. The length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1).
  - c. Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents. Such areas located within any required yard setbacks or building separations shall not count towards the minimum 5% gross site area requirement.

**Section 3.205 MIXED USE**

1. **Use Standards.** Mixed use buildings may have a combination of residential and nonresidential uses (only those nonresidential uses permitted in the zoning district are allowed in a mixed use building, see [Table 1](#)), subject to the following:
  - a. If the uses are on separate levels or floors, the business use shall occupy the ground floor.
  - b. Residential facilities shall have at least two exits and two private off-street parking spaces.
  - c. Both the residence and the business facility shall be subject to regular fire code inspections, as established by local fire code inspector.
2. **Site Design Standards.**
  - a. **Parking.**
    - i. All parking spaces, including those in garages, shall be set back a minimum of 15 feet from any street.
    - ii. Driveways should access side streets for sites with side street access. Driveways that access front streets are discouraged when side street access is available.

- iii. Cross-access between parking lots on adjacent sites is required. Property owners may be required to file easements granting such cross-access rights to adjacent property owners for the purpose of facilitating common rear-yard parking areas.
  - b. Front Building Wall Frontage in Build-To-Zone. A minimum of 80% of the total width of the front building wall shall be located in the build-to zone specified in the schedule of regulations for the zoning district in which the building is located. This provision only applies to zoning districts with a build-to-zone requirement.
3. **Building Design Standards.**
- a. Building Transparency.
    - i. *Minimum First Floor Transparency.* The minimum transparency on the first floor front façade shall be 65%.
    - ii. *Maximum Upper Floor Transparency.* The maximum transparency on upper stories shall not exceed 60%.
    - iii. *Proportion of Openings.* Building openings, including doors and windows, shall be square or vertical in proportion except on the first floor front façade, where windows may have a horizontal proportion. Individual windows with a vertical proportion may be grouped together even if the group of windows will have an overall horizontal proportion.
    - iv. *Ground Floor Glass.* All ground floor windows shall use transparent, non-reflective, non-tinted glass.
  - b. Ground Story Design.
    - i. *Entrances.* All buildings shall have their principal entrance on the front façade of the building. Entrances may be recessed up to 5 feet from the front building wall of the building.
    - ii. *Ground Story Height.* A minimum clear height of 12 feet shall be provided for the ground story in a downtown/mixed use building.
    - iii. *Bulkhead Below First Floor Windows.* First floor windows may not extend down to grade level. A bulkhead or kickplate with a minimum height of one foot shall be provided below ground story windows. The bulkhead should use primary materials, and the chosen material should appear heavier visually than the material used for the walls.
  - c. Alignment of Building Features. Windowsills, moldings, and cornices shall align with those of adjacent buildings to create a consistent design pattern. The bottom and top line defining the edge of the windows (the “windowsill alignment”) shall not vary more than two feet from the alignment of surrounding buildings in the downtown district. If the adjoining buildings have windowsill alignment that varies by more than two feet from one another, the proposed building shall align with one of the adjoining buildings.
  - d. Buildings wider than 75 feet shall incorporate vertical elements in the principal façade to mimic smaller-scale development.
  - e. Encroachments.
    - i. *Balconies* on upper stories may project up to 6 feet from the face of the building, and may encroach into setback areas.
    - ii. *Awnings* on the ground story may encroach up to 6 feet from the face of the building, and may encroach into setback areas. All awnings shall have a minimum of 8 feet clear space between the

sidewalk and the bottom of the awning or any support structure, and shall not exceed a height of 12 feet to the highest point of the canopy. Awnings may not be internally illuminated.

f. Mechanical Equipment and Service Areas.

- i. *Service Areas*, including utility access, loading areas, and dumpsters shall be located in side or rear yards and shall be screened from view from any street and any residentially used property.
- ii. *Mechanical and Utility Equipment*, such as gas or electrical meters, telephone boxes, utility cabinets, HVAC equipment, and other similar utility devices (whether ground, wall, or roof mounted) shall be screened from view from a point 8 feet above grade level at the centerline of any abutting roads and along any parcel line abutting a residentially used property. The applicant shall submit a line of sight drawing demonstrating that the equipment will not be visible from the above locations. Exterior screening materials shall be the same as the predominant materials of the principal building.

Section 3.206 **OFFICE/RETAIL**

1. **Use Standards.** Office/Retail buildings may contain any non-residential use (as permitted in the zoning district, see [Table 1](#)).

2. **Parking.**

- a. Parking spaces may be located in a front yard between the building and the street.
- b. Driveways should access side streets for sites with side street access. Driveways that access front streets are discouraged where side street access is available.
- c. Cross-access between non-residential parking lots on adjacent sites is required. Property owners may be required to file easements granting such cross-access rights to adjacent property owners for the purpose of facilitating common rear-yard parking areas.

3. **Building Design Standards.**

a. Building Materials.

- i. *Combination of Materials.* Building materials may be combined on a building façade horizontally, with the heavier material below the lighter material.
- ii. *Primary Building Materials.* Primary building materials shall be used on a minimum of 60% of the façade area of the building (excluding the area of doors and windows).

Durable natural or natural-appearing building materials such as brick, stone, exposed logs or timber, cementitious siding, split face block, or other similar materials are preferred primary building materials. Durable synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material.

- iii. *Accent Building Materials.* Accent materials may be used on up to 40% of the façade area of the building (excluding the area of doors and windows).

Acceptable accent materials include decorative precast concrete block, metal, and glass. Non-durable building materials such as EIFS may be used as an accent building material on up to 10% of the total wall area of any façade, but may not be used on the base level of a building.

b. Building Transparency.

- i. *Minimum First Floor Transparency.* The minimum transparency on the first floor front façade shall be 40% for buildings with non-residential first floor uses.
  - ii. *Proportion of Openings.* Building openings, including doors and windows, shall be square or vertical in proportion except on the first floor front façade, where windows may have a horizontal proportion. Individual windows with a vertical proportion may be grouped together even if the group of windows will have an overall horizontal proportion.
  - iii. *Ground Floor Glass.* All ground floor windows shall use transparent, non-reflective, non-tinted glass.
- c. **Ground Story Design.**
- i. *Entrances.* All buildings shall have a primary entrance on the front façade of the building. Entrances may be recessed up to 5 feet from the front building wall of the building.
  - ii. *Awnings and Canopies* on the ground story may encroach up to 6 feet into setback areas. All awnings shall have a minimum of 8 feet clear space between the sidewalk and the bottom of the awning or any support structure, and the highest point of the awning or canopy shall not exceed the height of the base. Awnings may not be internally illuminated.
- d. **Mechanical Equipment and Service Areas.**
- i. *Service Areas*, including utility access, loading areas, and dumpsters shall be located in side or rear yards and shall be screened from view from any street and any residentially used property.
  - ii. *Mechanical and Utility Equipment*, such as gas or electrical meters, telephone boxes, utility cabinets, HVAC equipment, and other similar utility devices (whether ground, wall, or roof mounted) shall be screened from view from a point 8 feet above grade level at the centerline of any abutting roads and along any parcel line abutting a residentially used property. The applicant shall submit a line of sight drawing demonstrating that the equipment will not be visible from the above locations. Exterior screening materials shall be the same as the predominant materials of the principal building.

**Section 3.207 CIVIC/INSTITUTIONAL**

1. **Use Standards.** Civic/Institutional buildings may contain any civic or institutional use (as permitted in the zoning district, see [Table 1](#)).
2. **Setbacks.** Civic/Institutional buildings are exempt from the front yard setback requirements of the district in which they are located. Front yard setbacks shall, however, be broadly compatible with surrounding development.
3. **Building Materials.**
  - a. **Combination of Materials.** Building materials may be combined on a building façade horizontally, with the heavier material below the lighter material.
  - b. **Primary Building Materials.** Primary building materials shall be used on a minimum of 60% of the façade area of the building (excluding the area of doors and windows).

Durable natural or natural-appearing building materials such as brick, stone, exposed logs or timber, cementitious siding, split face block, or other similar materials are preferred primary building materials. Durable synthetic building materials that convincingly match the appearance of natural building materials may be used as a primary building material.

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- c. Accent Building Materials. Accent materials may be used on up to 40% of the façade area of the building (excluding the area of doors and windows).

Acceptable accent materials include decorative precast concrete block, metal, and glass. Non-durable building materials such as EIFS may be used as an accent building material on up to 10% of the total wall area of any façade, but may not be used on the base level of a building.

4. **Building Transparency.**

- a. Minimum First Floor Transparency. The minimum transparency on the first floor front façade shall be 40%.
- b. Proportion of Openings. Building openings, including doors and windows, shall be square or vertical in proportion except on the first floor front façade, where windows may have a horizontal proportion. Individual windows with a vertical proportion may be grouped together even if the group of windows will have an overall horizontal proportion.
- c. Ground Floor Glass. All ground floor windows shall use transparent, non-reflective, non-tinted glass.

5. **Ground Story Design.**

- a. Entrances. All buildings shall have a primary entrance on the front façade of the building. Entrances may be recessed up to 5 feet from the front building wall of the building.
- b. Awnings and Canopies on the ground story may encroach up to 6 feet into setback areas. All awnings shall have a minimum of 8 feet clear space between the sidewalk and the bottom of the awning or any support structure, and the highest point of the awning or canopy shall not exceed the height of the base. Awnings may not be internally illuminated.

6. **Mechanical Equipment and Service Areas.**

- a. Service Areas, including utility access, loading areas, and dumpsters shall be located in side or rear yards and shall be screened from view from any street and any residentially used property.
- b. Mechanical and Utility Equipment, such as gas or electrical meters, telephone boxes, utility cabinets, HVAC equipment, and other similar utility devices (whether ground, wall, or roof mounted) shall be screened from view from a point 8 feet above grade level at the centerline of any abutting roads and along any parcel line abutting a residentially used property. The applicant shall submit a line of sight drawing demonstrating that the equipment will not be visible from the above locations. Exterior screening materials shall be the same as the predominant materials of the principal building.

Section 3.208 **MODIFICATION OF BUILDING DESIGN STANDARDS**

- 1. **Intent and Purpose.** In the interest of architectural diversity, the building design standards of this Chapter may be modified to permit alternate materials or design. Any approved modification must result in a building that is equal to or exceeds the quality and design of a building that complies with the building design standards.

The modification process is intended as a way to provide design flexibility, and is not intended as a way to reduce or lessen the quality and aesthetic interest of development in the Village.

Modifications are separate and distinct from dimensional variances in that they are limited in their bounds and are intended to permit reasonable use of property where the strict application of design and aesthetic standards would not further the public purpose, and where a relaxed or alternate standard will still meet the intent and purpose of this Ordinance.

2. **Application and Review Procedures.** The applicant shall clearly identify all requested modifications on the application and site plan. The Planning Commission shall evaluate the requested modifications and approve, approve with conditions, or deny the modification request. In evaluating a modification request, the Planning Commission shall take into account the following considerations:
- a. Approval of the modification will not result in development that is incompatible with, or will negatively impact existing or potential future development in the vicinity of the subject property.
  - b. The requested modification is consistent with the intent and purpose of this Ordinance.
  - c. The modification will result in a superior development when compared with what could be achieved through a strict application of the design and aesthetic requirements of this Ordinance.
  - d. A lesser modification will not accomplish the same purpose as the requested modification.





# Article 4 SITE IMPROVEMENTS

## Chapter 4.1 Parking and Loading

### Section 4.101 GENERAL REQUIREMENTS

#### 1. General Provisions.

- a. All parking improvements shall be provided at the time of erection and/or enlargement of principal structures, and/or at the time of establishing or changing a use, prior to the issuance of a certificate of occupancy, except upon a use change from one permitted principle use to another permitted principle use, when it is determined, by the Planning Commission, that there is absolutely no space for any required additional parking. Such determination must be backed up with facts, and must so be indicated on the site plan, and in the minutes of the meeting, at which the review took place. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
- b. Off-street parking for other than residential uses shall be either on the same lot or within three hundred 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, without crossing any major thoroughfare. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant when application for a building permit or a certificate of occupancy is filed.
- c. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, parking lot, or combination thereof. Such spaces shall be located on the premises they are intended to serve. In the case of intentional community co-housing developments, conservation residential developments or other residential developments, parking strips or parking lots may be located centrally or peripherally to serve multiple homes, with approval of the Planning Commission. Residential off-street parking is exempt from regulations of this Section governing a parking lot.
- d. Subject to the ZBA, 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.
- e. Required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Under no circumstances shall it be rented, used for other than parking purposes, or allowed to become unusable (except for temporary repairs). The storage of vehicles on any off-street parking space is prohibited.
- f. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be interpreted by the Building Department from the requirements for uses similar in type, provided, such interpretation shall be subject to appeal to the ZBA.
- g. Commercial highway trailers and trucks with a gross vehicle weight of seven thousand pounds, or greater, shall not be parked or stored in any residential zoning district, except when making a delivery. Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored in any residentially zoned district, other than in completely enclosed buildings.

2. **Off-Street Parking Space Layout, Standards, Construction and Maintenance.** Wherever the off-street parking standards in this Ordinance require the provision of an off-street parking facility, off-street parking lots shall be laid out, constructed and maintained in accordance with the following regulations:
  - a. No parking shall be constructed unless and until a permit therefore is issued by the Building Department. Applications for a permit shall be submitted to the Building Department in such form and numbers as approved by the Building Department.
  - b. Plans for the layout of off-street parking lots shall show a parking space width of ten feet, and a total dimension across two tiers of parking spaces plus a maneuvering lane of at least the following for the several patterns described at the end of this paragraph. When it is determined by the Planning Commission that number of parking spaces is crucial, or when ten foot spaces interfere with loading area or some other important aspect of the site development, they may allow a percentage of the parking spaces on a site plan to be narrower than ten feet. When width of parking spaces is varied, minutes must document reasons.
    - i. A ninety degree pattern--total dimension of sixty-two feet, with two tiers of parking space plus one maneuvering lane of at least eighteen feet in width. Such maneuvering lane shall permit one-way traffic.
    - ii. A sixty degree pattern (without overlap)--total dimension of fifty-eight feet, with two tiers of parking space plus one maneuvering lane of at least eighteen feet in width. Such maneuvering lane shall permit one-way traffic.
    - iii. A forty-five degree pattern (without overlap)--total dimension of fifty-six feet, with two tiers of parking space plus one maneuvering lane of at least twenty feet in width. Such maneuvering lane shall permit one-way traffic.
  - c. General engineering specifications for off-street parking lots shall be those of the Oakland County Road Commission.
3. **Ingress/Egress.** Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than one-family residential use shall not under any circumstances be across land zoned for one-family residential use.
4. **Parking Lot Screening.** Off-street parking areas for all uses except one-family and two-family dwelling units shall be provided with a continuous and obscuring wall or greenbelt separating it from abutting residential development, not less than six feet in height measured from the surface of the parking lot.
5. **Front Yard Maintenance.** When a front yard setback is required, all land between said wall or greenbelt and the front property line or street right-of-way shall be kept free from refuse and debris and shall be adequately landscaped with shrubs, evergreen material and/or ornamental trees.
6. **Surfacing Requirement.** The entire parking area, including driveway, parking spaces and maneuvering lanes, required under this Section, shall be provided with asphaltic or concrete surfacing in accordance with specifications of the Oakland County Road Commission, or with Planning Commission approval be constructed with appropriate pervious or permeable paving materials and designs. These alternatives may include modular concrete pavers, flexible plastic grid networks, pervious pavement, gravel and other surfaces, as well as bio-retention, bio-filtration or wetland islands within parking lots and along lot perimeters. Rain gardens can also be incorporated into the design of parking areas to help retain storm water and filter pollutants. Appropriate flood-and-drought-tolerant trees, shrubs and herbaceous plants must be chosen for each island or garden. The parking area shall be surfaced or substantially prepared prior to issuance of a certificate of occupancy for the building or buildings which is serves, or a cash bond or an escrow deposit in an amount of the estimated cost of the work given to the Village. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in

the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and so as to establish an environmentally sound means of disposing of such surface water, as determined by the village engineer.

7. **Lighting Requirement.** All lighting used to illuminate any off-street parking area shall be so installed as to be confined with and directed on the parking area only and shall not be higher than thirty-five feet.

## Section 4.102 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

1. **Minimum Spaces Required.** Any new structure and/or use shall provide the minimum number of off-street parking spaces based upon the following schedule:

**Table 4. Off Street Parking Requirements**

USE	MINIMUM REQUIRED OFF-STREET PARKING SPACES
<b>RESIDENTIAL USES</b>	
<i>Default Parking Requirement</i>	<i>2 spaces per dwelling unit</i>
Mixed Use Dwelling Unit	.9 spaces per bedroom
Multiple Family or Townhouse	1.1 spaces per bedroom
State Licensed Residential Facility	0.25 spaces per resident or client at maximum occupancy
<b>CIVIC/INSTITUTIONAL USES</b>	
<i>Default Parking Requirement</i>	<i>1 space per 2 persons permitted at maximum occupancy</i>
Assisted Living or Nursing Home	1 space per 0.5 residents or beds + 1 space per employee at maximum shift
Day Care Center or Nursery School	0.25 spaces per child or client at maximum occupancy
Hospitals and Medical Clinics	1 space per 300 sq. ft. of office area + 1 space per examination room + 1 space per 2.5 persons permitted at maximum occupancy for emergency rooms
<b>COMMERCIAL USES</b>	
<i>Default Parking Requirement</i>	<i>1 space per 300 sq. ft. of floor area</i>
Commercial outdoor recreation	Discretionary, to be determined by the Planning Commission based on use characteristics
Drive-in or drive-through facility	<ul style="list-style-type: none"> <li>2 entry + 1 exit space per self-service car wash</li> <li>8 entry + 1 exit space per automatic car wash</li> <li>3 stacking spaces per general use service window or station</li> <li>8 stacking spaces per restaurant service window</li> </ul>
Lodging Uses	1 space per room
Places of assembly	1 space per 2.5 persons permitted at maximum occupancy
Restaurant	1 space per 2 persons permitted at maximum occupancy
<b>INDUSTRIAL USES</b>	
<i>Default Parking Requirement</i>	<i>1 space per 650 sq. ft. of shop floor or manufacturing floor area + 1 space per 300 sq. ft. of office area</i>
Wholesale Storage/Distribution	1 space per 2,000 sq. ft. of floor area + 1 space per 350 sq. ft. of office area
<b>TEMPORARY and OTHER USES</b>	
<i>Default Parking Requirement</i>	<i>No minimum parking requirement</i>

2. **Modification of Minimum Parking Requirements.** The Planning Commission may adjust the off street parking requirements of the above Table 4 based on evidence that an alternate parking standard would be more appropriate based on the specific operating characteristics of a proposed use.

- 3. **Parking in the D – Downtown District.** New development in the D district shall provide on-site parking spaces at the rate of 50% of the minimum parking required by Table 4. Such parking spaces shall only be required for newly constructed building space. Existing building space is exempt from the parking requirements.

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Section 4.103 **LOADING AND UNLOADING**

1. **General Provisions.**

- a. On the same premises with every building, structure, or part thereof, erected or used for purposes other than residential, there shall be provided and maintained on the premises adequate space for loading, unloading or vehicular standing in order to avoid interference with and in public streets and ways and/or with other required parking area, as approved by the Planning Commission.
- b. Such space shall be surfaced, drained, and otherwise developed in the same manner as specified above for off-street parking areas for the same type use.

2. **Space Requirements.**

- a. For all commercial and related uses, spaces shall be provided as specified in each use district or in connection with each specified use. All such spaces shall be laid out with minimum dimensions of ten by forty feet or four hundred square feet with a minimum height clearance of fourteen feet.
- b. For industrial and related uses authorized in the Workplace District, spaces shall be laid out with minimum dimensions of ten by fifty feet, or five hundred feet in area, with a minimum height clearance of fourteen feet.

## Chapter 4.2 Landscaping and Screening

### Section 4.201 GREENBELTS, WALLS AND FENCES

#### 1. General Requirements.

- a. Greenbelt: Greenbelts shall be tree, shrub and herbaceous materials located on a site so as to provide a visual screening effect between one property or use and abutting properties or uses, or between roadways and residential and non-residential developments. Plant combinations shall be located on the property where the greenbelt objective can best be achieved, as determined at the discretion of the Planning Commission. Plantings may be placed in evenly-spaced rows, with multiple rows staggered, or they may be planted in more naturalistic arrangements, simulating a natural forest patch
- b. The distances, on center, for such plantings shall allow for healthy growth, taking into consideration the estimated mature width and height of chosen trees, with a view toward achieving the greenbelt objective. This may be monitored by the Planning Commission or designated representative, on a continuing and ongoing basis to ensure achievement of such objective. The type of trees and shrubs to be planted may be varied, with a preference for evergreen and Michigan native trees and shrubs. Box elders, and certain invasive non-native trees and shrubs such as tree of heaven, non-native honeysuckles, buckthorns, autumn olive, Russian olive and barberry may not be permitted in the greenbelt area.
- c. Walls shall be constructed of masonry or like material, and where required shall be located approximately on the lot line, except where the Planning Commission approves an alternate location upon good cause shown (which cause shall be specifically noted on the approved site plan) and except as may be otherwise specifically required in this Ordinance.
- d. Fences shall be firmly and safely established physical barriers of not more than six (6) feet in height, which may be fully or partially obscuring. Fencing materials may include any or a combination of the following, or like materials: wood, metal, vinyl or natural vegetation such as shrubbery.

#### 2. Regulation.

- a. In residential districts, fences shall be allowed, provided, they shall be restricted to rear or side yards or no further toward the front of the property than the front building line. Non-opaque ornamental fences, not exceeding four (4) feet in height, shall be allowed front yard and up to the front building line. Ornamental fences permitted in front yards shall be composed of wood, decorative metal or vinyl, or natural vegetation such as shrubbery only.
- b. A property owner in a Multiple Family Residential, Downtown, or M-15 Corridor or zoning district which abuts a single family residential district shall construct and maintain a wall, fence or greenbelt, or combination thereof, on the common boundary line between the two zoning districts. A property owner in a light industrial district which abuts a Multiple Family Residential, or Single Family Residential zoning district shall construct and maintain a wall, fence or greenbelt, or combination thereof, on the common boundary line between the two zoning districts.
- c. In all residential districts, so-called entrance way structures, including, but not limited to, walls, columns, gates, marking entrances to single-family subdivisions or multiple housing projects, shall be permitted, and may be located in a required yard, provided such entrance way structures shall comply with all codes and ordinances of the Village, and shall be approved by the ZBA as to design and location so as to insure necessary or expedient sight distance and pedestrian and vehicular safety.

- d. No fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet from their point of intersection.

Section 4.202 STORAGE

- 1. **Non-residential outdoor storage** shall be prohibited unless otherwise specifically authorized in this Ordinance, and if authorized, such outdoor storage shall be shielded from pedestrian and vehicular traffic, and from surrounding property, by an opaque fence or berm.
- 2. **Ground coverage** shall be limited to twenty-five (25%) percent of the required rear yard area of the property, or proportionately smaller area if the rear yard is smaller than the minimum requirement, and, provided, in the event a rear yard has an area which is in excess of the minimum requirement, ground coverage may be increased to the extent of ten (10%) percent of such excess area.

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Section 4.301 SIGN DEFINITIONS

1. Accessory Sign: A sign, which is accessory to the principle use of the premises.
2. Awning or Canopy: A retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building.
3. Awning or Canopy Sign: A sign fixed or integrated with the surface of an awning or canopy.
4. Ground Sign: A free-standing sign supported by one or more uprights, braces, or pylons located in or upon the ground or to something requiring location on the ground including "billboards" or "poster panels" so-called.
5. Non-accessory Sign: A sign, which is not accessory to the principle use of the premises.
6. Opinion Sign: A temporary sign that announces the candidacy of persons running for public office, addresses issues to be voted upon at an election, or otherwise expresses an opinion or point of view, but does not advertise any products, goods, services or businesses.
7. Projecting Sign: A sign, which is affixed to any building or part thereof, or structure, which extends or projects out beyond the building wall or parts thereof, or structure, by more than eighteen inches. A projecting sign shall not include a ground sign as herein defined.
8. Roof Sign: A sign, which is erected, constructed or maintained upon, and which projects above or beyond, the roof or parapet.
9. Shopping Center: A group of three or more stores, offices or shops, or any combination thereof, selling merchandise or services and served by a common off-street vehicular parking area located on private property. All stores, offices or shops served by one parking area shall be considered one shopping center.
10. Temporary A Frame Sign: A small two-sided sign hinged at the top, not affixed to a building or the ground, and designed to be readily placed and removed.
11. Temporary or Portable Sign: An accessory sign displayed for a period not to exceed thirty days during any three hundred sixty-five day period, provided, upon a showing to the Building Department that construction and erection of a permanent sign is in process, such period may be extended to a maximum of ninety additional days. Such signs shall be firmly affixed to the premises or constructed in such manner so as not to constitute a safety hazard.
12. Total Sign Area: Total sign area shall mean the sum total of all exterior surfaces of the sign, computed in square feet by multiplying the greatest vertical measurement by the greatest horizontal measurement.
13. Wall Sign: A sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than twelve inches from the wall, but which may or may not project above the roof or parapet.

Section 4.302 GENERAL PROVISIONS

1. **Approval Required.** No sign advertising a business shall be erected without first submitting an application and obtaining approval of a permit from the Building Department. Such application shall include a drawing or sketch plan reflecting the dimensions, type of sign, e.g., ground sign, wall sign, and, the plan must further show the proposed location on the property where the sign will be placed.



2. **Location.** Signs shall be constructed and erected such that no part thereof shall be located in or project or overhang into a public right-of-way, including a sidewalk, driveway, easement of access, street, road and/or highway.
3. **Number of Signs:** On each premises, there shall be permitted one ground sign, and/or one wall sign, provided, if the property is situated on a corner which is not immediately adjacent to a residential district, wall signs may be placed on the front wall and one side wall.
4. **Dimension Standards.** All signs shall conform to the height limitation of the applicable use district, provided, signs shall in no event exceed the actual height of the principal structure on the property.
5. **Directional Signs.** All directional signs required for the purpose of orientation, when established by the Village, County, State or Federal government, shall be permitted in all use districts.
6. **Real Estate Signs.** Signs used for advertising land or buildings for rent, lease, and/or sale shall be permitted when located on the land or building intended to be rented, leased and/or sold, and shall not exceed ten square feet in total sign area, and shall be removed from the premises within seven calendar days following the date the property is rented, leased and/or sold.
7. **Clear Vision Requirement.** No sign shall constitute an obstruction to vision above a height of thirty inches from the established street grade within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet from their point of intersection.
8. **Kinetic Signs.** Signs shall not be permitted to have moving parts, intermittently flashing illumination and/or scrolling or changing displays.
9. **Other Sign Requirements.** For the purpose of preserving the residential character of that portion of the Village not situated on the state highway, and to render such area attractive to travelers and provide for the safety of drivers and pedestrians within such portion of the Village, and in recognition of the fact that the placement of non-premises signs tends to foster places which gather refuse and paper and places for the dumping of dirt, debris and filth, and taking into consideration the fact that the placement of non-accessory signs on the smaller lots and parcels within the Village would tend to obstruct motor vehicle sight distance and clear view and be detrimental to the appearance and other aesthetic objectives of the Village, non-accessory signs, including billboards, shall be allowed on a limited basis, as expressly authorized in this Ordinance.

**Section 4.303 SPECIAL REGULATIONS BY TYPE OF SIGN**

1. **Ground Signs.** For properties which abut thoroughfares having a speed limit of thirty-five miles per hour or less, the area of the sign shall not exceed twenty square feet per each of two sides; and, for properties which abut thoroughfares having a speed limit in excess of thirty-five miles per hour, the area of the sign shall not exceed forty square feet per each of two sides.
2. **Wall Signs.** The area of a wall sign shall not exceed the greater of the following: ten (10%) of the area of the wall (include area of mansard roofs for calculation of the 10%) upon which the sign is displayed, including doors, windows and any other openings, etc., or, thirty-two square feet. The distance (projection) between the wall upon which the sign is displayed and the outer surface or face of the sign shall not exceed twelve inches, and, in all events, the sign shall in no manner obstruct pedestrian and/or vehicular traffic on sidewalks, driveways and/or other ways. Wall signs shall not extend above the top, or beyond the ends, of the wall.
3. **Roof Signs.** Roof signs shall be prohibited, except to the extent and in such cases that projecting signs are permitted, as provided for in this Ordinance.
4. **Temporary A-frame Signs.**

- a. One sign permitted per business location.
- b. Sign not to exceed six square feet per side. This sign area shall not be included in the total area permitted for other signs.
- c. Sign not to exceed four feet in height.
- d. If sign is placed in sidewalk area, it must not obstruct the opening of vehicle doors for vehicles parked along the sidewalk area.
- e. A minimum of a five-foot-wide unobstructed pedestrian pathway must be maintained on the sidewalk in front of the business.
- f. These signs are only permitted during the actual hours of operation of the business and must be removed at all other times.
- g. This sign must be of professional design and construction so as not to detract from the community image.
- h. This paragraph (d) shall apply to businesses located in a D (Downtown) or G (Gateway) zoning district. Businesses located in a C (M-15 Corridor Commercial) zoning district may display this type of sign under the above conditions providing the business is adjacent to South Street and the sign is displayed on the South Street side of the property only.

5. **Awnings and Canopies:**

- a. An awning, canopy or marquee shall not project more than six feet beyond the face of the building.
- b. One sign, not to exceed twelve-inches in height, is permitted on the face of an awning, canopy or marquee. This sign area shall not be included in the total area permitted for area signage.

Section 4.304 **SPECIAL REGULATIONS FOR SHOPPING CENTERS AND MULTIPLE OFFICE BUILDINGS**

- 1. **Ground Signs:** Ground signs, with respect to property restricted to a twenty square foot sign, shall be permitted an additional five square feet of signage per each business in excess of one, provided, in no event shall such signs exceed thirty square feet. Ground signs, with respect to property restricted to a forty square foot sign, shall be permitted an additional five square feet of signage per each business in excess of one, provided, in no event shall such signs exceed fifty square feet.
- 2. **Wall Signs:** All signs on given premises shall be uniform in pattern, theme and/or general concept. Each business shall be entitled to a wall sign, provided, the limitation of the greater ten (10%) percent of the wall surface or thirty-two square feet shall continue to apply (see, wall sign regulations, above), provided, further; however, in the event new businesses are commenced after an initial sign is displayed, and these provisions would otherwise prohibit a new wall sign, such new businesses shall be permitted to display wall signs which do not exceed four square feet each, provided the wall upon which the sign is displayed shall in no event be covered in excess of twenty (20%) percent.

Section 4.305 **PROJECTING SIGNS**

The Planning Commission is authorized to approve a projecting sign of up to twenty square feet in area in lieu of a wall sign if inspected by Building Inspector and it is determined that:

- 1. There will not be an unreasonable interference with adjacent pedestrian and/or vehicular traffic, including view for traffic safety.

- 2. There will be no interference, now or within the reasonably anticipated future, with respect to the visibility of neighboring businesses and/or business signs.
- 3. The design of the sign does not include unnecessary wires, cables, and the like.

**Section 4.306 OTHER SIGNS**

- 1. **Signs advertising for the sale or rent of real estate** shall be situated on the property being advertised, and, following sale or lease, as the case may be, the "For Sale" and/or "Sold" sign shall be removed within seven calendar days.
- 2. **Opinion signs** are allowed in any zoning district provided they comply with the following requirements:
  - a. Location. Opinion signs shall be confined into private property, and shall be set back from any property line 10 feet or half the setback applicable to a primary building in the zoning district, whichever is greater.
  - b. Display Period. Opinion signs may not be installed more than 30 calendar days prior to event to which they pertain, and shall be removed within 7 days of completion of the event to which they pertain.
  - c. Size and Height. The size and height of opinion signs shall be based upon the speed of the road.
    - i. For properties which abut thoroughfares having a speed limit of thirty-five miles per hour or less the area of the opinion sign shall not exceed 24 square feet per side and a maximum height of 6 feet.
    - ii. For properties which abut thoroughfares having a speed limit in excess of thirty-five miles per hour, the area of the sign shall not exceed 6 square feet per side and a maximum height of 4 feet.

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# Article 5 GENERAL REGULATIONS

## Chapter 5.1 Residential Accessory Buildings

### Section 5.101 ZONING APPLICABILITY

The regulations in this section apply to all residential properties in the following several Zoning Districts:

1. R-1 Single-Family Residential
2. R-2 Village Residential
3. R-3 Mixed Residential
4. RM Multiple Family Residential
5. G Gateway

### Section 5.102 RESIDENTIAL ACCESSORY BUILDINGS

Accessory buildings in single-family residential districts, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main buildings.
2. Detached accessory buildings shall be erected in side or rear yard.
3. The total of all accessory buildings may occupy not more than twenty-two percent (22%) of a rear yard.
4. No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than three feet of any side or rear lot line. In those instances where the rear lot line is conterminous with a right-of-way, the accessory building shall not be closer than five feet to such rear lot line. In no instance shall an accessory be located within a dedicated easement.
5. No detached accessory building shall exceed fifteen feet in height in any residential zone.
6. An accessory building shall not be constructed prior to construction of the main building, except when substantially contemporaneous with construction of the main building.

## Chapter 5.2 Performance Standards

### Section 5.201 NOISE

Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. The permitted noise in commercial, office, and industrial districts shall not exceed 65 decibels between the hours of 10 p.m. and 6 a.m. All measurements shall be made at the property line. The out of doors barking of one or more dogs between the hours of 10 p.m. and 7 a.m. on more than an occasional basis in a residential district, where such dog or dogs are not situated in a dog kennel, shall be considered to be a nuisance per se, subject to abatement. The phrase "occasional basis" as used in this subsection, shall mean a frequency of more than one occurrence with a fifteen-day period.

### Section 5.202 VIBRATION

All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of three thousandths of one inch measured anywhere outside the lot line of its source, or ground vibration which can be readily perceived by a person standing anywhere outside the lot line of its source.

### Section 5.203 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.

### Section 5.204 GLARE AND HEAT

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

### Section 5.205 EXTERIOR LIGHTING

All exterior illumination of buildings and/or grounds and/or illumination for advertising purposes, shall be directed, and shielded if necessary, in such a manner as to avoid glare in adjacent residential districts and/or uses, and further, to avoid any adverse effect on driver visibility.

## Chapter 5.3 Street Improvement Standards

### Section 5.301 PRIVATE ROAD STANDARDS

Design standards for Act 336 private road approvals shall be similar and comparable to the standard that was in use for new public roads at the time the private road was originally built.

Prior to 1956	8" gravel surface and open ditch drainage
1956 to 1965	8" gravel base, 2" bituminous surface, and open ditch drainage
1965 to 1970	Variable base, concrete curb and gutter, 2 1/4" bituminous pavement
1971 to Present*	Variable base, mountable concrete curb and gutter, 3" bituminous pavement

*\* In 1972 a "large lot" variation in standards was adopted for use in plats where frontage of lots was 200 feet or more and area was 1 1/2 acres. It permitted open ditch drainage and gravel shoulders. It is assumed this standard would be for all new private streets built after 1965. The standard from 1956 to 1965 is similar except for base design and thickness of pavement.*

### Section 5.302 STANDARDS FOR STREET CONSTRUCTION

In absence of an ordinance the Village of Ortonville requires public street construction to meet the standards of the Road Commission for Oakland County. Plans shall be reviewed and streets shall be inspected and approved by the Village Engineer





# Article 6 ADMINISTRATION

## Chapter 6.1 Site Plan Review

### Section 6.101 SITE PLAN REVIEW REQUIREMENT

A site plan, including documents and drawings as specified in this Article, shall be submitted for approval prior to commencement of, and in connection with, all proposed land uses and activities, unless exempted hereunder, to insure that a proposed land use or activity is in compliance with this Ordinance and other applicable governmental requirements. Site plans shall be submitted and must be approved as a condition to the issuance of a building permit, and also, as a condition to the occupancy of a parcel of land where the use thereof is proposed to be changed, whether or not a building permit is required, with the exception of construction and improvement expressly exempted hereunder.

### Section 6.102 REVIEW PROCEDURE

1. The Planning Commission shall be the body charged with the authority to review site plans and to grant or deny approval, and, in reviewing and considering proposed site plans, the Planning Commission shall attempt to achieve a fair balance between the maintenance of the integrity of the plan, as submitted, and the protection and promotion of the public health, safety, welfare, convenience, and good.
2. If approved, the site plan shall become a part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the Zoning Ordinance is mutually approved by agreement, in writing, of the proprietor of the proposed development or use and the Planning Commission.
3. The procedure for site plan review shall be as follows:
  - a. A person seeking site plan review with the objective of obtaining a building permit shall submit to the Village Clerk, with a fee required by the Village Ordinance or Resolution, at least six copies of the following documents, drawings and information on the form approved by the Village Council:
    - i. The name, address and phone number of each and every person owning an interest in the property, and the signature of the proprietor or applicant.
    - ii. Address of property, if any.
    - iii. Legal description of all property in the proposed development.
    - iv. Current zoning classification of all property in the proposed development.
    - v. All existing and intended uses or uses of the property
    - vi. Shape, dimensions and area of the property.
    - vii. Usable floor area of each existing and proposed building.
    - viii. A statement of the reasonably anticipated impact of the proposed use and development upon the environment, including, without limitation, impact upon water, air, noise, light, smoke, dust, run-

off, wastes and/or other pollution, and the approximate number of people expected to use the proposed use and development on a daily basis.

- ix. Where the property contains natural resources, such as stands of trees, ponds, lakes, streams, wetlands or variable terrain, there shall be a statement, including any appropriate drawings, with respect to the disposition and conservation of such resources.
- x. Evidence of a satisfactory plan for street and/or road maintenance for present and future purposes.
- xi. Drawings, sketches and/or plans shall be submitted showing:
  - (1) Location, shape, dimension, height and elevations of all principal structures and accessory buildings demonstrating compliance with the requirements of [Chapter 3.2](#), together with a designation of the proposed use for each structure currently on the property and each structure proposed to be constructed altered and/or moved on the property.
  - (2) Vehicular and pedestrian traffic and circulation on and off the site, including points of ingress and egress.
  - (3) Location and dimensions of all off-street parking area, including parking spaces, lanes, and other areas.
  - (4) Existing and finished contour of the site at two foot intervals, unless the engineer reviewing the site plan recommends one foot intervals, and in the latter case, the engineer shall state reasons for his recommendation.
  - (5) Storm drainage detail.
  - (6) Water supply and sanitary sewage disposal detail, together with all required governmental approvals.
  - (7) Landscape detail.
  - (8) Fences and/or walls, where applicable.
  - (9) Location, materials dimension and lighting of all signs.
  - (10) Number of units per acre and usable square footage of each unit, in the case of multiple-residential.
  - (11) Acceleration, deceleration and passing lanes, where required by any governmental entity having jurisdiction.
  - (12) Zoning classification of all land abutting and across the street from the property.
  - (13) Interior and exterior sidewalks, if any.
  - (14) Exterior lighting and screening.
  - (15) Trash receptacle location and screening.
  - (16) Transformer pad location and screening.
  - (17) Dimensions for front, side, and rear yards, and frontage.
  - (18) Loading and unloading area, if applicable.
  - (19) Topography of land if development is such that review of drainage shall be required.

- (20) Entrance detail.
  - (21) Miscellaneous inclusions on plans: date, title block, scale, north point, location sketch (one inch equals two thousand feet) and seal of the architect, engineer, surveyor and/or planner responsible for the submission.
  - (22) Any and all detail to show, with reasonable clarity, the nature and character of the work to be performed.
- b. A person seeking occupancy in connection with the proposed change of use of property, where a building permit is not required, shall make all submissions to the Village required under the following paragraph of subparagraph a, immediately preceding: (i) through (x), inclusive, and (xi) (2), (3), (7), (8), (9), (14), and (15). Upon receiving this information, it will be reviewed to determine if the proposed use, sign, etc. conform to Ordinance. If so, no formal site plan procedure will be needed. However, prior to occupancy, there must be a fire code inspection, a building code inspection and all violations must be corrected. All necessary local, county, state, etc. permits must be applied for and obtained. All such occupancies will be reported to the Planning Commission and the Village Council. If site plan is needed:
- i. The Clerk shall refer the proposed site plan to the Planning Commission for processing.
  - ii. The Planning Commission, upon receipt and examination of the proposed site plan, may require such additional information in a particular case as the Planning Commission deems necessary to insure the protection of property rights, public safety and/or natural resources, provided, however, the Planning Commission shall make such requirement and the reasons therefore part of the official Planning Commission minutes in connection with the application in question.
  - iii. The Planning Commission shall provide notice to the application with respect to the time, place and date of the meeting at which the Planning Commission shall initially review and consider the proposed site plan, which review and consideration may be continued from time to time, as required for the proper completion of review and consideration of the proposed site plan.
  - iv. The Planning Commission shall review, consider and may impose conditions with respect to the proposed site plan in accordance with the standards and requirement set forth in this Ordinance and any other applicable ordinance, law or regulation.
  - v. Following completion of review and consideration, including any reports and recommendations of experts which may have been deemed necessary by the Planning Commission, the Planning Commission shall take action as follows:
    - (1) Approve the site plan as submitted, in which case the signature of the presiding Chairman of the Planning Commission, accompanied by the word "Approved", shall be affixed to the site plan; or
    - (2) Approve the site plan subject to the imposition of conditions requiring modification of the site plan consistent with the standards and law of this Ordinance, and in the event the site plan is approved with conditions, the specific conditions shall be set forth in the minutes, and the site plan shall not be considered signed, nor marked "Approved" until the conditions shall have been satisfied; or
    - (3) Deny approval of the site plan and set forth the reasons for such denial as part of the minutes.

### Section 6.103 **STANDARDS AND REQUIREMENTS FOR REVIEW**

In addition to the other standards and requirements set forth in this Ordinance, the Planning Commission shall specifically take into consideration, and shall have authority to require modification of the site plan, as presented, based upon the following standards, as well as the other applicable requirements of this Ordinance:

1. The location and design of roads, drives, entrances, walks, paths and parking areas, in relation to reasonable alternatives, as such aspects of the development bear upon the promotion of the safety and convenience of vehicular and pedestrian traffic within the site and along the adjoining thoroughfares and areas surrounding the proposed development.
2. The location and design of buildings, in relation to reasonable alternatives, as such location and design bear upon the use of property in the development as well as adjacent property, with the view toward maximizing the harmony, efficiency and peaceful coexistence of uses in the proposed development, and uses in the area, including, without limitation: the promotion of privacy; the non-offensive placement of utility storage, lighting and waste disposal facilities, or facilities which would generate noise, dust, and the like.
3. The development represented in the plan, as presented in relation to reasonable alternatives with respect to one or more aspects of the development, will not unreasonably impair the value of adjoining property.
4. The development represented in the plan, as presented, will not create a specific and reasonably avoidable detriment to the orderly development and use of property in the Village nor to the public health, safety and/or welfare.
5. The development represented in the site plan, as presented, will not create specific and reasonably avoidable pollution, threat, danger and/or impairment to the air, water and/or natural resources, or to the public trust therein, either with respect to the property being improved or the surrounding area.
6. The development represented in the site plan, as presented, in relation to reasonable alternatives, shall not create a clear inconsistency with the Master Plan of the Village of Ortonville, as amended.

### Section 6.104 **EXEMPTION FROM SITE PLAN REQUIREMENT**

A site plan shall not be required to be reviewed by the Planning Commission with respect to proposed construction or improvement of individual detached single-family dwellings units and accompanying accessory buildings, except as otherwise specifically required by this Ordinance. All projects involving single family dwellings will receive an administrative review by the Building Official for ordinance compliance.

Further, a site plan may receive only an Administrative Review for certain small scale projects defined as projects that:

- Do not impact neighboring properties
- Do not constitute a change of use, and
- Do not require an enlargement of an existing structure or use on the property

The Building Official with the concurrence of the Village Manager may approve certain small scale site plans without submission to the Planning Commission. In those cases, the Building Official shall submit a written report of every site plan submitted. This shall contain a synopsis of the relevant facts in and related to the site plan together with the proposed determination. The report shall be submitted to the Planning Commission at their next regularly scheduled meeting.

The Building Official or the applicant shall have the option to request Planning Commission consideration of site plans eligible for administrative review for the normal Planning Commission fee. All appeals of administrative site plan decisions made by the Building Official shall be made to the Planning Commission.

All residential and small scale administrative reviews will require only a Sketch Plan Review with less detailed information and at a level only necessary to verify compliance with the applicable ordinance standards.

### Section 6.105 PHASE OR STAGE DEVELOPMENT

In the event a development is proposed to be constructed in phases or stages, and site plan approval is not sought for the entire project, the proprietor shall submit, as part of the site plan approval for any part of the project, a sketch plan of the entire project, generally showing the location of roads, parking areas, drainage, water and sanitary sewage facilities and principal structures for such entire project.

### Section 6.106 PERIOD OF EFFECTIVENESS

Approved site plans shall be effective for a period of one year, or for the life of the building permit obtained following site plan approval, whichever is longer. If construction is not commenced within such period of effectiveness, or if construction is not continued during the effective period of the building permit, the site plan approval shall be void, subject to reasonable extensions thereof granted by the Planning Commission on the condition that there is and has been compliance with all site plan requirements in effect at the time of such extension.

### Section 6.107 ORDINANCE COMPLIANCE REQUIREMENT

All requirements of this Ordinance, and all other applicable ordinances, law and regulation shall be complied with notwithstanding that an approved site plan fails to evidence the requirement of such compliance.

### Section 6.108 FEES

The fee for site plan review shall be as set forth by the Village of Ortonville Fee Schedule, which shall be periodically reviewed and revised. Whenever this review shall occur, prior notice shall be given in a newspaper of local circulation in accordance with the law applicable to the adoption of ordinances. The effective date of any revision of fees shall be twenty days after passage of such revision.

### Section 6.109 APPEAL

A denial of site plan review may be appealed to the ZBA, according to the regular appellate procedures established for appeals before that body.

## Chapter 6.2 Special Land Use Review

### Section 6.201 APPLICATION AND NOTICE

1. To obtain review and determination with respect to a special use under this Ordinance, an application shall be filed with the Clerk, containing at least the following information:
  - a. A statement under oath containing all data and information required to ascertain whether the standards and conditions specifically set forth in the applicable zoning classification Article, as well as the generally applicable standards contained in this Article.
  - b. The shape, location, dimensions and adjoining streets and/or roads with respect to the property.
  - c. The shape, size and location of all structures on and/or to be placed on the property for the proposed use.
  - d. A statement of the precise use proposed for the property, including, but not limited to, all accessory uses and the number of persons intended to occupy and/or use the premises, the proposed location of parking, the location of the well, and the location of sanitary sewage disposal facilities.
  - e. A statement of governmental facilities and/or service to be required by and/or for the use.
2. Notice of the application, and hearing, if required, shall be as provided by law.

### Section 6.202 STANDARDS FOR DETERMINATION

The Planning Commission, in making its recommendation, and the Village Council, in making its final decision, shall apply the following standards:

1. The standards and conditions specifically set forth for the use in this Ordinance.
2. The location, size, intensity and character of the proposed use, including all accessory used, shall be compatible and in harmony with the stated intent of the zoning classification and the uses in the same district, and shall not result in an objectively determined detrimental impact thereon, with or without conditions imposed incidental to a grant of relief.
3. The site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood. In applying this standard, the Planning Commission and council shall consider, among other things; convenient routes for pedestrian traffic; the relationship of the proposed use to main traffic thoroughfares and to streets and road intersections; and the general character and intensity of the existing and potential development of the neighborhood.
4. The proposed use shall be compatible with the natural environment.
5. The use shall not impose an unreasonable burden in relation to the existing and foreseeably available capacities of public services and facilities.
6. There shall be an absence of detriment to the public health, safety and welfare of the Village.

Section 6.203 **CONDITIONS**

The Village Council, in conjunction with the approval of a special use application, may impose reasonable conditions as authorized by law.

## Chapter 6.3 Zoning Board of Appeals

Section 6.301 **ESTABLISHMENT**

The ZBA shall be a seven member Board, consisting of the current members of the Village Council.

Section 6.302 **ALTERNATE ZBA MEMBERS**

1. The Village Council may appoint two persons from the Village Planning Commission to serve as alternate members of the ZBA, to serve three year terms, however, terms shall be staggered if two alternates are appointed such that their terms do not end in the same year.
2. The chairperson, OR acting chairperson, of the ZBA may call such alternate member or members to sit in the event:
  - a. A regular member shall be absent for either two consecutive meetings. Or more than thirty (30) days: and/or
  - b. A regular member has abstained for reasons of conflict of interest, in which case the alternate member must be present for the entire hearing, or have access to a reasonable factual and reflective record of any portion of the hearing for which the alternate has not been present. If an alternate is appointed under this subparagraph, he or she shall serve until a final decision is reached.
  - c. Inability of a regular member to attend a meeting.

Section 6.303 **AUTHORITY AND PROCEDURE**

1. The ZBA shall have such authority and conduct its business in accordance with and in the manner provided by law, as supplemented by this Ordinance.
2. The ZBA shall have authority to hear appeals from decisions with regard to special uses.
3. The ZBA may fix rules to govern its procedures, which rules shall be reduced to writing and officially adopted by the ZBA. A simple majority vote of the members of the Board shall be required for decision making by the Zoning Board of Appeals, except to concurring vote of two-thirds of the members of the Board shall be necessary to grant a variance from uses of land permitted in the Ordinance (MCLA 125.585)

Section 6.304 **CONDITIONS**

The ZBA may impose reasonable conditions upon the grant of an affirmative decision, as authorized by law.

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## Chapter 6.4 Building Department, Permits, and Certificates of Occupancy

### Section 6.401 APPOINTMENT

The Village Council shall employ a director of the Building Department, who may also be known as the building inspector and/or the building official, to perform the duties provided for such office in this Ordinance.

### Section 6.402 DUTIES AND AUTHORITY

The building official shall have the duty to review or cause to be reviewed applications for building permits and work performed pursuant thereto, and, when in conformity with all applicable requirements enforceable by the building official have been met. In this regard the building official and his representatives shall be authorized to make such inspections in accordance with the law as required to carry out the duties of the office, and is responsible for enforcing provisions of this Ordinance.

### Section 6.403 APPLICATION FOR BUILDING PERMIT FOR SINGLE FAMILY DETACHED RESIDENCES

Prior to commencement of, and in connection with, construction, moving and/or improvement of individual detached single family dwelling units and/or accompanying accessory buildings or structures (which are exempted from the site plan review provisions of this Ordinance), an application for a building permit shall be submitted, accompanied by a written statement, plans, or plat drawn to scale, in triplicate, showing the following in sufficient detail to ascertain whether the proposal conforms with all requirements of this Ordinance, and any and all requirements of the Building Code applicable at such stage of activity:

1. The actual shape, location and dimensions of the lot.
2. The shape, size, and location of all building or other structures to be erected, altered, or moved, and any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it.
4. The signature of the owner of the premises concerned.
5. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance and/or the applicable Building Code are being observed.

If the proposed excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this Ordinance, and all other applicable ordinances, statues, and regulation, the building official shall issue a permit. The fact or allegation that a proposed use will result in a violation of a private contract, covenant, restriction, or other private agreement, shall not be a basis nor a denial of a permit, where said use complies in all respects with the provisions of this Ordinance. If any application for such permit is not approved, the building official shall stat in writing on the application the cause for the denial. Issuance of a permit shall in no case be construed as a waiver of any provision of this Ordinance or of the Building Code.

**Section 6.404 CERTIFICATE OF OCCUPANCY**

No land, building, or part thereof, shall be occupied by or for any use, and the use of an existing structure shall not be changed, unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in issuance of any certificate:

1. Certificates of occupancy as required by the Building Code for new buildings or structures, or any part thereof, or for alterations to or changes of use of existing buildings or structures, shall constitute certificates of occupancy as required by this Ordinance.
2. Certificates of occupancy shall be used for existing buildings, structures, or any part thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
3. A record of all certificates issued shall be kept on file in the office of the building official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved, or a request is otherwise made as provided by law.
4. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
5. Any person applying for a building permit shall at the same time apply to the building official in writing for a certificate of occupancy. It shall be the duty of such person to notify the building official upon completion of the building or structure. The building official shall, within five (5) business days after actual receipt of such notification, inspect such building or structure, and, if he shall determine that the building or structure, or part thereof, or the proposed use of the premises is in conformity with this and all other applicable ordinances and laws, the building official shall forthwith issue a certificate of occupancy. If the building official shall determine that such requirements are not met, he shall not issue a certificate of occupancy and shall forthwith notify the applicant, in writing, of the refusal and the cause for same.

**Section 6.405 FEES**

Fees for inspections and the issuance of the permits or certificates, or copies thereof, required or issued under the provisions of this Ordinance shall be as determined by resolution or ordinance of the Village Council.

**Section 6.406 PERFORMANCE GUARANTIES FOR IMPROVEMENTS**

1. Deposit Requirement: At the time of issuance of a permit authorizing an activity or project, and not before, the Planning Commission may require, as a condition to issuance of the permit, the deposit with the Clerk of the Village, a cash deposit, certified check, irrevocable bank letter of credit, or cash bond acceptable to the Village, covering the cost of "improvements" associated with the activities or project for which the permit is sought.
2. If the permit applicant proposes to deposit a cash bond, the Village shall forthwith determine whether the same is acceptable, and, if not, the specific reasons for rejection shall be provided to the applicant.
3. The deposit requirement shall not be required if and to the extent a like deposit has been made pursuant to the Subdivision Control Act, MCLA 560.101, and following sections.
4. The permit applicant may propose to the Planning Commission a schedule pursuant to which portions of the deposit are returned in relation to the ratio of work completed on the required improvements as work progresses. The Planning Commission shall review the proposal, and if reasonable, establish such a schedule, as submitted by the applicant or, in such modified form as the Planning Commission shall deem appropriate.

## Chapter 6.5 Violations and Penalties

### Section 6.501 VIOLATIONS

Any building or structure, including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se, a violation of this Ordinance and subject to the penalties of it.

### Section 6.502 ENFORCEMENT PROCEDURE

In addition to the enforcement actions provided in this Article, the following additional enforcement procedures may be applicable in the instances of violations of (1) provisions of this Zoning Ordinance, (2) approved special uses, (3) approved site plans, (4) approved planned unit developments, or (5) decisions of the Zoning Board of Appeals, Planning Commission, Village Council, District Court, or Circuit Court relative to a particular land use development or activity approved under the provisions of this Zoning Ordinance:

1. When a violation is initially determined by the Village Manager, it shall be the Village Manager's responsibility to issue a notice of violation, issue a municipal civil infraction, request the Village Council to initiate other court of legal proceedings, and/or issue an order to correct the violation to the owner(s) and occupant(s) of the lot or parcel upon which the zoning violation has occurred. The notice shall be issued on a special form for this purpose and shall at least include the following information pertinent to the violation:
  - a. Date and location of each violation observed by the Village Manager.
  - b. Name(s) and addresses of owner(s) and occupants(s).
  - c. Specific sections of the Zoning Ordinance which have been violated. If more than one violation, list each violation and each section violated.
  - d. Length of time allowed before formal prosecution of the violation(s).
2. Failure to correct zoning violation as provided above may then be followed by any of the legal remedies available by statute or this Ordinance.
3. The Village Council may also use any other means prescribed by law available to them for seeking correction of violations of this Ordinance.

### Section 6.503 PENALTIES – MUNICIPAL CIVIL INFRACTION

For each and every day the violation continues beyond the permissible grace period, a separate municipal civil infraction offense shall be declared. Any person, firm, corporation, or legal entity violating any provision of this ordinance shall be adjudged responsible for a municipal civil infraction, as set forth below:

1. The words "municipal civil infraction" mean an act or omission that is prohibited by this ordinance, but which is not a crime under this ordinance or other ordinances, and for which civil sanctions, including without limitation fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961 (MCL 600.8701 et seq.), as amended. A municipal civil infraction is not a lesser included offense of a violation of this ordinance that is a criminal offense.
2. The sanction for a municipal civil infraction violation shall be a civil fine in the amount as provided by this ordinance, plus costs, damages, expenses, equitable relief and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961 (MCL 600.8701 et seq.), as amended, and other applicable law.

- a. Unless otherwise specifically provided for in this ordinance, the civil fine for a municipal civil infraction violation shall not be less than \$100.00, plus costs and other sanctions.
  - b. Increased civil fines may be imposed for repeated violations by a person, firm, corporation, or legal entity of any requirement or provision of this ordinance. As used in this section, the term "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:
    - i. Committed by a person within a six-month period, and
    - ii. For which the person admits responsibility or is determined to be responsible.
  - c. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
    - i. The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs and other sanction.
    - ii. The fines for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than \$500.00, plus costs and other sanctions.
3. The person who shall receive the municipal civil infraction by the building official shall be the owner, tenant, firm, corporation, or legal entity violating any provision of this ordinance.
4. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this ordinance, including any omission or failure to act where the act is required by this ordinance.
5. In addition to any remedy available at law, the village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this ordinance.
6. The Village Manager shall have the authority to issue municipal civil infraction tickets pursuant to this ordinance, after an investigation and authorization by the village attorney, pursuant to MCL 600.8707(2)

## Chapter 6.6 Nonconformities

### Section 6.601 NONCONFORMITY

1. Any lawful nonconforming use and/or structure existing at the time of passage of this Ordinance may be continued, provided, unless otherwise authorized pursuant to this Ordinance, the same shall not be changed, expanded, intensified, moved, enlarged, altered and/or extended. The term "existing", as used herein, contemplates that the parcel, lot and/or structure officially and lawfully existed on the Village records.
2. The ZBA, upon petition of the owner of a nonconforming use or structure, may permit the expansion, alteration and/or change thereof, conditioned upon findings by the ZBA, based upon the hearing conducted in the matter, that it would be consistent with the public interest, that no other person or property would be harmed, and that the nonconformity would not be perpetuated, provided, however, the change in use and/or structure shall not result in a material inconsistency with applicable zoning regulations.
3. Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of the public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed sixty (60%) percent of the fair valuation of the building or structure at the time such damage occurred; provided, however, that evidence of such valuation must first be presented to and approved by the ZBA, and provided, further, that the use thereafter shall be identical to or less nonconforming in relation to the nonconforming use permitted and in effect at the time of the events causing the damage. Moreover, if a nonconforming use is used for purposes which conform, or more nearly conform, to applicable zoning regulations in relation to the previous use, this shall constitute a reputable presumption that the former nonconforming use has been abandoned.

### Section 6.602 NONCONFORMING LOTS OF RECORD

1. For purposes of maintaining building sites in compliance or near compliance with this Ordinance, in those instances where the same owner has adjoining nonconforming lots of record, the following regulations shall apply:
  - a. Where two abutting lots of record or portions thereof are held under one ownership and where one or both of these lots or portions thereof are nonconforming, they together shall be considered as a single lot of record, and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.
  - b. Where three or more abutting lots of record are held under one ownership, and where one or more of these lots are nonconforming, the lots shall be held and maintained in such a manner as to comply with the area and width requirements of this Ordinance, and the provisions of this Ordinance, and the provisions of this Ordinance relating to lot area and lot width shall not be avoided by the sale or conveyance of all or any portion of such lot or lots of record.
  - c. Notwithstanding the above provisions, the Village Council may authorize the Building Department to issue a building permit in those instances where a nonconforming lot or combination of lots of record meets eighty (80%) percent of the minimum frontage, setback and area requirements of this Ordinance upon a determination that said eighty (80%) percent is in conformance with the general standard of the neighborhood, provided, however, in no event shall side yards be less than necessary to permit fire equipment reasonable access, and further to prevent the spread of fire.

Before this authorization can be given by the Village Council, a Public Hearing shall be held, with written notification of the Public Hearing being given to all property owners within three hundred (300) feet of the non-conforming lot of record.

2. When the owner of a nonconforming lot of record does not own and cannot reasonably acquire sufficient abutting land to enable him to conform to the requirements of this Ordinance relating to minimum lot area, minimum lot width, or both, such lots of record may be used by such owner for building purposes, provided, that all requirements of this Ordinance, and all other applicable law, ordinances and regulations, are met, and provided, further, that no more than one principle structure shall occupy any lot except in conformity with the provisions of this Ordinance for required lot area for each dwelling unit.

### Section 6.603 **STANDARD OF ABANDONMENT**

In the event of a nonuse or inconsistent use of land and/or improvements which constituted a nonconforming use, structure, or use and structure in combination, and the same continues for a period of one year, or more, the nonconforming use, structure, or combination thereof shall be deemed to have been abandoned, with the intent to abandon all rights of nonconforming use and nonconforming structure, or any combination thereof.

## Chapter 6.7 Land Division

### Section 6.701 INTENT

It is the intent of this Section to insure that divisions of subdivided or acreage property prior or incidental to development result in lots and parcels of property which comply with this Ordinance.

### Section 6.702 STANDARDS

Divisions of land shall be approved only upon a showing that all resultant lots and parcels equal or exceed the minimum requirements of this Ordinance unless one of the following exceptions applies:

1. All resultant lots or parcels which would otherwise fail to meet the requirements of this Ordinance are concurrently being proposed to be merged with adjoining lots or parcels, and, following such merger, the requirements of this Ordinance shall be met.
2. The ZBA shall have approved such variances as are necessary to obviate violation of this Ordinance.

### Section 6.703 APPLICATION

1. The owner of any land who desires to split or divide the same shall first make application pursuant to this Ordinance, and no land shall be split, and/or divided without first making such application and obtaining approval under this Ordinance.
2. Such application shall be prepared in duplicate on the form approved by the Village Council and provided by the Building Department. One copy of the application shall be submitted to the Building Department and one copy of the application shall be submitted to the Village Clerk, together with the fee established by the resolution or ordinance of the Village Council. The application shall contain and include at least the following
  - a. The name and address of each and every owner of any legal or equitable interest in the property, including all fee interest holders and land contract interest holders.
  - b. The signature of the applicant, set forth under the representation that "the undersigned is (are) authorized by all holders of an interest in the property which is the subject of this application to request the land division sought herein".
  - c. The legal description of the land, including a statement of the total acreage therein.
  - d. A copy of the most recent tax bill pertaining to the land.
  - e. A preliminary drawing made to a reasonable scale, taking into consideration the size of the property sought to be divided, showing the property as it exists prior to the division, and further showing each lot or parcel as they will appear following the proposed division, including the dimensions and square footage of each resultant lot or parcel; and the dimensions from each existing and proposed boundary.
  - f. A statement made under oath, indicating whether there are any restrictions and/or covenants which apply to or run with the land, having bearing upon the proposed division, and the beneficiaries of such restrictions and/or covenants.
  - g. Proof of ownership such as warranty deed or title policy, or notarized signature of all holders of such documents, authorizing the requested division.

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- h. In all instances where there shall be proposed a merger of all or a portion of divided property with adjoining property, the owner of all adjoining property to which all or a portion of the subject shall be merged shall sign the application under a representation that such merger shall take place immediately following the grant of the division.
- i. The name, address and telephone number of the person to whom all contact and/or correspondence concerning the application is to be directed.

**Section 6.704 REVIEW OF APPLICATION**

1. Upon submission, the Clerk shall forward the application to the Planning Commission, and the Commission shall place the matter of the proposed application on its agenda for a special or regular meeting. The applicant and the Building Inspector shall be advised o the date, time and place of the meeting.
2. The Building Inspector shall review the application and, prior to the Planning Commission meeting date scheduled for consideration thereon, submit a written recommendation. If the recommendation is to deny the division, the specific reasons for such recommendation shall be indicated by the Building Inspector.
3. At the scheduled meeting, the Planning Commission shall consider the application, provided, however, such consideration may be adjourned to one or more subsequent meetings for good cause.
4. If a proposed division of land conforms in all respects to the standards set forth in this Ordinance, and all other applicable ordinances and laws, the Commission shall recommend to the Council a grant of the application, subject to compliance with [Section 6.706](#), below.
5. If it appears the proposed division shall result in a violation of one or more of the standards in this Ordinance, or other applicable ordinance or law, the Commission shall recommend to the Council a denial of the application, provided however, if the violation is subject to being cured by the grant of one or more variances to the Zoning Ordinance by the ZBA, and, provided the proposed division complies in all other respects with the standards of this Ordinance and all other applicable ordinances and law, the Commission shall recommend to the Council a grant of the application subject to the applicant securing specified variances from the Zoning Ordinance prior to consideration by the Council, and subject to compliance with the provisions of [Section 6.706](#), below.
6. In its consideration of an application, the Planning Commission shall make a determination whether the proposed division violates Act 288, P.A. 1967, as amended, the "Subdivision Control Act", or any successor act.
7. Following action of the Planning Commission, and following any necessary action by the ZBA, as specified above, the matter of the division shall be placed on the agenda for a special or regular meeting of the Village Council. If the Council finds that a proposed division of land conforms in all respects to the standards of this Ordinance and all other applicable ordinances and law, the Council shall grant the application, subject to compliance with [Section 6.706](#), below. If the Council determines that the application fails to comply with all such standards, the application shall be denied.

**Section 6.705 STANDARDS**

1. Approval of an application shall be conditioned upon compliance by all lots or parcels created as a result of the proposed division with all state and local laws, ordinances and regulations applicable to the property.
2. An application for a land division shall not be granted if, prior to such division, the property which is sought to be divided equals or exceeds the applicable minimum requirements set forth in the Zoning Ordinance, and, following the division, any of the resultant lots or parcels would fail to meet any one or more of such requirements, unless:



- a. All resultant lots which would otherwise fail to meet any such requirements of the Zoning Ordinance are to be merged with adjoining lots or parcels; or
  - b. The ZBA has approved the necessary variances such that the grant of the application will not result in violation of any Zoning Ordinance requirements.
3. An application for a land division with respect to lots or parcels which fail to meet the applicable minimum requirements under the Zoning Ordinance prior to the proposed division shall not be granted unless and until all necessary variances are granted by the ZBA such that grant of the application shall not result in violation of any Zoning Ordinance requirements with respect to any of the resultant lots or parcels, or, unless all of the resultant lots or parcels shall be merged with adjoining property.
4. In no event shall an application for division of land be granted where such divisions shall be contrary to, or in violation of, the Subdivision Control Act or a successor act.
5. In no event shall an application for a land division be approved unless and until each resultant parcel shall have frontage, to the extent of the minimum lot width required under the Zoning Ordinance, on a street, road or highway.

**Section 6.706 FINAL APPROVAL AND ENTERING LAND DIVISION ON VILLAGE RECORDS**

As a condition to a grant of final approval of an application and entering the divisions so granted on the Village records, the applicant shall provide the Clerk with a registered survey and legal description of all resultant parcels, as prepare by either a land surveyor or engineer who shall be registered and licensed as such with the state of Michigan.

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# Article 7 DEFINITIONS

## Chapter 7.1 Rules of Construction

### Section 7.101 RULES OF CONSTRUCTION

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof. The word "dwelling" includes "residence". The word "lot" includes the words "plot" or "parcel".
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
7. The word "person" includes an individual, a firm, an association, an organization, a corporation (public or private), a partnership or co-partnership, a limited liability company, an incorporated or unincorporated association, a trust, or any other entity recognizable as a "person" under the laws of Michigan.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows:
  9. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  10. "Or" indicates that all the connected items, conditions, provisions or events shall apply singly or in any combination (i.e., "or" also means "and/or").
  11. "Either ... or" indicates that the connected items, conditions, provisions or events may apply singly.
12. The terms "this Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance of the Village of Ortonville and any amendments there to.
13. The terms "abutting" or "adjacent to" include property "across from", such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.
14. The word "he" includes "she."
15. The phrase "such as" shall mean "such as, but not limited to."
16. The word "including" shall mean "including, but not limited to."
17. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

## Chapter 7.2 General Definitions

### Section 7.201 GENERAL TERMS SPECIFICALLY DEFINED

The terms set forth below shall have the following meanings:

**ACREAGE PARCEL:** A tract or parcel of land which has not been subdivided under the Michigan Subdivision Control Act, as amended, and which has not been expressly made a part of a condominium project having a recorded master deed.

**ALLEY:** A public thoroughfare or way not more than 30 feet wide and which affords only a secondary means of access to abutting property.

**ALTERATIONS:** Any change, addition, or modification in construction or type of occupancy, and change in the structural members of buildings, such as walls or partitions, columns, beams, or girders.

**ATTACHED WIRELESS COMMUNICATION FACILITIES:** Wireless Communication Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A Wireless Communication Support Structure proposed to be newly established shall not be included within this definition.

**BASEMENT:** A basement is that portion of a building partly below grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling; provided, however, that if the vertical distance from the grade to the ceiling is five feet or more, such basement shall be considered as a story.

**BOARD OF APPEALS:** The zoning Board of Appeals of the Village of Ortonville, sometimes herein referred to as the ZBA.

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

**BUILDING:** A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattels. When any portion of such a structure is completely separated for human access purposes from every other part of the structure by dividing walls from the ground up or floor to ceiling, such portion of a structure shall be deemed a separate building.

**BUILDING, ACCESSORY:** A subordinate building or structure on the same lot, or a part of the main building, occupied by or devoted exclusively to an accessory use.

**BUILDING HEIGHT:** The vertical distance measure from the established grade to 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, or to a point equivalent to the foregoing of any other roof. Where a building is located on sloping terrain, the height may be measured from the average ground level to the grade at the building wall.

**BUILDING LINE:** Is a line formed by the building foundation except that where any portion of a building, excluding unenclosed porches, exceeds 8 feet in width and projects more than 2 feet beyond the foundation, the face of such projection shall constitute the building line. For the purposes of measurements under this Ordinance, a building line is the same as a front 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 or group of buildings is located.

**BUILDING PERMIT:** The written authority issued by the Ortonville building official, or other designated person, permitting the construction, removal, moving, alteration, or use of a building in conformity of the provisions of this Ordinance.

**CERTIFICATE OF OCCUPANCY:** A certificate issuable by the building official, after final inspection, specifying such official's opinion that there has been compliance with applicable Ordinances. The issuance of a certificate of occupancy shall not be constructed as a waiver of any provisions of this Ordinance and/or of other applicable law.

**CO-LOCATION:** The location by two or more wireless communication providers of Wireless Communication Facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

**DISTRICT:** An area set apart on the Zoning Map having a single zoning classification.

**DWELLING:** That portion of a building designed or redesigned and intended for occupancy, including kitchen, dining, housekeeping and bathroom facilities, as the home or residence of one family. A motorized home, travel trailer, automobile chassis, tent, or the like, shall not be considered to constitute a dwelling. Further neither garage space, whether in an attached or detached garage, nor utility rooms shall be deemed a part of a dwelling for area requirements.

**EARTH BERM:** A mound of earth, planted with ground cover, grass, trees, or other landscaping material intended to minimize and/or buffer the view of parking areas and/or to reduce impact from adjacent uses and passers-by.

**FAMILY:** Means either of the following:

- a. 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.
- b. 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. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, non-profit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, 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. There shall be a rebuttable presumption enforceable by the building director in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application to the Planning Commission for a special land use based upon applicable standards in this Ordinance.

**FILLING:** The depositing or dumping of any matter or material onto or into the ground, except common household gardening and ground care.

**FLOOR AREA:** Area measured to the exterior face of exterior walls and to the center line of interior partitions.

**FLOOR, AREA, USEABLE RESIDENTIAL:** The sum of the horizontal area of the first story measured to the exterior face of exterior walls plus, similarly measured, that area of all other stories having more than 84 inches of head room which may be made useable for human habitation; but, excluding the floor area of basements, attics, attached or unattached garages, breezeways, unenclosed porches, and accessory buildings.

**FLOOR AREA, USEABLE NONRESIDENTIAL:** The sum of the horizontal area of the first story measured to the exterior face of exterior walls, plus, similarly measured, that area of all other stories, including mezzanines which may be made fit for occupancy, including the floor area of all accessory building measured similarly and the floor area of basements used for activities related to the principal use, such as storage, but excluding furnace and utility rooms. Parking space located within a building shall not be considered usable floor area.

FLOOR, GROUND: That portion of a building 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.

GARAGE COMMUNITY: An accessory building for the storage of noncommercial vehicles, with no public shop or service facilities.

GARAGE, PRIVATE: A space suitable for the storage of motor vehicles, having no public shop or services, for the sole use of the owner or occupant of the principal building on a lot, or of his family or employees.

GRADE: The line on the foundation wall where the ground meets or is intended to meet the wall, unless such has been otherwise officially established, provided, in the event of a dispute with respect to the grade, the same shall be determined by the ZBA.

JUNK: Garbage and rubbish, as well as motor vehicles, machinery, appliances, product merchandise with material parts missing, or scrap metals or other scrap materials that are damaged, deteriorated or are in a condition which renders them incapable of performing the function for which they were intended.

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

LOT: A piece or parcel of land occupied or to be occupied and used for an activity permitted thereon and including the open spaces required under this Ordinance and having its frontage upon a public street or any approved private way used for street purposes. A lot may or may not be specifically designated as such on public records, and may or may not have been the product of subdividing under the Michigan Subdivision Control Act.

LOT AREA: The total horizontal area within the lot lines of a lot. For lots fronting or adjacent to private streets, lot area shall mean that area within lot lines and not including any portion of the private street.

LOT, CORNER, AND DEPTH: A lot situated at the junction of two or more streets is a corner lot, in connection with which an owner may elect by statement on his plans, either street boundary as the front, unless previous official determination has been made. The depth of a lot is the mean distance from the center of the front to the center of the rear boundary of an irregular four-sided plot.

LOT LINE, FRONT: The front lot line is that boundary of a lot which abuts on a highway unless such lot extends between a highway and a lake or river in which both the highway boundary line and the lake or river boundary lines may be considered front lot lines, the determination for which shall be made by an owner by statement on his plans.

LOT LINE, REAR: The boundary which is opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

LOT LINE, SIDE: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. A lot line separating a lot from a side street is an exterior lot line.

LOT COVERAGE: That part of percent of the lot occupied by buildings and structures on the property, including accessory buildings and/or structures.

LOT, INTERIOR: Any lot other than a corner lot or through lot.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a recorded subdivision plat on file with the Oakland County Register of Deeds, or any parcel which has been separated there from in accordance with the provisions of the Subdivision Control Act, as amended, and which exists as described. A lot of record must front a public street which is dedicated for access as a public street, or front a previously approved private street or road.

LOT, THROUGH OR DOUBLE FRONTAGE LOT: A lot having a street for both front and rear lot lines, not including a corner lot.

LOT WIDTH: The length of a straight line measured between the two points where the building line or setback line intersects the side lot lines.

MARQUEE: A roof-like structure of a permanent nature projecting from the wall of a building.

MEZZANINE: An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third of the floor area of such main story.

MOBILE HOME: A manufactured structure which is designed to be transportable in one or more sections for use as a single family dwelling. A motor home, recreational vehicle and/or travel trailer shall not constitute a mobile home.

MOBILE HOME PARK: A parcel of land which has been planned and improved for the placement of mobile homes for residential use as provided by Act 419 of the Public Acts of 1976, as amended.

NONCONFORMING BUILDING (NONCONFORMING STRUCTURE): A building or structure, or portion thereof, lawfully existing at the time of adoption of this or a previous Zoning Ordinance, but which fails, or failed, to comply with the terms of this or such previous Ordinance, and continues to fail in such compliance.

NONCONFORMING USE: A use of a building and/or structure, or of a parcel or tract of land, and/or structures, and uses as considered in combination, lawfully existing at the time of adoption of this or a previous Ordinance but which fails, or failed, to comply with the terms of this or such previous Ordinance, and continues to fail in such compliance.

NONCONFORMING USE AND BUILDING: A use and a building lawfully existing at the time of adoption of this or a previous Zoning Ordinance but which fails, or failed, to comply with the terms of this or such previous Ordinance, and continues to fail in such compliance.

OCCUPIED: This term shall include its normal meaning, and, in addition, shall include land arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

OFF-STREET PARKING LOT: A facility other than for single or two-family dwellings 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.

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

OWNER: The fee title holder, and all persons having legal and/or equitable ownership rights and/or possessory rights in the property, and all combinations of such persons.

PARKING SPACE: A permanently surfaced area of land adequate to carry out the off-street parking regulations of this Ordinance, and an area for each motor vehicle of not less than 10 feet wide by 20 feet long exclusive of drives, aisles, and entrances giving access thereto, and fully accessible for the parking of permitted vehicles.

PERSON: Any natural person, firm, partnership, corporation, association, trust or other entity to which the law attributes rights and liabilities.

PLANNING COMMISSION: The Planning Commission of the Village of Ortonville.

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

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish to the public transportation, water, gas, electricity, telephone, steam, sewage disposal or other essential services.

**RECREATION LAND:** A publicly or privately owned lot or parcel utilized principally for recreational activity such as, but not limited to, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

**SETBACK LINE, REQUIRED:** A line, marking the setback distance from the street or lot lines, which establishes the minimum required front, side, or rear open space, and the like, of a lot.

**SIGNS:** Any structure or part thereof on which there is lettered, pictured or otherwise displayed, any matter, the chief purpose of which is commercial advertising or publicity.

**SITE PLAN:** The documents and drawings specified in this Ordinance as being necessary to insure that a proposed land use or activity is in compliance with this Ordinance and/or with state and federal statutes.

**SPECIAL USE:** A land use which shall be permitted in a zoning district only after review and approval as specified in this Ordinance.

**STORY:** That portion of a building included between the surface of any floor and the ceiling next above. A basement shall be considered a story if its ceiling is more than 5 feet above the average established grade or if it is used for business purposes.

**STORY, HALF:** A story which is situated within a sloping roof, the area of which at a height 4 feet above the floor does not exceed two-thirds of the floor area directly below it, wherein living quarters are used only as a part of the dwelling situated in story below.

**STREET:** A public thoroughfare which affords the principal means of access to abutting property.

**USE:** The purpose for which land or improvements are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

**USE, ACCESSORY:** A use naturally and normally incidental and subordinate to, and devoted exclusively to, the main use of the premises.

**UTILITY ROOM:** A utility room is a room in a dwelling, no located in the basement, the use of which is primarily for storage, or for housing a heating unit, or for laundry purposes.

**VILLAGE:** Village of Ortonville, County of Oakland, State of Michigan.

**VILLAGE COUNCIL:** The Village Council of the Village of Ortonville

**WIRELES COMMUNICATION FACILITIES:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals, This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities, federally license amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

**WIRELESS COMMUNICATION SUPPORT STRUCUTRES:** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

**YARDS:** The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein;

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line.



- b. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point on the main building.
- c. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

ZBA: Village Zoning Board of Appeals.

ZONING MAP: The official document establishing and reflecting the several zoning districts into which the Village has been divided pursuant to this Ordinance, and maintained in the Village offices.

## Chapter 7.3 Use Definitions

### Section 7.301 RESIDENTIAL USE TERMS SPECIFICALLY DEFINED

**MIXED USE BUILDING – RESIDENTIAL WITH NONRESIDENTIAL.** A building containing a mixture of residential and non-residential uses.

**MULTIPLE FAMILY DWELLING (3-4 UNITS).** A building containing 3 or 4 dwelling units that has a size, scale, and outward appearance consistent with that of a one family house.

**MULTIPLE FAMILY DWELLING (5+ UNITS).** A building used exclusively for residential purposes containing five or more residential dwelling units. A multiple-family structure where units are available for lease or rent for periods of less than one month shall be considered a lodging use.

**SINGLE FAMILY DWELLING, DETACHED.** A building designed exclusively for residential occupancy by not more than one household.

**STATE LICENSED RESIDENTIAL FACILITY.** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act). This definition includes adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.

Note that wherever the term "*private home*" is used in the state licensed residential facilities definitions, it shall mean a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency.

- a. Foster care means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- b. Adult foster care facility means a residential structure that is licensed to provide foster care, but not continuous nursing care, for unrelated adults over the age of 17. Adult foster care facilities are subject to all applicable provisions, definitions, and regulations of Michigan Public Act 218 of 1979, as amended (MCL 400.701 et seq.).
  - i. The following types of adult foster care facilities are provided for by this Ordinance:
  - ii. *Adult foster care family home* means a private home with the approved capacity to receive not more than six adults to be provided with foster care. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
  - iii. *Adult foster care small group home* means an adult foster care facility with the approved capacity to receive not more than 12 adults to be provided with foster care. Facilities with the approved capacity for seven or more adults are subject to conditional use approval.
  - iv. *Adult foster care large group home* means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval.
  - v. Adult foster care facility does not include any of the following:

- vi. A licensed child caring institution, children's camp, foster family home, or foster family group home, subject to the limitations contained in section 3(4f) of Michigan Public Act 218 of 1979, as amended (MCL 400.703).
  - vii. A licensed foster family home that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Michigan Public Act 116 of 1973, as amended (MCL 722.115).
  - viii. An establishment commonly described as an alcohol or a substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; or a hotel or rooming house that does not provide or offer to provide foster care.
  - ix. A veterans' facility created by 1885 PA 152, MCL 36.1 to 36.12.
- b. Adult foster care congregate facility means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval.
- c. Family day care home means a private home in which one but fewer 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. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- d. Foster family home means 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 or marriage, or who are not placed in the household under the Michigan adoption code, 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.
- e. Foster family group home means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, 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.
- f. Group child day care home means a private home in which more than 6 but not more than 12 minor 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. Group child day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**TOWNHOUSE.** A building containing three or more dwelling units where each dwelling unit is divided by a party wall extending the full height of the building with no visible separation between walls or roof, and where dwelling units have a horizontal separation but not a vertical separation. Each townhouse dwelling is capable of individual use and maintenance without trespassing on adjoining dwellings and access, and utilities and service facilities are independent for each dwelling. Each dwelling unit has a first floor entrance into the unit directly from the exterior of the building.

**TWO-FAMILY DWELLING.** A building designed exclusively for residential occupancy by two households with the character of a single family structure, and with separate kitchen, sleeping, and sanitary facilities for each household.

Section 7.302 **CIVIC/INSTITUTIONAL USE TERMS SPECIFICALLY DEFINED**

**CULTURAL, MUNICIPAL, OR PUBLIC USE.** A public or private non-profit facility for the benefit of and service to the general public, including, but not limited to cultural facilities such as libraries or museums, police and fire stations, and municipal and government uses.

**DAY CARE CENTER OR NURSERY SCHOOL.** A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents are not immediately available to the child, as defined in Public Act 116 of 1973.

**ESSENTIAL SERVICES AND UTILITIES.** The erection, construction, alteration or maintenance by public utilities or municipal departments which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare., and that include underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, buildings, and similar equipment in connection therewith, but not including outdoor storage yards.

**HOSPITALS AND MEDICAL CLINICS.** A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the health department and the state, and that is used for inpatient or outpatient services. Hospitals may include related facilities such as laboratories, outpatient departments, central service facilities, and staff offices.

**INSTITUTION FOR HIGHER EDUCATION.** A facility for post-secondary education that grants associate, bachelor, master, or doctoral degrees and that may include research functions or professional schools.

**NURSING HOME OR ASSISTED LIVING.** A facility providing responsible adult supervision or assistance with activities of daily living in instances where the individual's condition necessitates that supervision or assistance; or a home for the care of children, the aged, the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. A nursing home is subject to the licensing requirements of applicable State laws (Public Act 139 of 1956, as amended).

**PLACE OF WORSHIP.** A facility used for regular organized religious worship and related activities, including living quarters for church ministry or other members of the religious order who carry out their duties primarily on the site, religious education classes, and limited recreation facilities.

**PRIMARY OR SECONDARY SCHOOL.** A facility offering instruction at the pre-school to high school level.

**PUBLIC RECREATION.** An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment. Parks or recreation facilities may be privately owned, so long as they are not operated as a for-profit enterprise.

Section 7.303 **COMMERCIAL USE TERMS SPECIFICALLY DEFINED**

**BANKS AND FINANCIAL INSTITUTIONS.** A business that offers financial services.

**COMMERCIAL INDOOR RECREATION.** Entertainment and recreation uses that occur indoors such as bowling alleys, soccer, hockey, tennis, swimming, or other similar uses and similar uses.

**COMMERCIAL OUTDOOR RECREATION.** Typical uses may include miniature golf, swimming pools, tennis courts, volleyball courts, soccer, baseball, go-cart tracks, batting cages, golf driving ranges (not associated with a golf course), amusement parks, and similar uses.

**DRIVE THROUGH FACILITY (ACCESSORY TO A PERMITTED USE).** A business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carryout.

**GALLERY or STUDIO.** An establishment engaged in the sale, loan, or display of art, books, painting, sculpture, photography, or other works of art.

**KENNEL.** An establishment having four or more dogs or other similarly impacting domestic animals which are confined or kept for sale, boarding, breeding, or training purposes.

**LODGING.** A group of lodging units that may include accessory uses such as services for dining, meeting, or recreation. To qualify as a lodging use, independent sleeping rooms will have independent sanitary facilities, and no provisions are made for cooking in any individual room.

**OFFICES.** A room or group of rooms used for conducting a business profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, finance companies, real estate companies, insurance companies, financial planners, or corporate offices. Offices exclude manufacturing activities, but may include research and development activities.

**OUTDOOR DINING (ACCESSORY TO A PERMITTED USE).** Areas located outdoors in the open air or under canopies that are open to the elements where food or drinks are served to patrons. Outdoor dining may occur on a public sidewalk, or on a patio, deck, rooftop, or other similar location located on private property.

**PERSONAL SERVICES.** An establishment or place of business primarily engaged in the provision of services of a personal nature related to the care, hygiene, or appearance of the human body or the maintenance of items worn or carried by persons. Such services are usually but not always recurrent in nature. Examples of personal service uses include, but are not limited to, beauty and barber shops, shoe repair shops, health spas, therapeutic massage, tailor shops, and the like.

**PLACE OF ASSEMBLY.** A commercial facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, banquet facilities, convention centers, exhibition halls, and theatres and performing arts centers.

**REGULATED USES.** See [Section 2.414](#).

**RESTAURANTS AND PRIVATE CLUBS.** A place of business dedicated to the preparation and sale of food and beverage for immediate consumption on or off site.

**RETAIL SALES (INDOOR).** Any generally recognized retail or service business that supplies commodities on the premises to the general public where all sales and display of goods shall occur entirely indoors. Commodities supplied may include groceries and similar food products for consumption off the premises.

**RETAIL SALES (UNRESTRICTED OUTDOOR).** A retail, wholesale, or service use involved in the sale of goods where the outdoor display or sales of goods constitutes the principal use on the site. Examples of unrestricted outdoor retail sales include vehicle or large equipment sales areas, landscape supply yards, or other retail uses which require large land areas in proportion to indoor sales or use areas.

**RETAIL SALES OR STORAGE (LIMITED OUTDOOR).** Outdoor display or sales of goods that are accessory to a principal use that do not exceed one square foot of sales or storage area for every five square feet of indoor sales or display area.

**VEHICLE SERVICE (MINOR).** A place of business serving auto-related needs including, but not limited to: gas station, car wash, or mechanic offering routine service, minor repairs or customization. Minor repairs generally include any repair or service that does not require removal of the engine head, transmission, or differential.

Major mechanical work; body repair work; painting; welding; storage of vehicles not in operating condition; commercial parking lots or garages; or any work involving undue noise, glare, fumes or smoke are vehicle service (major) uses and are not considered automotive commercial establishments.

Vehicle sales or auto parts sales that occur entirely within an enclosed building are considered retail sales (indoor). Vehicle sales or any sales activity that occurs outdoors are considered retail sales (unrestricted outdoor).

**VETERINARY OFFICES.** A place for the care, diagnosis, and treatment of sick or injured animals. A veterinary clinic may include customary pens or cages within the walls of the clinic structure.

**Section 7.304 INDUSTRIAL USE TERMS SPECIFICALLY DEFINED**

MANUFACTURING, FABRICATION AND PROCESSING (GENERAL). A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products. These uses do not produce or use in large quantities as an integral part of the manufacturing process toxic, hazardous, or explosive materials. Because of the nature of its operations and products, little or no noise, odor, vibration, glare and/or air/water pollution is produced, and therefore, these uses have minimal impact on surrounding properties or uses that qualify as Hazardous Group H occupancy uses under the Michigan Building Code. This definition includes all uses or products in the following NAICS groups<sup>1</sup>:

- a. 311 Food Manufacturing (except 311223 Other Oilseed Processing, 311225 Fats and Oils Refining and Blending, 311311 Sugarcane Mills, 311312 Cane Sugar Refining, 311313 Beet Sugar Manufacturing, 311611 Animal (except poultry) Slaughtering, 311613 Rendering and Meat Byproduct Processing, 311615 Poultry Processing, 311711 Seafood Canning, 311712 Fresh and Frozen Seafood Processing, 311942 Spice and Extract Manufacturing)
- b. 312111 Soft Drink Manufacturing
- c. 312112 Bottled Water Manufacturing
- d. 313 Textile Mills
- e. 314 Textile Product Mills
- f. 315 Apparel Manufacturing
- g. 316 Leather and Allied Product Manufacturing
- h. 321 Wood Product Manufacturing (except 321114 Wood Preservation)
- i. 322 Paper Manufacturing (except 32211 Pulp Mills, 322121 Paper (except newsprint) Mills, 322122 Newsprint Mills, and 32213 Paperboard Mills)
- j. 323 Printing and Related Support Activities
- k. 326 Plastics and Rubber Products Manufacturing (except 326211 Tire Manufacturing)
- l. 332 Fabricated Metal Product Manufacturing (except 332111 Iron and Steel Forging and 332112 Nonferrous Forging)
- m. 333 Machinery Manufacturing
- n. 334 Computer and Electronic Product Manufacturing
- o. 335 Electrical Equipment, Appliance, and Component Manufacturing
- p. 336 Transportation Equipment Manufacturing
- q. 337 Furniture and Related Product Manufacturing
- r. 339 Miscellaneous Manufacturing
- s. 511 Publishing Industries

MANUFACTURING AND PROCESSING (HEAVY). A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products. These uses may produce or use in large quantities as an integral part of the manufacturing process toxic, hazardous, or explosive materials. Noise, odor, dust, vibration, glare, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

<sup>1</sup> See: <http://www.census.gov/eos/www/naics/index.html> for detailed descriptions of all of the NAICS categories referenced in the above definitions.

This definition includes uses all uses or products in the following NAICS groups<sup>2</sup>:

- a. 311 Food Manufacturing uses that are not included in General Manufacturing uses, including:
  - i. 311223 Other Oilseed Processing
  - ii. 311225 Fats and Oils Refining and Blending
  - iii. 311312 Cane Sugar Refining
  - iv. 311313 Beet Sugar Manufacturing
  - v. 311611 Animal (except poultry) Slaughtering
  - vi. 311613 Rendering and Meat Byproduct Processing
  - vii. 311615 Poultry Processing, 311311 Sugarcane Mills
  - viii. 311711 Seafood Canning
  - ix. 311712 Fresh and Frozen Seafood Processing
  - x. 311942 Spice and Extract Manufacturing
- b. 312 Beverage and Tobacco Product Manufacturing
- c. 321114 Wood Preservation
- d. 322 Paper Manufacturing uses that are not considered General Manufacturing uses, including:
  - i. 32211 Pulp Mills
  - ii. 322121 Paper (except newsprint) Mills
  - iii. 322122 Newsprint Mills
  - iv. 32213 Paperboard Mills
- e. 324 Petroleum and Coal Products Manufacturing
- f. 325 Chemical Manufacturing
- g. 326211 Tire Manufacturing
- h. 327 Nonmetallic Mineral Product Manufacturing
- i. 331 Primary Metal Manufacturing
- j. 332111 Iron and Steel Forging
- k. 332112 Nonferrous Forging

**OUTDOOR STORAGE OR OUTDOOR YARD.** A use involving primarily the keeping of personal or business property or motor vehicles outside of a building, or a use where the use is characterized primarily by its outdoor component.

<sup>2</sup> See: <http://www.census.gov/eos/www/naics/index.html> for detailed descriptions of all of the NAICS categories referenced in the above definitions.



Examples of such uses include, but are not limited to contractor’s supply yards, lumber yards, recreational vehicle storage yards, and commercial vehicle storage.

**MINERAL AND SOIL REMOVAL.**

**VEHICLE SERVICE (MAJOR).** A facility conducting activities associated with the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment; paint and body work; major overhaul of engine or engine parts; vehicle impound or wrecking yard; and government vehicle maintenance facilities. This includes auto related uses not otherwise allowed within the vehicle service (minor) category listed under commercial uses.

**WAREHOUSING/DISTRIBUTION.** Establishments primarily engaged in selling durable and nondurable goods to retailers; industrial, commercial, institutional, farm, building trade contractors, or professional business uses; or to other wholesalers; or buildings used for the storage of business or personal property.

**Section 7.305 TEMPORARY AND OTHER USE TERMS SPECIFICALLY DEFINED**

**HOME OCCUPATION.** Any use customarily conducted entirely within a dwelling unit and carried on by the inhabitants, which use is clearly incidental and accessory to the use of the dwelling for dwelling purposes and does not change the character of the dwelling.

**OFF-PREMISES SIGN:** A freestanding sign constituting the principal use of a plot or parcel supported by one or more uprights, braces, or pylons located in or upon the ground or something requiring location on the ground. This sign shall not be accessory to any other use of the property.

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