

# CODE OF ORDINANCES

OF

## WOLVERINE LAKE, MICHIGAN

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Local legislation current through November 30, 2021

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## ADOPTING ORDINANCE

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### ORDINANCE NO. 139

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AN ORDINANCE TO APPROVE, ADOPT AND ENACT THE CODIFIED ORDINANCES OF WOLVERINE LAKE, MICHIGAN, 2001; TO APPROVE, ADOPT AND ENACT NEW MATTER THEREIN; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS, Council has had the matter of codification and general revision of the legislation of the Village before it for some time; and

WHEREAS, it has heretofore entered into a contract with The Justinian Publishing Company to prepare and publish such codification; and

WHEREAS, the codification of such legislation, together with the new matter to be adopted, the matters to be amended and those to be repealed, is now before the Council; NOW, THEREFORE:

THE VILLAGE OF WOLVERINE LAKE ORDAINS:

Section 1. All general and permanent legislation enacted by the legislative authority of the Village through July 10, 2001, as revised, codified, arranged, edited and consolidated into component codes, titles, chapters and sections, is hereby approved, adopted and enacted as the Codified Ordinances of the Village of Wolverine Lake, Michigan, 2001, complete to July 10, 2001.

One book-form copy of the Codified Ordinances shall be certified as correct by the Village President and the Village Clerk, attached to this ordinance as a part hereof, and filed with the permanent records of the Village of Wolverine Lake, Michigan.

Section 2. The following sections and subsections in the Codified Ordinances are or contain new matter not previously enacted by Council in its presently codified form, such new matter having been found necessary, in the course of preparing the Codified Ordinances, to reconcile Village legislation, to conform Village law with State law, to update technical codes adopted by the Village by reference, and to remove uncertainties and ambiguities in the legislative record with respect to numbering and passage of legislation, and such new matter is hereby approved, adopted and enacted:

202.01 to 202.03,

202.07 to 202.09,

202.99, 204.01,

238.03, 276.06,

410.01 to 410.04,

410.99, 420.99,

430.04, 430.11,

440.05, 602.03,  
650.02, 650.08,  
650.99, 658.02,  
658.03, 674.04  
680.02, 680.03,  
680.06(a), 680.07, 694.07,  
694.99, 840.04,  
840.10, 840.99  
850.03, 1020.01,  
1020.02, 1022.02  
1022.99, 1040.09,  
1062.99,  
1420.01 to 1420.04  
1420.99, 1424.99,  
1440.01, 1466.01,  
1472.99(a), 1474.99,  
1610.01

Section 3. All ordinances and resolutions or parts thereof enacted prior to July 10, 2001, which are inconsistent with any provision of the Codified Ordinances, including the new matter approved, adopted and enacted by Section 2 of this ordinance, are hereby repealed as of the effective date of this ordinance, except as follows:

(a) The enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect a prosecution or indictment therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

(b) The repeal provided above shall not affect:

- (1) The grant or creation of a franchise, license, right, easement or privilege;
- (2) The purchase, sale, lease or transfer of property;
- (3) The appropriation or expenditure of money or promise or guarantee of payment;
- (4) The assumption of any contract or obligation;
- (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
- (6) The levy or imposition of taxes, assessments or charges;
- (7) The establishment, naming, vacating or grade level of any street or public way;
- (8) The dedication of property or plat approval;
- (9) The annexation or detachment of territory.

Section 4. This ordinance is hereby declared to have been adopted by the Village of Wolverine Lake Village Council at a meeting thereof duly called and held on the 13th day of March, 2002 and the provisions of this Ordinance are hereby ordered to take effect immediately.

I hereby certify the foregoing constitutes a true and complete copy of Ordinance Number 139, duly adopted by the Village Council of the Village of Wolverine Lake, County of Oakland, Michigan, at a regular meeting held on March 13, 2002 at which the following members were present:

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Wilner, Vickers, Kempf, Renwick, Gualdoni, Smith, Donnelly

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and that said meeting was conducted and public notice of said meeting was given pursuant to, and in full compliance with, the Open Meetings Act, being Act 267, Public Acts of Michigan 1976, as amended, and that the minutes of said meeting were kept and will be or have been available as required by said Act.

I further certify that member Gualdoni moved for adoption of said Ordinance and that member Vickers seconded the motion.

I further certify that the following members voted for adoption of said Ordinance:

Wilner, Donnelly, Vickers, Renwick, Smith, Kempf, Gualdoni

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and that the following members voted against such Ordinance:

None

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I further certify that said Ordinance has been recorded in the Ordinance Book of the Village of Wolverine Lake and that such recording has been authenticated by the signatures of the Village President and Village Clerk.

/s/ Rita Irwin

David W. Wilner, Village President      Rita Irwin, Village Clerk

I do hereby certify that a synopsis of this Ordinance, in accordance with statutory and charter provisions, was published on March 20, 2002 in the Spinal Column, a copy of which is attached hereto.

/s/ Rita Irwin

Rita Irwin, Village Clerk

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## **PART TEN – STREETS, UTILITIES AND PUBLIC SERVICES CODE**

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### **TITLE TWO – Street and Sidewalk Areas**

Chap. 1020. Excavations.

Chap. 1022. Drainage Ditches.

Chap. 1024. Road Endings.

#### **Chapter 1020:**

#### **Excavations**

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1020.01 Pavement openings; permit required.

1020.02 Curb cuts; permit required.

1020.03 Bonds.

1020.04 Revocation of permits; permit fees.

1020.99 Penalty.

#### **CROSS REFERENCES**

Curbs and gutters - see M.C.L.A. §§ 91.1, 102.8

Excavations - see M.C.L.A. §§ 554.251 et seq.

Governmental liability for negligence - see M.C.L.A. §§ 691.1401 et seq.

Covering or fencing of excavations - see GEN. OFF.674.01

#### **1020.01 PAVEMENT OPENINGS; PERMIT REQUIRED.**

(a) No person shall make any excavation or opening in or under any street without first obtaining the approval of the Village Administrator and a permit from the Village of Wolverine Lake, paying the required fees under Section 1020.04(a), and showing satisfactory evidence of liability insurance in the minimum amount of one million dollars (\$1,000,000).

(b) No person shall occupy any street or sidewalk with any excavation material during hours of darkness without the express permission of the Village Administrator. Any such excavation material allowed in any sidewalk or street shall be barricaded and well lighted from sunset to sunrise.

(c) Sidewalks shall be cut with a concrete power saw, except in the case where an entire section of sidewalk is to be removed. All sidewalk excavations shall be backfilled with sand and hand tamped. The contractor will replace all sidewalks removed by a contractor after an inspection of the backfill is made by the Village Administrator.

(d) Street cuts must be made with a concrete power saw or air spade in such a way as to provide a smooth uniform pavement cut. Street openings shall be backfilled with flat sand, power tamped in layers not to exceed twelve inches or, at the discretion of the Village Administrator, may be water settled. The contractor will replace all pavement removed by a contractor after an inspection of the backfill is made by the Village Administrator

#### **1020.02 CURB CUTS; PERMIT REQUIRED.**

(a) No opening in any curb or gutter of any street shall be made without first obtaining approval from the Village Administrator and a permit from the Village of Wolverine Lake, paying the required fees under Section 1020.04(a), and showing evidence of liability insurance. In all cases where curb cuts are made, the gutter section must be removed to the same dimensions as the curb cut.

(b) Openings in concrete curbs and gutters shall be made only with the use of a concrete saw in such a way as to provide a smooth, uniform cut.

(c) Openings in asphaltic curbs will be made by an air spade fitted with a suitable tool that will provide a smooth, uniform cut.

(d) All curb materials removed by a contractor will be replaced by the contractor after an inspection of the backfill is made by the Village.

#### **1020.03 BONDS.**

No person shall make any excavation or opening for or under any street or perform any action allowed under this chapter without first posting a performance bond in an amount which will be set from time to time by resolution of the Village Council.

(Ord. 62A-1. Passed 6-13-01.)

#### **1020.04 REVOCATION OF PERMITS; PERMIT FEES.**

Any permits issued for activities allowed under this chapter are revocable for failure to comply with regulations contained herein. Fees for activities allowed under this chapter shall be set from time to time by resolution of the Village Council.

(Ord. 62A-1. Passed 6-13-01.)

#### **1020.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is provided.)

### **Chapter 1022:**

#### **Drainage Ditches**

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1022.01 Driving over open ditches prohibited.

1022.02 Altering ditches, impeding flow of water prohibited.

1022.99 Penalty.

#### **CROSS REFERENCES**

Curbs and gutters - see M.C.L.A. §§ 91.1, 102.8

Excavations - see M.C.L.A. §§ 554.251 et seq.; S.U. & P.S.Ch. 1020

Sewers generally - see S.U. & P.S.Ch. 1046

Sewer Department -see S.U. & P.S. 1046.04

Sewer Director - see S.U. & P.S. 1046.05

Soil erosion and sedimentation control - see B. & H.Ch. 1470

Topsoil removal - B. & H.Ch. 1474

#### **1022.01 DRIVING OVER OPEN DITCHES PROHIBITED.**

No person shall drive over any open ditch alongside any dedicated road in the Village of Wolverine Lake.

(Ord. 28. Passed 5-13-57.)

#### **1022.02 ALTERING DITCHES, IMPEDING FLOW OF WATER PROHIBITED.**

No person shall enlarge, fill, dam or in any way impede the flow of water in any ditch over which the Superintendent of Public Works has control in the Village of Wolverine Lake.

#### **1022.99 PENALTY.**

Violation of this chapter shall be a civil infraction and a determination of responsibility by a court of competent jurisdiction shall result in a civil penalty, per citation, in the amount set forth in Section 212.07 of the Administration Code.

## **Chapter 1024**

### **Road Endings**

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1024.01 Intent and purpose.

1024.02 Scope and application.

1024.03 Definitions.

1024.04 General regulations.

1024.05 Penalties and enforcement.

1024.06 Exemptions.

#### **CROSS REFERENCES**

Watercraft - see TRAF.Ch. 470

Wolverine Lake - see S.U. & P.S.Ch. 1064

#### **1024.01 INTENT AND PURPOSE.**

The Village of Wolverine Lake Council recognizes and concludes that the proper and safe use of land and water resources at and near public roads which end at the lake in the Village of Wolverine Lake is desirable in order to retain and maintain the physical, ecological, cultural and aesthetic characteristics of the lake in such areas within the Village, to preserve and protect the quality and safety of the lake and shoreline and the rights of adjoining riparian owners and users in the vicinity of such road ends at the lake, to promote safe use of such road ends, and to promote the public health, safety and welfare of all persons making use of the lake and lands within the Village at or near the road ends involved. Accordingly, it is the intent and purpose of the Village Council to adopt reasonable regulations for the use of certain road ends at the lake within the Village.

(Ord. 156. Passed 2-10-16.)

#### **1024.02 SCOPE AND APPLICATION.**

(a) Minimum Standards. The terms and provisions of this chapter shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the Village.

(b) Interpretations. This chapter is intended to supplement other laws and ordinances. If this chapter imposes more stringent requirements than other ordinances, the provisions of this chapter shall govern, except as otherwise herein provided.

(Ord. 156. Passed 2-10-16.)

#### **1024.03 DEFINITIONS.**

For purposes of this chapter the following definitions shall apply.

(a) "Bottomlands" means the land beneath the water of a lake that attaches to upland and riparian property by operation

of law.

(b) "Public road end" shall mean the following portions of the below-described public roads (as well as the public road right-of-way or public easement involved) and attached shoreline and bottomlands for the same.

(Ord. 156. Passed 2-10-16.)

#### **1024.04 GENERAL REGULATIONS.**

(a) The following uses and activities shall not occur at, on or from any public road end:

- (1) Littering.
- (2) Engaging in any loud or boisterous conduct; nor shall any person play music at a volume which is audible beyond the boundaries of the public road end.
- (3) Trespassing on adjoining or nearby private land.
- (4) Refueling, repairing, or working on or regarding any boat, vessel, vehicle or boat trailer.
- (5) Engaging in any conduct which shall impair, impede or diminish the free use of travel across the public road end by others who are utilizing the public road end in conformance with law.
- (6) Camping.
- (7) Disturbing the peace.
- (8) Producing or maintaining a campfire or bonfire.
- (9) Sunbathing.
- (10) Picknicking.

(b) No automobile, truck, recreational vehicle, trailer, motorcycle or other vehicle, as defined by the Michigan Vehicle Code, Public Act 300 of the Public Acts of Michigan of 1949, as amended, shall be parked, stored or kept at or on any public road end except as follows:

(1) Automobiles and trucks may be parked for short periods of times in spots specifically designated for parking by the Village by signage. No such parking shall occur during the times when a public road end is closed to the public.

(2) Vehicles may launch boats at a public road end so long as such launching occurs at the public boat ramp, designated by the Village, which has been installed and maintained for such purpose and such launching is done in conformance with this chapter and all other applicable Village rules and regulations. Boats which do not require launching assistance from a vehicle, such as kayaks, canoes and similar vessels, may be launched by hand at a public road end, so long as such launching does not impair, impede or diminish the free use or travel across the public road end.

(c) No dock, wharf shore station, boat cradle, boat launch, boat tether, anchor, buoy or similar item shall be installed, stored, kept or utilized at any public road end (or the shoreline or bottomlands thereof), except any such structure specifically authorized by the Village and installed by the Village.

(d) No boat, watercraft, vessel, personal watercraft, jet ski, sail boat or similar vessel or item shall be moored, stored, anchored or kept at any public road end (or the shoreline or bottomlands thereof), except as follows:

(1) As specified in subsection 1024.04(b)(2), boats may be launched at a public boat launch at public road end. Pursuant to any such launching at a public road end, no boat, watercraft, personal watercraft, jet ski or vessel shall be tethered, moored or anchored at the public road end (or the shoreline or bottomlands thereof) for longer than it shall take to pull the launching vehicle out of the water and to drive away. No boat, watercraft, personal watercraft, jet ski or other water vessel shall be kept, moored or anchored at a public road end (or the shoreline or bottomlands thereof) for the time it takes to park the launching vehicle off site.

(2) For all public road ends, a boat may pull up to the shore to pick up or drop off passengers or equipment, but such use shall occur in a reasonably expedient fashion. No boat, watercraft, personal watercraft, jet ski or other water vessel shall be beached, stored, anchored or kept at any public road end (or the shoreline or bottomlands thereof) while the operator is not physically present on the watercraft or for any time period longer than simply picking up or dropping off passengers. No boat, watercraft, personal watercraft, jet ski or other water vessel shall be kept, docked or moored on or at a public road end overnight.

(e) No lounge chair, towel, or other personal item shall be kept, stored, or left unattended at or on any public road end.

(f) Hours of Usage. Unless different hours are posted by the Village on signage at and for a particular road end, public road ends covered by this chapter shall not be utilized between the hours of 11:00 p.m. and 6:00 a.m.

(g) It shall be unlawful for any person to consume, possess or control any type of alcoholic beverage at any public road end in the Village.

(Ord. 156. Passed 2-10-16.)

## 1024.05 PENALTIES AND ENFORCEMENT.

(a) Penalty. Violation of this chapter is a civil infraction, for which the fines shall be as set forth in Chapter 212 of the Code of Ordinances for the Village of Wolverine Lake, and in addition to all of the costs, damages and expenses provided by law. Each day that any such violation shall occur shall constitute a separate offense.

(b) Injunction. Any violation of this chapter is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this chapter by proceeding under Section 1024.05 (a) above, the Village may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.

(c) Enforcement and Administration. This chapter shall be enforced and administered by the Village code enforcement officer, or such other Village official as may be designated from time to time by resolution of the Village Council.

(Ord. 156. Passed 2-10-16.)

## 1024.06 EXEMPTIONS.

This chapter shall not apply to any structure or improvement installed by a governmental unit or to any uses, activities or vehicles relating to any employee, agent or contractor of a governmental unit (including, but not limited to the Village of Wolverine Lake, the County of Oakland and the State of Michigan) when engaging in a governmental function regarding maintenance or repair to the public road or any item thereon, or any emergency fire or rescue uses or activities engaged in by any firefighting, police or ambulatory officials or services.

(Ord. 156. Passed 2-10-16.)

# TITLE FOUR – Utilities

Chap. 1040. Water.

Chap. 1042. (Repealed).

Chap. 1044. (Repealed).

Chap. 1046. Sewers and Septic Systems.

Chap. 1048. Gas.

Chap. 1050. Electricity.

Chap. 1052. Utility Plan Review.

## Chapter 1040:

### Water

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1040.01 Purpose.

1040.02 Definitions.

1040.03 Water Department.

1040.04 General provisions.

1040.05 Water meters.

1040.06 Cross connections.

1040.07 Emergency restrictions.

1040.08 Water main and sewer construction.

1040.09 Water fees.

1040.10 Enforcement.

1040.99 Penalty.

Appendix: Schedules

#### **CROSS REFERENCES**

Water quality - see Mich. Const. Art. 4, § 52; M.C.L.A. §§ 67.38, 323.1 et seq.

Water supply generally - see Mich. Const. Art. 7, § 27; M.C.L.A. §§ 46.171 et seq., 123.11 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.

Water Management Board - see ADM.Ch. 278

Impeding flow of water - see S.U. & P.S.1022.02

Water pollution - see S.U. & P.S. 1046.09

Water in subdivisions - see P. & Z.1222.04

#### **1040.01 PURPOSE.**

(a) This chapter shall be known as the Village of Wolverine Lake Water Ordinance.

(b) It is the purpose of this chapter to protect the public health; to provide for supervision and control over public water supplies; to provide for the submission of plans and specifications for water systems; to provide for the certification and regulation of persons operating those systems; to provide for continuous, adequate operation of public water supplies; to authorize the promulgation of rules to carry out the intent of the act; and to provide penalties.

(c) It is the further purpose of this chapter to enable the Village to provide a public water system for properties within the Village and to comply with the requirements of all applicable federal, state and local laws, ordinances, rules and regulations.

(d) It is hereby determined to be the policy of the Village that the distribution of potable water to the citizens of the Village is best performed through public water supply and distribution systems, because such policy:

(1) Shall provide for a high quality of potable water, and lessen the possibility of water contamination; and

(2) Shall allow for enhanced fire-fighting capability by the Commerce Village Fire Department.

(e) It is further determined to be the policy of the Village for public health safety and welfare that all businesses, structures, or other facilities that are served by Type I or Type II wells, as defined by the Michigan Department of Environmental Quality (MDEQ), must disconnect from the Type I or Type II well and connect to the Village water main under the following conditions:

(1) When a modification to the site or building requires a site plan review or approval by the Planning Commission; or

(2) When the existing well servicing the site/building needs repairs or replacement that requires a permit from the Oakland County Health Department or the MDEQ; or

(3) When the water main is within 200 L.F. of the premises served by the well.

(Ord. 146. Passed 6-8-05.)

#### **1040.02 DEFINITIONS.**

(a) "Benefited Properties" shall mean all properties which will derive benefit from the construction of an improvement.

(b) "Commissioner" shall mean the Oakland County Drain Commissioner or his or her designated agent, appointed in accordance with the administrative provisions of the plan for the Oakland County Drain Commissioner Cross Connection Control Program.

(c) "Council or "Village Council" shall mean the Village of Wolverine Lake Council.

(d) "Debt Retirement Charge" shall mean an additional charge paid quarterly imposed upon all Wolverine Lake Village Water supplied to the water customers by the Village Council for the purpose of insuring the payment of all principal, interest and reserve obligations owing as a result of outstanding bonded indebtedness, and the payment for any budgeted capital improvements.

(e) "Department" shall mean the Village Water Department or a combination water/sewer department.

(f) "Lateral" shall refer to a pipe or conduit, located within the public right-of-way or an easement granted or dedicated to the public which delivers water service to abutting properties.

(g) "Lateral Benefit Charge" shall mean a charge to be paid as set forth in Schedule B of this chapter for connection to a public water main or water lateral, said payment to be made prior to the issuance of a certificate of occupancy for a premises. (For premises already possessing a certificate of occupancy, all pertinent connection fees must be paid prior to any tap in.)

(h) "Manager" shall mean the Manager of the Water Department or his or her authorized representative. The Village Administrator will serve as the Manager until Council appoints one.

(i) "Off Site Water Mains" shall mean water mains constructed off the premises of the owner to be served, which are necessary to afford service to the premises from transmission water mains not adjacent to the premises.

(j) "Owner" shall include fee title holders, contract holders, or anyone else having a beneficial interest in property.

(k) "Person" shall mean any individual, corporation, firm, partnership or other entity.

(l) "Plan" shall mean the written description of the regulations set forth by the Oakland County Drain Commissioner Cross



Connection Control Program, as approved by the Michigan Department of Environmental Quality.

(m) "Premises" shall mean the lands included within a single description as set forth from time to time on the Village tax roll as a single taxable item in the name of a taxpayer or taxpayers at one address, but in the case of platted lots shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot so as to make the same a single description for purposes of assessment or conveyance, now or hereafter.

(n) "Program" shall mean the program setting forth the Oakland County Drain Commissioner Cross Connection Control Regulations.

(o) "Residential Equivalent Unit (REU)" shall mean fifteen thousand three hundred seventy one (15,371) cubic feet of water consumption per year. This amount of water has been determined to be the average water use of Village customers served on a yearly basis.

(p) "Service Connection" shall mean a connection serving a single water customer consisting of one water connection, one curb stop and one meter.

(q) "User Connection Unit." One user connection unit shall be defined as 315 gallons of water use per day. The number of user connection units which particular classes of users of sewage disposal services are required to purchase pursuant to this chapter shall be determined by reference to Schedule "A" at the end of this chapter. (as amended from time to time).

(r) "Village" shall mean the Village of Wolverine Lake.

(s) "Village Water Distribution System" shall mean all mains, connections, pipes, meters, hydrants and appurtenances connected with or served by the Village water system.

(t) "Water Connection" shall mean that part of the Village water distribution system connecting the water main with the premises served.

(u) "Water Main" shall mean that part of the Village water distribution system located within easement lines or streets designed to supply more than one connection.

(v) "Water Meter" shall mean the meter itself, the remote reading device, and the wire connecting them.

(Ord. 146. Passed 6-8-05; Ord. 146 A-2. Passed 12-14-05.)

### **1040.03 WATER DEPARTMENT.**

(a) Water Department. The Water and Sewer Department of the Village is hereby established.

(b) Management. The construction, operation, management, maintenance, repair, and control of the water of the Village, shall be under the control of the Manager of the Water Department. The Manager shall be nominated by the Village Administrator and confirmed by the Village Council. The Manager shall report to the Village Administrator.

(c) Operation of Public Systems. The Oakland County Drain Commission is hereby appointed as an agent of the Village Water Department for the operation, maintenance and management of the public water systems of the Village. The Oakland County Drain Commissioner, or his designee, is hereby appointed as the local authority for implementation of the Cross Connection Control Program required by the Cross Connection Rules of the Michigan Department of Environmental Quality as more fully described in Section 1040.06, Cross Connections.

(d) Service Connections. Application for water connections shall be made to the Department on forms furnished by it. The Department may refuse to authorize a larger service pipe than reasonably required by the premises served. Water connections and water meters shall be installed in accordance with the rules and regulations of the Department and upon payment of the required connection fees and meter installation fee. All meters and water connections shall be the property of the Village. Where required, the applicant shall provide the Village with an access easement on forms furnished by the Department.

(e) Starting or Terminating Water Service. No person, other than an employee or agent of the Department, shall turn on or off any water service.

(f) Extension or Changes in the System. Extension of or changes in the system may be initiated by the Water Department or by a petitioned request from property owners for the establishment of a Special Assessment District. Petitions for the construction of a new water main or the extension of an existing water main shall be addressed to the Water Department upon blank forms provided for that purpose. The Water Department may recommend approval or denial to the Village Council, and may recommend the terms and condition upon which the request shall be granted, and shall require the written acceptance of such terms and condition by the petitioning party. If the petition is granted by the Village Council, the Water Department shall proceed as promptly as practical with the proposed work under the terms and conditions named.

(Ord. 146. Passed 6-8-05.)

### **1040.04 GENERAL PROVISIONS.**

(a) Injury to Facilities. No person, except an employee or agent of the Village in the performance of his or her duties, shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or

equipment which is a part of the Village's Water System.

(b) No Unauthorized Use of Systems Permitted Only authorized persons, shall uncover and make any connections with or openings into, use, alter or disturb any water system appurtenances thereof, and then only upon written permission from the Village.

(c) Bonding. All contractors or property owners making connection to the water or sewer system shall be bonded in accordance with the bonding requirements of the Oakland County Drain Commissioner.

(d) Village of Wolverine Lake Ownership Required Any new system extension and/or any portion thereof constructed by any persons, firms associations and/or corporations shall have the ownership of said system extension and/or portion transferred to the Village of Wolverine Lake, Oakland County, Michigan by the appropriate legal conveyances (Bill of Sale, Easements, etc.) upon satisfactory completion of all necessary inspections by the Village and prior to the system extension and/or portion thereof being placed in service. In addition, a surety/performance bond equal in value to fifty (50%) percent of the value of said system extension and/or portion thereof shall be provided to the Village by the developer at the time of transfer of ownership. Said surety/performance bond shall cover a period of two (2) years from the date of transfer of ownership and the purpose of which is to effectively warrant the said system extension and/or portion thereof from defects in design, material and/or workmanship as determined by the Department or their duly designated representative.

(e) Fire Hydrants. Fire hydrants are provided for the use of the Village and the Commerce Fire Department. Other persons may be authorized to make use of fire hydrants when a permit has been granted for such use, pursuant to the following provisions:

(1) Permit Requirements. No person shall open or operate any fire hydrant without first securing a nontransferable hydrant permit. The cost of such permit shall include an amount to be determined by an estimate of water to be consumed (including sewage disposal charges for same) and a security deposit as set forth in Schedule B of this chapter. A water consumption estimate shall have a minimum charge as set forth by the Village Council in Schedule B.

(2) Hydrant Use Termination. The permit holder shall report to the Manager when hydrant use is terminated, at which time a hydrant inspection shall be made. Any cost of repairing a hydrant shall be deducted from the security deposit. The difference shall be refunded to the depositor, but if the deposit is insufficient to cover the cost of repair, the permit holder shall pay the deficit.

(3) Blocking Hydrants, Connections. It shall be unlawful to obscure from view, damage, deface, obstruct, or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes, or on private property.

(4) Exception. This section shall not apply to the use of hydrants except by persons employed by, and authorized to make such use by, the Department.

(f) Assignment of Residential Equivalent Units. The number of Residential Equivalent Units assigned to particular premises shall be determined by the Department in accordance with the provisions of Schedule A. No less than one unit shall be assigned to each premise but units in excess of one may be computed and assigned to the nearest tenth. If subsequent changes in use of premises increase or decrease the unit classification of any premises, the Village may increase or decrease the number of units assigned to the premises. No change in subsequent use of any premises shall result in a decrease of unit assignment to less than one unit.

(Ord. 146. Passed 6-8-05.)

#### **1040.05 WATER METERS.**

(a) Water Meters. All premises using water shall be metered, except as otherwise provided in this chapter. No person except a Department employee or agent of the Department shall break or injure the seal or change the location of, alter or interfere in any way with any water meter. The Manager, with the approval of the Village Administrator, may authorize service on a flat rate basis where it is not practical to install a meter.

(b) Meter Location. Meters shall be set in an accessible location and in a manner satisfactory to the Manager. Where it is necessary for a meter to be set in a pit or box it shall be built at the expense of the property owner as directed by the Manager.

(c) Access to Meters. The Department shall have the right to shut off the supply of water to any premises where the Department is not able to obtain access to the meter. Any employee or agent of the Department shall at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing, or inspecting same and no person shall hinder, obstruct, or interfere with such employee or agent in the lawful discharge of his or her duties.

(d) Reimbursement for Damage. Any damage which a meter may sustain resulting from carelessness of the owner, agent, or tenant or from neglect of any of them to properly secure and protect the meter, as well as any damage which may be wrought by frost, hot water, or steam backing from a boiler, shall be paid by the owner of the property to the Village on presentation of a bill which shall be based on time and materials.

(e) Inaccurate Meters. A customer may require that the meter be tested by the Village. If the meter is found to be defective it shall be repaired or an accurate meter installed without charge to the customer.

(f) Meter Variance. A meter shall be considered accurate if, when tested, it registers not to exceed five (5%) percent more or five (5%) percent less than the actual quantity of water passing through it. If a meter registers in excess of five (5%) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of five (5%) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

(g) Water Bill Adjustment. If a meter has been tested at the request of a customer and is determined to register "fast" the Village shall credit the customer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by the customer, within the three months prior to the test. If a meter is determined to register "slow" the Village shall charge the Customer with a sum equal to the percent "slow" multiplied by the amount of all bills incurred by the customer within three months prior to the test. If the Department on its own initiative tests a water meter, it shall be done without cost to the customer, other than the payment of the amount due the Village for water used by the customer if the meter is found to be "slow."

(Ord. 146. Passed 6-8-05.)

#### **1040.06 CROSS CONNECTIONS.**

(a) Cross Connections Prohibited. Cross connections between water supply systems are prohibited, and the control, discovery, prevention and elimination thereof shall be governed by the provisions of this section, the Michigan Plumbing Codes, and such other federal, state and local regulations that may apply.

(b) Regulations Adopted By Reference:

(1) The Water Supply Cross Connection rules of the Michigan Department of Environmental Quality, R 325.11401 through R 325.11407 of the Michigan Administrative Code; and

(2) The Oakland County Drain Commissioner Cross Connection Control Regulations, as approved by the Michigan Department of Environmental Quality.

(c) Inspections. It shall be the duty of the Commissioner, on behalf of the Village, to cause inspections to be made of all properties served by the public water supply where a cross connection with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established in the Commissioner's Plan as approved by the Michigan Department of Environmental Quality.

(d) Inspection Authority. The representative of the Commissioner shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Village, for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or of access to the property, when requested, shall be deemed evidence of the presence of a cross connection.

(e) Discontinuation of Water Service. The Commissioner is hereby authorized and directed to discontinue water service after reasonable notice to the owner and occupant of any property upon which a connection in violation of this chapter is found to exist, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination to the public water supply system. Water service to such property shall not be restored until all cross connections have been eliminated in compliance with the provisions of this chapter.

(f) Warning of Potentially Contaminated Water Outlets. The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Ordinance and by the federal, state and local laws. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as follows:

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WATER UNSAFE FOR DRINKING

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(Ord. 146. Passed 6-8-05.)

#### **1040.07 EMERGENCY RESTRICTIONS.**

(a) Water Emergency Regulations. If, for any reason, the available supply of water is insufficient, or threatens to be insufficient, to supply the total demand on the water distribution system, the Village Council may regulate, limit or prohibit the use of water for any purpose. Such regulations shall restrict less essential water uses to the extent deemed necessary to assure an adequate supply for essential domestic and commercial needs and for fire fighting. Such regulations may authorize discontinuance of service to any or all areas outside of the Village. No such regulation, limitation or provision shall be effective until twenty four (24) hours after publication thereof in a newspaper of general circulation in the Village.

(b) Temporary Emergency Sprinkling Restrictions.

(1) Upon written notification from Commerce Township or the Detroit Water and Sewerage Department in conjunction with the Water Bureau of the Michigan Department of Environmental Quality that the supply or pressure demand for water

cannot be accommodated, the following emergency regulation shall apply in the Village of Wolverine Lake for all properties connected to the municipal water system: Sprinkling of lawns and landscaping and all outdoor water use shall only be allowed for properties with even numbered addresses on even numbered days within a month and for properties with odd numbered addresses on odd numbered days within a month.

(2) If, in the opinion of the Commerce Township, Detroit Water and Sewerage Department, and upon written notification from the Detroit Water and Sewerage Department in conjunction with the Water Bureau of the Michigan Department of Environmental Quality that provisions in Subsection (b)(1) are not sufficient, the following emergency regulations shall apply in the Village of Wolverine Lake for all properties connected to the Village water system:

- A. The odd/even schedule set forth in Paragraph (b)(1) may be expanded to restrict water use at specific times; or
- B. Sprinkling of lawns and landscaping and all outdoor water use shall not be allowed.

(c) Publication. The Village of Wolverine Lake shall, within twenty-four (24) hours of notification from Commerce Township or the Detroit Water and Sewerage Department, cause these regulations to be publicly announced by means of posting at the Village Hall and broadcasting or telecasting by the stations with a normal operating range covering the Village, and may cause such announcements to be further declared in newspapers of general circulation and on the Village website when feasible. The regulations shall become effective immediately after notice of enforcement of the ordinance posted at the Village Hall. Upon notification from Commerce Township or the Detroit Water and Sewerage Department in conjunction with the Water Bureau of the Michigan Department of Environmental Quality that the emergency regulations are no longer necessary, the Village of Wolverine Lake shall cause a public announcement lifting the water restrictions in a like manner to their imposition.

(Ord. 146. Passed 6-8-05.)

#### **1040.08 WATER MAIN AND SEWER CONSTRUCTION.**

(a) Permit Required. No water main which shall serve or be designed to serve more than one premises shall be constructed, reconstructed or altered in the Village unless a permit has been issued by the Department.

(b) Application. Application for permits shall be accompanied by complete plans, designed per the Village Design and Construction Standards, and cost estimates all of which shall be submitted to the Manager, or his or her designee, for review and approval before a permit is issued. The review will include:

- (1) Checking water main plans for size of mains and adequacy of gates and fire hydrants.
- (2) Determining types of joints on the basis of the characteristics of the particular area.
- (3) Determining protection of pipe, width of trench, and strength of pipe by depth of sewer and type of soil conditions.
- (4) Checking needs to determine sizes.
- (5) General review of cost estimate for the purpose of payment of fees.
- (6) Review of compliance with Village standards and specifications.

(c) Issuance of Permit. If the plans and specifications are approved by the Manager, or his or her designee, Commerce Township, the Oakland County Drain Commissioner, Detroit Water Department and the Michigan Department of Environmental Quality, as applicable, the construction permit shall be issued upon payment of the fees as provided in this chapter. If the Manager, or his or her designee, does not approve the plans and specifications, he or she shall give his/her recommendations in writing to the Village with a copy to the applicant. The applicant may amend the plans and specifications in accordance with the recommendations or may appeal the decision of the Manager, or his or her designee, to the Village Administrator in writing.

(d) Inspection and Investigation. The Manager, or his or her designee, shall make, or cause to be made, inspections of the project during its construction. Inspections shall include the receipt of material tests and requests for compaction tests by an approved independent testing laboratory (at the cost of the owner) as the work progresses and as he or she shall deem necessary to insure that the sewer or water main will be built in accordance with the approved plans and specifications and in accordance with all provisions of this chapter and ordinances and regulations of the County of Oakland. The Manager, or his or her designee, shall have the right to authorize minor departures from the approved plans and specifications where necessary because of unforeseen circumstances, but no departures from the approved plans and specifications shall be made without the prior knowledge of the consulting engineers that prepared the original plans. If the Manager, or his or her designee, shall find that the improvements are not being installed or constructed in accordance with the aforementioned standards, he/she shall issue a written notice of violation requiring the installation or construction to be corrected. In the notice the Manager, or his or her designee, shall specify a time limit for the correction of the violations. If the violations are not corrected within the specified time, the Manager, or his or her designee, may order all work stopped.

(e) "As Built" Drawing Required. Upon completion of the project the Manager, or his or her designee, shall make a final field inspection accompanied by the owner's consulting engineer. The Consulting Engineer shall furnish the Department with copies of "as built" drawings of the project and shall furnish the Manager, or his or her designee, with one set of reproducible Mylar plans and/or an electronic file compatible with the Village's software.

(f) Right to enter premises. By connecting premises to the Village water system the owner thereof irrevocably grants to

the Village and the Department or their agents the right to enter at all reasonable times onto or in the premises for the purposes of reading meters and installation, inspection, repair and maintenance of water supply and water use facilities on the premises.

(g) Facilities to be Extended Across Entire Frontage of Property Served Water facilities, including mains and laterals, shall be extended across the entire frontage of the property to be served and taken to the furthest boundary of the property to be served in a manner consistent with the Village Water Master Plan.

(Ord. 146. Passed 6-8-05.)

#### **1040.09 WATER FEES.**

(a) No Free Service. No free water service shall be furnished to any person connecting to a public water system.

(b) Applicable Fees. For all water service within the Village furnished to any user, the user shall be responsible for payment of any Commerce Township tap fees, as well as any Village, county, state or other local fees.

(c) Billing Procedures. The Village's water fees shall be billed as follows:

(1) The water charges, charges for water connection permits, schedule of water service installation rates, sewer charges, and other associated fees shall be in the amounts set forth in Schedule B of this chapter.

(2) If charges for services furnished to any premises shall not be paid within ninety (90) days after the due date then all services furnished by the system may be discontinued to the premises. Services discontinued because of non payment shall not be restored until all sums then due are paid plus a shut-off charge and a turn-on charge, as set forth in Schedule B of this chapter.

(3) Charges for services furnished by the Department shall be a lien upon the premises to which service is made. On the first day of March each year the manager shall certify all charges which have been delinquent six (6) months or more, to the Village Treasurer who shall enter the charges upon the next tax roll. Collection of the lien shall be enforced in the same manner as provided by law in respect to taxes assessed upon the roll.

(4) No building permit or certificate of occupancy shall be issued by the Village until all fees required by this chapter have been paid.

(d) Lateral Benefit Charges. No premises shall be connected to a public water main or water lateral without the payment of a lateral benefit charge as provided for in Schedule B of this chapter, said payment to be made prior to the issuance of a certificate of occupancy for the premises. For premises already possessing a certificate of occupancy, all pertinent connection fees must be paid prior to any tap in.

(e) Non-Refundable. Tap fees, capital charges, lateral benefit charges and debt service charges which have been paid are not refundable.

(f) Fiscal year. The water systems shall be operated on the basis of the Village's fiscal year.

(g) Capital charges. All charges paid to the Village of Wolverine Lake for connection to the water system of the Village shall be deposited in the Village Water and Sewer Fund.

(Ord. 146. Passed 6-8-05; Ord. 146 A-2. Passed 12-14-05.)

#### **1040.10 ENFORCEMENT.**

(a) Presumption of Civil Infraction. A violation of the Village Water Ordinance shall be deemed to be a municipal civil infraction.

(b) Other Costs. In addition to ordering a person to pay the municipal civil infractions set forth in Section 1040.99, other civil fines, costs, damages and expenses may also be assessed, and any judgment, writ or order necessary to enforce, or enjoin violation of, this chapter shall be executed.

(c) Continuing Offense. Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.

(d) Remedies Not Exclusive. In addition to any remedies provided for in this chapter, any equitable or other legal remedies available may be sought.

(Ord. 146. Passed 6-8-05.)

#### **1040.99 PENALTY.**

The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is otherwise specified:

(a) The First Offense. The civil fine for a first offense violation shall be in an amount of Seventy-Five Dollars (\$75.00), plus costs and other sanctions.

(b) Repeat Offense. The civil fine for any second or subsequent offense shall be in an amount of One Hundred Fifty Dollars (\$150.00), plus costs and other sanctions, for each offense.

(Ord. 146. Passed 6-8-05.)

## Appendix: Schedules

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### Schedule A

USAGE	UNIT FACTOR	INFORMATION SOURCE
USAGE	UNIT FACTOR	INFORMATION SOURCE
Single Family Residential	1.0 per dwelling	
Auto Dealers	.30 per 1,000 sq. ft.	D
Banquet Halls	.50 per 1,000 sq. ft.	D
Barber Shops	1.0 per 1,000 sq. ft.	D
Bars	.044 per seat	D
Beauty Shops	0.223 per booth	D
Boarding Houses	.16 per person	A - C
Boarding Schools	.27 per person	A - C
Bowling Alleys (no bars, lunch facilities)	.16 per alley	D
Car Wash	2.5 per stall	D
a. Manual, Do-It Yourself		
b. Semi-Automatic (mechanical without conveyor)	12.5 per stall	D
c. Automatic with conveyor	33.0 per lane	D
d. Automatic with conveyor (conserving and recycling water)	8.4 per lane	D
Churches	.008 per seat	D
Cleaners (pickup only)	.048 per employee	D
Clinics	1.00 per doctor	D
a. Medical		
b. Dental	1.40 per dentist	D
Convalescent and/or Nursing Homes	.3 per bed	D
Convents	.20 per person	D
Country Clubs	.08 per member	A - C
USAGE	UNIT FACTOR	INFORMATION SOURCE
USAGE	UNIT FACTOR	INFORMATION SOURCE
Drug Stores	per seat + .14 per 1,000 sq. ft.	D
a. With fountain service		
b. Without fountain service	.14 per 1,000 sq. ft.	D
Factories (exclusive of excessive industrial use)	.50 per 1,000 sq. ft.	D
Fraternal Organizations (members only)	1.0 per hall	D
Fraternal Organizations (members and rentals)	2.0 per hall	D
Funeral Homes, including one residence	2.2 per funeral home	D
Grocery Stores and Supermarkets	0.31 per 1,000 sq. ft.	D
Health Clubs	2.3 per 1,000 sq. ft.	D
a. With showers and/or pool		
b. Without showers and/or pool	.26 per 1,000 sq. ft.	D
Hospitals	1.22 per bed	D
Hotels and/or Motels (exclusive of swimming pools, bars, restaurants, etc.)	.38 per room	D

Laundry (self-service)	.54	per washer	D
Mobile Home Parks	1.0	per mobile home	D
Multiple Family Residence	0.60	per residence for units under 900 sq. ft. in gross area. 1.0 for units 900 sq. ft. or more in gross area	D
Office Building	.40	per 1,000 sq. ft.	D

USAGE	UNIT FACTOR	UNIT FACTOR	INFORMATION SOURCE
Public Institutions other than hospitals	.32	per employee	A - C
Racquet Clubs	.82	per tennis or handball court	D
Restaurants	0.13	per seat	A - B
a. Conventional type with or without drinks			
b. Quick service franchise type, without dishes, dealing mainly in hamburgers with or without eating in building (includes but not necessarily limited to McDonald's, Burger Chef, Burger King, Red Barn and Hardees)	5.6	per restaurant	D
c. All other restaurants (includes but not necessarily limited to drive- ins, snack bars, carry outs, such as fried chicken and pizzas; could have some eating in building, all without dishes).	1.8	per restaurant	D
Rooming Houses (no meals)	.13	per person	A - C
Schools	.012	per student	D
a. Elementary			
b. Junior or Middle High	.020	per student	D
c. Senior High	.038	per student	D
d. Bus Maintenance Facility	.165	per 1,000 sq. ft.	D
Service Station	.24	per pump	D
Store (other than specifically listed)	.16	per employee	D
Summer Camps	.14	per housing unit	D
Swimming Pool (single family residential excluded)	3.00	per 1,000 sq. ft.	D

USAGE	UNIT FACTOR	UNIT FACTOR	INFORMATION SOURCE
Theaters (Drive-In)	.012	per car space	D
Theaters (Indoor)	.008	per seat	D
Tourist Courts (individual bath units)	.27	per cubical	A - B - C
Warehouses	.10	per 1,000 sq. ft.	D

A - Cincinnati Report  
B - Gordon MacDougall Report to Wayne County  
C - Manual of Septic Tank Practices Publication No. 526, U.S. Dept. of Health  
D - Oakland County Dept. of Public Work Studies

(Ord. 146. Passed 6-8-05.)

**Schedule B Water Charge Schedule**

Type of Charge	Collected By	Account Type	Amount of Fee
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Type of Charge	Collected By	Account Type	Amount of Fee
<b>QUARTERLY CHARGES</b>			
Quarterly Water Use Rates	OCDC	Operating Reserve	30.43 MCF w/a min. of \$60.86 for the first 2,000 cu. ft. then prorated per cu. ft. after that
			Size of Meter    Quarterly Charges
			1 inch            \$ 3.00
			1 ½ inch         \$ 5.10
			2 inch            \$ 8.10
			3 inch            \$ 10.95
Quarterly Meter Service Charge	OCDC	Operating Reserve	4 inch            \$ 13.50
			6 inch            \$ 22.50
			8 inch            \$ 34.50
			10 inch          \$ 46.80
			12 inch          \$ 59.85
Quarterly Debt Service Charge	Village of Wolverine Lake	Capital Reserve	Size of Meter to be determined    Quarterly Charge to be determined

**NEW CONNECTION FEES**

Type of Charge	Collected By	Account Type	Supply Pipe Size	Charge
Permit & Supply Pipe Installation Charge	OCDC	Operating Reserve	1 inch	\$ 1240.00
			1 ½ inch	\$ 1775.00
			2 inch	\$ 2105.00
			Meter Size	Charge
			1 inch	\$ 365.00
			1 ½ inch	\$ 565.00
			2 inch	\$ 700.00
Meter Installation Charge	OCDC	Operating Reserve		
Construction Water Charge	OCDC	Operating Reserve		
		SEE DC-412		

Type of Charge	Collected By	Account Type	Amount of Fee
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Lateral benefit charge - without participation in water extension	Village of Wolverine Lake	Capital Reserve	\$ 3000.00 per REU
Lateral benefit charge - with participation in water extension	Village of Wolverine Lake	Capital Reserve	\$ 500.00
Lateral benefit charge - for users currently connected to a community well system	Village of Wolverine Lake	Capital Reserve	\$ 250.00
Commerce Twp. Capital Charge	Village of Wolverine Lake	Charter Township of Commerce	\$ 2100.00 per user connection unit beginning June 1, 2005 and increased annually thereafter \$100.00 per connection unit
Commerce Tsp. Lateral Benefit Charge	Village of Wolverine Lake	Charter Township of Commerce	\$ 22,385.60 plus interest; lump sum fee for connection to Commerce Township Ladd Road water main

**MISCELLANEOUS CHARGES**

Fire Hydrant Use Permit	Village of Wolverine Lake	Operating Reserve	To be determined by the System Operator
Water Service Turn-Off/Turn-On Charge	Village of Wolverine Lake	Operating Reserve	\$ 45.00 each
Water Meter Test Fee	Village of Wolverine Lake	Operating Reserve	\$ 125.00 if meter is found to be working properly
County Public Water Main Extension Permit	Oakland County Drain Commissioner	Oakland County Drain Commissioner	To be determined by Agent and approved by the Water Board - SEE DC-412



Type of Charge	Collected By	Account Type	Amount of Fee
Village Engineering and Inspection Fees	Village of Wolverine Lake	Operating Reserve	Hourly per the approved Village Engineer rate schedule

(Ord. 146. Passed 6-8-05; Ord. 146 A-1. Passed 7-13-05; Ord. 146 A-2. Passed 12-14-05.)

### **Chapter 1042:**

#### **(Repealed)**

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**EDITOR'S NOTE:** This chapter was repealed by Ord. 146, passed June 8, 2005. For current water provisions, see Chapter 1040.

### **Chapter 1044:**

#### **(Repealed)**

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**EDITOR'S NOTE:** This chapter was repealed by Ord. 146, passed June 8, 2005. For current water provisions, see Chapter 1040.

### **Chapter 1046:**

#### **Sewers and Septic Systems**

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- 1046.01 Short title.
- 1046.02 Statement of purpose.
- 1046.03 Definitions.
- 1046.04 Sewer Department.
- 1046.05 Sewer Director.
- 1046.06 Oakland County Department of Public Works as Agent of Village.
- 1046.07 Right of entry.
- 1046.08 Restrictions on use of system.
- 1046.09 Water pollution prohibited.
- 1046.10 Private sewer systems prohibited.
- 1046.11 Private sewer systems permitted.
- 1046.12 Required connection to public sanitary sewer systems.
- 1046.13 Injury to facilities.
- 1046.14 Unauthorized use of system prohibited.
- 1046.15 Connection standards.
- 1046.16 Connections; permit required.
- 1046.17 Installation of sewers.
- 1046.18 Plans, permits and bonds.
- 1046.19 Building sewers.
- 1046.20 Separate sewers required.
- 1046.21 Distance from water lines.
- 1046.22 Pipes required to be sealed.
- 1046.23 Industrial and commercial waste connections.
- 1046.24 Maintenance of pretreatment facilities.

- 1046.25 Control manholes.
- 1046.26 Measurements and tests.
- 1046.27 Abandonment of existing sewage treatment facilities.
- 1046.28 Extension of nonresidential sewer system.
- 1046.29 Financing of sewer system improvements.
- 1046.30 Computation of user connection units.
- 1046.31 Free service prohibited.
- 1046.32 Bonding of contractors.
- 1046.33 Billing procedures.
- 1046.34 Lateral connection charges.
- 1046.35 Sanitary sewer capital and usage charges.
- 1046.36 Payment of lateral connection charges.
- 1046.37 Enforcement.
- 1046.38 Injunctive power.
- 1046.99 Penalty; equitable remedies.

### **CROSS REFERENCES**

Sewers and sewer systems generally - see Mich. Const. Art. 7, § 24; M.C.L.A. §§ 46.171 et seq., 67.34, 123.241 et seq., 323.151 et seq., 325.201 et seq.

Water supply generally - see Mich. Const. Art. 7, § 24; M.C.L.A. §§ 46.171 et seq., 123.11 et seq., 325.201 et seq., 486.51 et seq., 486.101 et seq.

Open privy vaults - see GEN. OFF.674.05

Drainage ditches - see S.U. & P.S. Ch. 1022

Sewers in subdivisions - see P. & Z.1222.04

### **1046.01 SHORT TITLE.**

This chapter shall be known and may be cited as the "Village of Wolverine Lake Sanitary Sewer Ordinance." (Ord. 135. Passed 5-10-00.)

### **1046.02 STATEMENT OF PURPOSE.**

It is the purpose of this chapter to protect the public health and safety by abating and preventing pollution through the regulation and control of the disposal of sewage and the quality and quantity of wastes admitted to be discharged into the wastewater collection system of the Village of Wolverine Lake ("the Village") and Oakland County.

It is the further purpose of this chapter to enable the Village to provide a public sewage disposal system for properties within the Village and to comply with the requirements of all applicable Federal, State and local laws, ordinances, rules and regulations.

(Ord. 135. Passed 5-10-00.)

### **1046.03 DEFINITIONS.**

As used in this chapter:

(a) Available Public Sanitary Sewer. The term "available public sanitary sewer" shall mean a publicly owned sanitary sewer system located in a right-of-way, easement, highway, street, or public way which crosses, adjoins or abuts upon a premises and passes not more than 200 hundred feet at the nearest point from a structure in which sanitary sewage originates. For purposes of this chapter, pressurized trunk sewers, greater than four inches in diameter, shall not be available for direct connection, except as may be approved by the Village and the County of Oakland.

(b) Benefited Properties. The term "benefited properties" shall mean all properties which will derive benefit from the construction of a sewer improvement.

(c) Building Sewers. The term "building sewers" shall mean the extension from the building drain that connects the building in which sanitary sewage originates to the public sewer or other place of disposal and conveys the sewage of only one building.

(d) Department. The term "Department" shall mean the Village Sewer Department.

(e) Direct Capital Connection Fee. The term "direct capital connection fee" shall mean the fee charged to a person who connects premises directly to the Village sanitary sewer system.

(f) Director or Sewer Director. The term "Director" or "Sewer Director" shall mean the Director of the Sewer Department, or his or her authorized representative, or such other individual as designated by the Village Council to oversee the Village's sewer system.

(g) Drain Commissioner. The term "Drain Commissioner" shall mean the office of the Oakland County Drain Commissioner.

(h) Indirect Capital Connection Fee. The term "indirect capital connection fee" shall mean the fee charged to a person who connects to the Village sanitary sewer system via extensions, which extensions were paid for at such person's expense.

(i) Lateral. The term "lateral" shall mean a pipe or conduit, located within the public right-of-way or an easement granted or dedicated to the public, which receives sanitary sewage from abutting properties.

(j) MDEQ. The term "MDEQ" shall mean the Michigan Department of Environmental Quality, or any successor.

(k) Off-site sewer mains. The term "off-site sewer mains" shall mean sewer mains constructed off the premises of the owner to be served, which are necessary to afford service to the premises from trunk sewers not adjacent to the premises.

(l) Owner. The term "owner" shall include fee title holders, land contract purchasers, or anyone else having a beneficial interest in a property.

(m) Person. The term "person" shall mean any individual, corporation, firm, partnership, limited liability company, or other entity.

(n) Premises or Property. The terms "premises" and "property" shall mean the lands included within a single description as set forth from time to time on the Village tax roll as a single tax parcel in the name of a taxpayer or taxpayers at one address, but, in the case of platted lots, shall be limited to a single platted lot unless an existing building or structure is so located on more than one lot so as to make the same a single description for purposes of assessment or conveyance, now or hereafter.

(o) Private Sewage Disposal System. The term "private sewage disposal system" shall, mean a facility for the transportation, collection, processing or treatment of sanitary sewage owned by a non-governmental entity. The term shall include septic systems.

(p) Sanitary Sewer Master Plan. The term "Sanitary Sewer Master Plan" shall mean the latest draft of the Plan prepared by the Village's consulting sewer engineers and approved by the Village Council.

(q) Sanitary Sewer System or Village Sanitary Sewer System. The terms "sanitary sewer system" and "Village sanitary sewer system" shall mean the entire sanitary sewer system of the Village under public ownership.

(r) Septic System(s). The term "septic system(s)" shall mean the sanitary sewage treatment and/or disposal device installed to service an individual home, business or industrial establishment not connected to the sanitary sewer system.

(s) Sewage, Sanitary Sewage or Waste Water. The terms "sewage," "sanitary sewage" and "waste water" shall mean spent water which may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, or other land uses.

(t) Structure in Which Sanitary Sewage Originates or Structure. The terms "structure in which sanitary sewage originates" and "structure" shall mean a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carrying sewage are used for household, commercial, industrial or other purposes.

(u) Village Council. The term "Village Council" shall mean the elected Village Council of the Village.

(Ord. 135. Passed 5-10-00.)

#### **1046.04 SEWER DEPARTMENT.**

A Sewer Department for the Village may be established by resolution of the Village Council.

(Ord. 135. Passed 5-10-00.)

#### **1046.05 SEWER DIRECTOR.**

The construction, operation, management, maintenance, repair and control of the sewer system of the Village, whether owned by the Village or operated under contract, may be under the control of a Sewer Director. The Director shall be nominated by the Village Administrator and confirmed by the Village Council. The Director shall report to the Village Administrator.

(Ord. 135. Passed 5-10-00.)

#### **1046.06 OAKLAND COUNTY DEPARTMENT OF PUBLIC WORKS AS AGENT OF VILLAGE.**

The office of the Oakland County Drain Commissioner is hereby appointed as agent of the Village for the operation, maintenance, and management of the sewer system of the Village.

(Ord. 135. Passed 5-10-00.)

#### **1046.07 RIGHT OF ENTRY.**

The Director and other duly authorized employees or agents of the Village bearing proper credentials and identification shall be permitted to enter upon all properties within the Village for the purposes of inspection, observation, measurement, sampling and testing, to determine compliance with the provisions of this chapter.

(Ord. 135. Passed 5-10-00.)

#### **1046.08 RESTRICTIONS ON USE OF SYSTEM.**

The sewer system of the Village shall be used for the collection and transportation of sanitary sewage only. Yard drains, patio drains, catch basins, downspouts, footing drains, weep tile, or any conduit that carries storm water or ground water, alone or in combination with sanitary sewage, shall not be connected to the sanitary system, directly or indirectly.

(Ord. 135. Passed 5-10-00.)

#### **1046.09 WATER POLLUTION PROHIBITED.**

No person shall discharge to the waters of the State any sanitary sewage, industrial or commercial wastes, or other polluted waters within the Village unless suitable treatment has been provided in accordance with the provisions of this chapter.

(Ord. 135. Passed 5-10-00.)

#### **1046.10 PRIVATE SEWER SYSTEMS PROHIBITED.**

Except as provided in this chapter, and with the exception of normal maintenance, no person shall construct or maintain any privy, privy vault, septic tank or septic system intended or used for the collection, treatment or disposal of sewage, on any property in the Village.

(Ord. 135. Passed 5-10-00.)

#### **1046.11 PRIVATE SEWER SYSTEMS PERMITTED.**

(a) Where a public sanitary sewer is not required pursuant to Section 1046.12, a building sewer shall be connected with a private sewage disposal system complying with the terms of this chapter, the requirements of the Oakland County Health Department, MDEQ, and any other applicable law, ordinance, or regulation.

(b) No new private sewer system shall be constructed, installed or operated within the Village unless the plans for the installation are approved by, and a permit issued by, the Oakland County Health Department, or MDEQ.

(c) All costs associated with the operation, maintenance and replacement of a private sewage disposal system shall be borne by the property owners served by said system.

(Ord. 135. Passed 5-10-00.)

#### **1046.12 REQUIRED CONNECTION TO PUBLIC SANITARY SEWER SYSTEMS.**

(a) All new structures in which sanitary sewage originates within the Village shall be connected to an available public sanitary sewer in the Village before a certificate of occupancy shall be issued, if such a sewer exists.

(b) Existing structures in which sanitary sewage originates lying within the boundaries of the Village shall be connected to an available public sanitary sewer upon the earlier of the following events:

(1) Within ninety days after the date of mailing or posting of written notice by the Village or the Oakland County Health Department that a health hazard exists due to the failure of an existing private sewage disposal system due to soil conditions or for any other reason;

(2) Where new and/or additional tile fields are necessary in an existing septic system because of the construction of new structures or additions to existing structures;

(3) Where any addition or alteration to an existing non-residential structure is proposed, whether or not new and/or additional tile facilities are necessary; or

(4) Where any addition or alteration to an existing residential structure, adding more than 100 square feet of habitable living space, is proposed, whether or not new and/or additional tile facilities are necessary. However, if the Village Council determines, in its discretion, that compliance with paragraph (b)(3) hereof would pose an undue hardship on the property owner, the Council may defer the time period for connection for up to five years. In such event, all persons with any interest

in the property shall execute a covenant, in a form suitable for recording at the Oakland County Register of Deeds, and approved by the Village Attorney, confirming the requirement to connect to the sanitary sewer system.

(Ord. 135. Passed 5-10-00.)

#### **1046.13 INJURY TO FACILITIES.**

No person, except an employee or agent of the Village in the performance of his or her duties, shall willfully or carelessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment of the Village sanitary sewer system.

(Ord. 135. Passed 5-10-00.)

#### **1046.14 UNAUTHORIZED USE OF SYSTEM PROHIBITED.**

Only authorized persons shall uncover and make any connections with or openings into, use, alter, or disturb, any structure, appurtenance, or equipment of the Village sanitary sewer system, and then only with written permission from the Village or its agent.

(Ord. 135. Passed 5-10-00.)

#### **1046.15 CONNECTION STANDARDS.**

All connections to the public sanitary sewer system shall meet the requirements set forth in this chapter and any applicable standards or regulations of the Drain Commissioner or the Charter Township of Commerce.

(Ord. 135. Passed 5-10-00.)

#### **1046.16 CONNECTIONS; PERMIT REQUIRED.**

No sewer connection shall be installed or made without a permit having been issued by the Village or its agent. Where required, the applicant shall provide the Village with a permanent access easement in a form approved by, and executed by, all individuals with an interest in the property, as determined by the Village Attorney.

(Ord. 135. Passed 5-10-00.)

#### **1046.17 INSTALLATION OF SEWERS.**

The type, capacities, location, and layout of all sewers shall comply with all applicable requirements of the State of Michigan and the Drain Commissioner, and shall be constructed and connected in accordance with ordinances and regulations of the Village. An opportunity for Village inspection shall be provided after all pipe or equipment is in place and before the backfilling of any trench or covering of any pipe in the case of septic systems. All public sewer systems and all private sewer systems for which MDEQ approval is required shall have full Village inspection by the Village's consulting engineers, or the Village's agent.

(Ord. 135. Passed 5-10-00.)

#### **1046.18 PLANS, PERMITS AND BONDS.**

(a) Prior to connection and prior to start of construction, all sanitary sewer systems shall have engineering plans and specifications prepared by a professional engineer and shall be approved by the Village Engineer and the Drain Commissioner, and a permit issued by MDEQ, if required.

(b) A connection permit shall be obtained by the owner or contractor from the Drain Commission. Said connection permit shall show the location of the work, the extent of the work, information regarding the contractor, the owner and the engineer, and any other pertinent information as shall be determined necessary by the Drain Commissioner.

(c) Individual building sewers which are directly connected into the Village sanitary sewer system shall conform to all applicable requirements of this chapter. A connection permit, for which a charge of fifty dollars (\$50.00) will be made by the Drain Commissioner, shall be obtained before such connection is made. Prior to the issuance of such connection permit, the person obtaining such permit shall have obtained the written approval of the Village. Connection shall be made in a workmanlike manner and in accordance with methods and procedures established by the Drain Commissioner.

The party to whom such a permit is issued shall be responsible for notifying the Drain Commissioner forty-eight hours in advance of the date and time when such a connection is made so that proper inspection of the same can be made by the Drain Commissioner.

(d) Prior to the adjustment, reconstruction or any other altering of the Village sanitary sewer system, including manhole structures, the contractor or person responsible for the work shall first obtain a permit to do such work from the Drain Commissioner. Said permit fee shall be determined by the Drain Commissioner.

(e) Prior to construction and during the life of permits obtained in accordance with subsections (b), (c) and (d) hereof, all

owners or contractors shall:

(1) Yearly furnish to the Drain Commissioner a satisfactory surety bond in the amount of five thousand dollars (\$5,000) as security for the faithful performance of the work in accordance with the plans and specifications and departmental standards; and

(2) Yearly furnish to the Drain Commissioner a cash deposit in the amount of five hundred dollars (\$500.00). Such deposit shall provide funds for emergency work and/or such other work as may be deemed necessary by the Drain Commissioner arising as a result of construction by the owner or contractor. Such deposit shall not be canceled by the owner or contractor without first having given ten days written notice to the Drain Commissioner. Cash deposits may be returned to the owner or contractor within ten days of receipt of written request therefor, except that no deposits will be returned until such time as all outstanding permits have received final inspection and approval. In the event that it becomes necessary for the Drain Commissioner to expend funds for work arising as a result of construction by the owner or the contractor, then the cost of such work shall be deducted from the aforementioned cash deposit.

The owner or contractor shall have the right and opportunity to correct any deficiencies promptly before any deposit funds will be spent by the Drain Commissioner. The owner or contractor shall, within thirty days of the mailing of written notice thereof, pay to the Drain Commissioner the entire amount of such cost. Failure to comply with these rules and regulations and the standards of the Drain Commissioner may result in the immediate forfeiture of the cash deposit.

(Ord. 135. Passed 5-10-00.)

#### **1046.19 BUILDING SEWERS.**

Gravity building sewers shall be privately owned, operated, and maintained. Grinder pumps and pressurized building sewers shall be owned, operated and maintained by the Village. By utilizing the public sewer system, owners of property utilizing grinder pumps and pressurized building sewers shall be deemed to have granted the Village an irrevocable license for the duration of such use for the purpose of entering onto the property so serviced to operate and maintain the grinder pump and pressurized building sewer line.

(Ord. 135. Passed 5-10-00.)

#### **1046.20 SEPARATE SEWERS REQUIRED.**

A separate and independent building sewer shall be provided for every building. The Village Council may grant a waiver of this provision if, in the opinion of the Village Council, the applicant has shown good cause for such a waiver. The Village Council shall have the sole discretion as to whether a waiver from this provision is justified.

(Ord. 135. Passed 5-10-00.)

#### **1046.21 DISTANCE FROM WATER LINES.**

All building sewers shall be laid a minimum of ten feet from any existing and parallel water service lines. All necessary crossovers shall have the water main above the sewer main, and at least eighteen inches apart, unless otherwise approved by the Village Engineer.

(Ord. 135. Passed 5-10-00.)

#### **1046.22 PIPES REQUIRED TO BE SEALED.**

The sewer pipe inside any building or structure shall be sealed and remain sealed and watertight until such time as the plumbing is carried on the first floor, and the basement, if any, is backfilled and the roof is on the building.

(Ord. 135. Passed 5-10-00.)

#### **1046.23 INDUSTRIAL AND COMMERCIAL WASTE CONNECTIONS.**

Wastes may be discharged into sewer systems only in compliance with waste water disposal standards and regulations for the Village of Wolverine Lake sewage disposal system, as may be adopted from time to time by resolution by the Village of Wolverine Lake Council.

(Ord. 135. Passed 5-10-00.)

#### **1046.24 MAINTENANCE OF PRETREATMENT FACILITIES.**

Where pretreatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at no expense to the Village.

(Ord. 135. Passed 5-10-00.)

#### **1046.25 CONTROL MANHOLES.**

The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his or her sole expense, and shall be maintained by the owner so as to be safe and accessible at all times.

(Ord. 135. Passed 5-10-00.)

#### **1046.26 MEASUREMENTS AND TESTS.**

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with Standard Methods for the Examination of Water and Water Wastes as published by the American Public Health Association, and as amended from time to time, and shall be determined at the control manhole or from suitable samples taken therefrom. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(Ord. 135. Passed 5-10-00.)

#### **1046.27 ABANDONMENT OF EXISTING SEWAGE TREATMENT FACILITIES.**

At such a time as connection is made to the sanitary sewer system, all existing septic tanks, cesspools or similar sewage treatment facilities serving the property shall be abandoned in the following manner:

(a) Prior to connecting an individual building sewer to the sanitary sewer system, either directly or indirectly, all existing waste water treatment facilities, including septic tanks, tile fields and sump pumps, shall be physically and permanently disconnected from the building sewer.

(b) The sludge held in the facility, solid and liquid, shall be pumped out and disposed of in accordance with all applicable laws, statutes, ordinances, and regulations. The sludge shall not be put into the Village sanitary sewer system.

(c) The bottom and top of the tank must be broken up and the tank shall be filled with sand.

(d) Any required easements to service the property shall be conveyed to the Village and/or Oakland County, prior to final approval of the abandonment and connection to the sanitary sewer system.

(e) The abandonment shall be further subject to any additional conditions imposed by the Oakland County Health Department, the Drain Commissioner, the MDEQ, or the Village.

(Ord. 135. Passed 5-10-00.)

#### **1046.28 EXTENSION OF NONRESIDENTIAL SEWER SYSTEM.**

Where nonresidential property is to be connected to the sanitary sewer system, and the sanitary sewer system does not extend the full width of the owner's property, the property owner shall be responsible for extending the sanitary sewer system at the owner's cost across the entire width of such owner's property, so as to allow further extension of the sewer system to adjoining properties. In the event of a corner parcel, the property owner shall be responsible for extending the sewer along both the width and length of the property, along both roads upon which the property is located.

(Ord. 135. Passed 5-10-00.)

#### **1046.29 FINANCING OF SEWER SYSTEM IMPROVEMENTS.**

Unless the sewer system improvement is to be financed by creation of a special assessment district, the property owner shall provide an irrevocable letter of credit or pay to the Sewer Department that portion of the costs of the improvement not to be paid by the Village, as estimated by the Village's Consulting Engineer. The Village will then proceed with the necessary engineering, advertising for bids, awarding construction contracts and constructing said improvement. When all actual costs of construction of the improvement are known, if the cost is in excess of the funds deposited, the property owner shall pay the excess to the Village, or, if less than the funds advanced, the Village shall return the surplus to the property owner. The Village shall be authorized to require security from the property owner sufficient in type and amount to insure complete construction without unanticipated expense to the Village. In cases where the improvement is to be financed by creation of a special assessment district, the Village Council may impose such conditions as it deems necessary to insure reimbursement to it of engineering and other costs advanced.

(Ord. 135. Passed 5-10-00.)

#### **1046.30 COMPUTATION OF USER CONNECTION UNITS.**

The number of user connection units to be assigned to any particular premises, other than a single residence, for sewage disposal services shall be as listed in Schedule D of Sanitary Sewer Ordinance No. 62 of the Charter Township of Commerce, dated June 6, 1999, as may be amended from time to time by the Township (except that the unit factor for each multiple family residence shall be at the rate of 1.0 user connection units). No less than one user connection unit shall be

assigned to each premises, but, for purposes of computing sewage disposal services, user connection units in excess of one may be computed and assigned to the nearest tenth. No change in use shall constitute a basis for a retroactive adjustment in service charges or capital charges.

(Ord. 135. Passed 5-10-00.)

#### **1046.31 FREE SERVICE PROHIBITED.**

No free service shall be furnished to any person connecting to the sewer system.

(Ord. 135. Passed 5-10-00.)

#### **1046.32 BONDING OF CONTRACTORS.**

All contractors or owners making connections to the Village sewer system shall be bonded in accordance with the bonding requirements of the County of Oakland and/or the Drain Commissioner.

(Ord. 135. Passed 5-10-00.)

#### **1046.33 BILLING PROCEDURES.**

(a) Charges for sanitary or sewer service shall be billed and collected as set forth in this section.

(b) If charges for services furnished to any premises are not paid within ninety days after the due date then all services furnished by the system may be discontinued to the premises. Services discontinued because of nonpayment shall not be restored until all sums then due are paid, including a shut-off charge of one hundred dollars (\$100.00).

(c) Charges for services furnished by the Village shall be a lien upon the premises to which service is made. On the first day of September of each year, the Director shall certify all charges which have been delinquent six months or more to the Village Treasurer, who shall enter the charges upon the next tax roll. Collection of the lien shall be enforced in the same manner as provided by law in respect to taxes assessed upon the roll.

(d) No building permit shall be issued by the Village until all fees required by this chapter have been paid.

(Ord. 135. Passed 5-10-00.)

#### **1046.34 LATERAL CONNECTION CHARGES.**

No premises shall be connected to a public sanitary sewer main or sanitary sewer lateral without the payment of a lateral connection charge as provided for in this chapter. The Village may, as compensation in full or in part, waive all or a portion of the lateral connection charges for premises over which permanent or temporary sewer easements or licenses have been granted to the Village without charge or for sewer lateral extensions paid for by a property owner. The portion of the lateral connection charges waived shall not exceed the value of the easement or license granted to the Village as determined by the Village Assessor utilizing standard appraisal techniques or the actual cost of the sewer extension. The Village Assessor shall execute a certificate stating his or her conclusions regarding the value of the easement or license granted and the basis for that opinion.

(Ord. 135. Passed 5-10-00.)

#### **1046.35 SANITARY SEWER CAPITAL AND USAGE CHARGES.**

Owners shall be responsible for all sanitary sewer capital and usage charges, which shall be set, and amended from time to time, by appropriate governmental entities, including, but not limited to, the Village of Wolverine Lake, the Charter Township of Commerce, Oakland County Water Resources Commission and the Department of Environmental Quality. Sanitary sewer capital and usage charges may include, but shall not be limited to, connection fees, permit fees, inspection fees, usage charges, engineering fees, testing fees, plan review fees, IPP charges, and lateral benefit charges. Owners shall be solely responsible for calculating all sanitary sewer capital and usage charges with each appropriate governmental entity, and satisfying payment in full, or making arrangement for financing thereof, if such scheduling is allowed.

(Ord. 135A-3. Passed 1-8-20.)

#### **1046.36 PAYMENT OF LATERAL CONNECTION CHARGES.**

Except as otherwise provided in this chapter, the lateral benefit charges described in this chapter shall be paid by the user in cash at the time of connection.

(Ord. 135. Passed 5-10-00.)

#### **1046.37 ENFORCEMENT.**

The provisions of this chapter shall be enforceable through any and all remedies available at law or in equity in any court of competent jurisdiction. Any violation of this chapter is deemed to be a nuisance per se.



(Ord. 135. Passed 5-10-00.)

### **1046.38 INJUNCTIVE POWER.**

When a structure in which sanitary sewage originates is not connected to an available public sanitary sewer system as required by this chapter, the Village may bring an action for a mandatory injunction in the Oakland County Circuit Court in addition to any other penalties provided by this chapter, or by State statute. The Village may join any number of owners of structures situated within the Village in the action to compel each owner to connect to an available sanitary sewer system immediately.

(Ord. 135. Passed 5-10-00.)

### **1046.99 PENALTY; EQUITABLE REMEDIES.**

(a) The following civil fines shall apply in the event of a determination of responsibility for a Municipal civil infraction, unless a different fine is specified in connection with a particular chapter provision:

(1) First offense. The civil fine for a first offense violation shall be in the amount of seventy-five dollars (\$75.00), plus costs and other sanctions, for each offense.

(2) First repeat offense. The civil fine for any offense which is a first repeat offense shall be in the amount of one hundred fifty dollars (\$150.00), plus costs and other sanctions, for each offense.

(3) Second (or any subsequent) repeat offense. The civil fine for any offense which is a second or subsequent repeat offense shall be in the amount of five hundred dollars (\$500.00), plus costs and other sanctions, for each offense.

(b) In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of, this chapter.

(c) Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense.

(d) In addition to any remedies provided for in this chapter, any equitable or other remedies available may be sought.

(e) The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

(f) A default in the payment of a civil fine, costs, damages or expenses ordered under subsection (a) or (b) hereof, or an installment of the fine, costs, damages or expenses as allowed by the court, may be collected by the Village of Wolverine Lake by a means authorized for the enforcement of a judgment under Chapter 40 or 60 of the Revised Judicature Act, being M.C.L.A. 600.101 et. seq., M.S.A. 27A.101 et. seq., as amended.

(g) If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under subsection (i) hereof.

(h) A defendant who fails to answer a citation or notice to appear in court for a violation of this chapter is guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00), plus costs and/or imprisonment not to exceed ninety days.

(i) (1) If a defendant defaults in the payment of a civil fine, costs, damages, expenses, or installment as ordered by the District Court, upon motion of the Village of Wolverine Lake or upon its own motion, the court may require the defendant to show cause why said defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.

(2) If a corporation or an association is ordered to pay a civil fine, costs, damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.

(3) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.

(4) If it appears that the default in the payment of a civil fine, costs, damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, damages or expenses.

(5) The term for imprisonment on civil contempt for nonpayment of a civil fine, costs, damages or expenses shall be specified in the order of commitment and shall not exceed one day for each thirty dollars (\$30.00) due. A person committed for nonpayment of a civil fine, costs, damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of thirty dollars (\$30.00) per day.

(6) A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, damages or expenses shall not be discharged from custody until one of the following occurs:

- A. The Defendant is credited with an amount due pursuant to paragraph (i)(5) hereof;
- B. The amount due is collected through execution of process or otherwise; or
- C. The amount due is satisfied pursuant to a combination of paragraphs (i)(6)A. and B. hereof.

(7) The civil contempt shall be purged upon discharge of the defendant pursuant to paragraph (i)(6) hereof.

(j) If a defendant does not pay a civil fine, costs or installments ordered under subsection (a) or (b) within thirty days after the date upon which the payment is due for a violation of this chapter involving the use or occupation of land, a building or other structure, the Village of Wolverine Lake may obtain a lien against the land, building or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for Oakland County. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

(1) The lien is effective immediately upon recording of the court order with the Register of Deeds.

(2) The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of lien shall be sent by the Village of Wolverine Lake by first class mail to the owner of record of the land, building or structure at the owner's last known address.

(3) The lien may be enforced and discharged by Village of Wolverine Lake in the manner described by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Sections 211.1, 211.157 of the Michigan Compiled Laws, or by an ordinance duly passed by the Village.

However, property is not subject to sale under Section 60 of Act 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, as amended, for nonpayment of a civil fine or costs or an installment ordered under subsection (a) or (b) hereof unless the property is also subject to sale under Act 206 of the Public Acts of 1893, as amended, for delinquent property taxes.

(4) A lien created under this section has priority over any other lien unless one or more of the following apply:

- A. The other lien is a lien for taxes of special assessments.
- B. The other lien is created before the effective date of the amended ordinance that added this section.
- C. Federal law provides the other lien has priority.
- D. The other lien is recorded before the lien under this section is recorded.

(5) The Village may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this chapter. However, an attempt by the Village to collect the fines or costs does not invalidate or waive the lien upon the land, building or structure.

(6) A lien provided for by this subsection shall not continue for a period longer than five years after a copy of the court order imposing a fine or cost is recorded, unless within that time an action to enforce the lien is commenced.

(Ord. 135. Passed 5-10-00.)

## **Chapter 1048:**

### **Gas**

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EDITOR'S NOTE: There are no sections in Chapter 1048. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Oil and gas generally - see M.C.L.A. §§ 319.1 et seq., 486.251 et seq.

## **Chapter 1050:**

### **Electricity**

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EDITOR'S NOTE: There are no sections in Chapter 1050. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Electricity generally - see Mich. Const. Art. 7, §§ 24, 25

National Electrical Code - see B. & H.Ch. 1422

## **Chapter 1052:**

## Utility Plan Review

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- 1052.01 Title.
- 1052.02 Purpose.
- 1052.03 Review of plans; permit conditions.
- 1052.04 "As built" plans.
- 1052.05 Exemptions.
- 1052.06 Other laws.
- 1052.07 Savings clause.
- 1052.08 Severability.
- 1052.99 Penalty.

### **1052.01 TITLE.**

This chapter shall be known as the Village of Wolverine Lake Utility Plan Review Ordinance.

(Ord. 140. Passed 4-10-02.)

### **1052.02 PURPOSE.**

This chapter is enacted to provide for the review of plans for the installation of new or replacement utility wires, cables, pipes, conduits or other equipment used for the transmission of electrical current impulses, sounds, voices or communications, water, sewage, gas or other fuel, on, over or beneath the surface of land within the Village; to prohibit such installations without receiving plan approval from the Village and to prohibit installation of utilities except in compliance with the approved plans, so as to make the most efficient use of those limited areas available for the installation of utilities securing the public health, safety and welfare.

(Ord. 140. Passed 4-10-02.)

### **1052.03 REVIEW OF PLANS; PERMIT CONDITIONS.**

(a) No public utility company, person, corporation or other entity shall install or replace wires, cables, pipes or conduits or other equipment used for the transmission of electrical current impulses, sounds, voices or communications, water, sewage, gas or other fuel, in, on over or under any street, alley, road, highway or other route of transportation within the Village unless a permit shall have been first obtained.

(b) No public utility company, person, corporation or other entity shall install or replace wires, cables, pipes, conduits or other equipment used for the transmission of electrical current impulses, sounds, voices or communications, water, sewage, gas or other fuel in, on, over or under land elsewhere within the Village unless a permit shall have been first obtained.

(c) The installation or replacement of any wires, cable, pipes, conduits or other equipment used for the transmission of electrical current impulses, sounds, voices or other communications, water, sewage, gas or other fuel shall be made in such a manner as to make most efficient use of the area available for placement of public utilities and to facilitate the use of the area by other public utilities and so as not to conflict with utility installations proposed by the Village. Installations or replacements shall be based on standards contained within the ordinances of the Village and on the following standards and conditions:

(1) Permit applications shall be made in writing on forms provided for this purpose, and shall refer to the authority upon which the applicant relies to maintain such wires, cables, pipes, conduits or other equipment.

(2) All applications for a permit shall be accompanied by a permit fee of one hundred dollars (\$100.00). At the time of application, the Village shall estimate those additional fees or expenses to be incurred in the review and processing of the application and on site inspection by the Village's professional consultants and the applicant shall be required to pay such additional fees at that time. Such additional fees shall be based upon the regular hourly rate of professional consultants retained by the Village to review plan(s).

(3) Applicants shall forward to any public utility or other agency whose facilities or right-of-way may be affected by the proposed construction a copy of the application made to the Village.

(4) Each application may be referred to the appropriate Village professional consultant to determine if the installation contemplated complies with the ordinances of the Village and to assure that the contemplated installation makes efficient use of the area available for placement of utilities so as to facilitate use of the area by other public utilities. The Village consultants shall make a recommendation to the Building and Zoning Administrator to either approve, disapprove, or approve the application subject to conditions based on the standards set forth in this chapter and other ordinances of the

Village.

(5) The Building and Zoning Administrator shall either approve, disapprove, or approve the application subject to conditions based on the standards set forth in this chapter and other ordinances of the Village.

(6) The installment or replacement of utility wires, cables, pipes, conduits or any other equipment by a public utility company, person, corporation or other entity shall conform to the plans submitted and approved by the Building and Zoning Administrator, unless it is determined during the installation that compliance with the approved plans presents practical hardships owing to circumstances unknown at the time of application, including, but not limited to, subterranean conditions. In this event, the applicant shall apply to the Building and Zoning Administrator for a variance from the approved plans and shall thereafter submit to the Building and Zoning Administrator a revised application and plans.

(7) Any permit issued under this chapter shall be valid for six months.

(8) At least forty-eight hours before beginning installation, the Permittee shall notify the Village Building and Zoning Administrator of the date, time and location of installation for the purpose of coordinating on-site inspection by the Village's professional consultant during installation.

(9) All utility projects covered by this chapter shall be subject to a schedule of standard utility locations, plan requirements and standards for the installation of utilities in road right-of-ways or in private easements, all such standards and requirements being adopted and from time to time amended by resolution of the Village Council.

(Ord. 140. Passed 4-10-02.)

#### **1052.04 "AS BUILT" PLANS.**

(a) Each public utility company, person, corporation or other entity installing or replacing utility wires, cables, pipes, conduits or any other equipment in, on or under land within the Village after such installation is completed, shall maintain plans showing the exact location of such utility installations as built.

(b) Two copies of such "as built" plans shall be submitted to the Village Building and Zoning Administrator within thirty days of the completion of the installation.

(Ord. 140. Passed 4-10-02.)

#### **1052.05 EXEMPTIONS.**

The following types of installations shall be exempt from the requirements of this chapter.

(a) Connection from a main or branch utility line, including but not limited to wires, cables, pipes, conduits or other equipment used for the transmission of electrical current impulses, sounds, voices or communications, water, sewage, gas or other fuel, to an individual user or subscriber provided such connection does not service more than one user.

(b) Any wires, cable, pipes, conduits or other equipment which are installed at the direction of, by, and/or for the benefit of the Village.

(Ord. 140. Passed 4-10-02.)

#### **1052.06 OTHER LAWS.**

Compliance with this chapter shall not exempt the applicant from compliance with other state, federal or local laws, statutes or ordinances.

(Ord. 140. Passed 4-10-02.)

#### **1052.07 SAVINGS CLAUSE.**

Nothing in this chapter shall be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

(Ord. 140. Passed 4-10-02.)

#### **1052.08 SEVERABILITY.**

Various parts, sections and clauses of this chapter are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the chapter shall not be affected.

(Ord. 140. Passed 4-10-02.)

#### **1052.99 PENALTY.**

(a) Each public utility company, person, corporation or other entity who shall undertake the installation or replacement of utility wires, cables, pipes, conduits or any other equipment in violation of this chapter shall be guilty of a misdemeanor and

shall be fined an amount not to exceed five hundred dollars (\$500.00) per violation; or may be imprisoned in the County Jail for not more than ninety days, regardless of the number of violations; or may be both fined and imprisoned. In addition, the Village shall be entitled to seek such equitable relief as may be available by law.

(b) Each day that utility wires, cables, pipes, conduits or any other equipment shall be constructed or maintained, in violation of this chapter, shall constitute a separate violation.

(Ord. 140. Passed 4-10-02.)

## TITLE SIX – Other Public Services

Chap. 1060. Solid Waste and Recyclable Materials.

Chap. 1062. (Repealed).

Chap. 1064. Wolverine Lake.

Chap. 1066. Municipal Parks.

Chap. 1068. Special Events.

### Chapter 1060:

#### Solid Waste and Recyclable Materials

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1060.01 Intent and purpose.

1060.02 Definitions.

1060.03 Generators of solid waste and recyclable materials.

1060.04 Recyclables.

1060.05 Collection and disposal of solid waste and recyclable materials.

1060.06 Contract for solid waste collection, recycling and disposal.

1060.07 Rates and payment for solid waste collection, recycling and disposal services.

1060.08 Nonpayment or late payments.

1060.09 Enforcement.

1060.99 Penalties.

#### **CROSS REFERENCES**

Garbage and refuse generally - see M.C.L.A. §§ 46.171 et seq., 123.241 et seq., 123.361 et seq.

Municipal authority - see M.C.L.A. §§ 123.301 et seq.

Abandonment of refrigerators - see GEN. OFF. 650.10

Dead animals; decaying substances; food wastes - see GEN OFF.674.06

#### **1060.01 INTENT AND PURPOSE.**

(a) Act 641 of the Public Acts of 1978 [M.C.L. 299.401 et seq.], as amended, requires municipalities to assure that all solid waste is removed from sites of generation frequently enough to protect the public health, and delivered to authorized solid waste disposal areas. The Village Council of Wolverine Lake has determined that the collection of solid waste is most appropriately undertaken by the Village, acting by and through contract with the private sector. Because solid waste collection directly affects the public health, safety and general welfare, the Village shall contract with a single contractor in order to facilitate Village governance and control of its solid waste program.

(b) The Village Council has further determined that its solid waste program should include recycling consistent with the Oakland County Municipal Solid Waste Management Plan.

(c) For purposes of establishing and carrying out a program of solid waste collection, recycling and disposal, the Village Council has adopted this chapter to provide standards and specifications for services to be provided, provide for administration of the program and operational specifications, and provide penalties for failure to comply with the provisions of this chapter.

(Ord. 125-A-1. Passed 8-11-10.)

#### **1060.02 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "Act 641" means Act No. 641 of the Public Acts of Michigan, 1978, as amended.
- (b) "Act 641 Plan" means the Oakland County Municipal Solid Waste Management Plan approved by the Oakland County Board of Commissioners, by two-thirds of the cities, villages and townships in the county and by the Director of the MDNR, pursuant to the requirements and provisions of Act 641, and any updates thereof and any amendments thereto adopted in accordance with Act 641.
- (c) "Construction and Demolition Debris" mean nonhazardous wastes generated from construction and demolition activities, including but not limited to concrete, asphalt, wood, metal and plaster.
- (d) "Hazardous Waste" means any material or substance which by reason of its composition or characteristics is:
  - (1) Hazardous waste as defined in the Solid Waste Disposal Act, 42 USC 6907 et seq., as amended, replaced or superseded, and the regulations implementing the same;
  - (2) Material the disposal of which is regulated by the Toxic Substance Control Act, 15 USC 2601 et seq., as amended, replaced or superseded, and the regulations implementing the same;
  - (3) Special nuclear or byproduct materials within the meaning of the Atomic Energy Act of 1954, 42 USC 2011 et seq.;  
or
  - (4) Hazardous waste as defined in part III of Public Act No. 451 of 1994 (M.C.L. 324.11101 et seq.), and as identified in administrative rules and regulations adopted by published resolution of the Village Council from time to time and/or by regulations adopted by the State Department of Environmental Quality.
- (e) "Industrial Special Waste" means nonhazardous wastes generated by industrial users, which due to their size or composition, require special handling and/or disposal procedures, including but not limited to foundry, sand, incinerator/boiler bottom ash, fly ash, sludges, scrap pallets and other wastes from manufacturing processes which require special handling and/or disposal procedures.
- (f) "Municipal Solid Waste (MSW)," as defined by Part 115 of Act No. 451 of the Public Acts of 1994 [M.C.L. 324.11501 et seq.], as amended from time to time, which includes animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods and all other organic matter subject to rapid decomposition, as well as paper, cartons, boxes, crockery, and ordinary wastes from residential units. MSW shall also include bulk items, Christmas trees, rubbish, and construction waste (in limited quantities), as defined herein. Trimmings and/or branches, greater than two inches in diameter and not exceeding six inches in diameter, no longer than four feet in length, bundled and tied, with each bundle not exceeding 60 pounds in weight will also be collected as MSW.
- (g) "Person" means any individual, firm, public or private corporation, partnership, trust, public or private agency or any other entity, or any group of such persons.
- (h) "Premises" means any area used for residential, commercial, or industrial purposes, separately or in combination to which a separate street address, postal address or box, tax roll description, or other similar identification has been assigned or is in use by a person having control of the area.
- (i) "Recyclable Materials" means the following commingled and/or presorted materials that are separated from solid waste prior to the collection of solid waste from a site of generation: high grade paper, glass, metal, plastic, aluminum, newspaper, corrugated paper and yard clippings. Recyclable materials shall not include hazardous waste. More detailed specification of the items deemed to be recyclable materials shall be provided from time to time by duly published resolution.
- (j) "Residential Unit" means a single-family or multi-family residential structure, which is a grouping together of two or more residential units under a common roof, as designated by the Village.
- (k) "Site of Generation" means any premises in the municipality in or on which solid waste or recyclable materials is generated by any person.
- (l) "Solid Waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry. Solid waste does not include the following:
  - (1) Human body waste.
  - (2) Medical waste as it is defined in part 138 of the Public Health Code, Public Act No. 368 of 1978 (M.C.L. 333.13801 et seq.), and regulated under that part and part 55 (M.C.L. 333.5501 et seq.).
  - (3) Organic waste generated in the production of livestock and poultry.
  - (4) Liquid waste.
  - (5) Ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products.
  - (6) Slag or slag products directed to a slag processor or to a reuser of slag or slag products.
  - (7) Sludges and ashes managed as recycled, or nondetrimental materials appropriate for agricultural or silvicultural use

pursuant to a plan approved by the Department. Food processing residuals; wood ashes resulting solely from a source that burns only wood that is untreated and inert; lime from Kraft pulping processes generated prior to bleaching; or aquatic plants may be applied on, or composted and applied on, farmland or forestland for an agricultural or silvicultural purpose, or used as animal feed, as appropriate, and such an application or use does not require a plan described in this subsection or a permit or license under this part. In addition, source separated materials approved by the Department for land application for agricultural and silvicultural purposes and compost produced from those materials may be applied to the land for agricultural and silvicultural purposes and such an application does not require a plan described in this subsection or permit or license under this part. Land application authorized under this subsection for an agricultural or silvicultural purpose, or use as animal feed, as provided for in this subsection shall occur in a manner that prevents losses from runoff and leaching, and if applied to land, the land application shall be at an agronomic rate consistent with generally accepted agricultural and management practices under the Michigan Right to Farm Act, Public Act No. 93 of 1981 (M.C.L. 286.471 et seq.).

- (8) Materials approved for emergency disposal by the State Department of Environmental Quality.
- (9) Source separated materials.
- (10) Site separated material.
- (11) Fly ash or any other ash produced from the combustion of coal, when used in the following instances:
  - (a) With a maximum of six percent of unburned carbon as a component of concrete, grout, mortar, or casting molds.
  - (b) With a maximum of 12 percent unburned carbon passing MDOT test method MTM 101 when used as a raw material in asphalt for road construction.
  - (c) As aggregate, road, or building material which in ultimate use will be stabilized or bonded by cement, limes, or asphalt.
  - (d) As a road base or construction fill that is covered with asphalt, concrete, or other material approved by the state department of environmental quality and which is placed at least four feet above the seasonal groundwater table.
  - (e) As the sole material in a depository designed to reclaim, develop, or otherwise enhance land, subject to the approval of the State Department of Environmental Quality. In evaluating the site, the Department shall consider the physical and chemical properties of the ash including leachability, and the engineering of the depository, including, but not limited to, the compaction, control of surface water and groundwater that may threaten to infiltrate the site, and evidence that the depository is designed to prevent water percolation through the material.
- (12) Other wastes regulated by statute.
- (m) "System Operation Date" means November 1992.
- (n) "Waste Hauler" means any person other than the Village, awarded a contract by the Village for, and engaged in the business of, collecting and transporting, delivering and disposing of solid waste and recyclable materials generated within the Village.
- (o) "Yard Clippings and Yard Waste" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than four feet in length and two inches in diameter, that can be converted to compost humus. Yard clippings do not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage.

(Ord. 125-A-1. Passed 8-11-10.)

### **1060.03 GENERATORS OF SOLID WASTE AND RECYCLABLE MATERIALS.**

All municipal solid waste and recyclable materials from any site of generation intended for collection and/or disposal shall be stored and placed for pickup and collection at the times and in the manner provided in rules and regulations adopted by a duly published resolution of Village Council.

(Ord. 125-A-1. Passed 8-11-10.)

### **1060.04 RECYCLABLES.**

- (a) Commencing on the system operation date, all persons who are owners, lessees or occupants of any designated residential unit site of generation shall separate recyclable materials from municipal solid waste and prepare the recyclable materials for pickup, collection and delivery in the manner provided by the rules and regulations adopted by the Village by duly published resolution.
- (b) Yard wastes shall be disposed of at designated residential unit sites of generation in a manner which will not create a nuisance and/or be injurious to the public health, or yard wastes shall be placed at the curbside or other designated location for pickup, collection and delivery by the waste hauler in the manner provided by rules and regulations adopted by duly published resolution. This provision shall not prohibit a person engaged in the business of providing landscaping services from removing yard wastes from a site of generation provided, however, such a person shall be obligated to dispose of such yard wastes by composting, direct delivery to the waste hauler and/or delivery to a premises outside of the Village in a lawful manner.
- (c) Any recyclable materials authorized for collection by or at the direction of the Village in accordance with the terms of

this section shall become the property of the waste hauler at the time the material is placed at the curbside or other designated location. It shall be a violation of this section for any person not authorized by the Village to collect or pick up or cause to be collected or picked up any such recyclable materials.

(Ord. 125-A-1. Passed 8-11-10.)

#### **1060.05 COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS.**

(a) No person shall dispose of any MSW or recyclable materials generated within the Village other than by means of the designated waste hauler awarded a contract by the Village for such purpose.

(b) Commencing on the system operation date, all MSW and recyclable materials, including yard wastes, generated within the Village shall be collected and delivered to the designated waste hauler.

(c) The Village shall by resolution establish rules and regulations governing procedures for collection. Such procedures shall include the pickup schedule, items which are deemed to be recyclable materials, and the manner, location and containers for storage and collection. Such rules and regulations shall be consistent with this section and consistent with the contract entered into between the Village and the waste hauler. A failure to comply with such rules and regulations shall be a violation of this chapter.

(d) The waste hauler shall deliver MSW to a facility authorized to operate for disposal pursuant to Act 641, and the waste hauler shall pay all disposal fees established for the particular licensed facility for any delivery of municipal solid waste or recyclable materials to such facility. The obligation to pay the disposal fee pursuant to this section shall be absolute and unconditional.

(e) Unless otherwise prescribed by the Village Council, no person shall engage in the business of collecting, transporting, delivering, or disposing of municipal solid waste, yard waste or recyclable materials generated from within designated residential units in the Village without first being authorized to do so by contract with the Village subject to the requirements of this chapter.

(f) The waste hauler shall comply with the Act 641 Plan and all applicable federal, state and county laws, statutes, rules and regulations in the collection, transportation and delivery of MSW and recyclable materials.

(g) A person shall not knowingly place hazardous waste at curbside or other designated location for collection, and a waste hauler shall not knowingly collect or deliver hazardous waste to a processing or disposal site.

(Ord. 125-A-1. Passed 8-11-10.)

#### **1060.06 CONTRACT FOR SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL.**

(a) The Village Administrator shall develop, from time to time as may be necessary, contract specifications and a public bid procedure for the award of a contract for MSW collection, recycling and disposal in the Village. Whenever necessary, a waste hauler shall be selected by the Village Council to provide for the collection, disposal, resource recovery and recycling of municipal solid waste in the Village with respect to all existing and future designated residential units in the Village in accordance with this chapter, in accordance with the contract to be awarded, and in accordance with all applicable laws, ordinances, codes and regulations.

(b) The Administrator is authorized to include in bid specifications for any contract to be awarded pursuant to this ordinance those requirements and specifications determined by the Administrator to be reasonably related to:

- (1) Promoting and protecting the public health, safety and welfare.
- (2) Providing appropriate services to properties within the Village.
- (3) Promoting the general understanding of and need for resource recovery and recycling.

(c) Any waste hauler contract which may be awarded by the Village Council shall, as a minimum, provide for:

- (1) The collection of MSW and recyclables from designated residential unit sites of generation.
- (2) The requirement of a program for recycling.
- (3) Other miscellaneous services to be specified by the Administrator as part of the bid process, including, without limitations, dumpster service at municipal buildings and facilities, a drop-off center, and spring cleanup assistance.
- (4) Insurance and bonding requirements, including liability, workers' compensation and a performance bond.
- (5) The preparation and submission of reports by the waste hauler describing the volume and location of MSW generated in the Village, as well as other reports required by the Village to determine the efficiency and effectiveness of the municipal solid waste program, including the effectiveness and efficiency of recycling in the Village.
- (6) A provision for the rights of the Village in the event of a failure to perform on the part of the waste hauler.
- (7) The rights and obligations of the Village for termination of the contract.
- (8) Operational specifications, including specifications for collection trucks and equipment, employees, contractor



maintenance facility, waste container handling and condition, schedules and routes, addressing citizen complaints, and other matters deemed necessary or appropriate by the Village Administrator.

(9) Right and authorization of the Village to inspect records and operations of the waste hauler.

(10) Provision for a multimedia informational program with respect to resource recovery and recycling.

(c) The contract shall require the waste hauler to comply with applicable laws, ordinances, rules and regulations.

(d) The contract shall require the waste hauler to secure and maintain in good standing all permits and licenses required by law, ordinance or regulation.

(Ord. 125-A-1. Passed 8-11-10.)

#### **1060.07 RATES AND PAYMENT FOR SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL SERVICES.**

(a) Rates for MSW collection, recycling and disposal services shall be determined and established by the Village Council in accordance with this chapter. The Village shall adopt resolutions from time-to-time specifying the rates.

(b) Except as otherwise specifically provided in this chapter, all rates for MSW collection, recycling and disposal services shall be billed and collected annually or more frequently as determined by the Village Council. The Treasurer of the Village may establish billing procedures, which shall be entered upon the next tax roll against such premises. Such amounts shall be collected and such lien shall be enforced in the same manner as provided in respect to Village taxes assessed on such roll.

(Ord. 125-A-1. Passed 8-11-10.)

#### **1060.08 NONPAYMENT OR LATE PAYMENTS.**

Unless otherwise prescribed by the Village Council, charges for MSW collection, recycling and disposal services are due July 1 and payable without interest or penalty through August 31. On September 1, a 2% penalty shall be added to any unpaid balance. On October 1, an additional 1/2% interest per month shall be added to any unpaid balance. In the event the Village Council determines a due date for charges for MSW collection, recycling and disposal other than July 1, the Treasurer of the Village shall adjust the penalty and interest dates to allow the calculation of time set forth in this section. All properties affected by the change in due date shall be properly noticed of the adjusted dates for penalties and interest. Unpaid charges for MSW collection, recycling and disposal services shall constitute a lien upon the property which is the site of generation. Moreover, if there is an outstanding balance owing with respect to any property as of March 1 in any year, such outstanding balance, together with all accrued penalties, shall be placed upon a list to be added to the delinquent tax roll of the Village, and shall accrue further interest and penalties, and shall be collected, in the manner made and provided for delinquent real property taxes in the Village.

(Ord. 125-A-1. Passed 8-11-10.)

#### **1060.09 ENFORCEMENT.**

The Village Administrator, or his or her designee, shall be charged with the enforcement of this chapter.

(Ord. 125-A-1. Passed 8-11-10.)

#### **1060.99 PENALTIES.**

Any person who shall violate the provisions of this chapter shall be responsible for a municipal civil infraction, subject to the following penalties:

(a) Fines. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance:

(1) First offense. The civil fine for a first offense violation shall be in an amount of \$75.00, plus costs and other sanctions, for each offense.

(2) Repeat offense. The civil fine for any offense which is a repeat offense shall be in an amount of \$150.00, plus costs and other sanctions for each offense.

(b) Enforcement. In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation, of this chapter.

(c) Continuing offense. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.

(d) Remedies not exclusive. In addition to any remedies provided for by this chapter, any equitable or other remedies available may be sought.

**Chapter 1062:**  
**Refuse Collection**  
**(Repealed)**

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EDITOR'S NOTE: This chapter was repealed by Ord. 51-A-1, passed August 11, 2010. For current solid waste and recyclable materials provisions, see Chapter 1060.

**Chapter 1064:**  
**Wolverine Lake**

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- 1064.01 Ice fishing.
- 1064.02 Fishing shelters.(Repealed)
- 1064.99 Penalty.

**CROSS REFERENCES**

- Parks generally - see Mich. Const. Art. 7, § 23
- Municipal navigational facilities - see M.C.L.A. §§ 281.541 et seq.
- Harbor Development Act - see M.C.L.A. §§ 281.1251 et seq.
- Fishing shanties - see M.C.L.A. §§ 324.45601 et seq.
- Water Management Board - see ADM.Ch. 278
- Watercraft - see TRAF.Ch. 470
- Impeding flow of water - see S.U. & P.S.1022.02
- Road endings at lake - see S.U. & P.S.Ch. 1024
- Water generally - see S.U. & P.S.Ch. 1040
- Water pollution - see S.U. & P.S. 1046.09

**1064.01 ICE FISHING.**

- (a) Cutting Holes in Ice. All persons cutting holes through the ice that are twelve inches or larger in diameter must, upon leaving the same, provide suitable markings or identification by brushing over or otherwise covering and/or identifying holes so that they can be clearly seen at a distance of at least 100 feet.
- (b) Using Holes in Ice. Any person using a hole through the ice that is twelve inches or larger in diameter for the purpose of fishing, or for any other reason, must provide suitable identification as specified in subsection (a) hereof before leaving the same. This identification must be clearly visible at a minimum distance of 100 feet.
- (c) Littering. No person shall litter the ice with debris of any type, except for such brushing material as required to identify holes specified in subsections (a) and (b) hereof.
- (d) Motorcycles Prohibited. Motorcycles are prohibited on the ice of Wolverine Lake at any time.
- (e) Motor Vehicles; Speed Limit. Automobiles, auto ice-cars, motor scooters and all other motor driven vehicles used for ice fishing, transportation or for any other purpose shall not exceed a speed limit of twenty miles per hour when being operated on the ice of Wolverine Lake.

(Ord. 13. Passed 3-14-55; Ord. 114-A. Passed 3-10-04.)

**1064.02 FISHING SHELTERS. (REPEALED)**

(EDITOR'S NOTE: Section 1064.02 was repealed by Ordinance 114-A, passed March 10, 2004. See M.C.L.A. §§ 324.45601 et seq.)

**1064.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is

provided.)

## **Chapter 1066:**

### **Municipal Parks**

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1066.01 Requirements concerning use of grounds and facilities.

1066.02 Prohibited acts.

1066.03 Hours of operation.

1066.04 Motor vehicles prohibited.

1066.99 Penalty.

#### **CROSS REFERENCES**

Parks generally - see Mich. Const. Art. 7, § 23

Sale of park property - see M.C.L.A. § 117.5

Misapplication of park funds - see M.C.L.A. § 123.67

Park and Recreation Board - see ADM.Ch. 274

PL Park Land District - see P. & Z. 1246.01, Ch. 1254

Property destruction generally - see GEN. OFF. 658.01 et seq.,

#### **1066.01 REQUIREMENTS CONCERNING USE OF GROUNDS AND FACILITIES.**

Each person using any Village of Wolverine Lake park shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

(Ord. 102. Passed 7-9-80; Ord. 102A-1. Passed 6-14-92.)

#### **1066.02 PROHIBITED ACTS.**

No person using any Village of Wolverine Lake park shall either perform or permit to be performed any of the following acts:

(a) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances, whatsoever, either real or personal.

(b) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(c) Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to the park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(d) Disturb the peace, or use any profane, obscene or blasphemous language.

(e) Endanger the safety of any person by any conduct or act.

(f) Commit any assault or battery, or engage in fighting.

(g) Possess or control in said park any glass beverage containers.

(h) Use conventional golf balls, bows and arrows or any other equipment or projectiles which cannot be controlled, to the extent that the safety of others can be assured. This paragraph does not pertain to equipment utilized in athletic pursuits that the Village of Wolverine Lake parks were designed to accommodate.

(i) For any person owning, keeping, possessing or harboring any animal to fail to promptly remove and dispose of all feces left by the animal in any Village of Wolverine Lake Park.

(Ord. 102. Passed 7-9-80; Ord. 102A-1. Passed 6-14-92; Ord. 102A-4. Passed 1-12-94.)

#### **1066.03 HOURS OF OPERATION.**

Unless otherwise modified by the Village Council or the Village Administrator for a particular event or purpose, all Village of Wolverine Lake parks shall be open from 7:00 a.m. until one-half hour after sunset. No person shall utilize said parks other than during said hours.

(Ord. 102. Passed 7-9-80; Ord. 102A-1. Passed 6-14-92; Ord. 102A-2. Passed 6-13-90; Ord. 102A-3. Passed 1-9-91; Ord. 102A-5. Passed 2-8-94.)

#### **1066.04 MOTOR VEHICLES PROHIBITED.**

No motor vehicles, including, but not limited to, automobiles, trucks, ATVs, snowmobiles, recreational vehicles and motorcycles, shall be allowed in any Village of Wolverine Lake park, except on designated roads therein. Violation of this section shall subject the person controlling said vehicle to the penalties set forth hereinafter.

(Ord. 102. Passed 7-9-80; Ord. 102A-1. Passed 6-14-92.)

#### **1066.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is provided.)

## **CHAPTER 1068**

### **Special Events**

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- 1068.01 Purpose.
- 1068.02 Definitions.
- 1068.03 Permit required.
- 1068.04 Permit application.
- 1068.05 Issuance of a permit.
- 1068.06 Permit fee.
- 1068.07 Permit conditions and restrictions.
- 1068.08 Condition of the event site.
- 1068.09 Unlawful interference in a special event.
- 1068.10 Revocation of a permit.
- 1068.11 Expiration and transferability of a permit.
- 1068.99 Penalty.

#### **CROSS REFERENCES**

Peace disturbances - see GEN. OFF. Ch. 662

Safety, sanitation and health - see GEN. OFF. Ch. 674

#### **1068.01 PURPOSE.**

The Village recognizes that special events can be valuable to the Village. In supporting such events, the Village also recognizes that it must regulate special events in order to minimize any disturbance to the public health, safety or general welfare.

(Ord. 158. Passed 10-11-17.)

#### **1068.02 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Person" means any person, firm, partnership, corporation or any other entity.

"Special event" means any organized activity conducted on public property, that will or is intended to generate or invite public attendance, participation or spectators for a particular and limited purpose and time, including but not limited to, for-profit parties, outdoor sales events comprised of multiple vendors, festivals, concerts, shows, exhibitions, carnivals, fundraising walks or runs, fairs, or any similar events or activities. An activity sponsored by a local neighborhood association in a neighborhood park primarily serving the residents of that particular neighborhood shall not be considered to be a special

event.

(Ord. 158. Passed 10-11-17.)

#### **1068.03 PERMIT REQUIRED.**

(a) The decision as to whether an event qualifies under this chapter shall be made by the Village Administrator, or his or her designee. No person, group or organization shall hold or conduct a special event on Village owned property or public rights-of-way without first obtaining a permit from the Village. Permits shall authorize their holder to conduct a special event on the dates and times indicated on the permit.

(b) A special event shall not be held on a date or at a time not authorized by the permit.

(Ord. 158. Passed 10-11-17.)

#### **1068.04 PERMIT APPLICATION.**

Applications for a special event permit must be signed and dated by the applicant, and shall be submitted to the Village Administrator. The information required on such permits may vary depending on the size and nature of the event. Applications shall contain the following information:

(a) Name and address of person or organization submitting the application.

(b) Names and addresses of additional organizations planning to take part in the special event.

(c) The type, legal status and tax status of the organization or organizations seeking a permit.

(d) A detailed description of the event for which a permit is sought including the following information:

1. The precise location of the proposed event.
2. The date or dates of the proposed event.
3. The time that the proposed event is scheduled to begin and end.
4. An estimate of the number of people who will be taking part in the event.

(e) A statement regarding the impact that the event will have on existing facilities in the Village including, but not limited to, residences, businesses, public buildings and churches.

(f) A statement regarding whether previous events have been held by the applicant in the Village or in other municipalities, including the number of such events held, a description of the events, where they were held, and the dates of the events.

(g) Any other information requested by the Village in order to determine whether a special event permit should be issued.

(Ord. 158. Passed 10-11-17.)

#### **1068.05 ISSUANCE OF A PERMIT.**

The Village Administrator, or his or her designee, shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in this chapter shall be construed to require the Administrator to issue a permit to an applicant, and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

(Ord. 158. Passed 10-11-17.)

#### **1068.0 PERMIT FEE.**

A permit fee may be assessed prior to the issuance of a permit. The fee shall be in an amount to be determined by Village Council, which may be amended from time to time, and shall reimburse the Village for the costs it incurs in processing the application and providing any services for the event including, but not limited to, police, fire, sanitation services, or arranging for traffic alterations. In the event actual costs exceed the permit fee, a bill shall be delivered to the permit holder for this excess amount and payment by the permit holder shall be made within seven (7) days after the bill is received.

(Ord. 158. Passed 10-11-17.)

#### **1068.07 PERMIT CONDITIONS AND RESTRICTIONS.**

Permits issued shall be subject to reasonable restrictions and conditions, as determined by the Village Administrator, or his or her designee, in order to protect the public health, safety and general welfare and to ensure that the special event is conducted in an orderly and beneficial fashion including, but not limited to, the following:

(a) The obtainment of insurance coverage for the event, if so required by the Village Administrator.

(b) The implementation of various health and safety precautions to minimize the risk of injury to participants.

(c) Filing with the Village Administrator any and all health department certificates or other governmental permits, which may be required for the special event.

(d) Providing a bond or cash deposit to the Village, as may be determined by the Village Administrator, to ensure that all costs and fees associated with the event are paid and to reimburse the Village for its expense in providing Village services which were not anticipated when the permit was issued.

(e) Restrictions as to the times and locations that the event will be held.

(Ord. 158. Passed 10-11-17.)

#### **1068.08 CONDITION OF THE EVENT SITE.**

Upon the conclusion of a special event, the event site must be completely cleaned up, all personal property must be removed and the site must be returned to the condition in which it existed prior to the special event within twenty-four (24) hours. The persons or organizations holding or conducting a special event shall be responsible for, and shall reimburse the Village for, any damage to Village property and public rights-of-way, and for the costs of removing any garbage, litter or personal property left at the event site as a result of the special event.

(Ord. 158. Passed 10-11-17.)

#### **1068.09 UNLAWFUL INTERFERENCE IN A SPECIAL EVENT.**

Unless otherwise permitted by law, it shall be unlawful for any person to intentionally interfere with, impede, enter into without invitation, disrupt, or to attempt to interfere with, impede, enter into or disrupt, any special event as defined in this chapter for purposes other than that for which the special event permit was issued.

(Ord. 158. Passed 10-11-17.)

#### **1068.10 REVOCATION OF A PERMIT.**

A permit may be revoked by the Village Administrator, or his or her designee, at any time for any of the following reasons:

(a) Providing false information or failing to disclose information on the application.

(b) Violation of a term, condition or restriction of the permit.

(c) The persons, organizations, or a member of an organization conducting a special event violates a Village ordinance, policy rule, or any state law.

(d) The special event poses a health or safety hazard and terminating the event is necessary to protect the public health, safety or general welfare.

(Ord. 158. Passed 10-11-17.)

#### **1068.11 EXPIRATION AND TRANSFERABILITY OF PERMIT.**

Permits shall expire on the date and time indicated on the permit, regardless of whether the event actually takes place. Permits are non-transferable and non-assignable. Any attempt to transfer or assign a permit shall render the permit void.

(Ord. 158. Passed 10-11-17.)

#### **1068.99 PENALTY.**

Any person violating any provisions of this chapter shall be deemed responsible for committing a municipal civil infraction.

(Ord. 158. Passed 10-11-17.)

## **PART TWELVE – PLANNING AND ZONING CODE**

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### **TITLE TWO – Planning**

Chap. 1220. Planning Commission.

Chap. 1222. Subdivision Regulations.

Chap. 1224. Master Plan.

### **Chapter 1220:**

## Planning Commission

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- 1220.01 Short title.
- 1220.02 Creation.
- 1220.03 Members; term; vacancies.
- 1220.04 Removal for cause.
- 1220.05 Unexcused absences.
- 1220.06 Officers; duties of Village Clerk; meetings; rules; records.
- 1220.07 Rules of order.
- 1220.08 Quorum.
- 1220.09 Voting.
- 1220.10 Public meetings; hearing.
- 1220.11 Referrals to Council.
- 1220.12 Special meetings.
- 1220.13 Professional and consulting services.
- 1220.14 Outline of program; budget.
- 1220.15 Costs of Secretary.
- 1220.16 Recommendations re development of Village.
- 1220.17 Additions to Land Use Plan; recommendations.
- 1220.18 Purpose of planning.
- 1220.19 Land Use Plan.
- 1220.20 Referrals from Council.

### **CROSS REFERENCES**

Planning commissions - see M.C.L.A. §§ 125.3803 et seq.

Authority re Zoning Code - see P. & Z.1242.03

Recommendations re Zoning Code amendments - see P. & Z.1242.07(f)

Authority re site design review procedures and standards - see P. & Z.1272.03

Authority re special land uses - see P. & Z.1274.02

### **1220.01 SHORT TITLE.**

This chapter shall be known and may be designated as "The Village of Wolverine Lake Planning Commission chapter."  
(Ord. 103. Passed 11-12-80.)

### **1220.02 CREATION.**

There is hereby created a Planning Board for the Village of Wolverine Lake to be known as the "Village Planning Commission. "

(Ord. 103. Passed 11-12-80.)

### **1220.03 MEMBERS; TERM; VACANCIES.**

The Village Planning Commission shall consist of nine members, who shall be qualified electors in the Village of Wolverine Lake, except that up to two members may be non-qualified electors. The Planning Commission members shall represent insofar as possible different professions or occupations and geographic sections of the community and shall be appointed by the Village Council. The term of each member so appointed shall be for a period of three years from the first day of January of the year in which he or she is appointed or until his or her successor takes office. Annually, the Planning Commission shall recommend and the Village Council shall appoint a member of the Planning Commission to serve as a member of the Zoning Board of Appeals, a member to serve as a member of the Parks and Recreation Board, and another member to serve as a member of the Water Management Board, for one year with terms to run on a calendar year basis. Vacancies occurring otherwise than through expiration of the term shall be filled for the balance of the unexpired term by the Village

Council. Members of the Planning Commission may submit names of candidates to the Council for its consideration to fill any vacancies occurring during the unexpired term of a Commission member.

(Ord. 103. Passed 11-12-80; Ord. 103A-2. Passed 4-13-88; Ord. 103A-3. Passed 1-10-90; Ord. 106-A50. Passed 11-12-08; Ord. 103-A8. Passed 8-12-09.)

#### **1220.04 REMOVAL FOR CAUSE.**

Members of the Village Planning Commission may, after considering written charges and holding a public hearing, be removed by the Village Council for misfeasance, nonfeasance or malfeasance.

(Ord. 103. Passed 11-12-80; Ord. 106-A50. Passed 11-12-08.)

#### **1220.05 UNEXCUSED ABSENCES.**

Any member of the Village Planning Commission who misses twenty-five percent, but no less than two, of the Board's regular meetings in any calendar year shall be deemed to have resigned from the Board and his or her position shall be declared vacant.

(Ord. 103A-7. Passed 1-12-00.)

#### **1220.06 OFFICERS; DUTIES OF VILLAGE CLERK; MEETINGS; RULES; RECORDS.**

The Village Planning Commission shall, from its appointed members, elect a Chairperson, Vice-Chairperson and Secretary. In no instances shall the ex officio member of the Planning Commission be elected as Chairperson. The terms of officers shall be one year and each officer shall be eligible for re-election. Such officers shall be elected by a majority vote of the membership of the Planning Commission.

The Chairperson shall be the chief executive officer of the Planning Commission, shall preside at all meetings of the Planning Commission and shall conduct all meetings in accordance with adopted rules. The Chairperson shall appoint all advisory committees established by the Planning Commission, and shall be an ex-officio member of all committees. The Chairperson shall recognize members of the audience during the audience comments and during public hearings, and may also recognize members of the audience during other agenda items at the Chair's discretion.

In the absence of the Chairperson, or the Chairperson's inability to act, the Vice-Chairperson shall preside at all meetings of the Planning Commission, shall otherwise carry out the duties of the Chairperson in the Chairperson's absence and shall succeed to the office of Chairperson in the event of a vacancy in the office, in which case the Planning Commission shall select a successor to the offices of Vice-Chairperson at the earliest practical time.

The Village Clerk, or his or her duly authorized deputy, shall assist the Village Planning Commission and shall keep records of all its proceedings. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All Planning Commission documents shall be maintained by the Village Clerk as a public record in accordance with state law.

The Commission shall hold at least four regular public meetings annually, shall adopt rules for the transaction of its business, and shall keep a full and complete record of its resolutions, transactions, findings and determinations. Such record shall be available to the Village Council upon request.

(Ord. 103. Passed 11-12-80; Ord. 106-A50. Passed 11-12-08.)

#### **1220.07 RULES OF ORDER.**

All meetings of the Village Planning Commission shall be conducted in accordance with Robert's Rules of Order.

(Ord. 103. Passed 11-12-80.)

#### **1220.08 QUORUM.**

Six members of the Village Planning Commission shall constitute a quorum for the conduct of its business. When a quorum is not present, no official action, except for rescheduling and closing of the meeting, may take place. The members of the Planning Commission may discuss matters of interest. Public hearings without a quorum may be scheduled for the next regular or special meeting.

(Ord. 103. Passed 11-12-80; Ord. 106-A50. Passed 11-12-08.)

#### **1220.09 VOTING.**

At all meetings of the Village Planning Commission each member attending shall be entitled to cast one vote. Vote shall be by voice vote at the Chairperson's call. An affirmative vote of a majority of those members present, unless otherwise required, shall be required for the approval of any requested action or motion placed before the Planning Commission.



In the event that any member shall have a personal interest of any kind in a matter then before the Commission, he or she shall then disclose his or her interest and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that no vote was cast by that member. The disqualified member(s) shall not participate as a Commissioner in the discussion of an agenda item, but may speak as an authorized agent for the applicant as part of the applicant's presentation. An affirmative vote of five members shall be necessary to adopt the resolution or motion. Any member may request a roll call vote.

(Ord. 103. Passed 11-12-80; Ord. 106-A50. Passed 11-12-08.)

#### **1220.10 PUBLIC MEETINGS; HEARING.**

The Village Planning Commission may hold public meetings and/or hearings from time to time as it may deem advisable or necessary in connection with the proper performance of its functions hereunder. Hearings shall be scheduled and due notice given in accordance with P.A. 110 of 2006, as amended.

(Ord. 103. Passed 11-12-80; Ord 103A-6. Passed 11-11-92; Ord. 106-A50. Passed 11-12-08.)

#### **1220.11 REFERRALS TO COUNCIL.**

When any plan or recommendation, or part thereof, addition thereto or amendment thereof, has approval by the Village Planning Commission, the same shall be referred to the attention of the Village Council.

(Ord. 103. Passed 11-12-80; Ord. 103A-6. Passed 11-11-92.)

#### **1220.12 SPECIAL MEETINGS.**

Special meetings may be called by the Secretary on the written request of the Chairperson or any two members of the Village Planning Commission on at least forty-eight hours' written notice to each member of the Commission.

(Ord. 103. Passed 11-12-80; Ord. 103A-6. Passed 11-11-92; Ord. 106-A50. Passed 11-12-08.)

#### **1220.13 PROFESSIONAL AND CONSULTING SERVICES.**

The Village Planning Commission may call upon the Village Council for such services and data by the various departments as it may require. The Planning Commission may recommend to the Village Council the securing of such professional and consulting services as it may require, provided, however, that no expenditures of funds shall be made, or contracts entered into for providing such professional or consulting services, unless the same shall first be approved and authorized by the Village Council.

(Ord. 103. Passed 11-12-80.)

#### **1220.14 OUTLINE OF PROGRAM; BUDGET.**

No later than the first day of April in each year, the Village Planning Commission shall prepare and submit to the Village Council a tentative outline of its program for the ensuing Village fiscal year, together with its budget for such ensuing year. Such outline and budget shall serve as a guide in the appropriation of monies by the Village Council, provided that information contained therein shall not be interpreted to require the Village Council to appropriate the sum or amount requested by such budget. No funds shall be expended in connection with the Village Planning Commission in excess of amounts appropriated for such purpose by the Village Council.

(Ord. 103. Passed 11-12-80.)

#### **1220.15 COSTS OF SECRETARY.**

The Village Planning Commission shall include in its budget the costs arising in the hiring of a Secretary to take minutes of all its meetings.

(Ord. 103. Passed 11-12-80; Ord. 103A-4 Passed 4-8-91.)

#### **1220.16 RECOMMENDATIONS RE DEVELOPMENT OF VILLAGE.**

It shall be the function and duty of the Village Planning Commission to advise the Village Council in regard to the proper development of the Village of Wolverine Lake and to make suggestions for the development of any areas outside its boundary, which, in the Commission's judgment, bear relation to the planning of the Municipality. In this regard the Village Planning Commission is authorized to cooperate with the planning and legislative bodies of other governmental units in any area outside the boundaries of the Village of Wolverine Lake. The Village Planning Commission is authorized to prepare recommendations for the physical development of the Municipality either in its entirety or in part. Such recommendations shall be made in conformance with the purpose as hereinafter expressed, and, together with the Land Use Plan, maps, plats, charts and descriptive matter, shall indicate the Village Planning Commission's suggestions for the development of the Village.

(Ord. 103. Passed 11-12-80.)

#### **1220.17 ADDITIONS TO LAND USE PLAN; RECOMMENDATIONS.**

The Village Planning Commission may, from time to time, extend or add to the Land Use Plan and to the Commission's recommendations.

(Ord. 103. Passed 11-12-80.)

#### **1220.18 PURPOSE OF PLANNING.**

Planning shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provisions for traffic, the promotion of safety and fire prevention, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

(Ord. 103. Passed 11-12-80.)

#### **1220.19 LAND USE PLAN.**

The Land Use Plan, with accompanying maps, plats, charts and descriptive matter, shall show the recommendations for the development of the Village, including, among other things, the general location, character and extent of streets, playgrounds and open spaces; the general location and extent of utilities and terminals, whether publicly or privately owned or operated for water, light, sanitation, transportation, communication power or other purposes. It shall also include recommendations for the removal, relocation, widening, narrowing, vacating, abandonment, use changes or extension of any of the foregoing ways, grounds, open spaces, buildings, properties, utilities or community centers and neighborhood units; the general character and extent of neighborhood units; and the general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas, as well as a zoning plan for the control of the height, area, bulk, location and use of buildings, land and premises.

(Ord. 103. Passed 11-12-80.)

#### **1220.20 REFERRALS FROM COUNCIL.**

In addition to the functions hereinbefore set forth, it shall be the function of the Village Planning Commission to pass upon all matters referred to it by the Village Council and give the Village Council the benefit of its judgement with relation to such matters so referred. Matters to be referred may include, but are not limited to: requests for a change of zoning; requests for closing, opening or altering streets or alleys; requests for a change of zoning, vacating or alteration of subdivision plats; location and extent of public buildings or improvements; replanning and redevelopment of blighted areas; and any other matters which bear relation to the physical development or growth of the Municipality.

(Ord. 103. Passed 11-12-80.)

### **Chapter 1222:**

#### **Subdivision Regulations**

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- 1222.01 Short title.
- 1222.02 Purposes.
- 1222.03 Authority.
- 1222.04 Interpretation.
- 1222.05 Scope.
- 1222.06 Definitions.
- 1222.07 Initial procedures.
- 1222.08 Pre-preliminary plat.
- 1222.09 Preliminary plat - tentative approval.
- 1222.10 Preliminary plat - final approval.
- 1222.11 Final plat.
- 1222.12 Streets and alleys.

- 1222.13 Pedestrian ways.
- 1222.14 Utility and other easements.
- 1222.15 Lots.
- 1222.16 Blocks.
- 1222.17 Uses.
- 1222.18 Open spaces.
- 1222.19 Commercial or industrial modification.
- 1222.20 Cluster developments.
- 1222.21 Commercial developments.
- 1222.22 Restrictive covenants.
- 1222.23 Subdivision improvements.
- 1222.24 Utilities and improvements.
- 1222.25 Protection of natural features.
- 1222.26 Guarantee of completion of improvements required by the Village.
- 1222.27 Condition of Village approval of final plat - financial guarantees.
- 1222.28 Variances - general.
- 1222.29 Topographical/physical limitation variance.
- 1222.30 Schedule of fees.
- 1222.99 Penalty.

#### **CROSS REFERENCES**

- Subdivisions of Wolverine Lake - see CHTR. §6.9
- Approval or disapproval of plats - see M.C.L.A. §§ 125.3871
- Water generally - see S.U. & P.S. Chs. 1040, 1042, 1044
- Sewers and septic systems - see S.U. & P.S. Ch. 1046
- Planning Commission - see P. & Z. Ch. 1220
- Land Use Plan - see P. & Z. 1220.17, 1220.19, Ch. 1224

#### **1222.01 SHORT TITLE.**

The ordinance from which this chapter was derived shall be known and referred to as the "Village of Wolverine Lake Subdivision Regulations."

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.02 PURPOSES.**

These subdivision regulations have been enacted for the purpose of protecting the safety, convenience and welfare of the residents of the Village and of insuring the orderly growth and harmonious development of the Village in accordance with in keeping with the Master Plan by requiring:

- (a) Proper arrangement of streets in relation to existing and/or planned streets and/or to the Master Plan;
- (b) Adequate and convenient open space for traffic, utilities, access for firefighting and emergency response equipment, recreation, light, air, privacy, and safety from fire hazards;
- (c) Avoidance of population congestion;
- (d) Establishment of standards for the construction of any and all improvements as herein required; and
- (e) Establishment of standards for yard and open space drainage.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.03 AUTHORITY.**

Where regulations are made, interpreted and enforced by the Village Council and Village Planning Commission under authority of the State of Michigan, Land Division Act, Act 288, Public Acts of 1967, as amended.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.04 INTERPRETATION.**

The provisions of the regulations shall be construed to be the minimum requirements necessary for the preservation of public health and welfare within the Village. These regulations are not intended to repeal, abrogate or supersede any existing regulations of the State of Michigan or Oakland County, except that these regulations shall prevail in cases where they impose a lawful restriction or requirement more severe than existing statutes, laws, or regulations.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.05 SCOPE.**

Subsequent to the effective date of these regulations, no plat within the Village of Wolverine Lake shall be approved by the Village Council unless it conforms to these regulations. In the absence of a Village Council approved Master Plan, reference to such plan shall mean the general development plan plus any expansions thereof.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.06 DEFINITIONS.**

The following definitions apply to the meanings of respective terms as they are to be construed in these regulations.

- (1) **Alleys.** A strip of land dedicated to public use, generally for the purpose of providing access to the rear of properties to which the principal access is provided by an abutting street.
- (2) **As-built plans.** Construction plans revised to show an improvement as actually constructed.
- (3) **Block.** A tract of land that is bounded by a combination of streets, parks, cemeteries, railroad right-of-way, subdivided acreage, lines of watercourses, or water bodies, municipal boundary lines, or any other barrier to the continuity of development.
- (4) **Building line.** A line established in a plat for the purpose of prohibiting construction of any portion of a building or structure between such line and any easement, right-of-way, other public area, lakeshore, or riverbank.
- (5) **Caption.** The name by which the plat is legally and commonly known.
- (6) **Certificate of final completion.** A certificate issued by the Village Engineer, which signifies that the improvement for which the certificate is issued was installed according to the approved engineering plans and the Village of Wolverine Lake engineering standards, and has passed final Village inspection.
- (7) **Cluster development.** A subdivision in which houses are grouped together in several modules, each one visually identifiable as an individual group, and the remainder of the subdivision being developed and reserved for the common enjoyment of the residents of the subdivision as open space or recreation area.
- (8) **Commercial development.** A planned-commercial center providing building area, parking areas, service areas, screen planting, and turning movement and safety lane roadway improvements where necessary or required.
- (9) **Common open space.** An area within a subdivision which is held out of development by the proprietor and designed for the common use or enjoyment of residents of the subdivision. Common open space may contain such complementary structures as are necessary and appropriate for the use or enjoyment of the common open space.
- (10) **Comprehensive development.** A commercial or industrial park or a planned unit development.
- (11) **Council.** The Village of Wolverine Lake Board of Trustees and President.
- (12) **County.** Oakland County, State of Michigan, U.S.A.
- (13) **County Water Resources Commissioner.** Oakland County Water Resources Commissioner.
- (14) **County health department.** Oakland County Health Department.
- (15) **County plat board.** Oakland County Plat Board.
- (16) **County road commission.** Road Commission for Oakland County.
- (17) **Crosswalk/way.** Right-of-way dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.
- (18) **Cul-de-sac or cul-de-sac street.** A short local street with only one end open to vehicular traffic and being permanently terminated at the other end by a vehicular turn-around.
- (19) **Dead end street.** A street with only one end open to vehicular traffic and not provided with a vehicle turn-around at

the other end.

(20) Dedication. The intentional appropriation of land by the owner to public use.

(21) Definitions. For the purpose of the ordinance from which this section was derived, certain rules of construction apply for the text: words used in the present tense include the future tense and the singular includes the plural unless the context clearly indicates the contrary; the term "shall" is always mandatory and not discretionary and "may" is permissive; words or terms interpreted or defined by this section shall be used with a meaning of common or standard utilization. The following definitions shall apply in the interpretation and enforcement of the ordinance from which this section was derived unless otherwise stated.

(22) Development. Any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to the provisions of the ordinance from which this section was derived, or the act of building structures and installing site improvements.

(23) Easement. A grant by the property owner of the use of a strip of land by the public, a corporation, or private person or persons for a specific purpose or purposes.

(24) Engineer. A civil engineer registered in the State of Michigan as a professional engineer.

(25) Filing date. The date of the Planning Commission meeting at which the Planning Commission receives complete application from the Village Clerk.

(26) Floodplains. That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water, which will be inundated by a flood that can reasonably be expected for that region.

(27) Master Plan. The master plan for the Village of Wolverine Lake, Oakland County, Michigan as adopted by the Village Planning Commission in accordance with Act 33 of Public Acts of 2008, as amended.

(28) Greenbelt or buffers. A landscaped strip or parcel of land, privately restricted or publicly dedicated as an open space, located between residential property and/or commercial property and/or industrial property and/or institutional property, or between residential property and/or commercial property and/or industrial property and/or institutional property and a primary or collector street for the purpose of protecting and enhancing the environment of the subdivision and/or limiting access to certain streets.

(29) Improvements. Any additions to the natural state of the land, which increase its value, utility or habitability. Improvements include street pavement, with or without curbs and gutters, sidewalks, water mains, storm and sanitary sewers, street trees, and other appropriate and similar items.

(30) Industrial development. A planned industrial area designed specifically for industrial use providing screened buffers, wider streets, and turning movement and safety lane roadway improvements, where needed.

(31) Land Division Act. Act 288, 1967, of the State of Michigan Public Acts, as amended, formerly and commonly known as the Subdivision Control Act, Act 288, 1967.

(32) Lot. A measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

(33) Lot area. The total area within the lot lines of the lot.

(34) Lot depth. The horizontal distance between the front and rear lot lines, measured along the median between the lot lines.

(35) Lot width. The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.

(36) Lot coverage. That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

(37) Model home. A dwelling unit used initially for display purposes which typifies the type of dwelling units that will be constructed in the subdivision.

(38) Outlet. An "outlet" when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site such as a park or other land dedicated to public use or reserved to private use.

(39) Parcel or tract. A unit of land in single or joint ownership.

(40) Pedestrian way. A separate right-of-way dedicated to or reserved for public use, which crosses blocks or other tracts of land for the purpose of facilitating pedestrian access to adjacent streets and properties.

(41) Planned unit development. A large-scale development to be constructed, usually in stages, involving a related group of residences and associated uses, planned as an entity and which can be planned, developed, and regulated as one land use, rather than as an aggregation of individual buildings on separate lots.

(42) Planning commission. The Planning Commission of the Village of Wolverine Lake as established under Act 33, Public Acts of 2008, as amended.

(43) Plat. A map or chart of a subdivision of land showing the lot and street arrangement or other features of the area

being subdivided.

(44) Pre-preliminary plat. A sketch plan of a proposed subdivision at sufficient accuracy and scale to serve the purposes of procedure as set forth in the ordinance from which this section was derived.

(45) Preliminary plat. A map showing the salient features of a proposed subdivision submitted to the Village Council for purposes of preliminary consideration.

(46) Final plat. A map of all or part of a subdivision prepared and certified as to its accuracy by a registered engineer or land surveyor. Such map must meet the requirements of the ordinance from which this section was derived and of the Land Division Act, Act 288, Public Acts of 1967, as amended.

(47) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

(48) Proprietor. Any natural person, firm, association, partnership, corporation, or combination of these, including a governmental agency undertaking any development as defined in the ordinance from which this section was derived, and which hold an ownership interest in land, whether recorded or not. The term "proprietor" includes such common references as subdivider, developer, and owner. The word "proprietor" shall not include a person, firm, partnership, corporation, or combination of these, which hold an option to purchase land.

(49) Public utility. All persons, firms, corporations, co-partnerships, or municipal or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, cable or subscription T.V., or other services of a similar nature.

(50) Reserve strip. A strip of land in a subdivision which extends across the end of a street proposed to be extended by future platting or a strip which extends along the length of a partial width street proposed to be widened by future platting, to the minimum permissible width. All reserve strips shall be designated as outlots on the plat.

(51) Right-of-way. A strip of land occupied or intended to be occupied by a street, pedestrian way, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way. Such land area within the right-of-way shall not be included within the dimensions or areas of adjoining lots or parcels. Right-of-way intended for streets, pedestrian ways, water main, sanitary sewers, storm drains, or any other use involving maintenance by a public agency, shall be dedicated to public use by the proprietor, when dedication is requested by the governing body.

(52) Right-of-way street. The distance between property lines measured at right angles to the centerline of the street.

(53) Sidewalk. A facility, placed within the right-of-way of streets, or a facility connecting with buildings, parking lots, or other activities having access to the street right-of-way, for the purpose of providing safe movement of pedestrians.

(54) Street. A right-of-way dedicated and deeded for public use, other than an alley, which provides for vehicular and pedestrian traffic.

A. Major. Those streets of considerable continuity having the primary functions of accommodating relatively large volumes of vehicular traffic and serving to connect areas of principal traffic generation and designated as an arterial in the comprehensive development plan of the subdivision.

B. Collector. Those streets used to collect and distribute traffic between local and major streets, including principal entrance streets to large residential and nonresidential developments.

C. Local. Those streets having a primary function of providing service access to abutting land uses and not designed for high volume of traffic.

(55) Street width. The shortest distance between those lines delineating the right-of-way of streets.

(56) Structure. Any object constructed, erected, or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.

(57) Subdivide or subdivision. The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, where the act of division creates five or more parcels of land each of which is ten acres or less in area; or five or more parcels of land each of which is ten acres or less in area are created by successive divisions within a period of ten years. The term subdivision also refers to any area, which is subdivided in accordance with the foregoing definition.

(58) Subdivider. Any natural person, firm, association, partnership, corporation, or combination of these, including a governmental agency undertaking any development as defined in the ordinance from which this section was derived, and which hold an ownership interest in land, whether recorded or not. The term "proprietor" includes such common references as subdivider, developer, and owner. The word "proprietor" shall not include a person, firm, partnership, corporation, or combination of these, which hold an option to purchase land.

(59) Surveyor. A land surveyor who is registered in the State of Michigan.

(60) Topographical map. A map showing existing physical characteristics, with contour lines, to permit determination of proposed grades and drainage.

(61) Village. The Village of Wolverine Lake, Oakland County, State of Michigan.

(62) Village clerk. The Clerk of the Village of Wolverine Lake.

(63) Village council. The Village Council of Wolverine Lake, Oakland County, Michigan.

(64) Village engineer. A civil engineer registered in the State of Michigan as a professional engineer and appointed to the position of Village Engineer by the Village Council.

(65) Village staff. The Village Administrator, Fire Chief, Village Engineer, and Village Financial Manager.

(66) Zoning ordinance. The zoning ordinance of the Village of Wolverine Lake, Oakland County, Michigan, adopted in accordance with the provisions of Act 110 of the Public Acts of 2006, as amended, and which is now in effect as the zoning ordinance of the Village of Wolverine Lake, Oakland County, Michigan.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.07 INITIAL PROCEDURES.**

Before making or submitting a final plat for approval, the proprietor may make a pre-preliminary plat, and shall make a preliminary plat and a final plat for review by Village staff. The proprietor is encouraged to consult the general development plans and detailed plans of any units of government that affect the tract to be subdivided and the area surrounding it. The proprietor should also become acquainted with the zoning ordinance of the Village, this subdivision ordinance, and other ordinances and requirements, which regulate the subdivision of land in the Village. The proprietor should also discuss the concepts of the proposed subdivision with the Village Engineer, the Village Council, and the Planning Commission.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.08 PRE-PRELIMINARY PLAT.**

Pre-preliminary review is recommended as an aid both to the developer and to the Village. Under this procedure, a developer provides the information, which is described below, and the Planning Commission then reviews the information provided. During the pre-preliminary design stage, changes and additions, which may have to be made before a mutual agreement is reached, can be made as such with minimal difficulty. Acceptance of the pre-preliminary plat does not assure acceptance of the preliminary or final plats. This material is intended to serve as an information base for discussions between the developer and Village officials and staff.

(a) **Submittal.** The proprietor shall submit to the Village Clerk, at least thirty days prior to a Planning Commission meeting, fifteen copies of the pre-preliminary plat. The Village Clerk shall promptly transmit copies to the Village Planning Commission, Department of Public Services, Wolverine Lake Area Fire Department and Village Engineer.

(b) **Information Required.** The following information shall be shown on the pre-preliminary plat or submitted with it:

- (1) The plat date, north arrow, and scale;
- (2) The proposed name of subdivision or development, including the name of the village and the county;
- (3) Names and addresses of the proprietor, planners, designer, engineer and/or surveyor who designed the subdivision layout.
- (4) The pre-preliminary plat shall be drawn at a scale of 100 feet to one inch or larger and shall include a legal description of the entire site to be subdivided.
- (5) The legal description shall include the location of the subdivision giving the numbers of the section, township and range;
- (6) An overall map showing the relationship of the subdivision to its surroundings, such as existing road rights-of-way, buildings, watercourses, railroads, public spaces and other physical features on and adjacent to the tract;
- (7) Aerial photograph of the site and surrounding area, with the site defined;
- (8) Location and purpose of existing and proposed rights-of-way of streets, alleys, easements, parks, open spaces and lot lines with dimensions;
- (9) All parcels of land proposed to be dedicated to public use and conditions of such dedication;
- (10) Zoning status of the property and of all the adjacent properties, including zoning of parcels on and adjacent to the tract;
- (11) Civil jurisdiction of all properties;
- (12) The tentative lot layout, number of lots and typical lot size;
- (13) Stages of development, if the subdivision or development will be completed in more than one stage. Sequential

listing is required for the various stages;

(14) Existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands with a clear indication of all natural features to remain and to be removed. Groups of trees shall be shown by an approximate outline of the total canopy;

(15) Identification, location, and nature of all uses other than single-family residences to be included within the subdivision;

(16) The proprietor shall furnish the Planning Commission with a statement indicating the proposed use to which the subdivision will be put, along with a description of residential building and number of dwelling units contemplated or the type of business so as to reveal the effect of the development on traffic, fire hazards or congestion of population. Such proposed uses may not be in conflict with the zoning ordinance;

(17) Other related data as the Planning Commission deems necessary;

(18) If the proprietor has an interest or owns any parcel identified as "outlots" or "excepted," the pre-preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing or proposed zoning district in which it is located and with an acceptable relationship to the layout of the proposed pre-preliminary plat;

(19) An affidavit, signed by the proprietor, certifying the identity of all legal owners of record of the property in the subject subdivision;

(20) Proposed deed restrictions or protective covenants: if none, a statement of such in writing; and

(21) Any additional information as required per the Village of Wolverine Lake Zoning Ordinance, Chapter 1272, Site Design Review Procedures and Standards.

(c) School Authorities. The school board or superintendent of the school district having jurisdiction in the area concerned shall be informed and made aware of the proposed pre-preliminary plat by the proprietor. A letter or document from the school board or superintendent indicating awareness of the proprietor's intentions shall be submitted to the Planning Commission as part of the pre-preliminary plat.

(d) Procedures.

(1) The Planning Commission shall follow the following procedures: The Planning Commission shall review all details of the proposed subdivision within the framework of the zoning ordinance, within the various elements of the comprehensive development plan and within the standards of this subdivision regulations ordinance.

(2) After reviewing comments of the reviewing parties or agencies copies of the pre-preliminary plat, the Planning Commission shall make appropriate comments and suggestions concerning the proposed development. The Planning Commission may require the proprietor to resubmit the pre-preliminary plat if substantial changes are required. The Planning Commission shall retain one copy of the pre-preliminary plat which shall become a matter of permanent record in the Planning Commission's files and the proprietor shall receive a marked-up copy of the pre-preliminary plat with any suggested changes.

(3) The Planning Commission shall inform the Village Council of the results of the review of the pre-preliminary plat.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.09 PRELIMINARY PLAT - TENTATIVE APPROVAL.**

Tentative approval under this section shall confer upon the proprietor for a period of one year from date, approval of lot size, lot orientation, and street layout. Such tentative approval may be extended if applied for by the proprietor and granted by the Village Council in writing.

(a) Submittal. The proprietor shall submit fifteen copies of the preliminary plat and other data to the Village Clerk at least thirty days before a meeting of the Planning Commission, and copies shall be distributed to:

- (1) Village Clerk/staff;
- (2) Planning Commission;
- (3) Village Engineer;
- (4) Superintendent of Schools; and
- (5) Commerce Township Fire Department.

(b) Information Required. The following information shall be shown on the preliminary plat or submitted with it:

- (1) All items required as part of the pre-preliminary plat submission in Section 1222.08(b);
- (2) Name and addresses abutting property owners and subdivisions;
- (3) Layout of the streets indicating street names, surface composition, right-of-way widths and connections with adjoining platted streets;



- (4) Lot layout, dimensions, setback requirements, area of each lot in square feet or acres, and lot numbers;
- (5) Indications of parcels of land intended to be dedicated or set aside for the use of property owners in the subdivision;
- (6) Contours shall be shown on the preliminary plat with sufficient detail to determine appropriate development of the site;

(7) The proprietor shall submit preliminary engineering plans for street, water, sewers, drainage, sidewalks, and other required public improvements. The engineering plans shall contain enough detail to enable the Village Engineer to make preliminary determination as to conformance of the proposed improvements to the latest Village of Wolverine Lake engineering standards;

(8) Identification, location and nature of all uses other than single-family residences to be included within the subdivision;

(9) Ten copies of the proposed protective covenants and deed restrictions, or statement in writing that none are proposed;

(10) Zoning status of property included in the preliminary plat and of all the adjacent properties, civil jurisdiction of all properties; and

(11) Any additional information as required per the Village of Wolverine Lake Zoning Ordinance, Article 21, Site Plan Review and Approval.

(c) Procedures.

(1) The Village Clerk shall request the Chairman of the Planning Commission to place the preliminary plat on the agenda of the next regular meeting of the Planning Commission.

(2) The Planning Commission shall review the preliminary plat and the comments of the Village staff and if the plat meets all requirements, shall:

A. Provide for an adequate public hearing, giving due notice to be sent by registered mail to the applicant and owners of land immediately adjoining the proposed plat, and published in a newspaper of general circulation in the Village, at least fifteen days before the date of hearing;

B. After the public hearing, the Planning Commission may recommend tentative approval, tentative approval with conditions, or rejection of the preliminary plat;

C. If the preliminary plat does not meet all requirements, the Planning Commission shall notify the proprietor by letter, giving the earliest date for resubmission of the plat and additional information required;

D. Give its report to the Village Council not more than sixty-three days after the preliminary plat is submitted to the Planning Commission. The sixty-three-day period may be extended if the applicant consents. If no action is taken within sixty-three days, the preliminary plat shall be deemed to have been approved by the Planning Commission; a certificate to that effect shall be issued by the Planning Commission upon request of the applicant.

(3) The Village Council on or before their second meeting after receiving the recommendation from the Planning Commission shall review said preliminary plat and shall tentatively approve, tentatively approve with conditions, or reject, the preliminary plat. The Village Council shall record their approval on the plat and return one copy to the proprietor or set forth in writing its reasons for rejection and requirements for tentative approval.

(4) The proprietor upon receiving tentative approval from the Village Council shall submit the preliminary plat to all authorities as required by the Land Division Act, Act 288, Public Acts of 1967, as amended.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.10 PRELIMINARY PLAT - FINAL APPROVAL.**

Final approval of the preliminary plat under this section shall confer upon the proprietor for a period of two years from date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the Village Council in writing. Written notice of the extension shall be sent by Village Council to the other approving authorities.

(a) Submittal. The preliminary plat for final approval shall be submitted to the Village Clerk.

(b) Information Required. The following information shall be shown on the preliminary plat or submitted with it:

(1) A list of all such authorities to the Village Clerk, certifying that the list shows all authorities as required;

(2) Submit all approved copies of the preliminary plat to the Village Clerk after all necessary approvals have been secured;

(3) Copy of the receipt from the Village Treasurer that all fees, as provided for in the ordinance from which this section was derived, have been paid; and

(4) Engineering review and inspection fees, and other charges and deposits provided for in the ordinance from which

this section was derived.

(c) Procedures. The Village Council, after receipt of the necessary approved copies of the preliminary plat, shall:

(1) Consider and review the preliminary plat at its next meeting, or within twenty days from the date of submission, and approve it if the proprietor has met all conditions laid down for approval of the preliminary plat;

(2) Instruct the Village Clerk to promptly notify the proprietor of approval or rejection in writing, and if rejected, to give reasons;

(3) Instruct the Village Clerk to note all proceedings in the minutes of the meeting; said minutes shall be open for inspection;

(4) No construction of improvements shall be commenced by the subdivider until he has:

A. Received notice of final approval of the preliminary plat by the Village Council;

B. Entered into a subdivision agreement with the Village for construction of all required subdivision improvements; and

C. Deposited with the Village a performance escrow as required guarantee and cash under Section 1222.27.

(Ord. 106-A86. Passed 4-9-14.)

### **1222.11 FINAL PLAT.**

Following final approval of the preliminary plat by the Village Council, the proprietor shall cause a survey and five true plats thereof to be made by a surveyor.

(a) Submittal. Final plats shall be submitted to the Village Clerk. A final plat shall not be accepted after the date of expiration of the preliminary plat approval.

(b) Information Required. All final plats of subdivided land shall comply with the provisions of survey and mapping requirements cited in the Land Division Act, Act 288, Public Acts of 1967, as amended.

(1) A policy of title insurance currently in force, covering all of the land included within the boundaries of the proposed subdivision.

(2) Submit all approved copies of the preliminary plat to the Village Clerk after all necessary approvals have been secured.

(c) Procedures.

(1) The final plat shall be reviewed by the Village Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.

(2) The Village Council shall review all recommendations and take action on the final plat within thirty days.

(3) The Village Council shall require all improvements and facilities to be constructed or require a bond in lieu of construction of facilities before it approves the final plat.

(4) Upon the approval of the final plat by the Village Council, the subsequent approvals shall follow the procedure set forth in the Land Division Act, Act 288, Public Acts of 1967, as amended. If disapproved, the Village Council shall give the proprietor its reasons in writing.

(5) The Village Council shall instruct the Clerk to record all proceedings in the minutes of the meeting, which shall be open for inspection and to sign the Village certificate of the approved plat in behalf of the Village Council.

(6) A final plat received by the State Treasurer more than one year following the date of approval of the Village or County Treasurer shall be returned to the treasurer who shall make a new certificate currently dated, relative to paid or unpaid taxes, special assessments and tax liens or titles.

(Ord. 106-A86. Passed 4-9-14.)

### **1222.12 STREETS AND ALLEYS.**

The specifications herein set forth are hereby declared to be the standards and general plan adopted by the Village of Wolverine Lake Council for the width and location of all highways, streets, and alleys, which may hereafter, be platted or accepted within the Village of Wolverine Lake. All such regulations are intended to be in harmony with all road and right-of-way standards and policies of the Oakland County Road Commission and the Village of Wolverine Lake engineering standards. Design of streets and alleys shall conform to all road and right-of-way standards and policies of the Road Commission for Oakland County and the Village of Wolverine Lake engineering standards, and to the latest publication and revision of A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials. Where there is a conflict between any of the aforementioned, the more restrictive shall govern.

(a) Layout. The layout of proposed streets shall provide for the continuation of existing streets in surrounding areas

and/or shall conform to a plan for the neighborhood approved by the Village Planning Commission in cases where topographical or other conditions preclude the continuation of existing streets. In general, such streets shall be of a width as great as that of the street so extended. Due consideration shall be given to traffic safety. Due consideration shall be given to the subdivider to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the subdivisions. Consideration shall also be given to the proposed use of the subdivision and proper allowance made in commercial and industrial subdivisions, for potential and existing railroad right-of-way as conditions will permit. Any intersection occurring on a street which crosses a railroad track shall not be less than 400 feet from the nearest railroad right-of-way. Greater distances may be required if it is deemed necessary for safety, approach gradients or future grade separations.

(b) Major Streets. Where the subdivision abuts or contains an existing or proposed major street, the Village Planning Commission may, at its discretion, require the construction of marginal access streets, double frontage of lots with provision of a screen planting contained in a no-access reservation along the rear property lines, deep lots with rear service alleys, or other treatment which the said Commission considers essential to adequate protection of residential lots and to separation of through and local traffic.

(c) Private Streets. Private streets and alleys shall not be permitted, but rather all streets and alleys shall be dedicated to the public.

(d) Access to Property. Each residential lot within a subdivision shall be provided with a satisfactory means of access. Building permits shall not be issued for the construction of buildings, which do not have access onto a public street. All lots must have frontage on a public street. There shall be no reserve strips controlling access to a street, except where the control of such is definitely placed with the Village Council. Driveways and curb cuts shall conform to the Road Commission for Oakland County standards and the Village of Wolverine Lake engineering standards.

(e) Intersections. Intersecting streets shall be laid out so that the intersection angles are ninety degrees. Deviations from this may be considered by the Village Engineer. No more than two streets shall cross at one intersection.

(f) Visibility. No fence, wall, structure, or planting shall be erected, established or maintained on any corner lot which will obstruct the sight distance of the driver of a vehicle approaching the intersection. The minimum clearance of any overhanging portion of a tree thereof shall be ten feet over sidewalks and fourteen feet over all streets.

(g) Half-street. Half-streets shall not be permitted where a subdivision adjoins underdeveloped property, except for such major streets as may be recommended in the Village general development plan or by the Road Commission for Oakland County. They shall be permitted only when the Village Planning Commission considers the use of a half-street essential to the reasonable development of the subdivision in accordance with the intent of these regulations and where said Commission finds it practicable to require the dedication of the other half of the right-of-way when the adjoining property is subdivided. Wherever there already exists a dedicated and recorded half-street or half alley on an adjoining plat, the other half shall be dedicated on the proposed plat to make the street or alley complete. A one-foot reserve may be required to be placed between a half-street and the subdivision boundaries. This reserve shall be designated as an outlot and shall be deeded in fee simple to the Village at such time as the Village so requests in writing.

(h) Street Jogs. Street jogs with centerline offsets of less than 150 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(i) Cul-de-sac and Cul-de-sac Streets. Where required for the full and best utilization of the property, cul-de-sacs may be utilized. The maximum permissible length of cul-de-sacs streets shall be 500 feet measured from the right-of-way line of the nearest intersecting street to the farthest point on the right-of-way.

(j) Dead-end Streets. Dead-end streets shall be permitted only in cases where the Village Planning Commission is of the opinion that there is a reasonable expectation that such streets will be extended to a suitable outlet when the adjacent property is platted. If the Commission permits the platting of dead-end streets with the expectation of such future extension, the Commission shall determine whether the subdivider shall provide a temporary turnaround at the closed end of the street. A one-foot reserve may be required to be placed at the end of a dead-end street, which terminates at subdivision boundaries. This reserve shall be designated as an outlot and shall be deeded in fee simple to the Village at such time as the Village so requests in writing.

(k) Alleys. Alleys shall not be permitted in residential areas, but may be permitted or required in commercial or industrial areas for the purpose of service access, such as for off-street parking and loading. All such alleys shall have a minimum width of twenty-six feet. A diagonal cut-off shall be made at all acute and right-angle intersections of two alleys sufficient to provide an inside turning radius of thirty feet.

(l) Street Names. Street names shall not be permitted which might cause confusion with names of existing streets in or near the Village of Wolverine Lake. Streets that will be continuations of existing streets shall be called by the same names as such existing streets. All names shall be approved by the Village Planning Commission, the Fire Chief, and the Road Commission for Oakland County.

(m) Building Lines and Setback Lines. Building lines shall conform to the requirements of the Village zoning ordinance.

(n) Right-of-ways Width. Minimum right-of-way width shall be sixty-six feet. Greater right-of-way widths for major streets as required by the Road Commission for Oakland County or designated on the Village development plan may be required as necessary.

<b>Type of Street</b>	<b>Right-of-Way Width</b>
Major Streets	86' (no on-street parking)
Collector Streets	66' (no on-street parking)
Local Streets	66'
Local Streets in an Industrial Subdivision	66"

(o) Horizontal Alignment. The centerline of pavement shall coincide with the centerline of right-of-way, except for roads with irregular right-of-way widths and with the approval of the Village Planning Commission.

(p) Street Grades and Curvature. Horizontal and vertical alignment shall be provided on all proposed streets.

(q) Radii at Intersections. Minimum edge of pavement or curb radii shall be uniform at intersections and shall be forty feet at intersections of major streets, thirty-five feet at intersections with collector streets and twenty-five feet on local streets.

(r) Surface Drainage. Surface drainage and detention shall be provided in accordance with the Village of Wolverine Lake engineering standards. In the event it is found to be essential to the economical development of substantial portions of a project, drainage easements may be permitted.

(s) Street Drainage. All streets and alleys shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Plans for such drainage shall be approved by the Village Engineer.

(t) Other Required Streets. Where a subdivision borders on or contains a railroad right-of-way or a limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land (such as for park purposes in residential areas, or the commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(u) Streets Standards and Specifications. Streets and roads shall be provided in accordance with the street and road standards adopted by the Michigan Department of Transportation, the Road Commission for Oakland County, and the Village of Wolverine Lake.

(Ord. 106-A86. Passed 4-9-14.)

### **1222.13 PEDESTRIAN WAYS.**

A right-of-way for pedestrian crosswalks in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. They shall be placed in locations with appropriate sight distance as certified by an engineer. The right-of-way shall be at least ten feet wide and extend entirely through the block. Appropriate signing and pavement markings shall be provided.

(a) Sidewalks. Sufficient right-of-way shall be provided so that sidewalks may be installed on both sides of all streets. Access easements may be required should the sidewalks be installed outside of the public right-of-way.

(Ord. 106-A86. Passed 4-9-14.)

### **1222.14 UTILITY AND OTHER EASEMENTS.**

A subdivider shall contact the Village of Wolverine Lake for preferred locations of utilities. Water main and sanitary sewer service shall be placed within public right-of-way, except with written approval of Village staff and Village Council. If public utilities are placed outside of the public right-of-way, easements shall be granted in accordance with the Village of Wolverine Lake engineering standards. All public utilities within the subdivision shall be underground. Storm sewer, drainage and surface drainage easements shall be provided along sewers, any natural water course, drainage ditch, channel or stream. Such easements shall be of adequate width for the particular conditions of the site. The subdivider shall work with private utilities to determine the placement of such utilities and easements.

(Ord. 106-A86. Passed 4-9-14.)

### **1222.15 LOTS.**

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision as for the type of development and use contemplated. Lots shall be of such size as to permit a variety of house types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazard, and to provide for setbacks from the street line and allow sufficient space for household purposes. All lots shall conform to the requirements of the Village zoning ordinance. All lots, when developed, shall be connected to Village sewer and water systems.

(a) Area. The width and depth of lots shall be such that the minimum lot areas will be in accordance with the adopted Village of Wolverine Lake Zoning Ordinance.

(b) Width. The minimum width of any lot shall be sixty feet, except that greater widths may be required in the zoning ordinance. Where desirable to plat wedge-shaped lots so as to best utilize a parcel of land, the required lot width shall be

measured at a line located twenty-five feet from the front of property line.

(c) Depth. No lot shall be less than 120 feet in depth. The depth of a lot should not exceed a depth to width ratio of 2½ to 1.

(d) Side Lot Lines. Side property lines of lots shall generally be perpendicular to straight lines or radial to curved street line unless a variation from this rule will give a better lot plan. Property lines on sides and rear of lots should be straight.

(e) Corner lots shall have extra width to permit appropriate building setbacks from both streets. If the zoning ordinance does not require a greater width, this ordinance shall control in which case the corner lot should be ten to twenty percent wider than minimum interior lots. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots unless the width of the crosswalk right-of-way is not less than one-third of the width of the street right-of-way that the crosswalk intersects.

(f) Lots shall not open or face directly onto a freeway right-of-way, an arterial street or other heavily traveled street, shopping centers, or other large nonresidential area. In such situations, lots shall be laid out in one of the following ways:

(1) Lots can back onto the above features, but shall be separated therefrom by a permanent fence or wall and a twenty-foot wide landscaped strip along the rear property line. The twenty-foot wide strip shall not be considered part of the lot's minimum length or area. The landscaping shall be such as to create a screen to insure the privacy of each lot.

(2) Lots may face onto a marginal access street. Such a street shall be separated from the right-of-way of the main street or the edge of the nonresidential area by a landscaped median strip not less than twenty feet wide. The median may be dedicated to the governing body or other appropriate public agency.

(3) Lots may be faced onto intersecting streets with driveways opening onto the intersecting streets. These corner lots, which abut the major street right-of-way or the non-residential area, shall each have the twenty-foot wide landscape strip as required in subsection (f)(2) of this section. Where the landscaped strip abuts a residential street at a major street right-of-way, a clear vision (sight) easement shall be designated on the plat.

(4) Lots may be grouped around short cul-de-sac or loop streets, which open onto the major street. In such situations, the corner lots abutting the major street right-of-way shall each contain the landscaped strip required in Chapter 1270.

(5) The layout of lots, whichever method is used, is intended to restrict the number of access points to the major streets and thereby reduce the number of traffic hazard points and preserve the traffic carrying capacity of the major street and to protect each lot's privacy and its freedom from noise and litter. Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement, but be designated as an outlot.

(g) Business or Commercial Lots. No lot or parcel within a plat classified as business or commercial shall be platted that is less than 200 feet in width, nor less than one acre in area, nor shall it exceed four acres or ten percent of the total planned acreage to be developed whichever is greater. Exceptions to the above may be approved by the Planning Commission. Off-street parking and loading shall be in accordance with the requirements of the zoning ordinance.

(h) Lot Division. The division of a lot in a recorded plat is prohibited, unless approved following application to the Village Council. The application shall be filed with the Village Clerk, and shall state the reasons for the proposed division. The resulting lots shall be not less in area than permitted by the Village of Wolverine Lake zoning ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the Village Council and the suitability of the land for building sites has been approved by the county. The division of a lot resulting in a smaller area than prescribed herein may be permitted, but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

(i) Division of Unplatted Parcel. The division of unplatted land shall conform to the Village land division ordinance.

(Ord. 106-A86. Passed 4-9-14.)

## **1222.16 BLOCKS.**

The size and shape of blocks shall be appropriate for the type of lots and land use proposed. Blocks shall be designed so as to permit good lot orientation, safe street design and economical use of the land.

(a) Length. Length of blocks between intersecting streets shall normally be from 800 to 1,000 feet. This form shall be altered only where the topography of the land makes it advisable to do so in order to protect the public safety and convenience, and in no event should blocks be less than 500 feet or more than 1,300 feet in length. In blocks exceeding 800 feet in length, the Planning Commission may require the reservation of a twenty-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic of ten feet wide for pedestrian traffic only where needed or desirable, and may specify further, at its discretion, the five-foot wide paved footpath be provided by the proprietor. Blocks intended for non-residential purposes shall be especially designed for such purposes, and in accordance with zoning ordinance provisions. In such cases, the above dimensions do not apply.

(b) Arrangement. A block shall be so designed as to provide two tiers of lots, except where lots back into an arterial street, natural feature or subdivision boundary.

(c) Non-residential Blocks. Blocks intended for purposes other than residential shall be especially designed for such purposes and shall have adequate provision for off-street parking and loading in accordance with the requirements of the

zoning ordinance.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.17 USES.**

(a) Control. No property shall be subdivided for residential use if such is considered unsuitable for building purposes by existing State of Michigan Local Ordinance and Statutes. Restrictions. Wherever property is subdivided with the intention that it shall have a use different than that designed in the zoning ordinance, such use shall be stated in an application for an amendment to the zoning ordinance in a separate statement filed with the Planning Commission. Conformance with the objectives of the Village general development plan shall be required so as to insure general uniformity of land uses within blocks and neighborhoods.

(b) Conformance with Zoning Ordinance. Property use and area restrictions must be in accordance with the zoning ordinance.

(c) Land Subject to Flooding. Any area of land within the proposed subdivision which is subject to flooding or inundation by storm water shall be clearly shown on final plat. Such land shall not be platted for residential occupancy, or for such uses as may increase danger to health, life or property, or unduly aggravate the flood hazard. No building shall be placed within the 100-year floodplain. Any earth change within the 100-year floodplain shall only be allowed with permission of the Michigan Department of Natural Resources.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.18 OPEN SPACES.**

In the design of the plat, thorough and equitable consideration shall be given by the subdivider and the Planning Commission for the provision of suitable sites for recreation; including tot lots, both active and passive recreation areas, schools, and for other public purposes. The area reserved for recreation shall be provided for all plats having twenty or more residential dwelling units the size of such reserved area for recreation shall be no less than 300 feet by 300 feet or 90,000 square feet. This reserved area shall be increased in size by 200 square feet for each residential dwelling unit in the development exceeding thirty dwelling units.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.19 COMMERCIAL OR INDUSTRIAL MODIFICATION.**

These subdivision design standards may be modified in accordance with this chapter in the case of subdivisions specifically for commercial or industrial development, including shopping district, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.20 CLUSTER DEVELOPMENTS.**

(a) Where the zoning ordinance permits, a proposed residential subdivision may be designed instead as a cluster subdivision for the purpose of creating a more desirable living environment than is possible under the ordinances as applied to individual residential lots; encouraging the provision and maintenance of open space and recreational areas for the residents of the subdivision; obtaining creativity, variety, efficiency, and economy in the physical development pattern of the community and their inclusion into the development pattern of the subdivision and community.

(b) The plan for a cluster development shall be submitted in accordance with the procedures and standards of the ordinance from which this section was derived.

(c) The development must be designed to produce a stable and desirable residential character. Overall densities shall not exceed those permitted in appropriate districts in the zoning ordinance. Open space areas shall meet the standards of open space and recreation areas established in the adopted comprehensive development plan. The governing body, with advice from the Planning Commission, shall have the right and responsibility to reject a proposed cluster development if the open space areas are, in its opinion, of such size and shape as to be unusable or unmaintainable for open and recreation purposes. Open space provided under cluster or planned unit development and retained by the developer or deeded to an association of homeowners shall remain permanently open for recreation purposes. The open space character of the area shall be secured by restrictive covenant or other means to protect the public's interest in maintaining the density of development and open space character. Such open space and recreation areas shall be set aside as common land for the sole benefit, use, and enjoyment of the subdivision lot owners, present, and future. All open space, tree cover areas, where acreage is utilized in determining the size and extent of common land, shall be included in the covenant or other measures as permanent open space.

(d) Open space in any one cluster development shall be laid out, to the maximum feasible extent, so as to connect with other open space, existing or proposed, in the vicinity, whether such areas are or will be public or private. In the case of two or more adjacent developments, proprietors may cooperatively allocate open space areas, if such areas are coordinated in design and location to an extent acceptable to the Planning Commission.

(e) Cluster developments shall be laid out so as to reduce the lineal feet of street for economy and safety that would otherwise be needed to serve the area; to economize on cost of utility installations; to retain and take advantage of existing natural features and vistas; to reduce the amount of grading required; to take maximum advantage of storage, absorption, and drainage characteristics of the natural landscape; and to otherwise secure the objectives set forth in this section. In so doing, the minimum lot areas, lot widths, and other standards may be modified in accordance with the ordinance from which this section was derived and the Village zoning ordinance.

(f) The cluster development shall be laid out so that its development can be staged in an efficient and economical manner with respect to the opening and maintenance of new streets, the provision of utilities, access to schools and other public and private service facilities, and similar considerations.

(g) Utility easements may be included in the open space area calculation only if they are available to residents of the development. The easements may be landscaped and developed for open space or recreational purposes provided that the landscaping does not adversely impact the utilities, and are safe for use by persons engaging in open space and recreation activities.

(h) Open drainage courses, suitably graded and stabilized with sod or other ground cover, and planted with trees, shrubs, and other landscape materials, and made an integral part of the overall open space and recreation system may be acceptable, if approved by the Village Engineer and the Village staff.

(i) In cluster subdivisions, the common space shall remain and be maintained in open space in perpetuity. The proprietor shall insure the permanence of both the existence and proper maintenance of the open space by either dedicating it to public agency responsible for areas and activities or by dedicating it to a homeowner's association to be made up of the residents of the subdivision. The latter method is, in general, to be preferred.

(j) Where homeowner's associations are to be used, the following conditions shall be met:

- (1) The association shall be established before dwellings are sold.
- (2) Membership shall be mandatory for each homebuyer and any successive buyer.
- (3) Open space must be held and maintained as open space in perpetuity.

(4) The association shall be responsible for local taxes, maintenance of grounds and facilities, liability insurance, and other similar duties of ownership. Proprietor shall file declaration of covenants and restrictions with the preliminary plats, setting forth these and other features of the association. He shall also supply to the governing body a copy of articles of incorporation and a complete set of bylaws of the association.

(k) The governing body may require that, in addition to the restrictive covenants and the homeowner's association, an easement over the open space area be given to the public to insure that the area will remain open in perpetuity. Such an easement is intended only to preserve open space, and is not intended to provide public access thereto.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.21 COMMERCIAL DEVELOPMENTS.**

(a) Where commercial developments such as shopping centers, or office parks fall within the definition of subdivision as set forth in Act 288, P.A. 1967, as amended, such development shall conform to all provisions of the ordinance from which this section was derived that may be reasonably applied. Such development shall conform to all zoning ordinance requirements.

(b) In addition to other requirements of the ordinance from which this section was derived, the plan shall show the basic building pattern to be constructed and the general pattern of tenants or types of stores and shops. The parking and circulation pattern shall be clearly delineated and shall be designed so that the circulation system is safe and convenient to customers, can be used with a minimum of congestion, and permits ease of entry and exit from parking spaces. Parking traffic and traffic entry, exit, and general circulation should be separated (but interconnected) to the maximum feasible extent. Trucking and other service traffic should have its separate circulation pattern. Traffic entering or leaving parking spaces should be controlled so that it cannot move in random patterns, but should be channeled into clearly marked and designed traffic ways. Entry drives shall be so designed and located so as to be a safe access point, and not to create congestion or hazardous conditions on the streets serving the center. Traffic ways from parking areas, in their intersections with entry/exit drives shall be located so as not to interfere with traffic entering or leaving the center.

(c) Parking areas shall be divided into sections and shall be landscaped by planting boxes with trees and shrubs. Wheel spots or other devices shall be used to channel traffic movements within the parking bays.

(d) Buffer strips, at least twenty feet wide and landscaped, shall be provided along the perimeter of the center. The Planning Commission may require provision of a fence, wall, or screen, if it determines such is necessary to protect the adjacent areas from litter, trespass, and other nuisances. The Planning Commission may also require a wider buffer strip for community and regional shopping centers.

(e) Landscaping features around the building should be provided pursuant to the Village of Wolverine Lake Zoning Ordinance.

(f) Any intended future expansion should be provided for in the layout of the initial center and should be shown on the

pre-preliminary plat. The area to be included in the expansion, and all connections thereto shall be indicated on the preliminary and final plats. Parking areas, utilities, landscaping, etc., shall be designed with future expansion in mind.

(g) All separate buildings in the center, not connected to the principal center buildings, such as but not limited to supermarkets, gasoline service stations, theaters, offices, drive-ins, and facilities, shall be shown on the plans, along with the circulation and parking patterns to service such facilities.

(h) Pedestrian movement from parking bays to the center and other buildings should be clearly defined and so laid out as to separate, to the greatest extent possible, pedestrians from moving vehicles.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.22 RESTRICTIVE COVENANTS.**

(a) Covenants designed to preserve the character of the subdivision and to help retain its stability, permanence, and marketability are encouraged. Such covenants should be recorded with the plat and should be blanket covenants that apply to the entire subdivision. Such covenants are intended to complement the Village's continuing regulation of the subdivision through its zoning and building code powers.

(b) Blanket covenants may contain items such as, but not limited to, land use control; architectural control, including walls and fences as well as buildings; yards and setback requirements; minimum lot size; prohibition of nuisances; regulation of signs; control of type, duration, location, etc., of temporary buildings or vehicles, such as travel trailers, etc., to be stored on each site; scenic or open space easements; and other similar controls.

(c) Covenants shall be discussed with the Planning Commission during the initial procedures and/or preliminary plat stages and shall be coordinated with existing or anticipated police power controls.

(d) Covenants shall be recorded prior to the sale of any lot within the subdivision. The Village Council has authority to enforce covenants as conferred by the Land Division Act, Act 288, 1967, as amended.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.23 SUBDIVISION IMPROVEMENTS.**

(a) Purpose. It is the purpose of this section to establish and define the public improvements which the proprietor will be required to provide as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the administration, planning, design, construction and financing of public facilities; and to establish procedures for assuring compliance with these requirements.

(b) General.

(1) Standards. Improvements shall be provided by the proprietor in accordance with these regulations, the latest revision of the Village of Wolverine Lake engineering standards or with any other applicable standards and requirements which may from time to time be established by ordinance by the governing body, and by the published rules of the various departments of the Village and county and State agencies. The improvements required under this section shall be considered as the minimum acceptable standard.

(2) Preparation of plans. It shall be the responsibility of the proprietor to have prepared by a registered engineer a complete set of construction plans for the required public streets, utilities, and other facilities required in subsection (d) of this section. Such construction plans shall conform to the preliminary plans, which have been approved with the tentative preliminary plat, and shall be prepared in conjunction with the final preliminary plat. Construction plans are subject to approval by the responsible public agencies and shall be prepared in accordance with the Village of Wolverine Lake engineering standards and their standards and specifications.

(c) Engineering Drawings of Improvements.

(1) Required prior to construction. Engineering drawings of all required improvements shall be reviewed and approved by the Village Engineer. Improvements to be made under the jurisdiction of the County Road Commission, County Drain Commissioner, or other county or State agencies, shall be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a county or State agency, the Village Engineer shall obtain written confirmation of such approvals.

(2) No grading, land filling, removal of trees or other vegetation, or construction of improvements shall commence until the engineering drawings of same have been approved as provided in the ordinance from which this section was derived.

(d) Modification During Construction. All installations and construction shall conform to the approved engineering drawings. If the proprietor chooses to make minor modifications in design and/or specifications during construction, s/he shall submit revisions to the Village Engineer, and any other agency having jurisdiction, for approval. No work outside of the approved engineering drawings shall be allowed until approval has been granted. The Village may require that any work done prior to approval of the changes be removed at the expense of the proprietor. All changes shall be shown on the as-built drawings.

(e) As-built Drawing. Upon completion of construction, the proprietor shall submit to the Village Engineer three copies of as-built engineering drawings for review and approval prior to final plat approval. Each set of drawings shall be certified by



the proprietor's engineer. Similar drawings shall also be submitted of improvements installed under bond, after final plat approval.

(f) Easements. Upon completion of construction, descriptions of all easements within the subdivision shall be provided to the Village Engineer for review and approval. Once approved, it is the responsibility of the proprietor to record the easements with the Oakland County Register of Deeds. Copies of the recorded easements shall be submitted to the Village staff and the Village Engineer prior to final plat approval.

(g) Construction Schedule. The proprietor shall submit to the Village Engineer a general schedule of the timing and sequence for the construction of all required improvements prior to final approval of the preliminary plat. The schedule shall meet the procedural requirements and inspection needs of the Village, county, and State agencies.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.24 UTILITIES AND IMPROVEMENTS.**

In order to provide healthful, clean and desirable living conditions, the subdivider shall be entirely responsible for installing the following site improvements, or shall furnish a surety bond acceptable to the Village Council sufficient to permit the completion of all contemplated improvements, before a plat shall be accepted by the Village.

(a) Street Pavement and Storm Drainage. All subdivisions shall have streets and intersections of bituminous pavement surfacing with enclosed storm sewers as required in the Village of Wolverine Lake engineering standards and approved by the Village staff and Village Engineer. All such improvements shall be provided by the subdivider/developer. All work shall be carried out under the supervision of the Village Engineer.

(b) Installation of Public Utilities. Public utilities shall be located in accordance with the Village of Wolverine Lake engineering standards. The underground work for utilities shall be stubbed to the property line and made available for future connection. All public utilities in a subdivision shall be underground.

(c) Sanitary Sewerage System. The location and design of all trunkline and lateral sanitary sewers and any other necessary appurtenances, such as pump stations, shall conform to the Village of Wolverine Lake engineering standards and be approved by the Village staff and Village Engineer and all applicable reviewing agencies. All work shall be carried out and provided by subdivider/developer under the supervision of the Village Engineer.

(d) Water System. The location and design of water mains with house connections and the installation of fire hydrants, and any other necessary appurtenances shall conform to the Village of Wolverine Lake engineering standards and be approved by the Village staff, Village Engineer, the Fire Chief, and all applicable reviewing agencies as to suitability. All work shall be carried out and provided by subdivider/developer under the supervision of the Village Engineer.

(e) Sidewalks. Sidewalks, along with crosswalks where necessary, shall be provided along all streets and at any other location where the Village Council and/or Planning Commission shall determine that sidewalks are necessary for public safety or convenience. Sidewalks shall conform to the Village of Wolverine Lake engineering standards and be approved by the Village Engineer and all applicable reviewing agencies as to suitability. All work shall be carried out and provided by subdivider/developer under the supervision of the Village Engineer.

(f) Curbs and Gutters. Concrete curbs and gutters shall be required on all streets and shall be constructed in accordance with the Village of Wolverine Lake engineering standards. All work shall be carried out and provided by subdivider/developer under the supervision of the Village Engineer.

(g) Driveways. All driveway openings in curbs shall conform to the Village of Wolverine Lake engineering standards.

(h) Street Name Signs. Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the Village of Wolverine Lake.

(i) Trees. Trees shall be provided in the margins of both sides of all streets, public or private, and shall be placed at the minimum rate of two per single family residential lot or at a maximum distance apart of sixty feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type—see Article 6, Landscaping Standards, for permitted and prohibited species. However, ornamental trees may be installed in the margin. Both kinds of trees may be provided in pedestrian ways. All trees shall be protected from damage by wind and other elements during the first full year after planting.

(j) Street Lighting. Streetlights, where provided, shall have underground wiring. Light standards shall meet the minimum specifications of the electric utility company serving that area of the proposed subdivision. Where lights are to be provided, they should be installed prior to the occupancy of structures within the subdivision. Streetlights shall be provided in all subdivisions except those one acre or larger residential lots.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.25 PROTECTION OF NATURAL FEATURES.**

Due regard shall be shown for all natural features, such as large trees, exceptionally fine groves of trees, water courses, scenic points, historic spots, and similar community assets, which if preserved, will add attractiveness and value to the subdivision. The subdivider/developer shall take every precaution against injury to natural features, to store his apparatus, materials, supplies, and equipment in such a manner as not to damage trees or other natural features. Any trees or natural

features liable to damage shall be fenced or boxed in.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.26 GUARANTEE OF COMPLETION OF IMPROVEMENTS REQUIRED BY THE VILLAGE.**

(a) Financial Guarantee Arrangements, Exceptions. In lieu of the actual installation of the required public improvements, the Village Council, on recommendation of the Planning Commission, may permit the subdivider to provide a financial guarantee of performance for those requirements, which are not under the jurisdiction of the County Road Commission, County Water Resources Commissioner or any other agency responsible for the administration, operation and maintenance of the applicable public improvement. The Planning Commission may recommend, and the Village Council may waive, financial guarantees of performance under the ordinance from which this section was derived for sidewalks, streetlights, or street trees. The completion of public improvements shall be required prior to the issuance of occupancy permits.

(b) Performance Bond.

(1) Accrual. The bond shall accrue to the Village, covering construction, operation and maintenance of the specific public improvement.

(2) Amount. The bond shall be in an amount equal to the total estimated cost of completing construction of the specific public improvement, including contingencies, as estimated by the Village Council.

(3) Term length. The term length in which the bond is in force shall be for a minimum period necessary to construct the public improvement, as specified by the Village Council.

(4) Bonding or surety company. The bond shall be with a surety company authorized to do business in the State of Michigan, acceptable to the Village Council.

(5) The escrow agreement. Shall be drawn and furnished by the Village Council.

(c) Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit

(1) Treasurer, escrow agent or trust company. A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the Village Council, shall accrue to the Village. These deposits shall be made with the Village Treasurer, or deposited with a responsible escrow agent or trust company, subject to the approval of the Village Council.

(2) Dollar value. The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific public improvement including contingencies, as estimated by the Village Council.

(3) Escrow time. The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the Village Council.

(4) Progressive payment. In the case of cash deposits or certified checks, an agreement between the Village and the subdivider may provide for progressive payment out of the cash deposit or reduction of certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.27 CONDITION OF VILLAGE APPROVAL OF FINAL PLAT - FINANCIAL GUARANTEES.**

With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishments of one of the following:

(a) The construction of improvements required by the ordinance from which this section was derived shall have been completed by the subdivider and approved by the Village Council.

(b) Surety acceptable to the Village shall have been filed in the form of a cash deposit, certified check, negotiable bonds, irrevocable bank letter of credit or surety bond.

(1) Special agreement. A special agreement shall be entered into between the subdivider and the Village Council where street trees and streetlights have been required by the Village Council.

(2) Inspection of public improvements under construction. Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the Village Council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

(3) Penalty in case of failure to complete the construction of a public improvement. In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Village Council to proceed to have such work completed. In order to accomplish this, the Village Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter or credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding

or surety company, and as included in a written agreement between the Village Council and the subdivider.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.28 VARIANCES - GENERAL.**

The Village Planning Commission may recommend to the Village Council a variance from the provisions of the ordinance from which this section was derived on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the ordinance from which this section was derived or that application of such provision or requirement is impracticable. The Planning Commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Planning Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, the impact to public utilities and area drainage, and the probable effect of the proposed work in the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Planning Commission finds after a public hearing:

- (a) That there are such special circumstances or conditions affecting said property that the strict application of the provisions of the ordinance from which this section was derived would clearly be impracticable or unreasonable. In such cases, the subdivider shall first state his reasons in writing as to the specific provision or requirement involved and submit them to the Planning Commission;
- (b) That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated;
- (c) That such variance will not violate the provisions of the State Land Division Act, Act 288, 1967, as amended;
- (d) The Planning Commission shall include its findings and the specific reasons therefore in its report of recommendations to the Village Council and shall also record its reasons and actions in its minutes;
- (e) That such variance will not have the effect of nullifying the interest and purpose of the ordinance from which this section was derived and the general development plan of the Village.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.29 TOPOGRAPHICAL/PHYSICAL LIMITATION VARIANCE.**

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of the ordinance from which this section was derived would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of the ordinance from which this section was derived, the Planning Commission may recommend to the Village Council that variance modification or a waiver of these requirements be granted contingent upon the following:

- (a) The proposed project will constitute a desirable and stable community development.
- (b) The proposed project will be in harmony with adjacent areas.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.30 SCHEDULE OF FEES.**

The schedule of fees for subdivision plat shall be as follows:

- (a) Application Fees. Pre-preliminary, preliminary and final plat review fees, planning fees, engineering fees, attorney fees, inspection fees and other applicable development charges shall be paid by the subdivider/developer as may be provided for as follows, or by other ordinances of the Village. The subdivider/developer shall, upon first submission of a pre-preliminary plat pay to the Village Clerk a fee as listed in a fee schedule adopted by the Village Council. There shall be an additional fee as listed in a fee schedule adopted by the Village Council.
- (b) Engineering Review Fees. Such fees shall be established by resolution of the Village Council.
- (c) Planned Unit Development. Fees shall be established by resolution of the Village Council.

(Ord. 106-A86. Passed 4-9-14.)

#### **1222.99 PENALTY.**

Any person who shall violate any of the provisions of the ordinance from which this section was derived, whether such person be the agent of the owner of the property, shall be fined not to exceed the sum of one hundred dollars (\$100.00), and the cost of the prosecution or by imprisonment for not more than ninety days or both, at the discretion of the court. Each day such violation shall exist shall constitute a separate offense. Furthermore, all persons shall be subject to the penalties set forth in the State Land Division Act, Act 288, 1967, as amended.

(Ord. 106-A86. Passed 4-9-14.)

## Chapter 1224:

### Master Plan

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EDITOR'S NOTE: The Village of Wolverine Lake Master Plan was prepared pursuant to Act 285 of 1931, the Municipal Planning Commission Act 33 of 2008, Michigan Planning Enabling Act, as amended. It was adopted by the Village Planning Commission on November 12, 2008, and by the Village Council on \_\_\_\_\_. Copies of such Plan may be obtained, at cost, from the Village Clerk.

There are no sections in Chapter 1224. This chapter has been established to provide a place for cross references and any future legislation.

#### CROSS REFERENCES

Approval or disapproval of plats - see M.C.L.A. §§ 125.3871

Subdivision Regulations - see P. & Z.Ch. 1222

Special land use procedures and standards - see P. & Z.Ch. 1274

## TITLE FOUR – Zoning

- Chap. 1240. General Provisions and Definitions.
- Chap. 1242. Administration, Enforcement and Penalty.
- Chap. 1244. Zoning Board of Appeals.
- Chap. 1246. Districts Generally and Zoning Map.
- Chap. 1248. Residential Districts Generally.
- Chap. 1250. R1-A, R1-B and R1-LF Single-Family Residential Districts.
- Chap. 1252. RM-1 Multifamily Residential District.
- Chap. 1254. PL Park Land District.
- Chap. 1256. P-1 Parking District.
- Chap. 1258. Office and Commercial Business Districts Generally.
- Chap. 1260. O-1 Office Business District.
- Chap. 1262. C-1 Local Business District.
- Chap. 1264. C-2 Community Shopping Center District.
- Chap. 1266. C-3 General Business District.
- Chap. 1267. PUD Planned Unit Development.
- Chap. 1268. Bulk Regulations.
- Chap. 1270. Site Design Regulations.
- Chap. 1272. Site Design Review Procedures and Standards.
- Chap. 1274. Special Land Use Procedures and Standards.
- Chap. 1275. Site Condominium and Condominium Project Regulations.
- Chap. 1276. Signs.
- Chap. 1278. Off-Street Parking and Loading.
- Chap. 1280. Accessory Buildings and Structures.
- Chap. 1282. Nonconforming Buildings, Structures and Uses.
- Chap. 1284. Medical Marihuana Cultivation, Use and Distribution.

## Chapter 1240:

### General Provisions and Definitions

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- 1240.01 Title.
- 1240.02 Authority; purpose; intent.
- 1240.03 Interpretation; conflicts of law.
- 1240.04 Severability.
- 1240.05 Scope of regulations; variances; lots without buildings; access between residential and nonresidential land.
- 1240.06 Minimum lot size.
- 1240.07 Keyhole lots.
- 1240.08 Rules of construction; definitions.

### **CROSS REFERENCES**

Regulation of land development - see M.C.L.A. §§ 125.3201 - 125.3211

### **1240.01 TITLE.**

This Title Four – Zoning, of Part Twelve – the Planning and Zoning Code, shall be known and may be cited, and referred to as the "Village of Wolverine Lake Zoning Code" and shall be referred to throughout this Title Four as this Zoning Code.

(Ord. 106. Passed 12-9-81.)

### **1240.02 AUTHORITY; PURPOSE; INTENT.**

(a) This Zoning Code is hereby adopted pursuant to the authority conferred by the Public Acts of the State of Michigan with the purpose of promoting and protecting the public health, safety, comfort, convenience and general welfare of the people. The fulfillment of this purpose is to be accomplished by seeking:

- (1) To meet needs for places of residence, recreation, industry, trade, service, and other uses of land.
- (2) To ensure that uses of the land shall be situated in appropriate locations and relationships.
- (3) To limit inappropriate overcrowding of the land and congestion of population, transportation systems, and other public facilities.
- (4) To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public facility and service needs.
- (5) To establish adequate standards for the provision of light, air, and open spaces.
- (6) To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.
- (7) To protect residential, commercial, and industrial uses alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
- (8) To provide for adequate drainage, curbing of erosion, and reduction of flood damage.
- (9) To fix reasonable standards to which buildings and structures shall conform.
- (10) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed herein.
- (11) To isolate or control the location of unavoidable nuisance producing uses.
- (12) To define the powers and duties of the administrative and enforcement officers and bodies.
- (13) To prescribe penalties for any violation of the provisions of this Zoning Code, or of any amendment thereto.

(b) The standards and requirements contained in this Zoning Code, and the district mapping reflected on the Village of Wolverine Lake Zoning Map, are intended to further the implementation of the objectives of the Land Use Plan, as well as protect all desirable existing structures and uses.

(Ord. 106. Passed 12-9-81.)

### **1240.03 INTERPRETATION; CONFLICTS OF LAW.**

(a) In their interpretation and application, the provisions of this Zoning Code shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(b) Where the conditions imposed by any provisions of this Zoning Code, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Zoning Code or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more

restrictive or which impose higher standards or requirements shall govern.

(c) Although the district requirements are very specific in most instances, reasonable flexibility is offered through such devices as conditional use, planned development, floor area ratio, and variances. A principal objective of this Zoning Code is the encouragement of appropriate innovation.

(d) This Zoning Code is not intended to abrogate any easement, covenant, or other private agreement, provided that where the regulations of this Zoning Code are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Zoning Code shall govern.

(e) No building, structure, or use which was not lawfully existing at the time of the adoption of this Zoning Code shall become or be made lawful solely by reason of the adoption of this Zoning Code; and to the extent that, and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this Zoning Code, said building, structure, or use remains unlawful hereunder.

(Ord. 106. Passed 12-9-81.)

#### **1240.04 SEVERABILITY.**

It is hereby declared to be the intention of the Village Council of the Village of Wolverine Lake that the several provisions of this Zoning Code are separable, in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this Zoning Code to be invalid, such judgment shall not affect any other provisions of this Zoning Code not specifically included in said judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Zoning Code to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

(Ord. 106. Passed 12-9-81.)

#### **1240.05 SCOPE OF REGULATIONS; VARIANCES; LOTS WITHOUT BUILDINGS; ACCESS BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND.**

(a) All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alterations or relocation of existing buildings occurring hereafter shall be subject to all of the regulations of this Zoning Code which are applicable to the zoning districts in which such buildings, uses, or land shall be located.

(b) However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Zoning Code, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued. Further, such building or structure may, upon completion, be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of Chapter 1282. Any subsequent text or map amendment shall not affect previously issued valid permits.

(c) Where a variance has been granted pursuant to the provisions of this Zoning Code, such approval shall become null and void unless work thereon is substantially under way within six months of the date of issuance unless extended by the approving body.

(d) Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this Zoning Code, except that side yards shall not be required on lots used for garden purposes without buildings or structures, nor on lots used for public recreation areas.

(e) Land which is located in a residential district shall not be used for driveway, walkway, or access purposes to any land which is located in a nonresidential district, unless such access shall be by a public street.

(Ord. 106. Passed 12-9-81.)

#### **1240.06 MINIMUM LOT SIZE.**

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Zoning Code (January 20, 1982) shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. In any residence district, on a lot of record on the effective date of this Zoning Code (January 20, 1982), a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Zoning Code are complied with. Where two or more adjoining lots are under the same ownership, and said lots are individually smaller than the lot size requirements of the district in which they are located, said lots shall be considered one lot for the purposes of this section.

(Ord. 106. Passed 12-9-81.)

#### **1240.07 KEYHOLE LOTS.**

Use of waterfront property for the purpose of providing access to the body of water for non-riparian property shall not be

permitted in any zoning district.

(Ord. 106A-29. Passed 7-21-99.)

## **1240.08 RULES OF CONSTRUCTION; DEFINITIONS.**

(a) Construction of Language. In the construction of this Zoning Code the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word use shall apply:

(1) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular.

(2) The word "shall" is mandatory and not discretionary.

(3) The word "may" is permissive.

(4) The word "lot" shall include the words "piece," "parcel," and "plots;" the word "building" includes all other structures of every kind regardless of similarity to buildings, and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(5) All "measured distance" shall be to the nearest foot. If a fraction is one-half foot or less, the full number next below shall be taken.

(b) Definitions.

(1) Accessory building, structure or use. An accessory building, structure or use is a building, structure or use which is:

A. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Zoning Code;

B. Clearly incidental to, subordinate in purpose to, and serving the principal use;

C. Either in the same ownership as the principal use or clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use; and

D. Satellite discs and other antennas used for the reception or transmission of sight and/or sound signals, whether permanently or temporarily installed, shall be considered to be a permanent accessory building, structure or use.

(2) Alley. An alley is a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

(3) Arbor. A bower of vines or branches or of lattice work with a top, covered with climbing shrubs or vines used to define a point of entry to an outdoor space or the division of two places along a path.



(4) Automobile washing establishments, custom. An automobile washing establishment, custom, is any use which includes the washing of automobiles or other motor vehicles primarily by hand without the use of large mechanical equipment such as chain conveyors, blowers, steam cleaning devices, and similar mechanical devices.

(5) Automobile washing establishments, production. An automobile washing establishment, production, is a building, or portion thereof, containing facilities for washing more than one automobile at any one time, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.

(6) Automobile washing establishments, self-service or coin operated. An automobile washing establishment, self-service or coin operated, is any building or structure, or portion thereof, containing facilities which provide space, water, equipment, or soap for the complete or partial hand washing of automobiles by the automobile owners.

(7) Basement. A basement is that portion of a building which has less than one-half of its average height, measured from the finished floor to the next finished floor, above the average finished grade. A basement is considered a living area.

(See Figure 10 following the text of this chapter.)

(8) Block. A block is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines, or county lines.

(9) Block face. A block face is the portion of any block which fronts on the same street.

(10) Boat lift, temporary. A temporary boat lift is a light metal or wood frame structure that is made of simple corner posts and braces. The lift has no enclosing sides and at the most has a light metal, fiberglass or canvas roof. The lift is also placed in the water and generally removed on a seasonal basis.

(11) Building. A building is any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind and which is permanently affixed to the land.

(12) Building, detached. A building, detached, is a building surrounding by open space on the same lot.

(13) Building height. Building heights is defined as a vertical distance measured from the average finished grade of the living area of a structure (excluding accessory structures) to the highest point of the roof surface if it is a flat roof, to the mean height level between eaves and the ridge of a gable, studio, hip, gambrel, or mansard roof, or seventy-five percent of the height if it is an "A" frame roof. (See Figures 1 and 2 following the text of this chapter.)

(14) Building Inspector. The Building Inspector is the Building Inspector of the Municipality, who shall be responsible for enforcing and administering all requirements of this Zoning Code.

(14A) Candela. A unit of luminance or brightness for electronic message signs. A common candle emits the light within a luminous intensity of roughly one candela.

(15) Canopy (building). A canopy is a roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground, and erected primarily to provide shelter for people from the weather.

(16) Canopy (free-standing). A multi-sided structure covered with opaque material and supported by columns or posts embedded in or on top of the ground, erected primarily to provide shelter for people from the weather.

(17) Certificate, occupancy. A certificate, occupancy, refers to the written approval of the Enforcement Officer that authorizes a person or persons to occupy or use premises, as established in Section 1242.04(c). The occupancy certificate may consist of a standardized independent form bearing the signature of the Enforcement Officer or it may be represented as a part of the building permit application.

(18) Clinic, medical or dental. A clinic, medical or dental, is a building in which an individual or organization offers medical and/or dental services. A clinic shall not include inpatient care.

(19) Club or lodge, private (nonprofit). A club or lodge, private (nonprofit) is a nonprofit association of persons who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food, meals, and beverages on such premises.

(20) Commercial vehicle. Any motor vehicle or trailer, excluding pick-up trucks, with a commercial license plate, and whose characteristics are described below:

A. Used for the transportation of passengers for hire;

B. Constructed or used for the transportation of goods, wares or merchandise for hire or sale;

C. Vehicles used to vend food, snacks, beverages, or other consumables to customers directly from the vehicle;

D. Designed and used for carrying, towing, or pulling other vehicles;

E. Capable of attaching to and propelling semi-trailers and similar units and which is not customarily operated without an attached trailer;

F. A semi-trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures;

G. A cab and chassis with a stake, rack, dump body, wrecker body, tanker body, or any other body, the mounted height of which exceeds the height of the cab roof by more than eight inches; and

H. Equipment such as but not limited to backhoes, power shovels, bulldozers, earth moving equipment, tractors (excluding lawn tractors and garden tractors), earth carriers, drag lines, cranes, dump trucks, stake trucks, flatbed trucks, panel trucks, wreckers, septic tank pumpers, semi-tractors, tanker trucks, well-drilling rigs, welding trucks, semi-trailers, and any other type of commercial or construction equipment, as well as any other motor vehicle not customarily used for passenger transport similar vehicles.

(21) Common element, general. The common elements other than the limited common elements.

(22) Common element, limited. A portion of the common elements reserved in the master deed for the exclusive use of



less than all of the co-owners.

(23) Condominium. A building or lot governed under Act 59, Public Acts of 1978, as amended.

(24) Condominium Act. Act 59, Public Acts of 1978, as amended (the "Act").

(25) Condominium, conversion. A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act.

(26) Condominium documents. The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

(27) Condominium elements. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

(28) Condominium improvements. Those features and actions associated with a condominium project which are considered necessary by the Village to protect natural resources or the health, safety, and welfare of the residents of the Village and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. "Improvements" does not include the entire project.

(29) Condominium, site. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a "condominium unit," as described in the master deed.

(30) Condominium unit. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

(31) Council. The Council, also known as the Village Council, is the duly elected legislative body of the Village of Wolverine Lake.

(32) Deck, ground level. A ground level deck is a structure made of wood, concrete, stone, brick or other suitable materials and not exceeding eighteen inches in height above the surrounding grade at any point along the perimeter, or in the interior, of the deck. Nonobscuring railings, which do not significantly restrict the passage of air and light, shall be allowed for these decks.

(33) Decks, raised. A structure made of wood, concrete, stone, brick or other suitable materials which exceeds eighteen inches in height above the surrounding grade at any point along the perimeter, or in the interior, of the structure.

(34) Dock, temporary. A temporary dock is any structure that extends out into the water from the adjacent land, is removable either in whole or in parts and meets the requirements as regulated by the DNR for the State of Michigan.

(35) Dumpster roll-off container or trailer. A dumpster, which is hauled away from a site, rather than being emptied on-site.

(36) Dwelling. A dwelling is a building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels and motels. (See Figure 3 following the text of this chapter.)

(37) Dwelling, mobile home. A dwelling, mobile home, is a structure transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to required utilities, and which contains the plumbing, heating, air conditioning, and electrical systems of the structure. The term "mobile home" shall not include vehicles primarily designed and used as temporary living quarters for recreational or travel purposes.

(38) Dwelling, multiple-family. A dwelling, multiple-family, is a building, or portion thereof, containing three or more dwelling units.

(39) Dwelling, single-family or one family. A dwelling, single-family or one-family, is a building containing only one dwelling unit and no other uses.

(40) Dwelling, single-family attached. A single-family attached dwelling is one which is joined to another dwelling at one or more sides by party walls. Each single-family attached dwelling must have a private entrance from the outdoors at or near grade level.

(41) Dwelling, single-family detached. A single-family detached dwelling is one which is entirely surrounded by open space on the same lot.

(42) Dwelling, two-family. A dwelling, two-family, is a building containing two dwelling units and no other uses except uses accessory thereto. One unit shall be wholly or primarily above the other unit and the upper unit shall not have direct access at grade to the exterior of the structure. Access to said unit shall be provided by a hall and stairs.

(43) Dwelling unit. A dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used, for living, sleeping, cooking and eating by one family as defined herein.

(43A) Electronic Message Sign (LED). A sign with a fixed or changing message composed of a series of lights or light-emitting diodes (LED) that may be changed through electronic means. A time and/or temperature sign shall not be considered as an LED sign.

(44) Enforcement officer. See Building Inspector.

(45) Establishment, business. An establishment, business, is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

(46) Family. A family consists of one person, two or more unrelated persons, or two or more persons related by blood, marriage, legal adoption, or guardianship, and occupying a single dwelling unit. In single-family dwellings, each family entirely of related persons may be allowed a maximum of one roomer per dwelling unit and each family may also keep foster children on the premises provided that the dwelling unit is licensed as a foster home by the State of Michigan. This definition shall apply except where preempted by overriding State of Michigan law.

(46A) Fence. A barrier structure constructed of wood, metal, vinyl, or other material used to enclose or screen a land use or parcel.

(46B) Fence, landscape. Landscape fences are a row of trees, shrubs, hedgerows, landscaping berms, arbors, or the like which purpose, either immediately or over time, is to enclose, confine, or restrict the passage of air and light and impede surrounding line of sight. The arrangement of plants in a landscape fence may be in a straight row, staggered, random or other arrangement, but the effect of a screen, enclosure, confinement or restriction is the same.

(47) Finished grade. The finished grade is the level of the finished surface of the ground adjacent to the exterior walls of the building or structure. The finished surface is measured within ten feet of the exterior walls of the building or structure (excluding garages and accessory structures).

(48) Floor area. A floor area (for determining off-street parking and loading requirements) shall mean the sum of the gross horizontal area of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as racks, or closets, and any floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or mechanical floor area.

(49) Foster care facilities, adult. A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Michigan adult foster care facility licensing act, Public Act No. 218 of 1979 (MCL 400.701 et seq.).

(50) Foster care family home, adult. A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

(51) Foster care small group home, adult. A facility with the approved capacity to receive twelve or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

(52) Foster care large group home, adult. A facility with approved capacity to receive at least thirteen but not more than twenty adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

(53) Frontage, zoning lot. Frontage, zoning lot, is the length of all the property lines of such zoning lot fronting on a street, measured between side lot lines.

(54) Garage, residential. A garage, residential, is any structure which is enclosed on all sides, which has doors to permit the access and egress of motor vehicles, which is designed and intended primarily to protect parked motor vehicles from the elements, and which is accessory to a residential structure. Such a garage may be either attached to or detached from the principal structure.

(55) Half story. A top floor area under a sloping roof having less than fifty percent of the floor area immediately below will be considered a half story. A walkout basement will be considered a half story. On a two story building there is a limit of one half story either above the top full story or below the first story, thus limiting the total building to two and one-half stories as in the building bulk limitations (See Figures 9 and 10 following the text of this chapter.)

(56) Home occupation. A home occupation is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises, no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes; and not more than two clients, customers, or business associates shall visit the premises at one time. A professional person may

use his or her residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his or her profession. No accessory building shall be used for such home occupation. No barber shop, beauty shop, or similar activity or use shall be permitted as a home occupation.

(56A) Landscape Fence. Landscape fences are a row of trees, shrubs, hedgerows, landscaping berms, arbors, or the like which purpose, either immediately or over time, is to enclose, confine, or restrict the passage of air and light and impede surrounding line of sight. The arrangement of plants in a landscape fence may be in a straight row, staggered, random or other arrangement, but the effect of a screen, enclosure, confinement or restriction is the same.

(57) Lot. A lot is a parcel of land which is either a "lot of record" or a "zoning lot." (See Figures 4 through 7 following the text of this chapter.)

(58) Lot, corner. A lot, corner, is a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

(59) Lot coverage. The percentage of the lot occupied by main buildings, accessory structures (whether incorporated into a deck, in-ground or raised, or not), raised decks, raised patios, in-ground swimming pools and similar permanent structures. For purpose of this definition, driveways are not calculated in lot coverage.

(60) Lot depth. Lot depth is the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

(61) Lot, gross area. Lot, gross area, is the area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a lake or river.

(62) Lot, interior. A lot, interior, is a lot other than a corner lot.

(63) Lot, through. A lot, through, is a lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

(64) Lot width. Lot width is the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty feet of lot depth immediately in back of the front yard setback line.

(65) Lot, zoning. A lot, zoning, is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

(66) Lot line, front. A front lot line shall be that boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. On a corner lot, both street lines shall be deemed front lot lines. In the case of landlocked or partially landlocked land, the front lot line shall be that lot line that faces the access to the lot. For properties adjacent to Wolverine Lake or a water body connected thereto, the highwater line of said Lake or water bodies shall be considered a front lot line.

(67) Lot line, rear. A lot line, rear, shall be that boundary of a lot which is most distant from, and is or is most nearly parallel to, a front lot line. For properties with both streetfront and lakefront lot lines there shall be no rear lot lines.

(68) Lot line, side. A lot line, side, shall be any boundary of a lot which is not a front lot line or rear lot line.

(69) Lot of record. A lot of record is a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Oakland County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this Zoning Code.

(70) Marquee. A marquee is a roof-like structure of a permanent nature which projects from the wall of a building.

(71) Master deed. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

(72) Medical Marihuana Act. The Initiated Law of 2008, M.C.L.A. §§ 333.2642, et seq., and Michigan Administrative Rules, R 333.101, et seq.

(73) Medical marihuana caregiver. A person as defined under M.C.L.A § 333.26423(g) of the Medical Marihuana Act, and who has been issued and possesses a registry identification card under the Medical Marihuana Act.

(74) Medical marihuana caregiver facility. One private office premises having a separate or independent postal address.

(75) Membrane storage structure. A structure consisting of a frame that is covered with a plastic, fabric, canvas or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles or other personal property. The term shall also apply to structures commonly known as hoop houses, canopy covered carports and tent garages, but shall not apply to temporary tents or canopies used to shield people for special events such as weddings or graduations or to provide shade or weather protection for people over patios or decks.

(76) Mezzanine. A mezzanine is an intermediate story between the floor and ceiling of a main story and extending over only part of the main floor. For the purpose of this Zoning Code, a mezzanine shall be counted for the purpose of determining the total area of a building, but shall not be counted as a story for the purpose of determining the height of a

building in stories.

(77) Nursing home. A nursing home, as specified in the State of Michigan Public Health Code, PA 368 of 1978, MCL 333.20101 to 333.22260, as amended, means a nursing care facility, including a county medical care facility, that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity. Nursing home does not include a unit in a State correctional facility. Nursing home does not include one or more of the following:

A. A hospital.

B. A veterans' facility created under Act 152 of the Public Acts of 1885, being sections 36.1 to 36.12 of the Michigan Compiled Laws.

C. A hospice residence that is licensed under Act 368 of 1978.

D. A hospice that is certified under 42 C.F.R. 418.100.

(78) Occupant load. The occupant load of an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable safety and comfort, as determined in the Building Code.

(78A) Outdoor fireplace. An outdoor, solid-fuel or LP gas burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. An outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

(78B) Outdoor kitchen. An outdoor kitchen means a secondary cooking area located outside a home that is typically equipped with a counter, grill, refrigerator and/or sink.

(78C) Pergola. A pergola is an accessory structure used in landscaping consisting of parallel colonnades supporting an open roof of girders and cross rafters. A pergola is built as an outdoor sitting area with lattice or open slat roof for partial shade.

(79) Play house. A play house is an enclosed or semi-enclosed structure similar to a shed or utility structure except that it is primarily used for children's leisure activities and not for habitation or storage. Play houses are to meet the size requirements outlined for sheds in Section 1280.02(b).

(80) Play structure. A play structure is a light metal, wood or synthetic frame structure that does not exceed ten feet in height and it is primarily used for children's leisure activities. The play structure has no enclosing sides and at the most has a light fiberglass or canvas roof. Swing sets, slides and climbers are typical examples of this type of structure.

(81) Portable on-demand storage structure (POD). Any portable container, portable storage unit or other portable structure that is used for the temporary storage of personal property, which is located outside an enclosed building. The storage unit is delivered to a lot, unloaded from a truck, and left on the lot to be packed or unpacked by the occupant of the lot over a period of time, with a truck returning at a later date to remove the storage container. The term does not include normal sheds or membrane storage structures.

(82) Property lines. Property lines are the lines bounding a zoning lot, as defined herein.

(83) Public way. A public way is any sidewalk, street, alley, highway, or other public thoroughfare.

(84) Recreation vehicle. Vehicular or tent-type structures, designed primarily as temporary living quarters for recreational, camping or travel use, which either have their own motive power or are mounted on or drawn by another vehicle which is self-propelled. Recreational vehicles shall include travel trailers, camping trailers, tent trailers, motor homes, truck campers, and similar vehicles.

(85) Rest home, nursing home, or convalescent home. A rest home, nursing home, or convalescent home shall be defined as specified in State of Michigan Act 139, Public Acts of 1956, as amended.

(86) Restaurant, dining room. A dining room restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose method of operation involves only the serving of the prepared food to the customer at tables or booths inside the structure or out. An establishment may combine the functions and characteristics of a dining room with those of a snack bar, a fast-food restaurant, a drive-in restaurant, or a drive-through restaurant. Establishments which combine the functions and characteristics of more than one type of restaurant shall meet the parking and loading standards established for each type in proportion to the area or number of employees assigned to each function

(87) Restaurant, drive-in. A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose method of operation involves delivery of the prepared food, so as to allow the consumption of foods, frozen desserts, or beverages in a motor vehicle on the premises or elsewhere on the premises, but outside any completely enclosed structure. An establishment may combine the function and characteristics of a drive-in restaurant with those of a snack bar, a drive-through restaurant, a fast-food restaurant, and/or a dining room restaurant if its method of operation also includes the method or methods of operations attributable to these uses. Establishments which combine the functions and characteristics of more than one type of restaurant shall meet the parking and loading standards established for each type in proportion to the area or number of employees assigned to each function.

(88) Restaurant, drive-through. A drive-through restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose method of operation involves delivery of the prepared food to the customer in a motor vehicle for consumption off the premises. An establishment may combine the functions and characteristics of a drive-through restaurant and/or dining room restaurant if its method of operation also includes the method or methods of operations attributable to these uses. Establishments which combine the functions and characteristics of more than one type of restaurant shall meet the parking and loading standards established for each type in proportion to the area or number of employees assigned to each function.

(89) Restaurant, fast-food. A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose method of operation involves delivery of the prepared food to the customer at a counter or cafeteria line for consumption on the counter where it is served, or at tables, booths, or stands inside the structure or out, but not in a motor vehicle on the site. An establishment may combine the functions and characteristics of a fast-food restaurant with those of a snack bar, a drive-through restaurant, a drive-in restaurant, and/or a dining room restaurant. Establishments which combine the functions and characteristics of more than one type of restaurant shall meet the parking and loading standards established for each type in proportion to the area or number of employees assigned to each function.

(90) Restaurant, snack bar. A snack bar is any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose method of operation involves delivery of the prepared food to the customer at a counter and does not provide counter space, tables, or other facilities at which the majority can or are likely to consume the prepared food. An establishment may combine the functions of a snack bar with those of a fast-food restaurant, a drive-in restaurant, a drive-through restaurant and/or a dining room restaurant. Establishments which combine the functions and characteristics of more than one type of restaurant shall meet the parking and loading standards established for each type in proportion to the area or number of employees assigned to each function.

(91) Setback. A setback indicates the minimum distance maintained between a lot line and the nearest supporting member of any structure on the lot.

(92) Sign. A sign is a name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. However, a "sign" shall not include any display of official court of public office notices, nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building, which sign is not visible from outside the building, unless the context shall so indicate.

(93) Sign, advertising. A sign, advertising, is a sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

(94) Sign, flashing. A sign, flashing, is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Zoning Code, any moving, illuminated sign shall be considered a "flashing sign."

(95) Sign, gross area of. The gross area of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. When two sides of a double-faced sign are located not more than thirty-six inches apart at the narrowest point and display identical messages or other representation, the gross area shall include only one of the sides. Any additional side of a multifaced sign shall be considered as a separate sign for purposes of computing the total gross area of the sign. The gross area of a fascia shall be calculated by the total square footage encompassed by the fascia, including the area between letters.

(96) Sign, identification. A sign, identification, is a sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed.

(97) Sign, obsolete. A sign, obsolete, is any sign which no longer correctly directs or exhorts any person; or advertises a business, service, product, tenant, or activity no longer conducted, available, or in existence.

(98) Sign, political. A sign, political, is any temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot of primary, general, or special elections.

(99) Sign, portable. A sign, portable, shall be any sign which is not permanently attached to a building or the ground. Portable signs shall include sandwich board signs, signs on wheels, signs on vehicles when such vehicles are parked at a location on a lot for the purpose of advertising, and other movable signs.

(100) Sign, roof. A sign, roof, is a sign erected upon or above a roof or parapet wall of a building and which is wholly or partially supported by said building.

(101) Sign, window. A sign, window, is any temporary or permanent sign affixed to the interior or exterior of a window, or any sign located inside a building within six feet of the interior side of a window and displayed so as to attract the attention of persons outside the building. Merchandise which is included in a window display shall not be considered as part of a window sign.

(102) Small domestic animals. Small domestic animals shall include dogs; cats; domestic rodents; birds, except fowl; fish; rabbits and similar animals, but not fowl, pigs, horses, cattle, goats, and similar animals. Determination of which animals not specifically mentioned in this definition as small domestic animals are included in the definition shall be made by the Zoning Board of Appeals.

(103) Story. A story is that portion of a building between any floor and the next floor above, or any portion of a building between the topmost floor and the roof, that has a floor area of at least fifty percent of the floor area immediately below it. A mezzanine is not to be considered a story. (See Figure 8 following the text of the chapter.)

"Floor area" shall be defined as the area of the floor as determined to be habitable or usable, or potentially habitable or usable, as defined in the Building Code.

(104) Street. A street is a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

(105) Structural alteration. A structural alteration is any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

(106) Structure. A structure is anything which is constructed or erected which requires permanent location on the ground or attachment to something having permanent location on the ground.

(107) Structure or building, nonconforming. A nonconforming building or structure is any building or structure, lawfully existing at the time of enactment of this Zoning Code, which:

A. Does not comply with all of the regulations of this Zoning Code or of any amendment hereto governing bulk and site design for the zoning district in which such building or structure is located; or

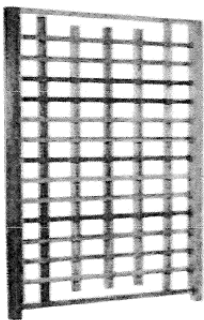
B. Is designed or intended for a nonconforming use.

(107A) Structure, temporary shade. A temporary shade structure is an accessory structure that has a roof of any type of material that lacks a permanent foundation.

(108) Subdivision lake access lot. A subdivision lake access lot is a lakefront parcel located in a subdivision which is deeded to subdivision parcel owners for the purpose of allowing access to the lake and to be utilized for recreational activities. These lots are governed by the bylaws of subdivision, lake associations and deeds of the property itself.

(109) Trailer. A trailer means a movable or portable unit designed to be towed on its own chassis and which is used for recreational purposes.

(110) Trellis. A vertical frame of lattice work used as a screen or as a support for climbing plants.



(111) Use. The use of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

(112) Use, Nonconforming. A nonconforming use is any use of land, buildings, or structures, lawful at the time of enactment of this Zoning Code, which does not comply with all of the regulations of this Zoning Code or of any amendment hereto governing use of the zoning districts in which such use is located.

(113) Use, permitted by right. A use, permitted by right, is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

(114) Use, principal. The use, principal, is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be a "permitted" use or a "special use."

(115) Use, special land. A special land use is a use either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular

location, such "special land use" may or may not be granted, subject to the terms of this Zoning Code.

(116) Vessel. A vessel means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(117) Veterinary clinic. A veterinary clinic is a building or any portion thereof used for the treatment of house pets as outpatients and in no event having exterior or interior kennels and overnight lodging appurtenant thereto or a part thereof.

(118) Walkout basement. A walkout basement is a basement that has direct access to the exterior. For this reason, a walkout basement is considered a half story.

(119) Yard. A yard is an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Chapter 1268. A "yard" extends along a lot line, and to a depth or width specified in the setback requirements for the zoning district in which such zoning lot is located.

(120) Yard, front. A yard, front, is a yard extending along the full length of the front lot line or lines between the side lot lines. A front yard is any yard adjacent to a street or to Wolverine Lake or a water body attached thereto.

(121) Yard, interior side. A yard, interior side, is a yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

(122) Yard, rear. A yard, rear, is a yard extending along the full length of the rear lot line between the side lot lines.

(123) Yard, required. A yard, required, is a yard which is located between a front, side, or rear property line and the required front, side, or rear setback line.

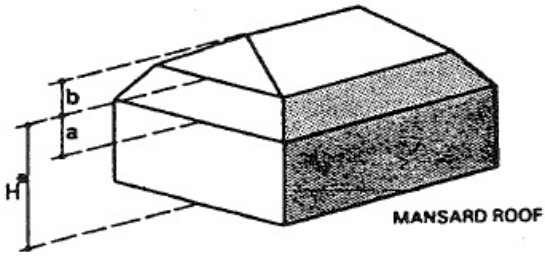
(124) Yard, side. A yard, side, is a yard extending along a side lot line from the front yard setback to the rear yard setback.

(125) Yard, unrequired. A yard, unrequired, is a yard which is located between the front, side, or rear of the principal structure on a lot and the required front, side, or rear setback or rear setback line.

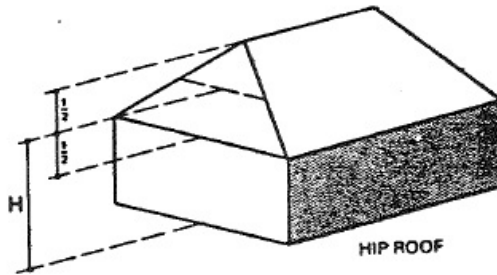
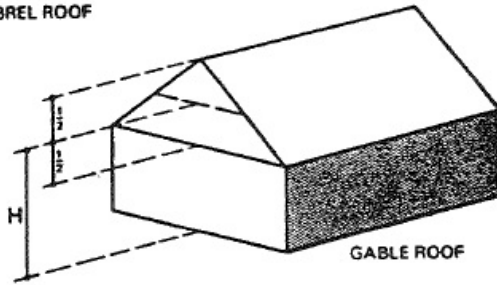
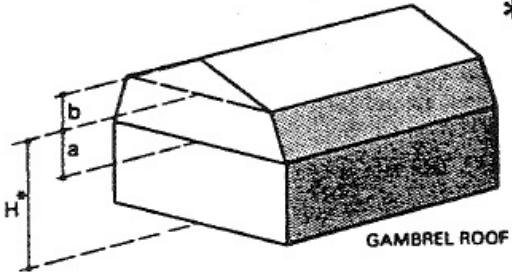
(Ord. 106. Passed 12-9-81; Ord. 106A-5. Passed 3-14-84; Ord. 106A-24. Passed 3-9-94; Ord. 106A-26. Passed 10-12-94; Ord. 106A-28. Passed 12-13-95; Ord. 106A- 34. Passed 7-12-00; Ord. 106-A36. Passed 7-9-03; Ord. 106-A44. Passed 7-9-08; Ord. 106- A51. Passed 12-10-08; Ord. 106A-61. Passed 7-11-12; Ord. 106A-64. Passed 4-9-14; Ord. 106-A87. Passed 5-14-14; Ord. 106-A91. Passed 12-10-14; Ord. 106-A95. Passed 12-10-14; Ord. 106A-101. Passed 6-10-15; Ord. 106A-106. Passed 7-11-18; Ord. 106A-111. Passed 2-20-19; Ord. 106A-114. Passed 11-9-20.)

**Figure 1:**

**Building Height**



\* Measure H as shown when "a" is equal to or greater than "b"  
 If "b" is greater than "a", measure H from a point equidistant  
 between the highest point on the ridge and the lowest point  
 on the eaves.



H = Height of Building

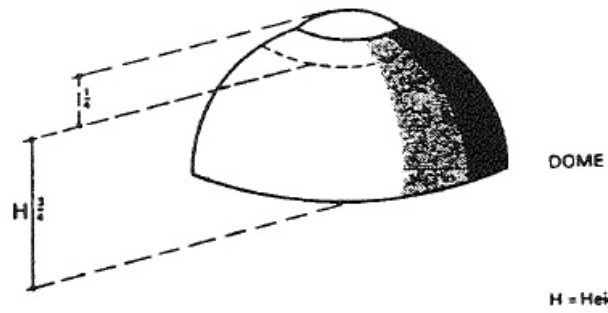
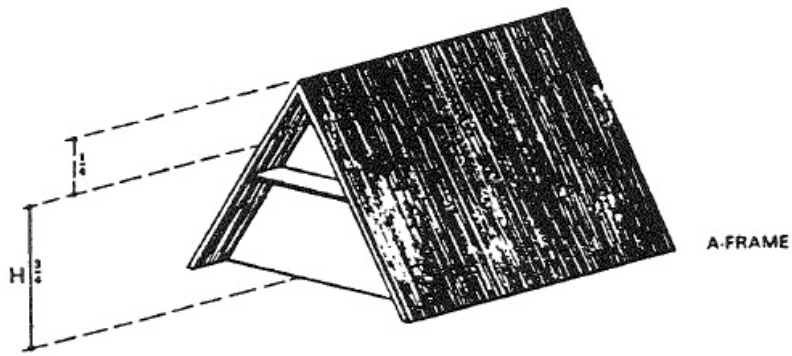
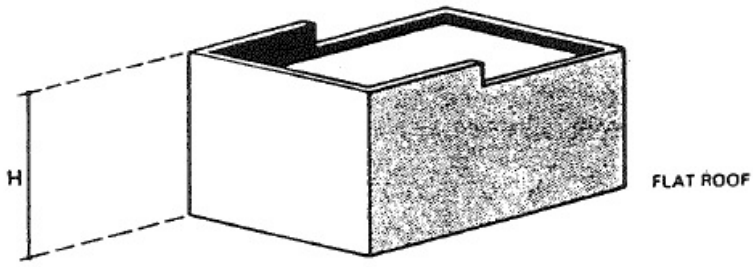
## BUILDING HEIGHT

FIGURE 1

Figure 2:

Building Height



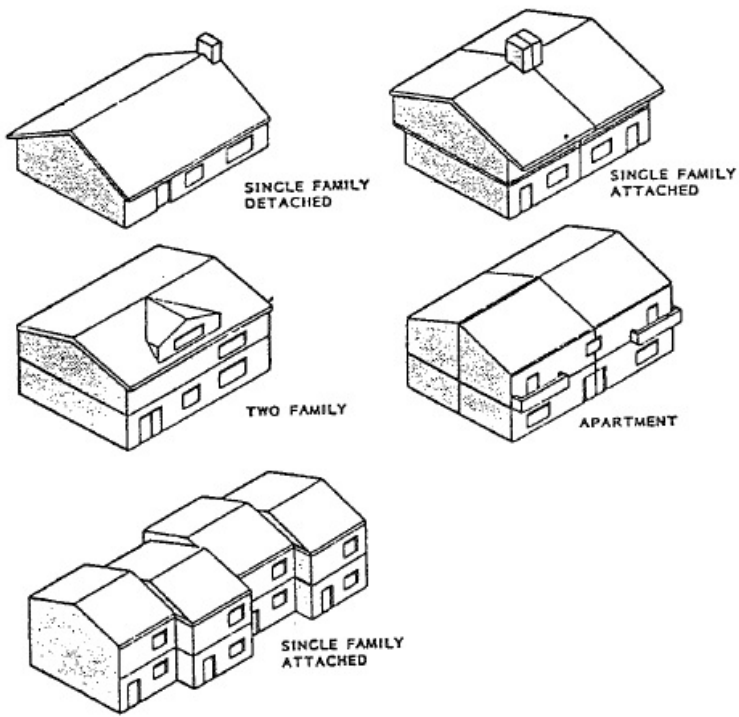


H = Height of Building

## BUILDING HEIGHT

FIGURE 2

Figure 3:  
Types of Residential Dwellings

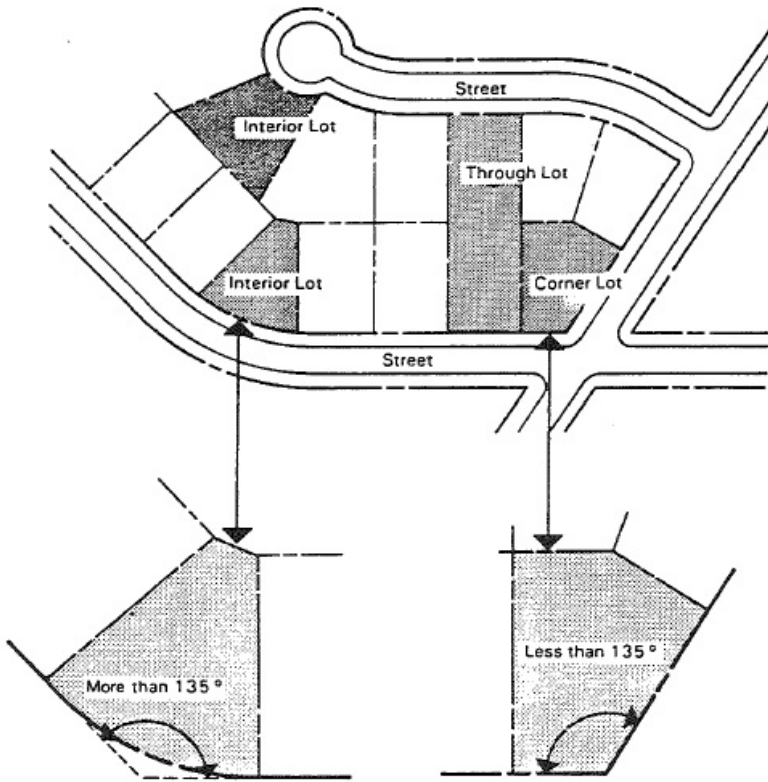


TYPES OF RESIDENTIAL DWELLINGS

Figure 3

Figure 4:

Corner, Interior, and Through Lots

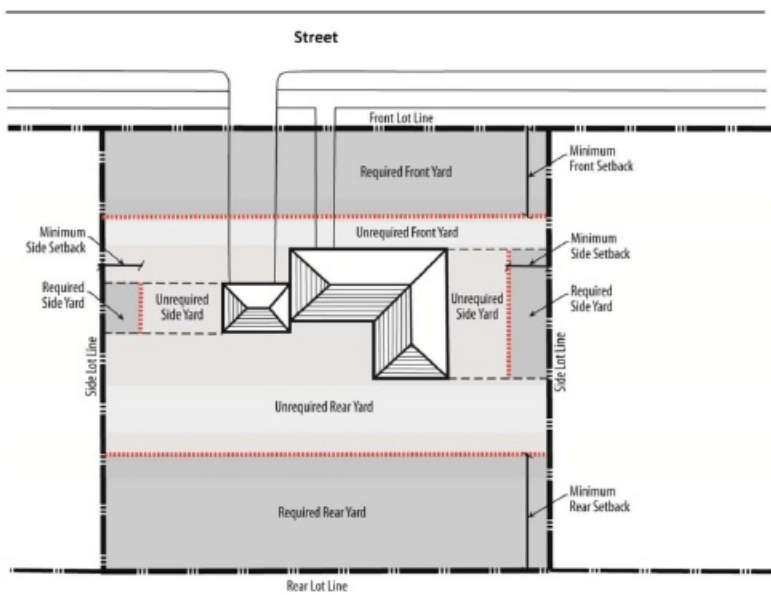


CORNER, INTERIOR, AND THROUGH LOTS

Figure 4

Figure 5:

Required and Unrequired Yards - Interior Lot Layout



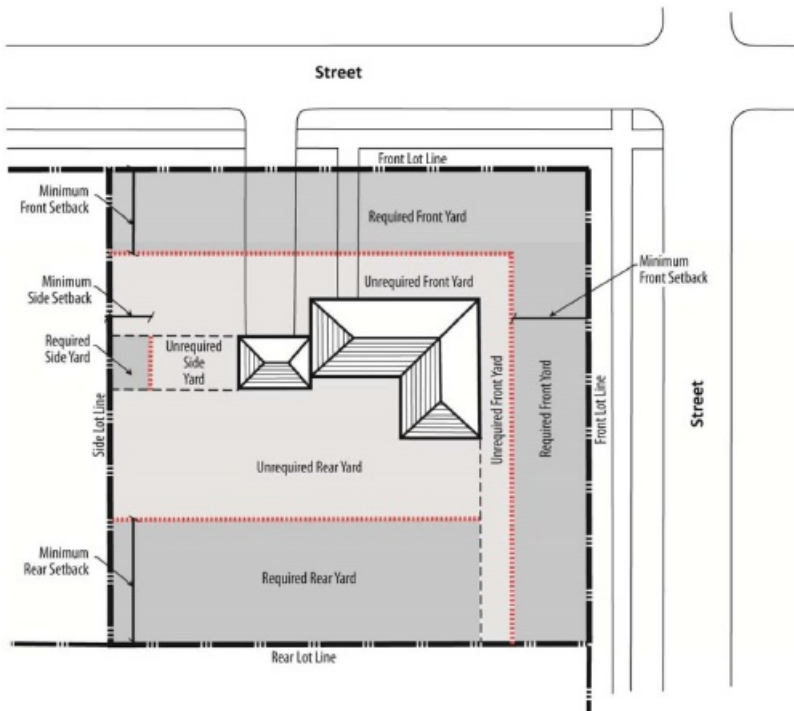
Required and Unrequired Yards – Interior Lot Layout

Figure 5

(Ord. 106A-102. Passed 6-10-15.)

**Figure 6:**

**Required and Unrequired Yards - Corner Lot Layout**



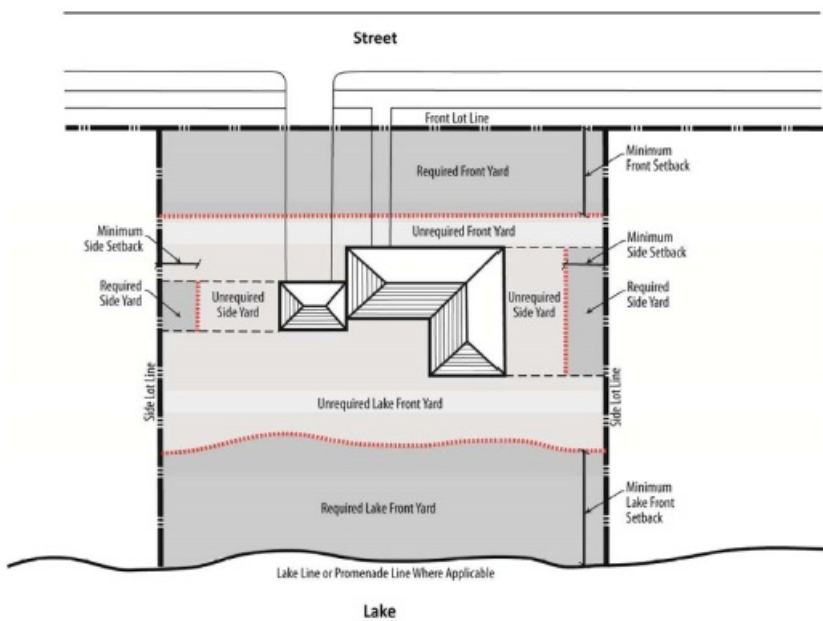
Required and Unrequired Yards – Corner Lot Layout

Figure 6

(Ord. 106A-102. Passed 6-10-15.)

**Figure 7:**

**Required and Unrequired Yards - Lake Lot Layout**



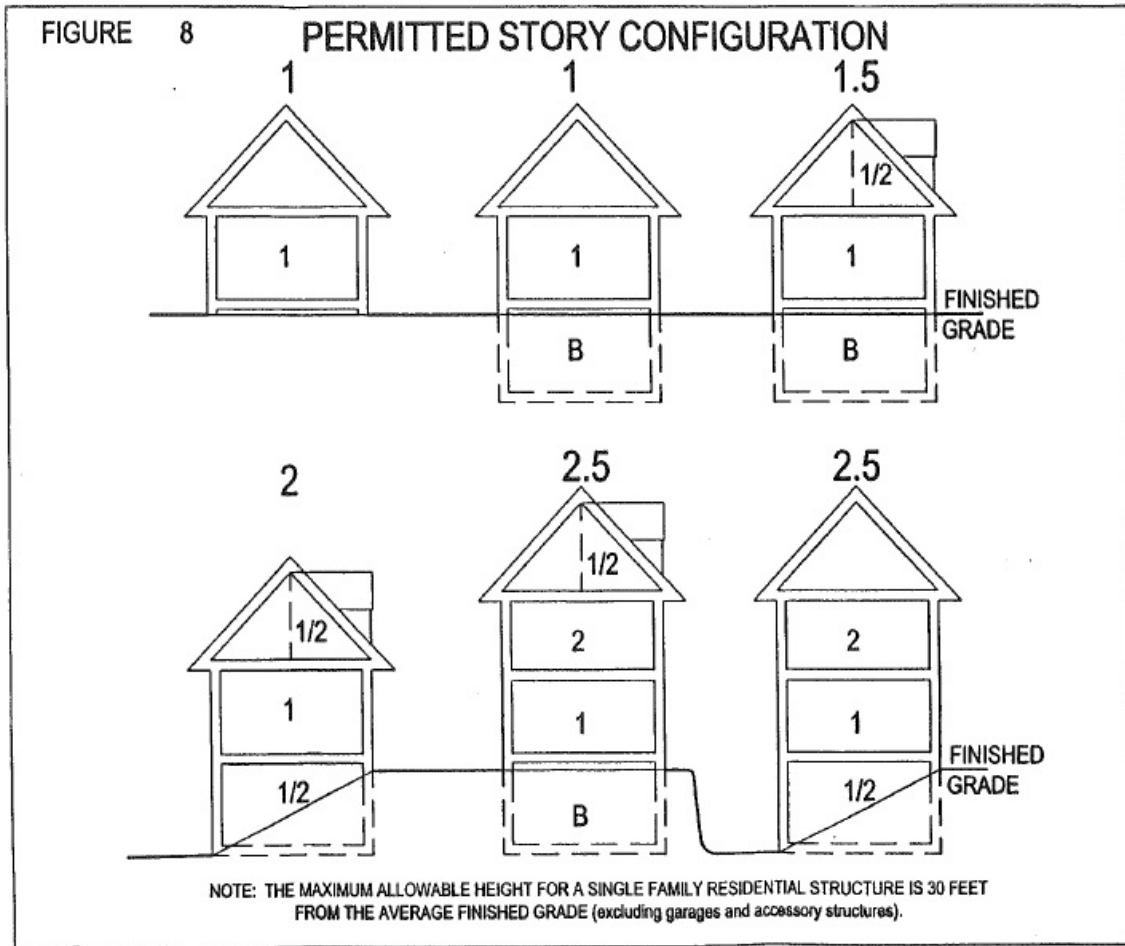
Required and Unrequired Yards – Lake Lot Layout

Figure 7

(Ord. 106A-102. Passed 6-10-15.)

**Figure 8:**

Permitted Story Configuration

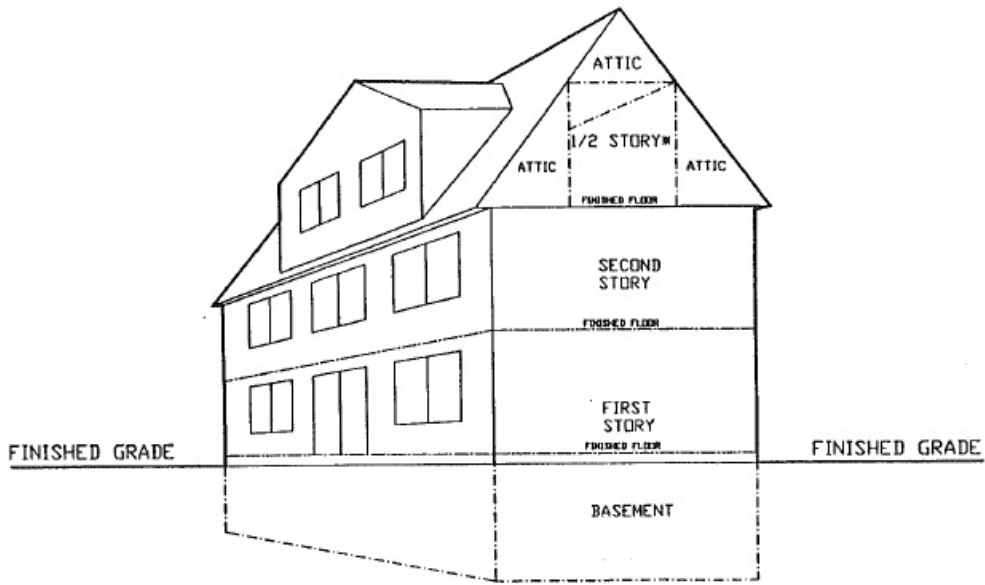


2-16-00

Figure 9:

Sample of a permitted 2.5 story residential structure with 1/2 story above two full stories

SAMPLE OF A PERMITTED 2.5 STORY RESIDENTIAL STRUCTURE  
WITH 1/2 STORY ABOVE TWO FULL STORIES



REPRESENTS 1/2 STORY ABOVE TWO FULL STORIES

FIGURE 9

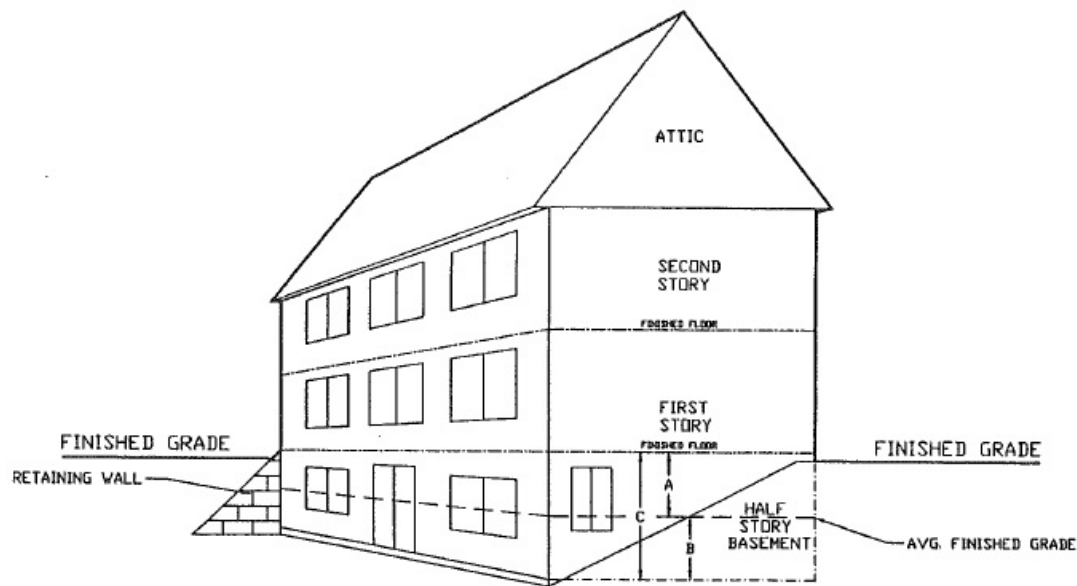
\* A TOP FLOOR AREA UNDER A SLOPING ROOF HAVING LESS THAN FIFTY (50%) PERCENT OF THE FLOOR AREA IMMEDIATELY BELOW WILL BE CONSIDERED A HALF STORY.

2-16-00

Figure 10:

Sample of a permitted 2.5 story residential structure with 1/2 story as a walk-out basement

## SAMPLE OF A PERMITTED 2.5 STORY RESIDENTIAL STRUCTURE WITH 1/2 STORY AS A WALK-OUT BASEMENT



REPRESENTS 1/2 STORY BELOW TWO FULL STORIES

FIGURE 10

- IF AVERAGE OF 'A' IS LESS THAN AVG. OF 'B' THEN 'C' IS A BASEMENT
- A BASEMENT WITH A WALKOUT DESIGN OR A POTENTIAL WALKOUT DESIGN IS CONSIDERED A HALF STORY.
- IF AVERAGE OF 'A' IS GREATER THAN AVG. OF 'B' THEN 'C' IS A STORY

2-16-00

### Chapter 1242:

#### Administration, Enforcement and Penalty

- 1242.01 Administration.
- 1242.02 Building Inspector.
- 1242.03 Planning Commission.
- 1242.04 Building permits.
- 1242.05 Variances.
- 1242.06 Appeals.
- 1242.07 Amendments.
- 1242.08 Site design review.
- 1242.09 Special land uses.
- 1242.10 Fees.
- 1242.99 Penalty.

#### **CROSS REFERENCES**

Zoning Board of Appeals - see M.C.L.A. § 125.3601; P. & Z.Ch. 1244

Conflicting laws; governing laws - see M.C.L.A. § 125.3210

Violations; nuisance per se; abatement - see M.C.L.A. § 125.3407

#### **1242.01 ADMINISTRATION.**

(a) The administration of this Zoning Code is hereby vested in three offices of the government of the Village of Wolverine Lake as follows:

Building Inspector

Zoning Board of Appeals

Planning Commission

(b) This chapter shall first set out the authority of each of these three offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

- (1) Issuance of building permits.
- (2) Issuance of occupancy certificates.
- (3) Variances.
- (4) Appeals.
- (5) Amendments.
- (6) Conditional uses.
- (7) Fees.
- (8) Penalties.

(Ord. 106. Passed 12-9-81.)

#### **1242.02 BUILDING INSPECTOR.**

The Building Inspector and such deputies or assistants that have been or shall be duly appointed by the Village Council shall enforce this Zoning Code and any additions thereto, and in furtherance of such authority shall:

- (a) Issue all building permits and make and maintain records thereof;
- (b) Issue all certificates of occupancy, and make and maintain records thereof;
- (c) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Zoning Code;
- (d) Issue violation notices requiring compliance within thirty days, and advising suspected violators of the right of appeal;
- (e) Require that all construction or work of any type be stopped when such work is not in compliance with this Zoning Code; and revoke any permit which was unlawfully issued, or any permit wherein work not in compliance with this Zoning Code has been performed, and such work has not been corrected within thirty days of notification of such defects;
- (f) Have possession of permanent and current records of this Zoning Code, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications therefor;
- (g) Assist in providing public information relative to this Zoning Code;
- (h) Forward to the Planning Commission all applications for conditional uses and for amendments to this Zoning Code that are initially filed with the Office of the Building Inspector;
- (i) Forward to the Zoning Board of Appeals applications for appeals, variances, nonlisted uses, or other matters on which the Board of Appeals is required to pass under this Zoning Code;
- (j) Enforce all orders of the Zoning Board of Appeals.

(Ord. 106. Passed 12-9-81.)

#### **1242.03 PLANNING COMMISSION**

(a) Establishment. The Planning Commission, as established under the provisions of Act 33, of the Public Acts of 2008, as amended, is the Planning Commission referred to in this Zoning Code. Chapter 1220 of these Codified Ordinances sets forth the membership, functions and duties of the Planning Commission. Additional functions and duties of the Planning Commission are set forth in subsection (b) hereof.

(b) Duties. The Planning Commission shall discharge the following duties under this Zoning Code:

- (1) Review all applications for amendments to this Zoning Code (text or map), hold hearings thereon, and report findings and recommendations to the Village Council in the manner prescribed in this chapter for amendments;
- (2) Receive from the Building Inspector recommendations as related to the effectiveness of this Zoning Code and report the Commission's conclusions and recommendations to the Village Council not less frequently than once a year;
- (3) Hear and decide on special land uses, planned developments, site-plan review and other matters upon which it is



required to pass under this Zoning Code.

(Ord. 106. Passed 12-9-81; Ord. 106A-83. Passed 4-9-14.)

#### **1242.04 BUILDING PERMITS.**

(a) Zoning Compliance. Except as hereinafter provided, no building permit shall be issued by any officer, department, or employee unless the Building Inspector or his or her duly appointed representative has examined the application for such permit and has affixed to it his or her certificate, indicating that the proposed building or structure complies with all the provisions of this Zoning Code, and that all required Planning Commission and Zoning Board of Appeals approvals have been obtained. Any permit or certificate issued in conflict with the provisions of this Zoning Code, shall be null and void.

(b) Plans and Drawings: Certification. Every application for a building permit shall be accompanied by:

(1) A plot plan, in duplicate, of the piece or parcel of land, lot or lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land. For special land uses and for other buildings and structures requiring site plan approval, the complete drawings upon which site plan approval was based shall be submitted.

(2) The complete architectural and/or engineering drawings from which the building or structure will be constructed. Said drawings shall show the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, and such other information as may be required by the Building Inspector for the proper enforcement of this Zoning Code.

The Building Inspector shall require certification by a registered professional engineer or registered architect for all structures, except single-family residential structures. The Building Inspector may, in those cases wherein his or her judgment it is necessary, require certification by a registered professional engineer, or registered architect for single-family residential structures.

(c) Occupancy Certificate Required. No building, or addition thereto, constructed after the effective date of this Zoning Code (January 20, 1982), and no addition to a previously existing building shall be occupied, and no land, vacant on such effective date such Zoning Code, shall be used for any purpose until a certificate of occupancy has been issued by the Building Inspector. No change in a use shall be made until a certificate of occupancy has been issued by the Building Inspector. Every certificate of occupancy shall state that the use of occupancy complies with the provisions of this Zoning Code.

(d) Application for Occupancy Certificate. No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Zoning Code, shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the building permit was based. No occupancy certificate for a building, or addition thereto, constructed after the effective date of this Zoning Code (January 20, 1982), shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by the Building Inspector to be in compliance with all applicable standards. Pending the issuance of a regular certificate, a temporary certificate may be issued to permit occupancy of a building during completion of site work, or to permit occupancy of completed portions of buildings during completion of other portions. Temporary occupancy certificates shall be valid for a period of six months and shall be renewable a maximum of two times with each renewal for a maximum of three months.

(Ord. 106. Passed 12-9-81.)

#### **1242.05 VARIANCES.**

(a) Purpose. The Zoning Board of Appeals may, in passing on appeals, grant a variance or modify the regulations of this Zoning Code only in the specific instances hereinafter set forth, where such Board makes findings of fact in accordance with the standards hereinafter prescribed. Such variances may be granted only when the Board finds that there are practical difficulties in the way of carrying out the strict letter of this Zoning Code. Such variances may be granted only so that the spirit of this Zoning Code shall be observed, public safety secured and substantial justice done.

(b) Appeals. An appeal for a variance shall be taken as specified for appeals to the Zoning Board of Appeals in Sections 1244.03 through 1244.06.

(c) Standards for Variances. The Zoning Board of Appeals shall not vary the regulations of this Zoning Code, unless it shall make findings based upon the evidence presented to it in each specific case that all of the following standards are met:

(1) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship will result to the owner if the strict letter of the regulations are carried out. Inconveniences or increased development costs shall not be deemed hardships under the terms of this section.

(2) The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable generally, or to other property within the same zoning classification.

(3) The purpose of the variance is not based exclusively upon a desire to increase financial gain.

(4) The alleged difficulty or hardship is caused by this Zoning Code and has not been created by any persons presently or previously having an interest in the property.

(5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(d) Conditions. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section and the objectives of this Zoning Code.

(e) Compliance With State Laws; Time Limit. Variances from the regulations of this Zoning Code shall be granted by the Zoning Board of Appeals only in accordance with the standards established in Act 638 of the Public Acts of 1978, as amended, and the City and Village Zoning Act.

No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

(Ord. 106. Passed 12-9-81; Ord. 106A-83. Passed 4-9-14.)

#### **1242.06 APPEALS.**

(a) Scope of Appeals. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by any office, department, board, or bureau aggrieved by a decision of the Building Inspector.

An appeal from any decision or action of the Building Inspector shall be taken not later than thirty days after the start of construction or alterations or a change in use authorized by any permit or certificate issued by the Building Inspector, or within 30 days after the decision or the action complained of, by filing with the Building Inspector and the Board a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting a record upon which the action appealed from was taken.

An appeal from a decision or action of the Planning Commission pertaining to site-plan review shall be taken within thirty days after the decision or action complained of, by filing with the Planning Commission and the Zoning Board of Appeals a notice specifying the grounds thereof.

Decisions or actions of the Building Inspector to deny issuance of building permits or certificates of occupancy based on denial of special land use approval by the Planning Commission shall be subject to appeal.

(b) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board, after the notice of the appeal has been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a court of record on application, on notice of the Building Inspector and on due cause shown.

(c) Public Hearing. The Zoning Board of Appeals shall hold a public hearing on all appeals. The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to any persons to whom any real property within 300 feet of the premises in question shall be assessed, and to the occupants of single- and two-family dwellings within 300 feet. Such notice shall be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used.

(d) Decisions of the Zoning Board of Appeals. The Zoning Board of Appeals shall thereafter reach its decision within ninety days from the date of the public hearing on the appeal. The decision of the board shall not become final until the expiration of five days from the date of the entry of such order unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

(e) Disposition of Appeals. The Zoning Board of Appeals may affirm or may reverse, wholly or in part, or modify the order, requirement, decision, or determination of the Building Inspector or the Planning Commission as specified in Section 2421.06(a). To that end, the Board shall have all the powers of the Building Inspector or Planning Commission from whom the appeal is taken. The Building Inspector shall maintain records of all actions of the Board relative to appeals.

(Ord. 106. Passed 12-9-81.)

#### **1242.07 AMENDMENTS**

(a) Purposes. For the purposes of promoting the public health, safety, and general welfare, conserving the value of property throughout the community, and lessening or avoiding congestion in the public streets and highways, the Village Council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Zoning Code or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

(b) Initiation of Amendment. Text amendments may be proposed by any governmental body or any interested person or

organization. Map amendments may be initiated by any governmental body or by persons having a freehold interest in the subject property, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest or an exclusive possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest or an exclusive possessory interest and which is specifically enforceable.

(c) Application for Amendment. An application for an amendment to this Zoning Code shall be filed with the Building Inspector in such form and accompanied by such information as required by the Building Inspector. The Building Inspector, upon receiving an application for amendment, shall transmit the application, along with all pertinent data filed therewith, to the Planning Commission.

(d) Hearing on Application. The Planning Commission shall hold at least one public hearing on each application for an amendment at such time and place as shall be established by the Planning Commission. The hearings shall be conducted and a record of such proceedings shall be preserved in such manner as the Planning Commission shall, by rule, prescribe from time to time, or as may be required by Charter.

(e) Notice of Hearing. Not less than fifteen days before the date the application will be considered at the public hearing, notice of such hearing shall be published at least once in the official newspaper or a newspaper of general circulation within the Village. If an individual property or several adjacent properties are proposed for rezoning, notice of the hearing shall be given to the owners of the property in question at least fifteen days before the hearing. In the case of general text and/or map amendments, not less than fifteen days' notice of the public hearing shall be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the district or zones affected that registers its name and mailing address with the Village Clerk for the purpose of receiving the notice. Such notice shall be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. Due notice shall be given, additionally, to all persons owning any real property within 300 feet of the premises contained within a map amendment request. The notice shall do all of the following:

(1) Describe the nature of the application.

(2) Indicate the property that is the subject of the application. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

(3) State when and where the application will be considered.

(4) Indicate when and where written comments will be received concerning the application.

(f) Findings of Fact and Recommendation of the Planning Commission The Planning Commission shall make written findings of fact and shall submit the same together with its recommendations to the Village Council. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

(1) Existing uses of property within the general area of the property in question.

(2) The zoning classification of property within the general area of the property in question.

(3) The suitability of the property in question to the uses permitted under the existing zoning classification.

(4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.

(5) The objectives of the Village of Wolverine Lake Land-Use Plan.

The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is not detrimental to the public interest. The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this section, the order of classification shall be as follows with the R1-A District being highest, and the C-3 the lowest: R1-A, R1-B, R1-LF, RM-1, PL, P-1, O-1, C-1, C-2, and C-3.

(g) Action by the Village Council

(1) The Village Council shall not act upon a proposed amendment to this Zoning Code until it shall have received a written report and recommendation from the Planning Commission on the proposed amendment.

(2) The Village Council may grant or deny any application for an amendment provided, however, that in case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners of twenty percent of the area of land to be altered, or by the owners of twenty percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change, such amendment shall not be passed except by a vote of three-fourths, of the Village Council.

(h) Effect of Denial of Amendment No application for a map amendment which has been denied by the Village Council shall be resubmitted for a period of two years from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the Planning Commission and the Village Council.

(i) Notice of Adoption. Following adoption of a Zoning Code amendment by the Village Council, one notice of adoption

shall be published in a newspaper of general circulation in the Village of Wolverine Lake within fifteen days after adoption. The notice shall include the following information:

- (1) Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
- (2) The effective date of the Zoning Code amendment.
- (3) The place and time where a copy of the Zoning Code may be purchased or inspected.

(j) Conditional Rezoning of Land. As an alternative to a rezoning amendment as described in subsections (a) through (i) hereof; the Village may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Public Act 110 of 2006 (MCL 125.3101 et seq.). It is recognized that, in certain instances, it would be an advantage to both the Village and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Village, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

(1) The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to this section.

(2) In addition to the procedures as noted in this section, the following specific procedures, standards, and requirements shall apply to all proposed conditional rezoning requests.

A. A conditional rezoning request must be voluntarily offered by an owner of land within the Village. All offers must be made in writing and must provide the specific conditions to be considered by the Village as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Village and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.

B. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.

C. Conditional rezoning shall not alter any of the various zoning requirements for the uses in question, i.e., parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezoning shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Chapter 1244.

D. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Chapter 1274.

E. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.

F. In addition to the informational requirements provided for in section 36-461 the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this chapter, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features, including natural features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Village. A conditional rezoning site plan shall not replace the requirement under this chapter for site plan review and approval, or subdivision or site condominium approval, as the case may be.

(3) Time limits and reversion of land to previous district.

A. If the proposed conditions of rezoning are acceptable to the Village, the Village may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in subsections (a) through (i) hereof.

B. Unless a reversion of the zoning takes place as described in subsections (a) through (i) hereof, the approved conditional rezoning shall be binding upon the subject property owner, his heirs, successors, assigns, and transferees.

C. Upon approval of a conditional rezoning, a copy of the written agreement between the property owner and Village shall be filed with the county register of deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the Village.

D. The Village may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.

E. The time limits specified and approved by the Village may be extended upon the application of the landowner and approval of the Village.

(4) Review procedures. The factors found in subsection (f) hereof must be considered in any conditional rezoning request.

(Ord. 106. Passed 12-9-81; Ord. 106A-25. Passed 5-11-94; Ord. 106-A47. Passed 11-14-07; Ord. 106A-83. Passed 4-9-14.)

### **1242.08 SITE DESIGN REVIEW.**

For all structures except single-family detached and two-family residential structures, site design review and approval shall be obtained from the Planning Commission before issuance of a building permit. Site design review shall be carried out by the Planning Commission in accordance with the provisions of Chapters 1270 and 1272.

(Ord. 106. Passed 12-9-81.)

### **1242.09 SPECIAL LAND USES.**

Special land use approval shall be obtained from the Planning Commission before issuance of a building permit for any special land use. Special land-use approval shall be granted by the Planning Commission in accordance with the provisions of Chapter 1274.

(Ord. 106. Passed 12-9-81.)

### **1242.10 FEES.**

Any application for an amendment to the text of this Zoning Code, or for appeals, variances, special land-use approval, site-plan review and approval shall be accompanied by a fee as established by resolution of the Village Council.

There shall be no fee, however, in the case of applications filed in the public interest by the Village or any Village official.

(Ord. 106. Passed 12-9-81.)

### **1242.99 PENALTY.**

Any person who violates any provision of this Zoning Code is responsible for a municipal civil infraction, subject to payment of a civil fine as specified in Section 202.99 of the Administration Code, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided in Section 202.99. In addition, any violation of the terms of this Zoning Code shall be and the same is hereby declared to be a nuisance per se and the Village, by and through its proper officers and agents, shall have the authority and power by proper court procedure to maintain and conduct legal action for the abatement of such violation.

(Ord. 106. Passed 12-9-81; Ord. 106-A47. Passed 11-14-07; Ord. 151. Passed 7-9-08.)

## **Chapter 1244:**

### **Zoning Board of Appeals**

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1244.01 Establishment; composition; term; vacancies; alternates and membership.

1244.02 Meetings; minutes; quorum.

1244.03 Jurisdiction and authority.

1244.04 Notice of appeal/public hearing.

1244.05 Required vote.

1244.06 Finality of decisions.

#### **CROSS REFERENCES**

Zoning Board of Appeals - see M.C.L.A. § 125.3601; P. & Z.Ch. 1244

Meetings of the Board; freedom of information - see M.C.L.A. §§ 125.3602, 125.3604, and 125.3701

Review by Circuit Court; appeals to Supreme Court; procedures - see M.C.L.A. § 125.3607

### **1244.01 ESTABLISHMENT; COMPOSITION; TERM; VACANCIES; ALTERNATES AND MEMBERSHIP.**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Article VI of Act 110 of the Public Acts of 2006 and in such a way that the objectives of this Zoning Code shall be observed, public safety secured, and substantial justice done. The Board shall consist of seven members appointed by the Village Council, one of whom shall be a member of the Planning Commission. Each appointment shall be for a period of three years, with the exception of the Planning Commission Liaison, which shall be appointed annually. Each member of the Zoning Board of Appeals shall have been a resident of the Village for at least one year prior to the date of his or her appointment and shall be a qualified and registered elector of the Village on such day and throughout his or her tenure of office. A member of the Zoning Board of Appeals may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which

the member has a conflict of interest constitutes malfeasance in office. Any appointive vacancies in the Zoning Board of Appeals shall be filled by the Village Council for the remainder of the unexpired term. The Zoning Board of Appeals shall annually elect its own Chairperson, Vice-Chairperson, and Secretary. The compensation of the appointed members of the Zoning Board of Appeals shall be fixed by the Village Council.

The Village Council may appoint not more than two alternate members of the Board of Appeals. The alternate members may be called on a rotating basis as determined by the Board of Appeals to sit as regular members of the Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals. The first alternate who is seated as of the date of the adoption of Ordinance 106A-22, passed February 13, 1991, shall serve as first alternate until December 31, 1991, at which time the first alternate member of the Zoning Board of Appeals will be appointed for a three-year period and appointments shall be made every three years thereafter. The second alternate who is seated as of the date of adoption of Ordinance 106A-22, passed February 13, 1991, shall serve until December 31, 1992, at which time the second alternate shall be appointed for a three-year period and shall be appointed thereafter for succeeding three-year periods.

(Ord. 106. Passed 12-9-81; Ord. 106A-14. Passed 7-8-87; Ord. 106A-22. Passed 2-13-91; Ord. 106-A48. Passed 11-14-07; Ord. 106-A52. Passed 8-12-09.)

#### **1244.02 MEETINGS; MINUTES; QUORUM.**

All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as such Board may determine. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Five members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

(Ord. 106. Passed 12-9-81.)

#### **1244.03 JURISDICTION AND AUTHORITY.**

The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

(a) To hear and decide appeals from and review any order, requirement, decision, or determination made by the Building Inspector or the Planning Commission under this Zoning Code;

(b) To hear and pass upon the applications for variances from the terms provided in this Zoning Code in the manner prescribed by and subject to the standards established herein;

(c) To hear and decide all matters referred to it or upon which it is required to pass under this Zoning Code;

(d) To authorize, upon an appeal, a non-use (dimensional) variance from any dimensional standard or requirement of this chapter, such as but not limited to, density, height, bulk, setback or parking and landscaping requirements whereby reason of unique physical characteristics a specific piece of property at the time of enactment of this section or other extraordinary or exceptional conditions of such property, the strict application of such regulations if enacted would result in practical difficulties upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this section. In granting a variance, the Board may attach conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this section. In granting a variance, the Board shall state the grounds upon which it justified the granting of a variance. The Board shall not grant a nonuse variance unless it shall have made a finding of fact based upon the evidence as presented to it in each specific case as specified below:

(1) Practical difficulties. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance. Practical difficulties include:

A. The exceptional narrowness, shallowness or shape of a specific property;

B. The exceptional topographic or environmental conditions or manmade constraints or other extraordinary situation on the land, building, or structure; and

C. The use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this chapter would involve practical difficulties.

(2) Substantial justice. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

(3) Public safety and welfare. The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.

(4) Not self-created. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's immediate predecessor may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action.

(5) No safety hazard or nuisance. The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.

(6) Relationship to adjacent land uses. The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood.

In evaluating this criterion, consideration shall be given to the established type and pattern of land uses in the area, the natural characteristics of the site and surrounding area, prevailing shopping patterns, convenience of access for patrons, continuity of development and the need for particular services and facilities in specific areas of the Village.

(7) Minimum variance necessary. The variance requested is the minimum necessary to permit reasonable use of the land.

(8) Use variances shall not be approved in the Village. A use variance shall be defined as any variance which permits a use not specifically permitted by the Zoning Ordinance for the district in which it is located. Any other variance shall be a dimensional variance.

(e) To hear and decide in accordance with the provisions of this section, requests for interpretations of the Zoning Ordinance and Map, as the Board may require to preserve and promote the character of the zoning provision or district in question and otherwise promote the purposes of this section and those of the Village's Master Plan. Decisions of the Planning Commission pertaining to special land uses and planned developments shall be subject to the Zoning Board of Appeals review.

(Ord. 106. Passed 12-9-81; Ord. 106-A48. Passed 11-14-07.)

#### **1244.04 NOTICE OF APPEAL/PUBLIC HEARING.**

(a) Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice.

(b) The Village Clerk's Office shall publish notice of the request for appeal in a newspaper of general circulation in the Village. Notice shall also be sent by mail or personal delivery to the owners of property for which the appeal is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

(c) The notice shall be given not less than fifteen days before the date the application for appeal will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

(1) Describe the nature of the appeal.

(2) Indicate the property that is the subject of the appeal. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

(3) State when and where the appeal will be considered.

(4) Indicate when and where written comments will be received concerning the appeal.

(Ord. 106-A48. Passed 11-14-07.)

#### **1244.05 REQUIRED VOTE.**

The concurring vote of a majority of all of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which the Board is required to pass under this Zoning Code, except that to effect any use variance a concurring vote of five of the members of the Board shall be necessary.

(Ord. 106. Passed 12-9-81; Ord. 106-A48. Passed 11-14-07.)

#### **1244.06 FINALITY OF DECISIONS.**

All decisions and findings of the Zoning Board of Appeals on any appeal or upon any application for a variance, after a public hearing, shall, in all instances, be the final administrative decision and shall be subject to judicial review as by law may be provided. However, under extraordinary circumstances the Board may decide to rehear a previously determined matter.

(Ord. 106. Passed 12-9-81; Ord. 106-A48. Passed 11-14-07.)

## Chapter 1246:

### Districts Generally and Zoning Map

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- 1246.01 Establishment of districts.
- 1246.02 Maps; district boundaries.
- 1246.03 Essential services exempted.
- 1246.04 Zoning of annexed land.

#### **CROSS REFERENCES**

- Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.
- Bulk regulations - see P. & Z.Ch. 1268
- Site design regulations - see P. & Z.Ch. 1270
- Site design review procedures and standards - see P. & Z.Ch. 1272
- Special land use procedures and standards - see P. & Z.Ch. 1274
- Signs - see P. & Z.Ch. 1276
- Off-street parking and loading - see P. & Z.Ch. 1278
- Accessory buildings and structures - see P. & Z.Ch. 1280
- Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

#### **1246.01 ESTABLISHMENT OF DISTRICTS.**

For the purposes of this Zoning Code, the Village of Wolverine Lake is hereby divided into the following zoning districts:

##### RESIDENTIAL DISTRICTS

- R1-A Single-Family Residential District
- R1-B Single-Family Residential District
- R1-LF Single-Family Residential District
- RM-1 Multifamily Residential District

##### PARK LAND DISTRICT

- PL Park Land District

##### PARKING DISTRICT

- P-1 Parking District

##### OFFICE AND COMMERCIAL DISTRICTS

- O-1 Office Business District
- C-1 Local Business District
- C-2 Community Shopping Center District
- C-3 General Business District

(Ord. 106. Passed 12-9-81.)

#### **1246.02 MAPS; DISTRICT BOUNDARIES.**

(a) The location and boundaries of the districts established by this Zoning Code are set forth on the Zoning Map entitled, "Village of Wolverine Lake District Map" dated December 8, 1981, which is incorporated herein, and hereby made a part of this Zoning Code. Said Map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Zoning Code as though fully set forth and described herein.

(b) The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:

- (1) District boundary lines are the centerlines of highways, streets, alleys, and easements; right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless



otherwise indicated.

(2) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the Map measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the Map from section, quarter section, or division lines, or centerlines of streets and highways, or railroad rights-of-way, unless otherwise indicated.

(3) Where a district boundary line divides a lot in single ownership on the effective date of this Zoning Code, the Board of Appeals, after due hearing, may extend the regulations for either portion of such lot.

(Ord. 106. Passed 12-9-81.)

#### **1246.03 ESSENTIAL SERVICES EXEMPTED.**

The creation, construction, alteration, or maintenance by public utilities or Municipal departments or commissions, of overhead, surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or Municipal department or commission or for the public health, safety, or general welfare, shall be exempt from the regulations of this Zoning Code, provided, however, that the installation shall conform to Federal Communications Commission regulations, and those of other authorities having jurisdiction. However, the following essential services shall be subject to the conditional use provisions of Chapter 1274 if they are to be located in any Residential District:

- (a) Electrical substations
- (b) Gas regulator stations
- (c) Major transmission lines
- (d) Radio, television, microwave transmission and relay towers
- (e) Telephone exchange and transmission equipment buildings
- (f) Railroad rights-of-way, but excluding railroad yards and shops
- (g) Water pumping stations
- (h) Water and wastewater works, reservoirs, pumping and filtration plants

(Ord. 106. Passed 12-9-81.)

#### **1246.04 ZONING OF ANNEXED LAND.**

On land hereafter annexed to, or consolidated with, the Village of Wolverine Lake, no building or structure shall be erected, enlarged, or moved and no change in the use of land or existing buildings or structures shall be made until an ordinance designating the zoning district classification of such annexed land is duly adopted by the Village Council. Within thirty days of the annexation, the Planning Commission shall file an application for an amendment to establish the zoning district classification of such land. Action shall be taken by the Village Council regarding the classification of annexed land within sixty days of its receipt of the amendment application from the Planning Commission.

(Ord. 106. Passed 12-9-81.)

### **Chapter 1248:**

#### **Residential Districts Generally**

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- 1248.01 Permitted uses.
- 1248.02 Special land uses.
- 1248.03 Site design requirements and site design review.
- 1248.04 Lot size requirements.
- 1248.05 Yard requirements and open space.
- 1248.06 Building bulk limitations.
- 1248.07 Signs.
- 1248.08 Off-street parking and loading.
- 1248.09 Household pets.

1248.10 Recreational vehicle parking, storage and use.

### **CROSS REFERENCES**

Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.

Bulk regulations - see P. & Z.Ch. 1268

Site design regulations - see P. & Z.Ch. 1270

Site design review procedures and standards - see P. & Z.Ch. 1272

Special land use procedures and standards - see P. & Z.Ch. 1274

Signs - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Accessory buildings and structures - see P. & Z.Ch. 1280

Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

### **1248.01 PERMITTED USES.**

(a) Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:

- (1) Uses lawfully established on the effective date of this Zoning Code.
- (2) Conditional uses allowed in accordance with the provisions of Section 1248.02.

(b) Uses already established on the effective date of this Zoning Code and rendered nonconforming by the provisions thereof shall be subject to the regulations of Chapter 1282.

(Ord. 106. Passed 12-9-81.)

### **1248.02 SPECIAL LAND USES.**

Special land uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to approval in accordance with the provisions of Chapter 1274.

(Ord. 106. Passed 12-9-81.)

### **1248.03 SITE DESIGN REQUIREMENTS AND SITE DESIGN REVIEW.**

All multifamily residential uses containing three or more residential units shall be subject to the site design regulations set forth in Chapter 1270 and the site design review procedures and standards set forth in Chapter 1272.

(Ord. 106. Passed 12-9-81.)

### **1248.04 LOT SIZE REQUIREMENTS.**

Lot size requirements shall be specified under each zoning district in Chapter 1250. In addition, the following regulations shall be complied with:

- (a) No building shall be converted so as to conflict with, or further conflict with, the size requirements of the district in which such building is located.
- (b) No use shall be established or hereafter maintained on a lot recorded after the effective date of this Zoning Code which is of less area or less width than prescribed hereinafter for such use in the zoning district in which it is to be located.

(Ord. 106. Passed 12-9-81.)

### **1248.05 YARD REQUIREMENTS AND OPEN SPACE.**

(a) Yard requirements shall be as set forth under each zoning district. Front, side, and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except by natural vegetation, permitted fences, and as allowed in Section 1268.05.

(b) All accessory buildings which are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building.

(c) In single-family residential developments containing five or more lots, the yard requirements may be waived in order to encourage innovative design and to provide for such housing types as the atrium or patio house. Such waiver may be obtained only by conditional use permit, as provided within each Residential District.

(d) For each multiple-family structure designed, used or occupied, containing at least twenty residential dwelling units or 18,000 square feet of gross floor area, whichever is less, there shall be provided a minimum of twenty percent of the area of the zoning lot for unobstructed open space which shall be located on the ground, but shall not include required yard spaces, or space provided for off-street parking.

(e) Upon approval of the Village Council, as evidenced by acceptance of the subdivision plat, a developer shall be allowed to satisfy yard requirements by establishing "average" setbacks and varying front yards. However, in such instances, the average setbacks or yards shall be at least equal to the minimum prescribed for that district, and the shortest setbacks or yards shall be consistent with public safety and health.

(Ord.106. Passed 12-9-81.)

#### **1248.06 BUILDING BULK LIMITATIONS.**

Building bulk limitations shall be expressed in terms of minimum yard requirements and maximum building height, maximum lot coverage, and minimum first-floor area per residential unit.

(Ord. 106. Passed 12-9-81.)

#### **1248.07 SIGNS.**

Signs shall be allowed in residence districts in accordance with the regulations established in Chapter 1276.

(Ord. 106. Passed 12-9-81.)

#### **1248.08 OFF-STREET PARKING AND LOADING.**

Off-street parking and loading facilities, accessory to uses allowed in residence districts, shall be provided in accordance with the regulations established in Chapter 1278.

(Ord. 106. Passed 12-9-81.)

#### **1248.09 HOUSEHOLD PETS.**

The keeping of small domestic animals as defined in Section 1240.08 shall be permitted. However, not more than three dogs, cats, rabbits, or similar domestic animals, which are commonly kept, outside shall be permitted per housing unit.

(Ord. 106. Passed 12-9-81.)

#### **1248.10 RECREATIONAL VEHICLE PARKING, STORAGE AND USE.**

(a) The owner of a particular lot, be that lot either a zoning lot or a lot of record, may park, store outside or utilize one and only one recreational vehicle owned by him or her on said lot. Should two abutting lots or a series of abutting lots exist under common ownership, all such lots shall be combined and considered as one lot for the purposes of this section and only one recreational vehicle owned by the resident may be parked, stored or used thereon. At no time may a recreational vehicle be placed upon a non-abutting vacant lot.

(b) Outdoor parking and storage of a recreational vehicle on any residential lot as described in this chapter shall be limited to a recreational vehicle owned by the resident of the particular lot, however, so long as not more than two recreational vehicles are placed on any described lot, temporary parking of a recreational vehicle not owned by the resident of the property shall be allowed under the following circumstances:

- (1) There shall be no connections to water, gas, sanitary sewer or septic tank.
- (2) All electrical service must be from the primary electrical service.

(3) The temporary parking shall be for no more than 24 hours unless such time is extended by the Chief of Police or the Chief's designee. The extension may not exceed five days, and such a situation may not occur more than four times per year for any residence.

(c) Temporary use of either a recreational vehicle owned by the resident of a particular lot, or of an allowed recreational vehicle parked on a temporary basis, is authorized based upon the fulfillment of conditions (b)(1), (2) and (3) of this section.

(d) When a recreational vehicle is parked or stored as allowed by this section, it must not in any way encroach upon any existing right-of-way, and in relation to both front and side yards, it must be placed so as not to endanger passing motorists or pedestrians, or prohibit access of safety personnel or equipment.

(Ord. 106A-33. Passed 1-9-02.)

### **Chapter 1250:**

### **R1-A, R1-B, and R1-LF Single-Family Residential Districts**

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- 1250.01 Purpose.
- 1250.02 Permitted uses.
- 1250.03 Special land uses.
- 1250.04 Accessory structures and uses.
- 1250.05 Lot size requirements.
- 1250.06 Setback from property lines.
- 1250.07 Building bulk limitations.
- 1250.08 Temporary storage structures, construction trailers and dumpsters.

#### **CROSS REFERENCES**

Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.

Bulk regulations - see P. & Z.Ch. 1268

Site design regulations - see P. & Z.Ch. 1270

Site design review procedures and standards - see P. & Z.Ch. 1272

Special land use procedures and standards - see P. & Z.Ch. 1274

Signs - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Accessory buildings and structures - see P. & Z.Ch. 1280

Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

#### **1250.01 PURPOSE.**

The purpose of the Single-Family Residential Districts is to provide for development of already platted areas with new housing which is compatible with existing residential development densities. Use restrictions for the Single-Family Residential Districts are intended to protect such areas from the encroachment of incompatible uses and to preserve existing neighborhood character.

(Ord. 106. Passed 12-9-81.)

#### **1250.02 PERMITTED USES.**

The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this chapter:

- (a) Single-family detached dwellings.
- (b) Foster care family home, adult.
- (c) Parks and playgrounds, except parks and playgrounds used as lake access sites for the launching, docking, or mooring of vessels, which shall be explicitly prohibited.
- (d) Essential services, except those subject to conditional use approval, as set forth in Section 1246.03.
- (e) On-site signs as regulated in Chapter 1276.

(Ord. 106. Passed 12-9-81; Ord. 106A-29. Passed 7-21-99; Ord. 106A-68. Passed 4-9-14.)

#### **1250.03 SPECIAL LAND USES.**

The following uses shall be permitted subject to the lot area, yard, and setback requirements set forth in this chapter and upon a special land-use approval as provided for in Chapter 1274.

- (a) Child-care centers, nursery schools, and day nurseries.
- (b) Educational facilities (nonboarding), as follows:
  - (1) Elementary schools.
  - (2) Junior and senior high schools.
- (c) Churches.
- (d) Public service uses and buildings, as follows:
  - (1) Fire stations

- (2) Police stations
- (e) Essential services as set forth in Section 1246.03.
- (f) Off-street parking for immediately adjacent non-residential uses.
- (g) An individual mobile home located on a parcel of land or lot zoned for single-family residential use, which shall conform to the following standards:
  - (1) It shall comply with all pertinent Building and Fire Codes for single-family dwellings, including, but not limited to, the Michigan Construction Code.
  - (2) It shall be firmly and permanently attached to a solid foundation or basement not less in area than the perimeter area of the dwelling. The foundation and/or basement shall be constructed in accordance with the Michigan Construction Code.
  - (3) It shall not have any exposed wheels, towing mechanism, or undercarriage.
  - (4) It shall be connected to a public sewer and water supply, if available, or to private facilities approved by the Oakland County Health Department.
  - (5) It shall be aesthetically comparable in design and appearance to conventionally-constructed homes in the zoning district in which it is located. It shall be the responsibility of the Planning Commission to determine whether this standard is met. The Planning Commission shall make a determination that this standard has been met if it finds that all of the following conditions exist:
    - A. The proposed mobile home will have a combination of roof overhang and pitch comparable to the overhang and pitch of conventionally constructed homes typically found in the zoning district in which it is to be located.
    - B. The proposed mobile home will have steps and/or porches which will provide access to exterior doors, which are permanently attached to the ground and to the mobile home structure, and which are comparable to steps and/or porches of conventionally constructed homes typically found in the zoning district in which it is to be located.
    - C. The proposed mobile home will be covered with a siding material which is in color, texture, malleability, direction of joints, and method of fastening to the structure comparable to siding of conventionally-constructed homes typically found in the zoning district in which it is to be located.
    - D. The proposed mobile home will have the glass on its windows recessed at least one and one-half inches behind the exterior surface of its siding.
    - E. The proposed mobile home will have front and rear or front and side exterior doors if such a combination of doors is found in a majority of homes in the zoning district in which it is to be located.
    - F. The proposed mobile home will have a one-car garage or a two-car garage if such garage is found in a majority of the homes in the zoning district in which it is to be located.
  - (6) The Planning Commission may approve a mobile home as aesthetically comparable in design and appearance to conventionally constructed homes in the district in which it is to be located even if all of the above conditions do not exist, provided it finds that the mobile home and/or its site has other design features which make it aesthetically comparable to conventionally constructed homes in the district.
- (h) Single family attached dwelling.

(Ord. 106. Passed 12-9-81; Ord. 106A-2. Passed 11-10-82; Ord. 106A-13. Passed 5-13-87; Ord. 106A-16. Passed 8-10-88.)

#### **1250.04 ACCESSORY STRUCTURES AND USES.**

The following structures and uses shall be permitted as accessory to a permitted use or an approved conditional use subject to the lot, area, yard and setback requirements set forth in this chapter and in Chapter 1280.

- (a) Athletic fields and playgrounds accessory to educational facilities when the athletic fields or playgrounds are specifically approved as conditional uses.
- (b) Clubhouses and other structures on the grounds of private clubs, golf courses, and tennis clubs, accessory to recreational and social facilities when the clubhouse or other structures are specifically approved as conditional uses.
- (c) Garages and carports.
- (d) Greenhouses and conservatories, private (noncommercial).
- (e) Home occupations.
- (f) Living quarters, detached for persons employed on the premises if occupied by such persons and their immediate family.
- (g) Mausoleums and grounds maintenance buildings accessory to cemeteries.

- (h) Pavilions, restrooms, snack bars, and similar buildings accessory to parks and playgrounds.
- (i) Secondary religious facilities servicing a principal religious institution with conditional use approval.
- (j) Sewage disposal units, individual.
- (k) Stadiums and grandstands in athletic fields accessory to educational facilities when the stadiums or grandstands are specifically approved as conditional uses.
- (l) Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- (m) Swimming pools and tennis courts, private.
- (n) Temporary real estate tract offices for the purpose of conducting the sale of lots of the tract upon which such tract office is located, for a period not to exceed two years.
- (o) Toolhouses, sheds, and other similar buildings for the storage of domestic supplies, provided they are located no closer than ten feet from any other structure.

(Ord. 106. Passed 12-9-81; Ord. 106A-2. Passed 11-10-82; Ord. 106A-21. Passed 12-13-89; Ord. 106A-26. Passed 10-12-94.)

**1250.05 LOT SIZE REQUIREMENTS.**

(a) Permitted Uses.

<i>USE</i>	<i>MINIMUM LOT AREA (sq. ft)</i>	<i>MINIMUM LOT WIDTH (ft.)<sup>1</sup></i>
R1-A Single-Family Detached Dwellings	12,000	80
R1-B Single-Family Detached Dwellings	9,000	75
R1-LF Single-Family Detached Dwellings	7,500	50

<sup>1</sup> Minimum lot width indicated applies, except that the lot width shall not be less than one-third the depth.

(b) Special Land Uses.

<i>USE</i>	<i>MINIMUM LOT AREA (sq. ft)<sup>1</sup></i>	<i>MINIMUM LOT WIDTH (ft.)<sup>2</sup></i>
<i>USE</i>	<i>MINIMUM LOT AREA (sq. ft)<sup>1</sup></i>	<i>MINIMUM LOT WIDTH (ft.)<sup>2</sup></i>
Churches	80,000	200
Educational Facilities	80,000	200
Public Service Uses and Buildings	40,000	145
Public Utility Uses	20,000	100
R1-A Single-Family Attached Dwellings (Per Unit)	12,000	By site design approval
R1-B Single-Family Attached Dwellings (Per Unit)	9,000	By site design approval

<sup>1</sup> Minimum lot area indicated represents absolute minimum which may be increased if determined necessary by the Planning Commission as a condition for granting special land use approval.

<sup>2</sup> Minimum lot width indicated except that in no case shall the lot width be less than one-third the depth.

(c) Accessory Uses. Accessory uses may be established on the same lot as the principal use provided that such lots meet the lot size requirements set forth in this chapter, except that additional lot area shall be provided for the following accessory uses as specified.

<b>USE</b>	<b>MINIMUM ADDITIONAL LOT AREA</b>
Athletic Fields and Playgrounds	1.2 sq. ft. for each sq. ft. of site area so used
Living Quarters for Employees	4,400 sq. ft.
Stadium and Grandstands	1.2 sq. ft. for each sq. ft. of site area so used.

(Ord. 106. Passed 12-9-81; Ord. 106A-16. Passed 8-10-88.)

**1250.06 SETBACK FROM PROPERTY LINES.**

(a) Permitted Uses.

	<b>PROPERTY LINES</b>		
<b>USE</b>	<b>FRONT MINIMUM (ft.)<sup>1</sup></b>	<b>EACH SIDE (ft.)</b>	<b>REAR OR LAKE FRONT MINIMUM<sup>2</sup></b>
	<b>PROPERTY LINES</b>		
<b>USE</b>	<b>FRONT MINIMUM (ft.)<sup>1</sup></b>	<b>EACH SIDE (ft.)</b>	<b>REAR OR LAKE FRONT MINIMUM<sup>2</sup></b>
R1-A Single-Family Dwellings	25	10	35
R1-B Single Family Dwellings	25	10	35
R1-LF Single-Family Dwellings	25	5	35
Nonresidential Buildings	25	25	25
<sup>1</sup> The setback indicated is a minimum which shall be increased as necessary to equal the average setback of other structures on either side of said building or structure along the same street.			
<sup>2</sup> Setback indicated is a minimum which shall be increased if necessary to equal the average setback of the four adjacent lots on either side. The setback shall be measured from the recorded lake line or promenade line.			

(b) Special Land Uses.

	<b>PROPERTY LINES</b>		
<b>USE</b>	<b>FRONT MINIMUM (ft.)</b>	<b>EACH SIDE (ft.)</b>	<b>REAR MINIMUM (ft.)</b>
	<b>PROPERTY LINES</b>		
<b>USE</b>	<b>FRONT MINIMUM (ft.)</b>	<b>EACH SIDE (ft.)</b>	<b>REAR MINIMUM (ft.)</b>
Churches	25	50	50
Nonresidential Buildings	25	50	50
Outdoor Storage Areas	25	25	25
R1-A Single-Family Attached Dwellings	25	25	25
R1-B Single-Family Attached Dwellings	25	25	25
Note: For churches exceeding the maximum building heights stated herein, the setback from the property lines shall be increased to equal the height of the building but shall not be less than the setback stated herein.			

(c) Accessory Uses.

USE	PROPERTY LINES			
	FRONT MINIMUM (ft.) <sup>1</sup>	EACH SIDE (ft.)	REAR MINIMUM (ft.)	LAKEFRONT MINIMUM (ft.) <sup>2</sup>
Accessory to Single-Family Dwellings	25	5	5	5 feet for accessory buildings or structures not 5 feet for accessory buildings or structures not exceeding eighteen inches in height above the surrounding grade; 20 feet for accessory buildings or structures which exceed eighteen inches in height above the surrounding grade.
Accessory to Other Non-Residential Buildings and Structures	50	50	50	50

<sup>1</sup>Setback indicated is a minimum which shall be increased if necessary to equal the average setback of all other structures on the block face.

<sup>2</sup>Section 1280.04(b) excludes certain accessory structures from these setback requirements in the lakefront yard.

(Ord. 106. Passed 12-9-81; Ord. 106A-16. Passed 8-10-88; Ord. 106A-21. Passed 12-13-89; Ord. 106-A39. Passed 10-13-04; Ord. 106A-107. Passed 7-11-18; Ord. 106A-117. Passed 10-13-21.)

**1250.07 BUILDING BULK LIMITATIONS.**

USE	MAXIMUM BUILDING HEIGHT		Maximum Lot Coverage (Percent)	MINIMUM <sup>2</sup> FLOOR AREA PER UNIT	
	Stories	Feet		Story <sup>1, 6</sup> Units	Other <sup>3, 6</sup> Units
Churches	2½	30	40	None	None
R1-A Single-Family Attached and Detached Buildings	2½	30	40	1,200	1,600
R1-B Single-Family Attached and Detached Buildings	2½	30	40	960	1,200
R1-LF Single-Family Attached and Detached Buildings	2½	30	40	960	1,200
Residential Accessory Buildings and Structures	NA	14 <sup>4</sup>	NA <sup>1</sup>	1,100 <sup>5, 7</sup>	1,100 <sup>5, 7</sup>
Nonresidential Buildings	2½	30	40	None	None

<sup>1</sup> The maximum lot coverage for residential accessory buildings and structures shall be included, within the percentage permitted for the primary use.

<sup>2</sup> In computing floor areas, basement or attached garage areas shall not be counted.



3	Includes two-story, bi-level, and tri-level units.
4	The maximum height of a residential accessory building shall not exceed that of the primary structure of fourteen feet, whichever is less. See Chapter 1280 for additional limitations.
5	The total square footage of all residential accessory buildings and structures (except swimming pools, tennis courts, basketball courts, and play surfaces) cannot exceed the total ground floor living area of the primary structure or 1,100 square feet, whichever is less.
6	Attached garages cannot exceed the total ground floor living area of the primary structure or 900 square feet, whichever is less.
7	Any individual detached accessory building cannot exceed 750 square feet with a maximum of two detached accessory buildings allowed per lot. See Chapter 1280 for additional limitations.

(Ord. 106. Passed 12-9-81; Ord. 106A-16. Passed 8-10-88; Ord. 106A-21. Passed 12-13- 89; Ord. 106-A40. Passed 10-13-04; Ord. 106-A88. Passed 5-14-14; Ord. 106A-99. Passed 6-10-15.)

### **1250.08 TEMPORARY STORAGE STRUCTURES, CONSTRUCTION TRAILERS AND DUMPSTERS.**

(a) Portable on-demand storage structures (PODS) may be permitted on any lot subject to the following regulations:

(1) A maximum of one structure which does not exceed eight feet high, eight feet wide, and sixteen feet long may be permitted on one lot at a time.

(2) The portable on-demand storage structure may be placed on a lot for a period not to exceed 150 consecutive days or no more than 150 days in a calendar year. Up to two portable on-demand storage pods may be located on-site if the Building Official has issued a building permit. The time period may also be extended by the Building Official if there is substantial progress or construction activity toward completion. In the event of flood damage, fire damage, asbestos removal or similar catastrophes or emergency repairs, the Building Official may allow up to two portable on-demand storage structures during the period of emergency repair. Time extensions may also be granted by the Zoning Board of Appeals.

(3) The portable on-demand storage structure must meet all setback requirements for accessory structures within the district, or be located on the driveway.

(b) Membrane storage structures may be permitted on any lot subject to the following regulations:

(1) A maximum of one structure which does not exceed 320 square feet in size may be permitted on one lot at a time. This structure shall not be greater than eight feet tall.

(2) The membrane storage structure may be placed on a lot for a period not to exceed 180 consecutive days or no more than 180 days in a calendar year.

(3) The membrane storage structure must meet all setback requirements for accessory structures within the district, or be located on the driveway.

(c) A temporary construction trailer may be permitted by the Building Official, subject to the following regulations:

(1) A temporary construction trailer may be permitted for a period of up to twelve months at a time only during construction, remodel, repair, or renovation as part of an approved zoning or building permit. This may be extended by the Building Official for up to an additional three months if there is substantial progress or construction activity toward completion of the construction site.

(2) Side yard setback requirements for the zoning district must be met.

(d) Dumpster roll-off container or trailer may be permitted by the Building Official, subject to the following regulations:

(1) In a residential zoning district, a dumpster roll-off container or trailer may be permitted by the Building Official for a maximum of five days. This may be extended by the Building Official if the site has been issued a building permit, and if there is substantial progress or construction activity.

(2) The dumpster roll-off container or trailer shall be placed at least five feet from a side yard and shall be situated to maintain adequate sight distance from the public right-of-way.

(3) In non-residential zoning districts, a dumpster roll-off container or trailer may be permitted by the Building Official for a maximum of ten days. This may be extended by the Building Official if the site has been issued a building permit, and if there is substantial progress or construction activity.

(e) Temporary storage facilities other than portable on-demand storage (PODS), membrane storage structures, temporary construction trailers or dumpster roll-off containers as described in this chapter are prohibited.

(Ord. 106-A88. Passed 5-14-14; Ord. 106-A96. Passed 12-10-14.)

## RM-1 Multifamily Residential District

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- 1252.01 Purpose.
- 1252.02 Permitted uses.
- 1252.03 Special land uses.
- 1252.04 Accessory structures and uses.
- 1252.05 Lot size requirements.
- 1252.06 Setback from property lines.
- 1252.07 Building bulk limitations.
- 1252.08 Alternative site design techniques.

### **CROSS REFERENCES**

Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.

Bulk regulations - see P. & Z.Ch. 1268

Site design regulations - see P. & Z.Ch. 1270

Site design review procedures and standards - see P. & Z.Ch. 1272

Special land use procedures and standards - see P. & Z.Ch. 1274

Signs - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Accessory buildings and structures - see P. & Z.Ch. 1280

Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

### **1252.01 PURPOSE.**

The purpose of the RM-1 Multifamily Residential District is to provide for the development of multifamily housing in suitable areas. Such areas should be of adequate size to enable establishment of a substantial multiple-family environment. In general, the RM-1 District is intended for mapping on individual parcels of at least 15,000 square feet. Preferably, the RM-1 District should be mapped on parcels which alone or together with other contiguous multifamily parcels occupy an entire block face or larger area. The RM-1 District is also intended for mapping on individual parcels which are located in close proximity to amenities such as public park and open-space areas or established shopping areas which can conveniently serve the concentrations of residents which live in multiple-family areas. There is a limited area available for mapping the RM-1 District; therefore, the RM-1 District does not provide for the wide range of nonresidential conditional uses permitted in Single-Family Residential Districts.

(Ord. 106. Passed. 12-9-81)

### **1252.02 PERMITTED USES.**

The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this chapter:

- (a) Single-family detached dwellings.
- (b) Single-family attached dwellings.
- (c) Multifamily dwellings. No more than ten percent of the units may be efficiency-type units.
- (d) Foster care family home, adult.
- (e) Parks and playgrounds, except parks and playgrounds used as Lake access sites for the launching, docking, or mooring of vessels, which shall be explicitly prohibited.
- (f) Essential services except those subject to conditional use approval as set forth in Section 1246.03.
- (g) On-site signs as regulated in Chapter 1276.
- (h) Churches.

(Ord. 106. Passed 12-9-81; Ord. 106A-29. Passed 7-21-99; Ord. 106-A35. Passed 12-11-02; Ord. 106A-84. Passed 4-9-14.)

### **1252.03 SPECIAL LAND USES.**

The following uses shall be permitted subject to the lot area, yard and setback requirements set forth in this chapter and upon a special land use approval as provided for in Chapter 1274:

(a) Senior Housing. Senior housing shall be described as any multiple family dwelling facility specifically used for the housing of senior citizens that do not require special housing or living needs on a permanent basis as described in subsection (c) hereof.

(1) There shall not be any greater density than three bedrooms with an average of no more than two beds per bedroom for each 5,000 square feet of net land area.

(2) All such facilities must be licensed by the State of Michigan, or any other legal licensing agency, if applicable.

(3) There shall be at least one parking space per each bedroom, plus there shall be at least one parking space per each two employees.

(4) Each senior housing facility shall provide 1,500 square feet of outdoor open space or recreation area for each dwelling unit.

(b) Foster Care Small Group Home. Foster care small group home facilities are subject to the following conditions:

(1) There shall not be any greater density than three bedrooms with an average of no more than two beds per bedroom for each 5,000 square feet of net land area.

(2) All such facilities must be licensed by the State of Michigan, or any other legal licensing agency.

(3) There shall be at least one parking space per each bedroom, plus there shall be at least one parking space per each two employees. A portion of the parking space requirements may be deferred by request of the applicant if applicable to the particular use of the site. The site shall contain ample space, and should be designed with all ingress/egress and circulation as per ordinance requirements. The deferred parking may be required at any given time upon a written request by the Village.

(4) Each assisted housing facility shall provide 1,500 square feet of outdoor open space or recreation area for each bed.

(5) Common services containing, but not limited to, central dining rooms, recreational rooms, a central lounge, workshops, and personal service facilities, shall be provided. The total area of such shall equal not less than 110 square feet for each dwelling unit.

(c) Nursing or Convalescent Housing. Nursing or convalescent housing shall be described as a multiple family dwelling facility specifically for the housing and living needs for individuals with full-time medical and/or physical needs. Nursing and convalescent housing facilities are subject to the following conditions:

(1) There shall not be any greater density than three bedrooms with an average of no more than two beds per bedroom for each 5,000 square feet of net land area.

(2) All such facilities must be licensed by the State of Michigan, or any other legal licensing agency.

(3) There shall be at least one parking space per each five beds, plus there shall be at least one parking space per each two employees.

(4) Each assisted housing facility shall provide 1,500 square feet of outdoor open space or recreation area for each bed.

(5) Common services containing, but not limited to, central dining rooms, recreational rooms, a central lounge, workshops, and personal service facilities, shall be provided. The total area of such shall equal not less than 110 square feet for each dwelling unit.

(6) There shall be no kitchens or cooking facilities in any dwelling unit.

(Ord.106. Passed 12-9-81; Ord. 106A-16. Passed 8-10-88; Ord. 106A-32. Passed 6-13-01; Ord. 106-A35. Passed 12-11-02; Ord. 106A-84. Passed 4-9-14.)

### **1252.04 ACCESSORY STRUCTURES AND USES.**

The following structures and uses shall be permitted as accessory to permitted uses subject to the lot area, yard, and setback requirements set forth in this chapter.

(a) Garages and carports.

(b) Greenhouses and conservatories, private.

(c) Home occupations.

(d) Pavilions, restrooms, snack bars, and similar buildings accessory to parks and playgrounds.

(e) Real estate offices for the purpose of conducting the rental, lease, or sale of residential units of the tract upon which such office is located.

(f) Storage of building materials and equipment, and temporary buildings for construction purposes, for a period not to exceed the duration of such construction.

(g) Swimming pools and tennis courts, private, and related pavilions, restrooms, and snack bars.

(h) Tollhouses, sheds, and other similar buildings for the storage of domestic supplies.

(Ord.106. Passed 12-9-81.)

**1252.05 LOT SIZE REQUIREMENTS.**

(a) Permitted Uses.

<i>USE<sup>2</sup></i>	<i>MINIMUM LOT AREA</i>	<i>MINIMUM LOT WIDTH<sup>1</sup></i>
<i>USE<sup>2</sup></i>	<i>MINIMUM LOT AREA</i>	<i>MINIMUM LOT WIDTH<sup>1</sup></i>
Single-Family Detached Dwellings	9,000 S.F.	75 Ft.
Single-Family Attached Dwellings (Per Lot)	15,000 S.F.	100 Ft.
Single-Family Attached Dwellings (Per Unit)	5,000 S.F.	By site design <sup>2</sup>
Multifamily Dwellings (Per Lot)	15,000 S.F.	200 Ft.
Multifamily Dwellings (Per Unit)	5,000 S.F.	N.A.
Parks and Playgrounds	6,600 S.F.	50 Ft.
Churches and Related Facilities	80,000 S.F.	200 Ft.

<sup>1</sup> Minimum lot width indicated applies except that the lot width shall not be less than one-third the depth.

<sup>2</sup> Maximum number of bedrooms per dwelling unit is three (3). Maximum number of rooms per dwelling unit is eight (8); maximum size of dwelling unit is three thousand, five hundred (3,500) square feet.

NOTE: Land which is within a floodplain, watercourse, floodway, drainage course and/or wetland, as defined and delineated as such by the U.S. Army Corps of Engineers, and/or U.S. Department of Housing and Urban Development, and subaqueous land as is not otherwise delineated, shall be counted for density computations on the basis of only fifty percent (50%) of said land. In no event shall the development upon the remaining part of any parcel exceed an average density of 167 percent of the average density allowed in the zoning district per remaining acre.

(b) Special Land Uses.

<i>USE<sup>2</sup></i>	<i>MINIMUM LOT AREA</i>	<i>MINIMUM LOT WIDTH<sup>1</sup></i>
<i>USE<sup>2</sup></i>	<i>MINIMUM LOT AREA</i>	<i>MINIMUM LOT WIDTH<sup>1</sup></i>
Group Homes	15,000 S.F.	200 Ft.
Senior Housing	3 Acres	300 Ft.
Assisted Housing	3 Acres	300 Ft.
Nursing/Convalescent Housing	3 Acres	300 Ft.

<sup>1</sup> Minimum lot width indicated applies except that the lot width shall not be less than one-third the depth.

<sup>2</sup> Maximum number of bedrooms per dwelling unit is three (3). Maximum number of rooms per dwelling unit is eight (8); maximum size of dwelling unit is three thousand, five hundred (3,500) square feet.

NOTE: Land which is within a floodplain, watercourse, floodway, drainage course and/or wetland, as defined and delineated as such by the U.S. Army Corps of Engineers, and/or U.S. Department of Housing and Urban Development, and subaqueous land as is not otherwise delineated, shall be counted for density computations on the basis of only fifty percent (50%) of said land. In no event shall the development upon the remaining part of any parcel exceed an average density of 167 percent of the average density allowed in the zoning district per remaining acre.

(c) Accessory Uses. Accessory uses may be established on the same lot as the principal use, provided that such lots meet the lot size requirements set forth in this chapter, except that additional lot area shall be provided for the following accessory uses as specified.

USE	MINIMUM ADDITIONAL LOT AREA
Garages and Carports Accessory to Multifamily Structures	1 Sq. Ft. for each Sq. Ft. of lot area so occupied.
Toolhouses, Sheds, and Similar Buildings for the Storage of Domestic Supplies Accessory to Multifamily Structures	1 Sq. Ft. for each Sq. Ft. of lot area so occupied.

(Ord. 106A-32. Passed 6-13-01; Ord. 106-A35. Passed 12-11-02.)

**1252.06 SETBACK FROM PROPERTY LINES.**

(a) Permitted Uses.

USE	PROPERTY LINE		
	FRONT MINIMUM (ft.) <sup>1, 2</sup>	EACH SIDE (ft.) <sup>2</sup>	REAR MINIMUM (ft.) <sup>2</sup>
Single-Family Dwellings	25	12.5	35
Multifamily Structures	25	25	35
Churches and Related Facilities	50	50	50

<sup>1</sup>Setback indicated is a minimum which shall be increased if necessary to equal the average setback of all other structures on the block face.

<sup>2</sup>A twenty foot greenbelt, landscaped per Section 1270.03(d), must be added to the required yard setback if it is adjacent to a primary county road and single-family residential areas.

(b) Special Land Uses.

USE	PROPERTY LINE		
	FRONT MINIMUM (ft.) <sup>1, 2</sup>	EACH SIDE (ft.) <sup>2</sup>	REAR MINIMUM (ft.) <sup>2</sup>
Group Homes	50	50	50
Senior Housing	50	50	50
Assisted Living Housing	50	50	50
Nursing/Convalescent Housing	50	50	50

<sup>1</sup>For churches exceeding the maximum height stated herein, the setback from the property line shall be increased to equal the height of the building but shall not be less than the setback stated herein.

<sup>2</sup>A twenty foot greenbelt, landscaped per Section 1270.03(d), must be added to the required yard setback if it is adjacent to a primary county road and single-family residential areas.

(c) Accessory Uses.

USE	PROPERTY LINE		
	FRONT MINIMUM (ft.) <sup>1</sup> , 2	EACH SIDE (ft.) <sup>2</sup>	REAR MINIMUM (ft.) <sup>2</sup>
Buildings Accessory to Single-Family Dwellings	25	5	15
Buildings Accessory to Multifamily Structures	50	10	15
Buildings Accessory to Parks and Playgrounds	25	25	25

<sup>1</sup>Setback indicated is a minimum, which shall be increased if necessary to equal the average setback of all other structures on the block face.

<sup>2</sup>A twenty foot greenbelt, landscaped per Section 1270.03(b), must be added to the required yard setback if it is adjacent to a primary county road and single-family residential areas.

(Ord. 106A-32. Passed 6-13-01; Ord. 106-A35. Passed 12-11-02.)

**1252.07 BUILDING BULK LIMITATIONS.**

(a) Permitted Uses.

USE	MAXIMUM BUILDING HEIGHT		MAXIMUM LOT OVERAGE	MINIMUM FLOOR AREA PER UNIT
	Stories	Feet	Percent	Square Feet
Single-Family Attached and Detached Dwellings	2½	30	40	960
Multifamily Dwellings	2½	30	50	N.A.
<i>Multifamily Dwellings</i>				
Per Efficiency Unit	N.A.	N.A.	N.A.	450
Per One (1) Bedroom Unit	N.A.	N.A.	N.A.	650
Per Two (2) Bedroom Unit	N.A.	N.A.	N.A.	850
Per Three (3) or More Bedroom Unit	N.A.	N.A.	N.A.	960
Residential Accessory Buildings	1	12	0 <sup>1</sup>	None
Buildings Accessory to Parks and Playgrounds	1	15	10	None
Building Access to Church and Related Facilities	2 1/2	302	40%	N.A.

<sup>1</sup>The maximum lot coverage for residential accessory buildings shall be included within the percentage permitted for the primary use.

<sup>2</sup> For churches exceeding the maximum height stated herein, the setback from the property line shall be increased to equal the height of the building, but shall not be less than the setback stated herein.

(b) Special Uses.

USE <sup>1</sup>	MAXIMUM BUILDING HEIGHT	MAXIMUM LOT OVERAGE	MINIMUM FLOOR AREA PER UNIT <sup>2</sup>

	Stories	Feet	Percent	Square Feet
Group Homes	2½	30	40	N.A.
Senior Housing	2½	30	50	N.A.
Assisted Living Housing	2½	30	50	N.A.
Nursing/Convalescent Housing	2½	30	50	N.A.
<sup>1</sup> The maximum lot coverage for residential accessory buildings shall be included within the percentage permitted for the primary use.				
<sup>2</sup> See provisions in Section 1252.03 for minimum floor area per unit.				

(Ord. 106A-32. Passed 6-13-01; Ord. 106-A35. Passed 12-11-02.)

### **1252.08 ALTERNATIVE SITE DESIGN TECHNIQUES.**

Alternative site design techniques may be employed and are encouraged in the RM-1 Multifamily Residential District upon review and approval by the Planning Commission and Village Council. The following design techniques are generally considered preferable, but must be reviewed to determine whether the integrity of the RM-1 Multifamily Zoning District is not compromised, and that the health, welfare, and safety of the Village are not at risk:

- (a) Clustering of the buildings with reduced side yard setbacks to a minimum of eight feet between buildings to preserve significant open space of at least forty percent of the site.
- (b) Curving and meandering the streets and driveways to limit sight distances, especially from major thoroughfares.
- (c) Designing side opening garages on fifty percent of the units or screening parking from the collector roads or primary driveways within the development.
- (d) Establishing variable building setbacks from the road and from unit to unit where applicable to provide variety in aesthetic value.
- (e) Establishing an architectural façade material and color chart in order to vary the image of each building and/or each dwelling unit based on the development pattern of the complex.

(Ord. 106A-32. Passed 6-13-01.)

## **Chapter 1254:**

### **PL Park Land District**

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1254.01 Purpose.

1254.02 Permitted principal uses.

1254.03 Permitted accessory uses.

#### **CROSS REFERENCES**

Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.

Bulk regulations - see P. & Z.Ch. 1268

Site design regulations - see P. & Z.Ch. 1270

Site design review procedures and standards - see P. & Z.Ch. 1272

Special land use procedures and standards - see P. & Z.Ch. 1274

Signs - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Accessory buildings and structures - see P. & Z.Ch. 1280

Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

#### **1254.01 PURPOSE.**

This District is designed to reflect the belief that the quality of the environment is contingent upon the preservation of park space within the Village for the benefit of the citizenry as a whole. In some cases, these areas may have unique topographic features or natural amenities such as forests, lakes, or natural waterways, which are conducive to recreational uses. In other

cases, these amenities are man-made and accommodate publicly owned civic, cultural, or governmental uses.

(Ord.106. Passed 12-9-81.)

#### **1254.02 PERMITTED PRINCIPAL USES.**

The following uses are principal permitted uses in the PL Park Land District:

(a) Outdoor recreational uses, such as playgrounds, playfields, golf courses, boating areas, fishing sites, camping sites, parkways, and parks. No structure shall be erected or maintained upon dedicated park land which is not customarily incidental to the principal use of the land.

(b) Natural open space, such as: conservation lands, wildlife sanctuaries, forest preserves, and developed open space, such as arboreta and botanical and zoological gardens.

(c) Educational services, such as public primary and secondary schools, and institutions of higher education.

(d) Cultural services, such as museums and art galleries.

(Ord.106. Passed 12-9-81.)

#### **1254.03 PERMITTED ACCESSORY USES.**

The following uses are permitted accessory uses in the PL Park land District:

(a) Any use customarily incidental to the permitted principal uses.

(b) Signs as regulated by Chapter 1276.

(c) Off-street parking as required by Chapter 1278.

(Ord.106. Passed 12-9-81.)

### **Chapter 1256:**

#### **P-1 Parking District**

---

1256.01 Purpose.

1256.02 Permitted uses.

1256.03 Limitation of use.

1256.04 Entrance and exit.

1256.05 Screening and landscaping.

1256.06 Minimum distances and setbacks.

#### **CROSS REFERENCES**

Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.

Bulk regulations - see P. & Z.Ch. 1268

Site design regulations - see P. & Z.Ch. 1270

Site design review procedures and standards - see P. & Z.Ch. 1272

Special land use procedures and standards - see P. & Z.Ch. 1274

Signs - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Accessory buildings and structures - see P. & Z.Ch. 1280

Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

#### **1256.01 PURPOSE.**

The purpose of the P-1 Parking District is to permit establishment of office and commercial use parking facilities on sites which are suitable for such parking, but which are not suitable for office and commercial uses. The P-1 Parking District is intended for mapping on sites, which are immediately adjacent to land zoned for office or commercial use.

(Ord. 106. Passed 12-9-81.)



### **1256.02 PERMITTED USES.**

The following uses shall be permitted subject to the requirements set forth in Sections 1256.03 through 1256.05:

- (a) Off-street parking, including private and community garages.
- (b) One shelter building per zoning lot.

(Ord. 106. Passed 12-9-81.)

### **1256.03 LIMITATION OF USE.**

- (a) The parking area shall be accessory to, and for use in connection with, one or more business or industrial establishments, or in connection with one or more professional or institutional office buildings or institutions.
- (b) The parking area shall be used solely for parking of private passenger vehicles, for periods of less than one day.
- (c) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- (d) No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking area.
- (e) Such parking lots shall be contiguous to an O-I, C-I, C-2, or C-3 District, and in all cases shall be adjacent to successive lots from the above-mentioned use districts. There may be a private driveway or public street or public alley between the above-stated Districts and the P-I District.

(Ord. 106. Passed 12-9-81.)

### **1256.04 ENTRANCE AND EXIT.**

(a) Adequate entrance and exit for vehicles to premises used as a private area shall be provided and shall be by means of streets adjacent to or extending through O-I, C-2, or C-3 Districts, or by means of private roadways extending through such districts. All such roadways shall be surfaced in a manner at least equivalent with that which is hereinafter provided for the parking area.

(b) Each entrance and exit to and from such parking lot shall be at least twenty feet distant from any adjacent property located in any Residential District.

(Ord. 106. Passed. 12-9-81.)

### **1256.05 SCREENING AND LANDSCAPING.**

Screening and landscaping shall be provided in accordance with the provisions of Section 1270.03 (c), except that a forty-eight inch high screen wall shall be required instead of the thirty-six inch high wall provided for in Section 1270.03(c).

(Ord. 106. Passed. 12-9-81.)

### **1256.06 MINIMUM DISTANCES AND SETBACKS.**

(a) Side and Rear Yards. Where the P-I District is contiguous to side or rear lot Lines of premises within a residentially-zoned district, the wall required by Section 1256.05 shall be located on the property Line.

(b) Front Yards. Where the P-I District is contiguous to a residentially-zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential twenty-five feet, or whichever is the greater. The wall required by Section 1256.05 shall be located on this minimum setback line.

(Ord. 106. Passed. 12-9-81.)

## **Chapter 1258:**

### **Office and Commercial Business Districts Generally**

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- 1258.01 Purpose.
- 1258.02 Permitted uses.
- 1258.03 Special land uses.
- 1258.04 Site design requirements and site design review.
- 1258.05 Lot size requirements.
- 1258.06 Yard requirements and open space.

- 1258.07 Building bulk limitations.
- 1258.08 Signs.
- 1258.09 Off-street parking and loading.

### **CROSS REFERENCES**

- Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.
- Bulk regulations - see P. & Z.Ch. 1268
- Site design regulations - see P. & Z.Ch. 1270
- Site design review procedures and standards - see P. & Z.Ch. 1272
- Special land use procedures and standards - see P. & Z.Ch. 1274
- Signs - see P. & Z.Ch. 1276
- Off-street parking and loading - see P. & Z.Ch. 1278
- Accessory buildings and structures - see P. & Z.Ch. 1280
- Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

### **1258.01 PURPOSE.**

(a) This chapter sets forth four business districts: the O-1 Office Business District, the C-1 Local Business District, the C-2 Community Shopping Center District, and the C-3 General Business District. The purpose of these four districts is to provide for as wide a range of office and commercial uses as possible while still protecting the quality of the existing residential environment of the Village. It is the determination of the Wolverine Lake Village Council that the Village residential environment can best be protected by limiting business uses to sites which are sufficiently wide and deep to create a business environment which can function and be perceived as separate and apart from nearby residential areas. Where sites exist which are not sufficiently wide and deep, the Council has determined that the residential environment can best be protected by limiting permitted business uses to those which serve primarily residents of adjoining neighborhoods or which will have the least external impact on adjacent residences.

(b) The O-1 Office Business District provides for both low-intensity and higher-intensity office uses, and is intended for mapping in certain locations adjacent to residential neighborhoods.

(c) The C-1 Local Business District provides for the most limited range of commercial uses. The C-1 District is mapped on shallow sites, which back up to residences. In determining uses for inclusion in the C-1 District, the council has considered trip-generating characteristics, trade and service area characteristics, typical hours of operation and other determinants of neighborhood compatibility. Many uses which would not otherwise be appropriate, have been provided for in limited numbers or through establishment of special conditions and design standards.

(d) The C-2 Community Shopping Center District provides for a broad range of business uses, including comparison commercial uses. The C-2 District is mapped on the few wide and deep sites located adjacent to major thoroughfares in the Village.

(e) The C-3 General Business District is designed to provide for a limited range of fringe commercial uses which may be appropriate in certain limited locations in the Village.

(Ord. 106. Passed 12-9-81.)

### **1258.02 PERMITTED USES.**

(a) Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the district indicated under the conditions specified. No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:

- (1) Uses lawfully established on the effective date of this Zoning Code.
- (2) Special land uses allowed in accordance with the provisions of Section 1258.03.

(b) Uses already established on the effective date of this chapter and rendered nonconforming by the provisions thereof shall be subject to the provisions of Chapter 1282.

(Ord. 106. Passed. 12-9-81.)

### **1258.03 SPECIAL LAND USES.**

Special land uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to the conditions herein stated and subject to approval in accordance with the provisions of Chapter 1274.

(Ord.106. Passed. 12-9-81.)

#### **1258.04 SITE DESIGN REQUIREMENTS AND SITE DESIGN REVIEW.**

All Office and Commercial District uses shall be subject to the site design regulations set forth in Chapter 1270 and the site design review procedures and standards set forth in Chapter 1272.

(Ord.106. Passed. 12-9-81.)

#### **1258.05 LOT SIZE REQUIREMENTS.**

Lot size requirements shall be specified under each zoning district. In addition, the following regulations shall be complied with:

(a) No building shall be converted so as to conflict with, or further conflict with, the size requirements of the district in which such building is located.

(b) No use shall be established or hereafter maintained on a lot recorded after the effective date of this Zoning Code which is of less area or less width than prescribed hereinafter for such use in the zoning district in which it is to be located.

(Ord. 106. Passed 12-9-81.)

#### **1258.06 YARD REQUIREMENTS AND OPEN SPACE.**

(a) Yard requirements shall be as set forth under each zoning district. Front, side, and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except by natural vegetation and as allowed in Section 1268.05.

(b) All accessory buildings, which are attached to principal buildings, shall comply with the yard requirements of the principal building.

(Ord.106. Passed 12-9-81.)

#### **1258.07 BUILDING BULK LIMITATIONS.**

Building bulk limitations shall be expressed in terms of minimum yard requirements and maximum building height, maximum lot coverage, and minimum first-floor area per residential unit.

(Ord.106. Passed 12-9-81.)

#### **1258.08 SIGNS.**

Signs shall be allowed in office and business districts in accordance with the regulations established in Chapter 1276.

(Ord.106. Passed 12-9-81.)

#### **1258.09 OFF-STREET PARKING AND LOADING.**

Off-street parking and loading facilities, accessory to uses allowed in Residential districts, shall be provided in accordance with the regulations established in Chapter 1278.

(Ord.106. Passed 12-9-81.)

### **Chapter 1260:**

#### **O-1 Office Business District**

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1260.01 Uses permitted by right.

1260.02 Special land uses.

1260.03 Accessory structures and uses.

1260.04 Minimum lot size requirements.

1260.05 Minimum yard requirements.

1260.06 Maximum building bulk requirements.

#### **CROSS REFERENCES**

Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.

Bulk regulations - see P. & Z.Ch. 1268

Site design regulations - see P. & Z.Ch. 1270

Site design review procedures and standards - see P. & Z.Ch. 1272

Special land use procedures and standards - see P. & Z.Ch. 1274

Signs - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Accessory buildings and structures - see P. & Z.Ch. 1280

Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

#### **1260.01 USES PERMITTED BY RIGHT.**

The following uses are permitted by right in O-1 Office Business Districts:

- (a) Architectural, engineering, and similar offices.
- (b) Business offices.
- (c) Credit unions, but not banks or savings and loan or other financial institutions.
- (d) Legal and accounting offices.
- (e) Business service establishments, including:
  - (1) Management consulting services.
  - (2) Consumer credit reporting agencies.
  - (3) Duplicating services.
  - (4) Mailing and stenographic services.
  - (5) Other similar business services.
- (f) Government offices.
- (g) General offices, personal services and offices of nonprofit organizations (but not including the meeting halls) for such uses as:
  - (1) Professional membership organizations.
  - (2) Labor unions.
  - (3) Civic, social and fraternal organizations.
  - (4) Political organizations.
  - (5) Insurance offices.
  - (6) Real estate offices.
  - (7) Photographic portrait studios.
- (h) Laboratories, medical and dental.
- (i) Medical marijuana caregiver facilities, provided the facilities have a current license issued by the Village under the Village's Medical Marijuana Cultivation, Use and Distribution Ordinance, Chapter 1284.
- (j) Stock, bond, and other brokerage establishments.
- (k) Essential services as set forth in Section 1246.03.
- (l) Churches.

(Ord. 106. Passed 12-9-81; Ord. 106-A35. Passed 12-11-02; Ord. 106A-60. Passed 7-11-12.)

#### **1260.02 SPECIAL LAND USES.**

The following are special land uses in the O-1 Office Business District:

(a) High-intensity office uses which are compatible under appropriate circumstances, but which should be limited in their frequency of occurrence in any one area. Not more than two high-intensity uses shall be permitted within the Village within a 1,000 foot distance. These uses shall be limited to:

- (1) Medical offices and outpatient clinics.

(2) Banks, savings and loans, and other financial institutions.

(b) Public utility uses as listed below shall be permitted as special land uses subject to the standards and approval requirements as provided in Chapter 1274. Such uses shall include:

- (1) Electrical substations.
- (2) Gas regulator stations.
- (3) Major transmission lines.
- (4) Radio, television, microwave transmission and relay towers.
- (5) Telephone exchange and transmission equipment buildings.
- (6) Railroad rights-of-way, but excluding railroad yards and shops.
- (7) Water pumping stations.
- (8) Water and waste water works, reservoirs, pumping and filtration plants.

(Ord. 106. Passed 12-9-81.)

### **1260.03 ACCESSORY STRUCTURES AND USES.**

Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use shall be permitted as accessory uses subject to the following requirements:

- (a) No accessory structure or use shall occupy more than twenty (20) percent of the floor area of the principal uses.
- (b) No accessory structure shall be located in any front or side area.
- (c) No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

(Ord. 106. Passed 12-9-81.)

### **1260.04 MINIMUM LOT SIZE REQUIREMENTS.**

Following are minimum lot sizes in O-1 Office Building Districts

- (a) Minimum Lot Area. 10,000 square feet.
- (b) Minimum Lot Width. 80 feet.

(Ord. 106. Passed 12-9-81.)

### **1260.05 MINIMUM YARD REQUIREMENTS.**

(a) Minimum setback requirements for principal and accessory structures are as follows:

- (1) Front: 25 feet.
- (2) Side: 20 feet.
- (3) Rear: 30 feet.

(b) Required front, side, and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in Section 1268.05 and subsection (d) hereof.

(c) Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.

(d) Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors.

(e) Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street. Parking shall be permitted in unrequired side and rear yard areas.

(f) Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

(Ord. 106. Passed 12-9-81.)

### **1260.06 MAXIMUM BUILDING BULK REQUIREMENTS.**

Maximum building bulk requirements in O-1 Office Building Districts shall be as follows:

(a) Maximum Building Height:

- (1) Stories: 2
- (2) Feet: 30

(b) Maximum Lot Coverage: 30 percent for all principal and accessory buildings.

(c) Maximum Building Length: 180 feet.

(d) For churches exceeding the maximum height stated herein, the setback from the property line shall be increased to equal the height of the building, but shall not be less than the setback stated herein.

(Ord. 106. Passed 12-9-81; Ord. 106-A35. Passed 12-11-02.)

## **Chapter 1262:**

### **C-1 Local Business District**

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1262.01 Uses permitted by right.

1262.02 Special land uses.

1262.03 Accessory structures and uses.

1262.04 Minimum lot size requirements.

1262.05 Minimum yard requirements.

1262.06 Maximum building bulk requirements.

#### ***CROSS REFERENCES***

Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.

Bulk regulations - see P. & Z.Ch. 1268

Site design regulations - see P. & Z.Ch. 1270

Site design review procedures and standards - see P. & Z.Ch. 1272

Special land use procedures and standards - see P. & Z.Ch. 1274

Signs - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Accessory buildings and structures - see P. & Z.Ch. 1280

Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

#### **1262.01 USES PERMITTED BY RIGHT.**

The following uses are permitted by right in C-1 Local Business Districts:

(a) Retail establishments marketing primarily new convenience goods primarily to residents of nearby residential areas. Such establishments shall be limited to:

- (1) Drugstores, but not greater than 5,000 square feet in floor area.
- (2) Dry goods and notion stores.
- (3) Food stores, groceries but not including supermarkets and not greater than 5,000 square feet in floor area.
- (4) Food stores such as bakeries and delicatessens which prepare food for retail sales on the premises, but not greater than 5,000 square feet of floor area.
- (5) Other food stores, but not including supermarkets and not greater than 5,000 square feet of floor area.
- (6) Hardware and paint stores.
- (7) Variety stores.
- (8) Other uses similar to and compatible with the above.

(b) Personal service establishments which serve primarily residents of nearby residential areas. Such establishments shall be limited to:

- (1) Barber and beauty shops.

(2) Dry cleaning and laundry establishments performing work on the premises, but excluding those, which serve pick-up stations, located off the premises.

(3) Dry cleaning and laundry establishments, self-service.

(4) Dry cleaning and laundry pick-up stations.

(5) Photographic portrait studios, commercial photographic and processing facilities and retail processing outlets.

(6) Shoeshine and shoe repair shops.

(7) Tailor and dressmaker shops.

(8) Other uses similar to and compatible with the above.

(c) Nonconvenience retail and nonpersonal service, but compatible uses. Such uses shall be limited to:

(1) Libraries, public.

(2) Repair shops for small appliances.

(3) Snack bars serving only pedestrians for on and off-site consumption.

(d) High-intensity commercial uses which are compatible under the appropriate circumstances, but which should be limited in their frequency of occurrence in any one area. Not more than two high-intensity uses shall be permitted within the Village within a 1,000-foot distance. These shall be limited to:

(1) Bars and cocktail lounges, when not more than one other high-intensity use is located within the Village within a 1,000-foot distance of the proposed site.

(2) Restaurants serving meals or snacks for indoor consumption when customers are served at tables by waiters or waitresses, when not more than one other such high-intensity use is located within the Village within a 1,000-foot distance of the proposed site

(3) Snack bars serving pedestrians and persons arriving by motor vehicle, provided the entire floor area does not exceed 1,000 square feet and provided not more than one other such high-intensity use is located within a 1,000-foot distance of the proposed site.

(4) Party or package liquor stores or any stores which sell any alcoholic beverages over the counter as part of their product line when not more than one other high-intensity use is located within the Village within a 1,000 foot distance of the proposed site.

(e) Office uses. Such uses shall be limited to:

(1) Professional offices, such as architectural, business, legal and accounting and similar business services.

(2) General offices, such as insurance, political organization, civic/non-profit offices, real estate offices.

(3) Medical and dental offices and laboratories.

(Ord. 106. Passed 12-9-81; Ord. 106A-12. Passed 6-11-86 ; Ord. 106A-13. Passed 5-13-87; Ord. 106-A104. Passed 4-12-17.)

## **1262.02 SPECIAL LAND USES.**

Following are special land uses in C-1 Local Business Districts:

(a) Uses permitted by right in the O-I Office Service District and not included among C-1 District uses permitted by right.

(b) Uses permitted by right in the C-2 District and not included among C-1 District uses permitted by right.

(c) High-intensity commercial uses which are compatible under the appropriate circumstances, but which should be limited in their frequency of occurrence in any one area. Not more than two high-intensity uses shall be permitted within the Village within a 1,000-foot distance. These uses shall be limited to:

(1) Automobile service stations, when not more than one other high-intensity use is located within the Village within a 1,000-foot distance of the proposed site.

(2) Drive-in facilities for permitted uses, when not more than one other such high-intensity use is located within the Village within a 1,000-foot distance of the proposed site.

(3) Meeting halls, when not more than one other such high-intensity use is located within the Village within a 1,000-foot distance of the proposed site.

(4) Clubs and lodges, private or otherwise, when not more than one other such high-intensity use is located within the Village within a 1,000-foot distance of the proposed use.

(5) Restaurants serving meals, snacks, and/or drinks for consumption by customers outside the restaurant, provided:

A. The customers are served at tables by waiters or waitresses and the meals; snacks and/or drinks are the same as the items that are served inside the restaurant.

B. The customer area is a clearly defined deck or patio area that is surrounded by a handrail or fence and is no greater than thirty percent of the ground floor area of the main building or area of the restaurant which may be in a larger multi-use building.

C. The distance between the edge of the patio or deck and any property line that is zoned or used for residential purposes shall be not less than seventy-five feet and the distance to any other such high-intensity use located within the Village shall be not less than 1,000 feet from the property upon which the proposed use is located.

D. The landscaping around the proposed patio or deck shall include one deciduous tree for every 200 square feet or part thereof of patio or deck, one evergreen tree for every 300 square feet or part thereof of patio or deck and one intermediate shrub for every 100 square feet or part thereof of patio or deck.

E. The hours of operation, customer area lighting, sounds emitting from the customer area and general activities taking place within the customer area of the patio or deck shall be subject to review and approval by the Planning Commission initially and may be subject to the review and approval of the Planning Commission on an annual basis upon thirty days written notice to the restaurant owner by the Planning Commission.

(d) Other uses which are compatible under the appropriate circumstances. These uses shall be limited to:

(1) Mortuaries and funeral homes.

(2) Multiple-family dwellings.

(3) Newspaper distributing agencies.

(4) Nursery schools and child-care centers.

(5) Parking lots and garages other than accessory for private passenger automobiles.

(6) Parks and playgrounds, except parks and playgrounds used as Lake access sites for the launching, docking, or mooring of vessels, which shall be explicitly prohibited.

(7) Physical culture and health services, including reducing salons.

(e) Public utility uses as listed below shall be permitted as special land uses subject to the standards and approval requirements as provided in Chapter 1274. Such uses shall include:

(1) Electrical substations.

(2) Gas regulator stations.

(3) Major transmission lines.

(4) Radio, television, microwave transmission and relay towers.

(5) Telephone exchange and transmission equipment buildings.

(6) Railroad rights-of-way, but excluding railroad yards and shops.

(7) Water pumping stations.

(8) Water and wastewater works reservoirs, pumping and filtration plants.

(f) Churches and related facilities, when not more than one other such use is located within the Village within a 1,000 foot distance of the proposed site.

(Ord. 106. Passed 12-9-81; Ord. 106A-8. Passed 6-12-85; Ord. 106A-19. Passed 4-10-89; Ord. 106A-29. Passed. 7-21-99; Ord. 106-A35. Passed 12-11-02.)

### **1262.03 ACCESSORY STRUCTURES AND USES.**

(a) Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use shall be permitted as accessory uses subject to the following requirements:

(1) No accessory structure or use shall occupy more than twenty percent of the floor area of the principal uses.

(2) No accessory structure shall be located in any front or side area.

(3) No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

(b) Limited docking facilities for customers arriving by boat shall be a permitted accessory use for C-1 Commercial uses, which serve primarily customers arriving by motor vehicles. Commercial docking, boat livery, boat rental, and sales of marine fuel and other marine products directly to customers arriving by boat shall be prohibited throughout the Village. No commercial sales or services shall be permitted from boats, barges, or other floating craft in the lake. The following



conditions shall apply to Lake-oriented commercial accessory uses:

(1) Refuse and environmentally dangerous waste products are to be disposed of in a receptacle located and designed so that refuse and environmentally dangerous waste products cannot enter the Lake. Such receptacles shall be accessible from the road to allow removal from the site.

(2) The vehicle parking facilities shall be completely drained into a storm drainage system and/or into an approved sedimentation basin as described in the Michigan Soil Erosion and Sedimentation Control Guidebook.

(Ord. 106. Passed 12-9-81.)

#### **1262.04 MINIMUM LOT SIZE REQUIREMENTS.**

(a) Minimum Lot Area: 10,000 square feet.

(b) Minimum Lot Width: 80 feet.

(Ord. 106. Passed 12-9-81.)

#### **1262.05 MINIMUM YARD REQUIREMENTS.**

Following are minimum yard requirements in C-1 Local Business Districts:

(a) Minimum setback requirements for principal and accessory structures:

(1) Front: 25 feet.

(2) Side: 20 feet.

(3) Rear: 30 feet.

(b) Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in Section 1268.05 and subsection (d) hereof.

(c) Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.

(d) Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors.

(e) Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street. Parking shall be permitted in unrequired side and rear yard areas.

(f) Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

(Ord. 106. Passed 12-9-81.)

#### **1262.06 MAXIMUM BUILDING BULK REQUIREMENTS.**

Maximum building bulk requirements in C-1 Local Business Districts shall be as follows:

(a) Maximum Building Height:

(1) Stories: 2

(2) Feet: 30

(3) For churches exceeding the maximum height stated herein, the setback from the property line shall be increased to equal the height of the building, but shall not be less than the setback stated herein.

(b) Maximum Lot Coverage: 30 percent of all principal and accessory buildings.

(c) Maximum Building Length: 180 feet.

(Ord. 106. Passed 12-9-81; Ord. 106-A35. Passed 12-11-02.)

### **Chapter 1264:**

#### **C-2 Community Shopping Center District**

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1264.01 Uses permitted by right.

1264.02 Special land uses.

- 1264.03 Accessory structures and uses.
- 1264.04 Minimum lot size requirements.
- 1264.05 Minimum yard requirements.
- 1264.06 Maximum building bulk requirements.

**CROSS REFERENCES**

Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.

Bulk regulations - see P. & Z.Ch. 1268

Site design regulations - see P. & Z.Ch. 1270

Site design review procedures and standards - see P. & Z.Ch. 1272

Special land use procedures and standards - see P. & Z.Ch. 1274

Signs - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Accessory buildings and structures - see P. & Z.Ch. 1280

Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

**1264.01 USES PERMITTED BY RIGHT.**

The following uses are permitted by right in C-2 Community Shopping Center Districts:

(a) Retail establishments marketing primarily new comparison goods to the public, except those in which required repair and service facilities occupy more than ten percent of the entire floor area. Such uses shall be limited to:

- Appliance stores, household.
- Art merchandising studios.
- Art and school supply stores.
- Bicycle stores.
- Book and stationary stores.
- Business machine sales.
- Camera and photographic supply stores.
- Candy and ice cream stores.
- Carpet and rug stores.
- Clothing stores, general and specialized.
- Coin and philatelic stores.
- Department stores.
- Furniture stores.
- Garden supply stores.
- Gift shops.
- Hearing aid stores.
- Hobby shops.
- Household merchandise such as notions and dry goods stores.
- Interior decorators.
- Jewelry stores.
- Leather goods and luggage stores.
- Musical instrument sales.
- Novelty shops.
- Office supply stores.

Optician retail sales.

Pet stores.

Picture framing for retail trade on the premises.

Sporting goods.

Tobacco shops.

Toy stores.

Other uses similar to and compatible with the above.

(b) Noncomparison retail establishments which are compatible with comparison commercial uses. Such uses shall be limited to:

Uses permitted by right in the C-1 District.

Food stores, groceries.

Food stores, such as bakeries and delicatessens.

Other food stores.

Museums and aquariums, public.

(Ord. 106. Passed 12-9-81; Ord. 106A-74. Passed 4-9-14.)

#### **1264.02 SPECIAL LAND USES.**

Following are special land uses in C-2 Community Shopping Center Districts:

(a) Uses permitted by right in the O-1 Office Service District which are not included among the C-2 District uses permitted by right.

(b) Outdoor sales of merchandise by permitted uses when such sales are in conjunction with indoor sales of the same general type and do not exceed fifty percent of the indoor sales area.

(c) Certain fringe commercial uses which may be compatible under the appropriate circumstances. Such uses shall be limited to:

Amusement establishments, including bowling alleys, gymnasiums, swimming pools and skating rinks.

Art, sculptor, and composer studios.

Auction rooms.

Bicycle sale, rental, and repair shops.

Blueprinting and photostatting establishments.

Catering establishments.

Electrical showrooms and shops.

Food storage lockers.

Locksmith shops.

Mail order and catalogue stores.

Pest control shops.

Physical culture and health services, including gymnasiums, reducing salons, aerobic dance studios and similar uses.

Plumbing showrooms and shops.

(d) High-intensity commercial uses which are compatible under the appropriate circumstances, but which should be limited in their frequency of occurrence in any one area. No other such uses shall be permitted within the Village within a 1,000 foot distance of the proposed site.

(e) Amusement halls such as pool halls, electronic game arcades and similar uses when no other such high-intensity use is located within a 1,000 foot distance of the proposed site.

(f) Coin, slug, prepaid or otherwise operated amusement devices such as pool tables, electronic games, etc. (except adult oriented entertainment devices), such uses may be permitted as an accessory use in certain compatible commercial establishments, provided that they are limited to not more than fifteen percent of the total floor area of the building in which they are located (the floor area of the devices shall be the sum of the floor area size of the device plus standing or sitting area available on all sides of the device to a distance of four feet away from the device) and when no other such accessory

use or principal use is located within a 200-foot distance of the proposed building, in any straight line direction from the closest point of a building to the closest point of the other building of such regulated accessory use.

(g) Other noncomparison commercial uses which are compatible under the appropriate circumstances. These uses shall be limited to:

(1) Automobile service stations, when not more than one other such high-intensity use is located within a C-1 or C-2 District within a 1,000-foot distance of the proposed site and subject to the requirements of Section 1266.08.

(2) Drive-in facilities for permitted uses, when not more than one other such high-intensity use is located within a C-1 or C-2 District within a 1,000-foot distance of the proposed site.

(3) Hotels and motels.

(4) Meeting halls, when not more than one other such use is located within a C-1 or C-2 District within a 1,000 foot distance of the proposed site.

(5) Multiple-family dwellings.

(6) Newspaper distributing agencies.

(7) Parking lots and garages other than accessory for private passenger automobiles.

(8) Parks and playgrounds, except parks and playgrounds used as lake access sites for the launching, docking, or mooring of vessels, which shall be explicitly prohibited.

(9) Theaters, indoor, when part of a shopping center and occupying not more than thirty percent of the entire floor area.

(10) Restaurants serving meals or snacks for indoor consumption when not more than one other such use is located within a C-1 or C-2 District within a 1,000-foot distance of the proposed site.

(h) Adult entertainment uses which can be permitted under certain conditions when all of the requirements for these uses have been met. It has been demonstrated that the establishment of adult businesses in business districts which are immediately adjacent to and which serve residential neighborhoods, has deleterious effect on both business and residential segments of the neighborhood, causing blight and a downgrading of property values. A prohibition against the establishment of more than two regulated uses within 1,000 feet of each other serves to avoid the clustering of certain businesses, which, when located in close proximity to each other, tend to create a negative atmosphere. The concern for and pride in the orderly planning and development of a neighborhood should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood. The Planning Commission and the Village Council should be guided by the expressed will of those businesses and residences which are immediately adjacent to the proposed locations of, and therefore most affected by the existence of, any adult book store, adult motion picture theater, adult mini-motion picture theater, adult cabaret, etc.

(i) For purposes of this section, the following shall control:

(1) Definitions.

A. Adult entertainment use - Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting "specified sexual activities" or "specified anatomical areas". Adult entertainment uses shall include, but not be limited to, the following:

1. Adult motion picture theater
2. Adult mini-motion picture theater
3. Adult motion picture arcade
4. Adult book store
5. Adult cabaret, nightclub, topless lounge, etc.
6. Adult motel
7. Adult massage parlor
8. Adult model studio

B. Significant portion - As used in the above definition, the term "significant portion" shall mean any one or more portions of the display having continuous duration in excess of five minutes, and/or the aggregate of portions of the display having a duration equal to ten percent or more of the display, and/or the aggregate of portions of the collection of any materials or exhibits composing the display equal to ten percent or more of the display.

C. Display - As used in the above definition, the word "display" shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

D. Specified sexual activities - As used in the above definition, the term "specified sexual activities" shall mean human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and/or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

E. Specified anatomical areas - As used in the above definition, the term "specified anatomical areas" shall mean less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(2) Dispersal regulations. No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use, nor within 600 feet of any of the following uses:

- A. All Class "C" establishments licensed by the Michigan Liquor Control Commission.
- B. Pool or billiard halls.
- C. Coin-operated amusement centers.
- D. Teenage discos or dance halls.
- E. Ice or roller skating rinks.
- F. Pawn shops.
- G. Indoor or drive-in movie theaters.
- H. Any public park.
- I. Any church.
- J. Any public or private school having a curriculum including kindergarten or any one or more of the grades, one through twelve.
- K. Any property zoned or used for residential purposes.
- L. Any other regulated uses as defined herein.

Such distance shall be measured along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed uses nearest to the contemplated location of the structure containing the adult entertainment use and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.

(3) Display content. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window or other opening.

(4) Variance requirements. In addition to all other requirements for the obtaining of a variance from the provisions herein, as set forth in other portions of this Zoning Code, the Village Council may waive the limiting regulations of this section if all of the following findings are made:

- A. That the proposed use will not be contrary to the public interest or injurious to the nearby properties, and that the spirit and intent of this Zoning Code will be observed.
- B. That the proposed use will not enlarge or encourage the development of a "skid row" area.
- C. That the person seeking to establish the adult entertainment use shall include a petition which affirmatively demonstrates the approval of the proposed adult entertainment use by fifty percent of the persons owning and occupying premises within a radius of 600 feet of the proposed use. The petitioner shall attempt to contact all occupied premises within this radius, and must maintain a list of all addresses at which no contact was made. The circulator of the petition requesting a variance shall subscribe to a sworn affidavit attesting to the fact that the petition was circulated and that the circulator personally witnessed the signatures on the petition and that to the best of their knowledge, the same were affixed to the petition by the person whose name appeared thereon. The Village Council shall not consider the requested waiver under the previous section until the above-described petition shall have been filed and verified to the satisfaction of that Council.

(Ord. 106. Passed 12-9-81; Ord. 106A-8. Passed 6-12-85; Ord. 106A-12. Passed 6-11-86; Ord. 106A-13. Passed 5-13-87; Ord. 106A-15. Passed 6-8-88; Ord. 106A-29. Passed 7-21-99.)

### **1264.03 ACCESSORY STRUCTURES AND USES.**

Accessory structures and uses typically incidental to a principal use permitted by right or as a principal special land use shall be permitted as accessory uses subject to the following requirements:

- (a) No accessory structure or use shall occupy more than twenty percent of the floor area of the principal uses.
- (b) No accessory structure shall be located in any front or side area.
- (c) No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to

which it is accessory.

(Ord. 106. Passed 12-9-81.)

#### **1264.04 MINIMUM LOT SIZE REQUIREMENTS.**

Following are Minimum lot sizes in C-2 Community Shopping Center Districts:

- (a) Minimum lot area: 20,000 square feet.
- (b) Minimum lot width: 120 feet.

(Ord. 106. Passed 12-9-81.)

#### **1264.05 MINIMUM YARD REQUIREMENTS.**

Following are minimum yard requirements in C-2 Community Shopping Center Districts:

- (a) Minimum setback requirements for principal and accessory structures:

- (1) Front: 35 feet.
- (2) Side: 25 feet.
- (3) Rear: 40 feet.

(b) Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in Section 1268.05 and subsection (d) hereof.

(c) Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.

(d) Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors.

(e) Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street. Parking shall be permitted in unrequired side and rear yard areas.

(f) Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

(Ord. 106. Passed 12-9-81.)

#### **1264.06 MAXIMUM BUILDING BULK REQUIREMENTS.**

Maximum building bulk requirements in C-1 Local Business Districts shall be as follows:

- (a) Maximum Building Height:

- (1) Stories: 2
- (2) Feet: 30

(b) Maximum Lot Coverage: 30 percent for all principal and accessory buildings.

(c) Maximum Building Length: None.

(Ord. 106. Passed 12-9-81.)

### **Chapter 1266:**

#### **C-3 General Business District**

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1266.01 Uses permitted by right.

1266.02 Special land uses.

1266.03 Accessory structures and uses.

1266.04 Minimum lot size requirements.

1266.05 Minimum yard requirements.

1266.06 Maximum building bulk requirements.

1266.07 Additional site development requirements for certain uses.

1266.08 Automobile service stations.

1266.09 Automobile washing establishments, self-service and coin-operated.

1266.10 Businesses with drive-through windows.

### **CROSS REFERENCES**

Municipal zoning generally - see M.C.L.A. §§ 125.581 et seq.

Bulk regulations - see P. & Z.Ch. 1268

Site design regulations - see P. & Z.Ch. 1270

Site design review procedures and standards - see P. & Z.Ch. 1272

Special land use procedures and standards - see P. & Z.Ch. 1274

Signs - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Accessory buildings and structures - see P. & Z.Ch. 1280

Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

### **1266.01 USES PERMITTED BY RIGHT.**

All uses permitted by right in the C-1 and C-2 Commercial Districts shall be permitted by right in the C-3 General Business District.

(Ord.106. Passed 12-9-81.)

### **1266.02 SPECIAL LAND USES.**

Following are special land uses in C-3 General Business District:

(a) Uses permitted subject to special conditions in the C-1 and C-2 Districts. Such uses shall be subject to the same conditions as set forth in Section 1264.02.

(b) High-intensity fringe commercial uses which are compatible under the appropriate circumstances, but which should be limited in their frequency of occurrence in any one area. No other such use shall be permitted within the Village within a one thousand (1,000') foot distance. Such uses shall be limited to:

(1) Automobile accessory stores, when no other such high-intensity use is located within the Village within a one thousand (1,000') foot distance of the proposed site.

(2) Clubs and lodges, private or otherwise, when not more than one other such high-intensity use is located within the Village within a one thousand (1,000') foot distance of the proposed use.

(3) Businesses with drive-through windows, when not more than one other such use is located within the Village within a one thousand (1,000') foot distance of the proposed use.

(c) Other fringe commercial uses which are compatible under the appropriate circumstances. Such uses shall be limited to:

(1) Automobile and light truck sales establishments, when no other such high-intensity use is located within the Village within a one thousand (1,000') foot distance of the proposed site.

(2) Automobile washing establishments.

(3) Dry cleaning and laundry establishments.

(4) Greenhouses and nurseries.

(5) Locksmith shops.

(6) Mortuaries and funeral homes.

(7) Pawn shops.

(8) Taxidermists.

(9) Veterinary establishments where all operations are conducted entirely within an enclosed building.

(10) Warehouses for families and small businesses.

(11) Other fringe commercial uses similar to and compatible with the above uses.

(d) Adult-oriented commercial uses which have been found to contribute to the serious deterioration of the commercial

area in which they are located as well as surrounding residential areas. Such uses are permitted in Wolverine Lake because of constitutional protections. They are limited in frequency of occurrence and proximity to residential areas in order to permit maximum protection of property values and the quality of life for property owners and residents of the Village. Such uses exert their most serious blighting influence when concentrated in close proximity to one another and when located near residential areas. Therefore, not more than two (2) adult-oriented uses shall be permitted within a one thousand (1,000') foot distance. No adult oriented use shall be permitted within five hundred (500') feet of a Residential District or use. No adult-oriented use shall be permitted within five hundred (500') feet of any site on which is located a church, school, park or playground, or any area where minors regularly congregate. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas. All entries, windows, and other building openings for adult uses shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public area.

Adult-oriented uses shall include:

- (1) Bookstores which have more than fifteen (15%) percent of their stock in trade in books, magazines or other publications, the sale of which is prohibited to minors.
- (2) Theaters and mini-theaters which have more than fifteen (15%) percent of their screening time over a six (6) month period devoted to motion pictures, the attendance at which is prohibited to minors.
- (3) Cabarets or bars with live topless-type entertainment, hostesses, waitresses, or other employees.
- (4) Nude photographic studios.
- (5) Massage establishments.

(Ord. 106. Passed 12-9-81; Ord. 106A-8. Passed 6-12-85; Ord. 106A-15. Passed 6-8-88; Ord. 106-A103. Passed 4-2-17.)

### **1266.03 ACCESSORY STRUCTURES AND USES.**

Accessory structures and uses typically incidental to a principal use permitted by right or a principal special land use shall be permitted as accessory uses subject to the following requirements:

- (a) No accessory structure or use shall occupy more than twenty percent of the floor area of the principal uses.
- (b) No accessory structure shall be located in any front or side area.
- (c) No accessory structure shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.

(Ord. 106. Passed 12-9-81.)

### **1266.04 MINIMUM LOT SIZE REQUIREMENTS.**

Following are minimum lot sizes in C-3 General Business Districts:

- (a) Minimum Lot Area: 10,000 square feet.
- (b) Minimum Lot Width: 80 feet.

(Ord.106. Passed 12-9-81.)

### **1266.05 MINIMUM YARD REQUIREMENTS**

Following are minimum yard requirements in C-3 General Business Districts:

- (a) Minimum setback requirements for principal and accessory structures:
  - (1) Front: 25 feet.
  - (2) Side: 20 feet.
  - (3) Rear: 30 feet.
- (b) Required front, side and rear yards shall be unobstructed from the ground level to the sky, except by natural vegetation and as specifically permitted in Section 1268.05 and subsection (d) hereof.
- (c) Side and rear yards which abut streets shall conform to the same yard setback and other requirements as front yards.
- (d) Areas for the temporary storage of garbage and trash shall not be located in any required or unrequired front yard area or in any required side yard area, provided that this section shall not be interpreted to prevent placing of litter containers for the use of pedestrians outdoors.
- (e) Unsheltered parking shall be permitted in required side and rear yards, except that parking shall not be permitted in a required side or rear yard which abuts a street. Parking shall be permitted in unrequired side and rear yard areas.
- (f) Parking structures and shelters shall not be permitted in any required front, side, or rear yard. Parking structures and



shelters shall be permitted in unrequired front, side, and rear yards, provided that parking shelters which are in front yards shall be completely enclosed on all sides visible from streets.

(Ord. 106. Passed 12-9-81.)

#### **1266.06 MAXIMUM BUILDING BULK REQUIREMENTS.**

Maximum building bulk requirements in C-1 Local Business Districts shall be as follows:

(a) Maximum Building Height:

(1) Stories: 2

(2) Feet: 30

(b) Maximum Lot Coverage: 30 percent for all principal and accessory buildings.

(c) Maximum Building Length: 180 feet.

(Ord. 106. Passed 12-9-81.)

#### **1266.07 ADDITIONAL SITE DEVELOPMENT REQUIREMENTS FOR CERTAIN USES.**

All commercial uses listed in this chapter shall be subject to the site development requirements herein set forth in addition to the requirements for said uses set forth elsewhere in this Zoning Code.

(Ord. 106. Passed 12-9-81)

#### **1266.08 AUTOMOBILE SERVICE STATIONS.**

(a) Service shall be limited to the sale of gasoline, oil, and minor accessories and to minor repair work incidental to the sale of minor accessories.

(b) The following activities shall be specifically prohibited:

(1) Auto dismantling.

(2) Auto glasswork.

(3) Engine rebuilding.

(4) Painting.

(5) Steam cleaning or undercoating.

(6) Tire recapping.

(7) Upholstering.

(8) Vehicle body repair.

(9) Other activities whose external effects could adversely extend beyond the property line.

(c) Curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five feet away from a street intersection (measured from the road right-of-way) or from adjacent Residential Districts.

(d) The minimum lot area shall be 10,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait

(e) All lighting shall be shielded from adjacent residential streets.

(f) An obscuring wall with a minimum height of four feet, six inches above grade shall be provided on those sides abutting districts zoned for residential use.

(Ord. 106. Passed 12-9-81.)

#### **1266.09 AUTOMOBILE WASHING ESTABLISHMENTS, SELF-SERVICE AND COIN- OPERATED.**

(a) The curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five feet from a street intersection (measured from the road right-of-way) or from adjacent Residential Districts.

(b) The minimum lot area shall be 10,000 square feet, and so arranged that ample space is available for motor vehicles, which are required to wait.

(Ord. 106. Passed 12-9-81)

## **1266.10 BUSINESSES WITH DRIVE-THROUGH WINDOWS.**

Businesses with drive-through windows are subject to the following conditions:

- (a) The main and any accessory building shall be setback fifty (50') feet from any adjacent public right-of-way line.
- (b) A separate stacking lane designed to accommodate the minimum number of stacking spaces must be provided. The stacking lane must be positioned in a manner that stacking will not interfere with vehicular traffic on site, on the adjacent roadway, or entering/leaving the site. Adequate maneuvering room shall be provided to allow vehicles to by-pass or leave the stacking lane.
- (c) Such businesses constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
- (d) A six (6') foot high obscuring wall, fence or landscaping in a bed at least ten (10') feet wide shall be provided along any property line adjacent to a residential use or zoning district, unless a more stringent requirement is provided for in another section of this section.
- (e) The drive-through service speaker location and amplification shall not cause noise that is audible from adjacent residential uses.

(Ord. 106-A103. Passed 4-12-17.)

## **Chapter 1267:**

### **PUD Planned Unit Development**

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- 1267.01 Purpose and intent.
- 1267.02 PUD regulations.
- 1267.03 PUD eligibility.
- 1267.04 Residential and non-residential PUD standards.
- 1267.05 General design standards.
- 1267.06 Procedure for review.
- 1267.07 Preliminary plan.
- 1267.08 Final plan.
- 1267.09 PUD conditions.
- 1267.10 Phasing and commencement of construction.
- 1267.11 Effect of approval.
- 1267.12 Deviations from approved final PUD site plan.

#### **CROSS REFERENCES**

Municipal zoning generally - see M.C.L.A. §§ 125.3101 et seq.

Bulk regulations - see P. & Z.Ch. 1268

Site design regulations - see P. & Z.Ch. 1270

Site design review procedures and standards - see P. & Z.Ch. 1272

Special land use procedures and standards - see P. & Z.Ch. 1274

Signs - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Accessory buildings and structures - see P. & Z.Ch. 1280

Nonconforming buildings, structures and uses - see P. & Z.Ch. 1282

#### **1267.01 PURPOSE AND INTENT.**

The Planned Unit Development (PUD) is provided as a design and planning option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as site condominiums) and variety in design, layout, and type of structures constructed; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to

provide adequate housing and employment; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites or existing buildings when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas or flexibility to consider adaptive re-use of existing structures.

(Ord. 106A-85. Passed 4-9-14.)

### **1267.02 PUD REGULATIONS.**

(a) A PUD may be applied for in any zoning district. The grant of a planned unit development application shall require a rezoning by way of amendment of this chapter upon the recommendation of the Planning Commission and approval of the Village Council.

(b) A PUD shall be subject to adequate public health, safety, and welfare protection mechanisms designed into the development to ensure the compatibility of varied land uses both within and outside the development.

(Ord. 106A-85. Passed 4-9-14.)

### **1267.03 PUD ELIGIBILITY.**

The applicant for a PUD must demonstrate all of the following criteria as a condition to being entitled to planned unit development treatment:

(a) Grant of the planned unit development will result in one of the following:

(1) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or

(2) Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or

(3) Long-term protection of historic structures or significant architecture worthy of historic preservation; or

(4) A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.

(b) The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads and utilities.

(c) The proposed planned unit development shall be harmonious with public health, safety and welfare of the Village.

(d) The proposed planned unit development shall not result in an unreasonable negative environmental impact or loss of a historic structure on the subject site or surrounding land.

(e) The proposed planned unit development shall not result in an unreasonable negative economic impact upon surrounding properties.

(f) The proposed planned unit development shall be under single ownership and/or control such that there is a single person, corporation, or partnership having responsibility for completing the project in conformity with this chapter.

(g) The proposed planned unit development shall be consistent with the Goals and Policies of the Village of Wolverine Lake Master Plan.

(h) The proposed use or uses shall be of such location, size, density and character as to be in harmony with the zoning district in which it is situated, and shall not be detrimental to the adjoining zoning districts.

(i) The PUD is not proposed in an attempt by the applicant to circumvent the strict application of zoning standards.

(Ord. 106A-85. Passed 4-9-14.)

### **1267.04 RESIDENTIAL AND NON-RESIDENTIAL PUD STANDARDS.**

(a) Residential uses shall be permitted with the density standards, based upon the zoning district in which the property is situated immediately prior to classification under this chapter. Land area under water, public road rights-of-way and private road easements shall not be included in the gross density calculation.

(b) An additional density greater than specified above may be allowed at the discretion of the Planning Commission and Village Council based upon a demonstration by the applicant of design excellence and conformance to the standards listed in Section 1267.03 as well as conformance to the Village of Wolverine Lake Master Plan.

(c) The Planning Commission and Village Council may allow a residential PUD in areas having a non-residential base zoning subject to compliance with the Village Master Plan or a determination by the Planning Commission and Village Council that the proposed development meets the general intent of Section 1267.03.

(d) A planned unit development incorporating non-residential uses such as commercial or office, or a mix of non-

residential and residential uses shall also be allowed subject to the design standards of this chapter.

(Ord. 106A-85. Passed 4-9-14.)

#### **1267.05 GENERAL DESIGN STANDARDS.**

(a) All regulations within the Village Zoning Ordinance applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon the zoning districts in which the use is listed as a permitted use. In all cases, the strictest provisions shall apply.

Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the Village Council upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this section.

(b) The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on the present and future potential surrounding land uses.

(c) The uses proposed will not adversely affect the existing public utilities and circulation system, surrounding properties, or the environment.

(d) The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.

(e) The number and dimensions of off-street parking shall be sufficient to meet the minimum required by the ordinances of the Village of Wolverine Lake. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or Village Council may reduce the required number of parking spaces.

(f) All streets and parking areas within the planned unit development shall meet the minimum construction and other requirements of Village ordinances, unless modified by the Planning Commission and Village Council.

(g) Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

(h) Efforts shall be made to preserve significant natural, historical, and architectural features and the integrity of the land, including MDEQ regulated and non-MDEQ regulated wetlands or floodplains.

(i) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.

(j) There shall be underground installation of utilities, including electricity, telephone, and cable TV.

(k) The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.

(l) Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

(m) Where non-residential uses adjoin off-site residentially zoned or used property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed in accordance with Chapter 1270.

(n) The proposed density of the planned unit development shall be no greater than that which would be required for each of the component uses (measured by stated acreage allocated to each use) of the development by the district regulations of the underlying zoning district unless otherwise permitted by the Planning Commission and Village Council.

(Ord. 106A-85. Passed 4-9-14.)

#### **1267.06 PROCEDURE FOR REVIEW.**

(a) Preapplication Conference. Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Village Administrator, together with any staff and consultants whom the Village Administrator deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information: total size of the project; a statement of the number of residential units, if any; the number and type of non-residential uses, the size of the area to be occupied by each type of use; the known deviations from ordinance regulations; the number of acres to be preserved as open or recreational space; and all known natural features or historic features to be preserved.

(b) PUD Eligibility. Following the pre-application conference, the applicant shall submit preliminary sketch plans and/or other written documentation explaining the proposed project and request review of PUD eligibility from the Planning Commission. The Planning Commission shall evaluate these preliminary plans for compliance with PUD regulations outlined in Section 1267.03. The Planning Commission shall review the development request based upon the criteria and convey written or verbal comments to the applicant regarding the PUD eligibility.

(c) Neighborhood Review. The applicant is encouraged to meet with neighborhood associations and surrounding land owners prior to submittal of preliminary plans to the Planning Commission.

(Ord. 106A-85. Passed 4-9-14.)

### **1267.07 PRELIMINARY PLAN.**

Following a determination of eligibility, the applicant shall submit a preliminary site plan of the proposed planned unit development. A narrative report shall accompany the site plan providing a description of the project, discussion of the market concept of the project, and explanation of the manner in which the criteria set forth in the preceding design standards has been met. The applicant may request that the Planning Commission review the preliminary PUD plans under Section 1267.07 and final PUD plans under Section 1267.08 concurrently rather than under two separate phased applications.

(a) Information Required. The preliminary site plan and application for a PUD shall contain at a minimum the following information set forth below.

- (1) Plans, at a minimum size of 24 inches by 36 inches, with graphics and scale.
- (2) Plans shall provide the following:
  - A. The applicant's name;
  - B. Name of the development;
  - C. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
  - D. Date of preparation and any revisions;
  - E. North arrow;
  - F. Property lines and dimensions;
  - G. Complete and current legal description and size of property in acres;
  - H. Small location sketch of the subject site and area within one-half mile; at a scale of no less than 1" = 1,000';
  - I. Zoning and current land use of applicant's property and all abutting properties and of properties located across any abutting public or private street from the PUD site;
  - J. Lot lines and all structures on the property and within 100 feet of the PUD property lines;
  - K. Location of any access points on both sides of the street within 100 feet of the PUD site along streets where access to the PUD is proposed;
  - L. Existing locations of significant natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, MDEQ designated or regulated wetlands with supporting documentation and a tree survey indicating the location and diameter (in inches, measured four feet above grade) trees greater than six inches in diameter;
  - M. Existing and proposed topography at five foot contour intervals, or two foot contour intervals (two foot intervals required for final site plan), and a general description of grades within 100 feet of the site;
  - N. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths;
  - O. Location of existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed;
  - P. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For residential developments: the number, type and density of proposed housing units;
  - Q. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained;
  - R. Size, type and location of proposed identification signs;
  - S. If a multi-phase planned unit development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase;
  - T. Any additional graphics or written materials requested by the Planning Commission or Village Council to assist the Village in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches, building

elevations, and conceptual plans or lists of building materials and estimated construction cost;

U. An explanation of why the submitted planned unit development plan is superior to a plan which could have been prepared under strict adherence to related sections of the Zoning Ordinance.

(b) Planning Commission Action. The preliminary plan shall be noticed for public hearing before the Planning Commission in accordance with Article 29 and applicable State laws including P.A. 110 of 2006, as amended. Following the Public Hearing, the Planning Commission shall report its conclusions, determine a basis for its recommendation and transmit summary comments received at the Public Hearing to the Village Council. The Planning Commission shall review the preliminary site plan and shall take one of the following actions:

(1) Approval. Upon finding that the preliminary plan meets the criteria set forth in the Purpose and Intent and Sections 1267.01 through 1267.05, the Planning Commission may recommend preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to submit the preliminary PUD Plan to the Village Council. Approval of the preliminary plan by the Planning Commission shall not bind the Village Council to approval of the preliminary plan.

(2) Approval with changes or conditions. The Planning Commission may recommend conditional approval subject to modifications as performed by the applicant.

(3) Postpone. Upon finding that the preliminary plan does not meet the criteria set forth in the Purpose and Intent or Sections 1267.01 through 1267.05, but could meet such criteria if revised, the Planning Commission may postpone action until a revised preliminary plan is resubmitted.

(4) Denial. Upon finding that the preliminary plan does not meet the criteria set forth in the Purpose and Intent or Sections 1267.01 through 1267.05, the Planning Commission shall recommend denial of the preliminary plan.

(c) Village Council Action. The preliminary PUD plan shall be submitted to the Village Council in conjunction with comments from the Planning Commission. Following review, the Village Council shall take one of the following actions: grant approval, approval with conditions, postponement or denial. The Village Council decision shall be based upon criteria established within this chapter.

(Ord. 106A-85. Passed 4-9-14.)

#### **1267.08 FINAL PLAN.**

Within six months following receipt of the Planning Commission comments on the preliminary plan and Village Council action, the applicant shall submit a final plan and supporting materials conforming with this section. If a final plan is not submitted by the applicant for final approval within six months following receipt of Village Council action, the preliminary plan approval becomes null and void unless an extension is granted by the Planning Commission.

(a) Information Required. A final site plan and application for a PUD shall at a minimum contain the following information:

(1) A site plan meeting Chapter 1272 Site Plan requirements, or Chapter 1275 Site Condominium requirements, or a tentative preliminary plat in accordance with the Village Subdivision Ordinance.

(2) A separately delineated specification of all deviations from this chapter which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.

(3) A specific schedule of the intended development and construction details, including phasing or timing.

(4) A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.

(5) A specification of the exterior building materials with respect to the structures proposed in the project.

(6) Signatures of all parties having an interest in the property.

(7) Draft PUD agreement with preliminary conditions.

(b) Planning Commission Final Action. The Planning Commission shall review the final site plan and shall take one of the following actions:

(1) Approval. Upon finding that the final plan meets the criteria established in the Purpose and Intent of this chapter and Sections 1267.01 through 1267.05, the Planning Commission may recommend final approval.

(2) Approval with changes or conditions. The Planning Commission may recommend conditional approval subject to modifications as performed by the applicant as long as the plan meets the criteria established in the Purpose and Intent of this chapter and Sections 1267.01 through 1267.05.

(3) Postpone. Upon finding that the final plan does not meet the criteria set forth in the Purpose and Intent of this chapter and Sections 1267.01 through 1267.05, the Planning Commission may postpone action until a revised plan is submitted.

(4) Denial. Upon finding that the final plan does not meet the criteria set forth in the Purpose and Intent Section of this chapter and Sections 1267.01 through 1267.05, the Planning Commission shall recommend denial of the final plan.

(c) Village Council Final Action. If the proposed development has been recommended for approval or approval with conditions, the Planning Commission recommendation shall be submitted to and reviewed by the Village Council. Prior to making a decision, the Village Council shall conduct a public hearing in accordance with Section 1242.07(d) and (e), and applicable State laws, including PA 110 of 2006 as amended. Following the public hearing, the Village Council shall report its conclusions and establish a basis for its decisions. The Village Council shall take one of the following actions:

(1) Approval. Upon finding that the final plan meets the criteria established in the Purpose and Intent and Sections 1267.01 through 1267.05, and any conditions placed by the Planning Commission, the Village Council may grant final approval. If the final PUD is in the form of a subdivision, final PUD approval shall also grant the application permission to submit for approval of additional phases of plat review including final preliminary plat and final plat in accordance with the Village's Subdivision Ordinance.

(2) Approval with changes or conditions. The Village Council may grant approval and attach additional conditions if the plan meets the criteria established in the Purpose and Intent sections of this chapter and Sections 1267.01 through 1267.05.

(3) Postpone. Upon finding that the final plan does not meet the criteria set forth in the Purpose and Intent of this chapter and Sections 1267.01 through 1267.05, the Village Council may postpone action until a revised plan is submitted.

(4) Denial. Upon finding that the Planning Commission has recommended denial of the application for the final PUD and that the application does not meet the criteria set forth in the Purpose and Intent sections of this chapter or Sections 1267.01 through 1267.05, the Village Council shall deny said application.

(d) All actions on the preliminary plan or final plan by the Planning Commission and the Village Council shall state the reasons for approval, conditional approval, postponement or denial within the body of the motion.

(e) Approval of the final PUD by the Village Council shall constitute amendment of the Village of Wolverine Lake Zoning Map. The applicant shall then be authorized to proceed with any necessary permits such as final platting or construction submittals, for Building Official approval.

(Ord. 106-85. Passed 4-9-14.)

#### **1267.09 PUD CONDITIONS.**

(a) Reasonable conditions may be required by the Planning Commission before the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that existing public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.

(b) Permit conditions may be drafted in writing specifying conditions of approval and use. Conditions may stipulate that the PUD may only be used for selective land uses provided the restraint(s): advance, rather than injure, the interests of adjacent landowners; are a means of harmonizing private interests in land thus benefitting the public interest; are for the purposes of ensuring that the PUD fulfills the purposes and intent of this section and thus benefits the public interest; and/or possesses a reasonable relationship to the promotion of the public health, safety, and welfare. A change of land use during operation of the PUD will render the PUD null and void or will require application for a revised PUD.

(c) Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; are reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this chapter, and be related to the objective of ensuring compliance with the standards of this chapter. All conditions imposed shall be made a part of the written record of the approved planned unit development which shall include a site plan and written PUD permit conditions signed by the Village and the applicant.

(d) In the event that conditions set forth herein are not complied with, then the Building Official shall have the right to compel a show cause hearing by the Planning Commission, or issue a violation pursuant to Chapter 1242. At the show cause hearing, additional conditions may be imposed by the Planning Commission, or the Village may require submittal of a new PUD application.

(Ord. 106A-85. Passed 4-9-14.)

#### **1267.10 PHASING AND COMMENCEMENT OF CONSTRUCTION.**

(a) Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall also contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Village Council after recommendation from the Planning Commission.

(b) Commencement and Completion of Construction. Construction shall be commenced within one year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be

null and void unless an extension has been granted by the Planning Commission. Moreover, in the event a site plan has expired, the Village Council may take action, in accordance with Section 1242.07 of the Village of Wolverine Lake Zoning Ordinance, and may reclassify the property to the previous zoning classification or to a different zoning classification in accordance with amendment procedures, including Planning Commission review and public hearing(s), as required by the Ordinance.

(Ord. 106A-85. Passed 4-9-14.)

#### **1267.11 EFFECT OF APPROVAL.**

When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvements and uses shall be in conformity with such amendment. Notice of adoption of the final PUD site plan and PUD permit conditions shall be recorded with the Oakland County Register of Deeds at the applicant's expense.

(Ord. 106A-85. Passed 4-9-14.)

#### **1267.12 DEVIATIONS FROM APPROVED FINAL PUD SITE PLAN.**

Deviations from the approved final PUD site plan may occur only under the following conditions:

(a) An applicant or property owner who has been granted final PUD site plan approval shall notify the Building Official of any proposed amendment to such approved site plan or PUD conditions.

(b) Minor changes may be approved by the Village Building Official upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any conditions of the plan imposed upon the original approval, by the Planning Commission. In considering such a determination, the Building Official shall consider the following to be a minor change:

(1) For residential buildings, the size of structures may be reduced, or increased by five percent provided that the overall density of units does not increase.

(2) Square footage of non-residential buildings may be decreased, or increased by up to five percent or 10,000 square feet, whichever is smaller;

(3) Horizontal and/or vertical elevations may be altered by up to five percent;

(4) Movement of a building footprint by no more than ten feet as long as required setbacks are not compromised;

(5) Designated "Areas not to be disturbed" may be increased;

(6) Plantings approved in the final PUD landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis;

(7) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.;

(8) Changes of building materials to another of higher quality, as determined by the Building Official;

(9) Changes in floor plans which do not alter the character of the use;

(10) Slight modification of sign placement or reduction of size;

(11) Relocation of sidewalks and/or refuse storage stations;

(12) Internal rearrangement of parking lots which do not affect the number of parking spaces or alter access locations or design;

(13) Changes required or requested by the Village for safety reasons shall be considered a minor change.

(c) Should the Building Official determine that the requested modification to the approved final PUD site plan is not minor or if a change in land use has occurred which is different than land uses previously approved, resubmittal to the Planning Commission shall be necessary and new public hearing and notification under Section 1267.08 shall be required.

(d) Should the Planning Commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required.

(e) Any deviation from the approved PUD site plan, except as authorized in this section, shall be considered a violation of this chapter and treated as a violation subject to Chapter 1242. Further, any such deviation shall invalidate the PUD designation.

(Ord. 106A-85. Passed 4-9-14.)

### **Chapter 1268:**



## Bulk Regulations

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- 1268.01 Continued conformity with bulk regulations.
- 1268.02 Division of zoning lots.
- 1268.03 Location of required open space.
- 1268.04 Required yards; existing buildings.
- 1268.05 Permitted obstructions in required yards.
- 1268.06 Incomplete dwellings.
- 1268.07 Existing special land uses.
- 1268.08 Interpretation of use lists.
- 1268.09 Keyhole lots.

### **CROSS REFERENCES**

Regulation of land development - see M.C.L.A. §§ 125.3201 et seq.

### **1268.01 CONTINUED CONFORMITY WITH BULK REGULATIONS.**

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building, shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

(Ord. 106. Passed 12-9-81.)

### **1268.02 DIVISION OF ZONING LOTS.**

No zoning lot shall hereafter be divided into two or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

(Ord. 106. Passed 12-9-81.)

### **1268.03 LOCATION OF REQUIRED OPEN SPACE.**

All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

(Ord. 106. Passed 12-9-81.)

### **1268.04 REQUIRED YARDS; EXISTING BUILDINGS.**

No yards, now or hereafter provided for a building existing on the effective date of this Zoning Code, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Zoning Code for equivalent new construction.

(Ord. 106. Passed. 12-9-81.)

### **1268.05 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS.**

The following shall not be considered to be obstructions when located in the required yards specified:

(a) In All Yards. Open terraces not over three feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys that are integrated into a wall of the principal building projecting twenty-four inches or less into the yard; approved free-standing signs; flagpoles; window unit air-conditioners projecting not more than eighteen inches into the required yard; and fences or walls subject to applicable height restrictions.

(b) In Front Yards. One-story bay windows projecting three feet or less into the yards; and overhanging eaves and gutters projecting three feet or less into the yard.

(c) In Rear Yards. Open off-street parking spaces; balconies; fallout shelters; breezeways and open porches; one-story bay windows projecting three feet or less into the yard; overhanging eaves and gutters projecting three feet or less into the yard; and central air conditioning equipment not more than three feet in height.

(d) In Side Yards. Overhanging eaves and gutters projecting eighteen inches or less into the yard. The construction of raised patios, ground level decks and terraces, walkways or other structures should be limited to a height of no greater than eight inches above the existing grade. If said grade drops from the side of the structure the construction should follow the terrain and should be stepped in a manner to achieve the same elevation change. All construction shall be installed in a manner that does not create a drainage problem for neighboring properties. Retaining walls should be constructed to Village design standards.

Permitted obstructions and detached accessory structures shall not, in the aggregate, occupy more than twenty-five percent of any required yard.

(Ord. 106. Passed. 12-9-81; Ord. 106-A36. Passed 7-9-03; Ord. 106-A37. Passed 10-13-04; Ord. 106A-108. Passed 7-11-18.)

#### **1268.06 INCOMPLETE DWELLINGS.**

No cellar, garage, or any incompletely constructed structure in use as a dwelling on the effective date of this Zoning Code shall be used as a dwelling for more than three years following said date, unless such structure has been brought to a state of external completion in conformity with the provisions of this Zoning Code relative to dwellings in the district in which said structure is located. No such structure constructed after the effective date of this Zoning Code shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit issued for such structure.

(Ord. 106. Passed. 12-9-81.)

#### **1268.07 EXISTING SPECIAL LAND USES.**

Where a use is classified as a special land use under this Zoning Code, and exists as a conditional, special, or permitted use on the date of the adoption of this Zoning Code, it shall be considered to be a legal special land use.

(Ord.106. Passed. 12-9-81.)

#### **1268.08 INTERPRETATION OF USE LISTS.**

Land uses (permitted or conditional) which, though not contained by name in a zoning district list of permitted or conditional uses, are deemed to be similar in nature and clearly compatible with the listed uses, may be permitted if approved by both the Zoning Board of Appeals and the Planning Commission. The nonlisted uses which are approved shall be added to the appropriate use list at the time of periodic updating and revision.

(Ord.106. Passed. 12-9-81.)

#### **1268.09 KEYHOLE LOTS.**

Use of waterfront property for the purpose of providing access to such body of water for non-riparian property shall not be permitted in any zoning district.

(Ord. 106A-29. Passed 7-21-99.)

### **Chapter 1270:**

#### **Site Design Regulations**

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1270.01 Purpose.

1270.02 Application.

1270.03 Landscape buffer and open-space standards.

1270.04 Material standards and specifications.

1270.05 Installation and maintenance.

1270.06 Outdoor storage in nonresidential areas, and in multifamily residential areas.

1270.07 Regulations pertaining to existing plant material

1270.08 Fences, arbors and trellises

#### **CROSS REFERENCES**

Regulation of land development - see M.C.L.A. §§ 125.3201 et seq.

Site design review procedures and standards - see P. & Z.Ch. 1272

#### **1270.01 PURPOSE.**

It is the purpose of this chapter to set minimum standards for the protection and enhancement of the environment through requirements for site design and the use of landscape materials.

(Ord. 106. Passed 12-9-81.)

## **1270.02 APPLICATION.**

The requirements set forth in this chapter shall apply to all lots, sites, and parcels which are developed or expanded following the effective date of this Zoning Code. No site plan or land use shall be approved unless said site plan shall show landscaping consistent with the provisions of this chapter. In cases where the use of an existing building changes or an existing building is expanded or otherwise altered, all of the site design standards set forth herein shall be met. In cases where the existing structure or its site presents practical difficulties to meeting all of the site design standards, the Zoning Board of Appeals shall approve variances from the site design standards and in so doing shall consider recommendations of the Planning Commission.

(Ord. 106. Passed 12-9-81.)

## **1270.03 LANDSCAPE BUFFER AND OPEN-SPACE STANDARDS.**

(a) Buffering of Nonresidential Uses; Protective Screen Wall or Landscape Buffer Required Adjacent to Residential Property. The owner of property which is used for business, semipublic, public or other nonresidential purposes shall install and maintain in good condition along the entire edge of said property adjacent to property which is used or zoned for residential purposes either a protective screen wall or, upon Planning Commission determination, a landscape buffer strip. Protective screen walls and buffer strips required hereby shall have the following specifications:

(1) Protective screen wall:

A. The wall shall be of concrete or masonry construction at least five feet high and eight inches thick, and it shall be reinforced with steel pilasters, or the equivalent.

B. It shall contain no openings whatsoever except for such gates as may be approved by the Planning Commission in the course of site plan review.

C. It shall extend the full length of the nonresidential property where such property is also adjacent to the residential district or property used for residential purposes, except that it shall not be erected within twenty feet of a residential front property line.

(2) Landscape buffer strip:

A. The buffer strip shall be a minimum of twelve feet in depth.

B. It shall be graded with a continuous berm at least three feet above the grade elevation at the common property line. A three-foot high concrete or masonry screen wall may be substituted for the berm.

C. All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable live plant material.

D. A minimum of one deciduous tree plus one additional deciduous tree shall be planted for each thirty linear feet of required buffer strip length. Required deciduous trees shall be planted at approximately thirty foot intervals, or shall be clustered if the Planning Commission determines that a cluster configuration will provide a more effective buffer.

(3) Fence:

A. The fence shall be constructed of natural materials at least five feet in height. This provision includes landscape fences comprised of living material, such as a hedge, but not a landscape buffer strip, as described in division (2) above. Landscape fences shall meet the minimum height of five feet upon planting, and shall achieve an opaque screen within three years after planting. Constructed fences shall be no taller than six feet in height. Landscape fences shall be allowed to grow beyond the six foot maximum height.

B. The fence or landscape fence shall contain no openings whatsoever except for such gates as may be approved by the Planning Commission in the course of site plan review.

C. The fence or landscape fence shall extend the full length of the nonresidential property where such property is also adjacent to the residential district or property used for residential purposes, except that it shall be reduced in height to thirty inches within twenty feet of a residential front property line.

(b) Buffering of Business, Semipublic, Public, or Other Nonresidential Uses Adjacent to a Public Thoroughfare The owner of property used for business, semipublic, public or other nonresidential uses shall install and maintain in good condition a landscape buffer strip along the entire edge of said property adjacent to a public thoroughfare right-of-way. The buffer strip shall be designed and landscaped as follows:

(1) The buffer strip shall be a minimum of six feet in depth.

(2) It may be interrupted at not more than fifteen percent of its required length to provide for vehicular access, except that the buffer strip may be interrupted at more than fifteen percent of its required length if necessary to provide for one

vehicular access and one egress lane.

(3) Grass, ground cover, or other suitable live plant material shall be planted over the entire buffer strip area, except that paving may be used in areas of intensive pedestrian circulation.

(4) A minimum of one deciduous tree, plus one additional deciduous tree shall be planted for each thirty linear feet of required buffer strip length. Paved areas used for pedestrian circulation and vehicular access shall be counted in measuring the length of the buffer strip for the purpose of determining the required number of trees. Trees shall be planted at thirty-foot intervals, or shall be clustered if the Planning Commission determines that a cluster configuration will provide a more effective buffer.

(5) Brick or other decorative paving material shall be utilized over ten percent of the pedestrian circulation area incorporated in the site plan.

(c) Screening and Landscaping of Parking Areas Adjacent to or Visible From Public Thoroughfares and Residential Districts. The owner of an off-street parking area adjacent to or visible from a public right-of-way or residential area shall install and maintain in good condition the following landscaping:

(1) Off-street parking areas shall be screened from public thoroughfares and Residential Districts by a thirty-six inch high brick wall around the periphery of the parking area. Other masonry may be substituted with Planning Commission approval. The wall may be interrupted at not more than twenty percent of its required length if necessary to provide for vehicular access, except that the wall may be interrupted at more than twenty percent of its required length if necessary to provide for one vehicular access and one egress lane. The wall may be omitted along the portion of the parking and vehicular-use area periphery which lies adjacent to a protective screen wall or landscape buffer strip of the type required in subsection (a) hereof, and along the portion of the parking and vehicular use area periphery which lies adjacent to a building on the same lot as the parking area. The thirty-six inch high berm completely covered with live landscape material may be substituted for the wall with Planning Commission approval.

(2) Off-street parking areas shall have a minimum of one deciduous tree for every ten parking spaces.

(d) Buffering of Multiple Dwellings Adjacent to Streets and Single-Family Residential Areas. The owner of property used for multiple-dwelling purposes shall install and maintain in good condition a landscape buffer at least twenty feet in depth along the entire edge of said property adjacent to a public right-of-way line or a single-family residential area.

The buffer strip shall be designed and landscaped as follows:

(1) The buffer strip may be interrupted at not more than twenty percent of its required length to provide for vehicular access, except that it may be interrupted at more than twenty percent of its required length if necessary to provide for one vehicular access and one egress lane.

(2) All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable plant material.

(3) A minimum of one deciduous tree plus one additional deciduous tree shall be planted for each thirty linear feet of required buffer strip length. Required trees need not be planted at thirty foot intervals, but may be located along the buffer strip as desired by the complying property owner.

(4) Paved areas used for pedestrian circulation and vehicular access shall be counted in measuring the length of the buffer strip for the purpose of determining the required number of trees. Trees need not be planted at uniform intervals, but may be grouped at certain locations along the buffer strip.

(e) Landscape Open-Space Area. Whenever in this Zoning Code a landscaped open-space area is required, it shall be landscaped according with the following standards:

(1) All portions of the landscaped open-space area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved active recreation areas, patios, terraces, pedestrian circulation areas, swimming pools, and other similar site components may be incorporated with the approval of the Planning Commission. Where paved patios, terraces, pedestrian circulation areas, and swimming pool decks are used, at least ten percent of these areas shall be paved with brick or other decorative paving material.

(2) A minimum of one deciduous tree plus one additional deciduous tree shall be planted for each 1,000 square feet of required landscaped open-space area. Required trees may be planted at uniform intervals, at random or in groupings.

(3) The total landscaped open-space area required shall be the basis for determining the number of trees irrespective of the portion of the required landscaped open-space area which is devoted to active recreational purposes, patios, terraces, or pedestrian circulation.

(f) Landscaping of Rights-of-Way and Other Adjacent Public Open-Space Areas. Public rights-of-way and other public open-space areas adjacent to required buffer strips and landscaped open-space areas shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required buffer strips and landscaped open-space areas.

(g) Regulations Pertaining to Landscaping Areas Used for Sight Distance. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular areas shall not be permitted to grow to a height of more than thirty inches above the pavement grade at the edge of the pavement. Required protective

screen walls must be installed outside sight distance triangular areas. Portions of required berms located within sight distance triangular areas shall not exceed a height of thirty inches above the pavement grade at the edge of the pavement. Trees may be planted and maintained in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three feet from the edge of an accessway pavement.

The triangular areas referred to above are:

(1) The area formed at a corner intersection of a public right-of way and a driveway, two sides of the triangle area being ten feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.

(2) The area formed at a corner intersection of two public right-of-way lines, the two sides of the triangular area being thirty feet in length measured along the abutting public right-of-way line and the third side being a line connecting these two sides.

(Ord. 106. Passed 12-9-81; Ord. 106A-116. Passed 11-9-20.)

#### **1270.04 MATERIAL STANDARDS AND SPECIFICATIONS.**

All plant and nonplant material shall be installed in accordance with the following standards:

(a) Maintenance-Free Nonplant Material. All nonplant material shall be durable and as maintenance-free as reasonably practical.

(b) Plant Quality. Plant and grass materials used in compliance with the provisions of this Zoning Code shall conform to standards of the Michigan Association of Nurserymen and shall have passed any inspections required under State regulations. Grass shall be clean and free of weeds and noxious pests or diseases.

(c) Plastic Plant Material Prohibited. Plastic and other nonorganic plant materials shall be prohibited from use and shall not be in compliance with the spirit or intent of this Zoning Code.

(d) Deciduous Trees. Deciduous trees shall be species having an average mature crown spread of greater than fifteen feet in Oakland County and having trunks which can be maintained with over five feet of clear stem, if conditions of pedestrian and vehicular traffic visibility require, except, however, at intersections where the requirement of eight-foot clear stems shall be followed. Trees having an average mature crown spread of less than fifteen feet may be substituted by grouping the same so as to create the equivalent of a fifteen-foot crown spread. Deciduous tree species shall be a minimum of ten feet in overall height and a minimum caliper of two and one-half inches at the point on the trunk, six inches above the ground immediately after planting.

(e) Ground Covers. Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.

(Ord. 106. Passed 12-9-81.)

#### **1270.05 INSTALLATION AND MAINTENANCE.**

In cases where an owner of property is required to install and maintain landscape materials, said owner shall observe the following standards:

(a) Installation. Landscaping shall be installed in a sound, workmanlike manner and according to accepted good planning procedures with the quality of plant materials as hereinafter described. Landscaped areas must be protected from vehicular encroachment, by such means as, but not limited to, wheel stops. If building or paving construction is completed during a planting season, then no certificates of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off-planting season, the certificates of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season. Temporary certificates of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next growing season.

(b) Maintenance. The owner of landscaping required by this Zoning Code shall maintain such landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced within one year or the next appropriate planting period, whichever comes first. All landscape areas shall be provided with a readily-available and acceptable water supply, or with at least one outlet located within 100 feet of all plant material to be maintained. Maintenance of landscaped areas in public right-of-ways adjacent to required landscape areas shall be the responsibility of the owner of the adjacent private property.

(Ord. 106. Passed 12-9-81.)

#### **1270.06 OUTDOOR STORAGE IN NONRESIDENTIAL AREAS, AND IN MULTIFAMILY RESIDENTIAL AREAS.**

(a) No incinerator, garbage or trash receptacle, oil or propane tank, or storage rack, shall be exposed on the ground outside the building, except:

(1) When the same is enclosed on at least three sides by a solid concrete simulated brick, decorative masonry or brick wall at least five feet high or of adequate height to completely obscure all stored materials or containers placed within the enclosure.

(2) When, at the discretion of the Planning Commission, the same is enclosed by an appropriate wood or other type of obscuring gate when an obscuring gate is necessary to screen unsightly views from neighboring property or from the public right of way.

(3) When all areas within the enclosure are paved with an asphaltic or a concrete surface of such thickness and design to support the containers.

(4) When, in the discretion of the Planning Commission, an alternate wood or metal enclosure of adequate height would be consistent with the architecture of the principal building or buildings on the property and when protected from damage by cars or trucks gaining access to the enclosure, passing by the enclosure or parking adjacent to the enclosure.

(b) No storage of goods, merchandise or materials outside the building shall be permitted, except when enclosed on all sides by a solid concrete simulated brick, decorative masonry or brick wall of adequate height to completely obscure all stored materials. Openings in such wall shall be approved by the Planning Commission through the site plan review process.

(Ord. 106. Passed 12-9-81; Ord. 106A-20. Passed 7-12-89.)

### **1270.07 REGULATIONS PERTAINING TO EXISTING PLANT MATERIAL**

(a) Consideration of Existing Plant Material. In instances where healthy plant material exists on a site prior to its development, the Planning Commission, pursuant to site plan approval, may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this Zoning Code.

(b) Preservation of Existing Plant Material. Site plans shall show all existing trees 13/ inches in diameter located within the proposed development's contract limits. Any tree to be removed shall be labeled as such on the site plans. All trees to be removed must be approved by the Planning Commission.

(Ord. 106. Passed 12-9-81.)

### **1270.08 FENCES, ARBORS AND TRELLISES.**

(a) Purpose. The purpose of this section is to maintain an open, park-like atmosphere around the lake, and allow each lakefront property owner views of the lake.

(b) Approval Required.

(1) The erection, re-erection, altering or relocating of a fence, arbor or trellis shall be unlawful unless a sketch or design of the proposed fence, arbor or trellis and its location on the property, including a description of materials to be used and specification of height, shall be submitted, and any applicable fees paid to the village. Approval will not be issued if the village determines that the proposed fence, arbor or trellis does not meet the requirements of this zoning code.

(2) Fence, arbor or trellis approval shall become null and void if the work for which the approval was issued is not completed within six months of the date of approval.

(c) Approved Fences, Arbors, Trellises, and Landscape Fences/Screens.

(1) Residential fences, arbors, trellises, and landscape fences are permitted on property zoned and used for residential purposes, subject to the following:

A. All fences, arbors and trellises must be ornamental in nature. See Exhibit A, following the text of this chapter, for examples of permitted fences.

B. Unless otherwise provided herein, all fences, arbors and trellises located on the ground shall be constructed with posts in a foundation sunk into the soil at least two feet. Fences shall not be mounted to decks or other structures in place of railings or other structural features in yards where they would not otherwise be permitted. Masonry fences must conform to the Building and Housing Code.

C. Fences, arbors, trellises and landscape fences may be located along the property line. All exposed horizontal and vertical members of a fence, arbor or trellis shall be located on the inside of the property they are intended to fence. If adjoining property owners jointly apply for a permit to erect a fence, arbor or trellis upon their common property line, such fence, arbor or trellis may be so erected.

D. The maximum height of permitted fences and landscape fences shall be measured from the ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Maximum height of permitted fences and landscape fences shall be subject to the following provisions:

1. Fences and landscape fences located in a required or unrequired front yard shall not exceed thirty inches in height.

2. Fences and landscape fences located in a required or unrequired side yard shall not exceed six feet in height, unless said side yard abuts a front yard, in which case the fence and landscape fence shall not exceed thirty inches in height. Fences and landscape fences in subdivision lake access lots cannot exceed forty-eight inches in height and fences must be of picket, rail, or ornamental types only.

3. Fences and landscape fences located in required or unrequired rear yards shall not exceed six feet in height, unless said rear yard abuts a front yard, in which case the fence and landscape fence shall not exceed thirty inches in height.

4. No fence or landscape fence shall be permitted in required or unrequired lakefront yards except for pools as prescribed by the pool ordinance, or fences and landscape fences on subdivision lake access lots as allowed by this section.

5. Landscape berms are permitted in any yard, provided the berm does not exceed thirty inches in height.

6. For the sake of this chapter, trellises must comply with all of the above fence requirements. Arbors are considered landscape fences, are only allowed within a required or unrequired rear yard, and must comply with subparagraph 3. above.

7. Arbors, trellises, or any other structures of the like must be free standing, i.e., they should stand alone and not be contiguous with a fence row. Arbors, trellises or any other structure or items that are positioned to circumvent this chapter shall not be allowed.

E. In the event there are abutting yards with conflicting applicable provisions, the shortest maximum height requirement will apply.

(2) Invisible fences for the control of pets are allowed on one's own property.

(3) Fences on property in residential zoning districts, but used for other purposes, such as a public park or other permitted use, shall meet the landscape buffer requirements of Section 1270.03.

(4) Commercial fences, arbors and trellises on property zoned and used for commercial purposes, are permitted subject to the following:

A. Shall be permitted in the rear or side yards of non-residential districts. No fence shall extend toward the front of the lot further than any portion of the principal structure.

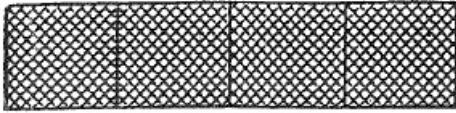
B. Shall not exceed eight feet in height and shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted.

(Ord. 106A-30. Passed 10-13-99; Ord. 106-A36. Passed 7-9-03; Ord. 106-A43. Passed 4-11-07; Ord. 106-A49. Passed 11-12-08; Ord. 160A-57. Passed 7-11-12; Ord. 106A-58. Passed 7-11-12; Ord. 106A-100. Passed 6-10-15; Ord. 106A-110. Passed 2-20-19; Ord. 106A-115. Passed 11-9-20.)

## **Exhibit A**

### **Types of Fences**

## TYPES OF FENCES



CHAIN LINK (CYCLONE) FENCE

PERMITTED IN SIDE & REAR YARDS



STOCKADE FENCE

PERMITTED IN SIDE & REAR YARDS



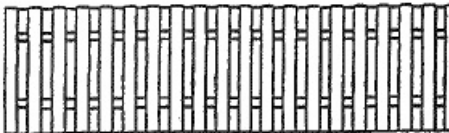
PICKET FENCE

PERMITTED IN ALL ALLOWED AREAS



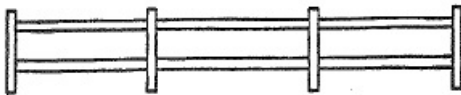
WIRE (FARM) FENCE

NOT PERMITTED  
(except as allowed in Section 1270.08(c)(6))



BOARD ON BOARD FENCE

PERMITTED IN SIDE & REAR YARDS



RAIL FENCE

PERMITTED IN ALL ALLOWED AREAS



ORNAMENTAL - METAL/PLASTIC

PERMITTED IN ALL ALLOWED AREAS

## Chapter 1272:

### Site Design Review Procedures and Standards

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- 1272.01 Purpose.
- 1272.02 Application.
- 1272.03 Procedures
- 1272.04 Application data requirements.
- 1272.05 Standards for site design approval.

#### **CROSS REFERENCES**

Regulation of land development - see M.C.L.A. §§ 125.3201 et seq.

Site design regulations - see P. & Z.Ch. 1270

#### **1272.01 PURPOSE.**

These site design review procedures are instituted to provide for Planning Commission review and approval of site designs to ensure full compliance with all applicable requirements of this Zoning Code and to set additional requirements in accordance with the standards set forth herein where such additional requirements are necessary to protect the public health, safety, and general welfare. It is hereby recognized that peculiarities of lot contour, existing and potential adjacent development, existing and potential vehicular and pedestrian circulation and other determinants may require special



regulation of the location and external design of buildings, open spaces, parking areas, and driveways that cannot be achieved by detailed specifications. The site design review process should provide an opportunity for consultation and cooperation between the applicant and the Planning Commission so that maximum utilization of land consistent with minimum adverse effects on adjoining areas can be achieved. Site design review and approval is an integral part of the approval process for uses subject to special conditions and planned developments and therefore separate site design review as provided herein shall not be required for uses subject to special conditions and planned developments.

(Ord. 106. Passed 12-9-81.)

### **1272.02 APPLICATION.**

Site design approval by the Planning Commission shall be required for every nonresidential site design and for every single-family attached and every multiple-family residential site design containing three or more units. Site design approval shall be required whenever a new use is established, whenever an existing use is changed to a different use, and whenever an existing use is enlarged.

(Ord. 106. Passed 12-9-81.)

### **1272.03 PROCEDURES**

(a) Applicant. The owner of an interest in land for which site design approval is sought, or the designated agent of the owner, shall file the application for site design approval with the Enforcement Officer.

(b) Issuance of Building Permits. The Planning Commission shall approve all site designs in accordance with the procedures and standards set forth herein before a building permit is issued.

(c) Occupancy Certificate. No occupancy certificate shall be issued until the site design as approved by the Planning Commission has been completed, including the installation of all landscaping materials. A temporary occupancy certificate may be issued as provided in Section 1242.04(d) before the site design has been completed.

(d) Application Forms and Documentation. The application for site design approval shall be made on such forms as shall be prescribed by the Planning Commission and provided by the Village Clerk, and shall be accompanied by the necessary fees and documents as provided herein.

(Ord. 106. Passed 12-9-81.)

(e) Submission to Village Clerk and Referral to Planning Commission. The application for site design approval shall be submitted to the Village Clerk who shall forward it to the Planning Commission at its next regularly scheduled meeting, provided such meeting takes place seven calendar days after the initial submission of the application to the Village Clerk.

(f) Date and Notification of Planning Commission Consideration. The Planning Commission shall set as a date for consideration of the site design, its next regularly scheduled meeting following the Commission's formal receipt of the application from the Village Clerk, provided such date provides adequate time to publish a notice in a newspaper of general circulation not less than five nor more than fifteen days before the application will be considered. The notice shall:

- (1) Indicate the property which is the subject of the site design approval request.
- (2) State when and where the application for site design approval will be considered.
- (3) Indicate when and where written comments will be received concerning the application.

(g) Professional Reports. Before approving an application for site design approval, the Planning Commission may elect to obtain a report or reports from professional planners, landscape architects, architects, or engineers as to whether the site design meets all requirements and standards of this Zoning Code.

(h) Planning Commission Review and Determination. The Planning Commission shall review the application for site design approval, together with any professional reports thereon and the comments of all interested parties, and shall make the final determination on the application. Such determination shall be based solely on the requirements and standards of this Zoning Code. Approval, approval with conditions, or disapproval, shall be made by resolution setting forth the Planning Commission's findings regarding the pertinent requirements and standards.

If the site design is approved by the Planning Commission the applicant may then submit the written approval to the Zoning Enforcement Officer who will then sign and issue the building permit if all other building permit requirements have been met, and all required signatures have been obtained. If site design approval is denied, the Planning Commission may, by resolution, require that a revised site design be resubmitted for review and approval in accordance with the process outlined above. If, in the judgment of the Planning Commission, the site design can be approved if minor modifications are made, the Planning Commission may, by resolution, issue a conditional site design approval in writing and provide for resubmission of a revised site design to the Enforcement Officer who shall sign and issue the building permit upon determination that all appropriate site design modifications have been made in accordance with Planning Commission stipulations, and that all other building requirements have been met.

(i) Recording of Planning Commission Action. Each action taken with reference to site design review and approval shall be duly recorded in the minutes of the Planning Commission and the grounds for the action taken upon each site design submitted for review and approval shall also be recorded in the minutes and transmitted in writing to the applicant.

(j) Maintenance of Site Design. It shall be the responsibility of the owner of a property for which site design approval is required to maintain his or her property in accordance with the approved site design on a continuing basis until the property is razed, or until a new site design approval has been obtained as a basis for modifying the site design. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Zoning Code and shall be subject to the same penalties appropriate to such a use violation

(Ord. 106. Passed 12-9-81; Ord. 106A-98. Passed 10-14-15.)

(k) Site Plan Approval Period and Revocation.

(1) Expiration of site plan. If construction has not commenced within eighteen months of final approval of the site plan, the site plan approval becomes null and void and a new application for site plan review shall be required.

(2) Revocation of site plan approval. Approval of a site plan may be revoked by the Village Planning Commission if construction is not in conformance with the approved plans. In such a case, the Village Clerk shall place the site plan on the agenda of the Planning Commission for consideration and give written notice to the applicant at least ten days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Village Planning Commission may revoke the approval of the site plan if it finds that a violation exists and has not been remedied prior to the hearing.

(Ord. 106A-31. Passed 3-19-01.)

#### **1272.04 APPLICATION DATA REQUIREMENTS.**

The following data shall be included with and as part of the site design submitted for final review and approval:

(a) Site Plan. The application shall include site plans drawn to a scale of one inch equals twenty feet, or to another scale as determined by the Planning Commission and adequate to determine compliance with the requirements of this Zoning Code, and provide the Planning Commission with any other information needed to evaluate the overall site design on the basis of the criteria set forth herein.

(b) Building Elevations and Other Information. The application shall include elevation drawings of all existing and proposed buildings on the site drawn to a scale of one inch equals four feet, or to another scale determined by the Planning Commission and adequate to determine compliance with the requirements of this Zoning Code, and provide the Planning Commission with any other information needed to evaluate the overall site design on the basis of the criteria set forth herein.

(c) Detailed Information. The following detailed information shall be submitted with the site plan and building elevations:

- (1) The existing and proposed zoning.
- (2) The location and size of all structures, including the location of entrances and loading points.
- (3) All outside dimensions of each structure, its distance from the property lines, its area and its height.
- (4) The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.), and typical floor plans with square feet of floor area.
- (5) The area of the site in square feet, excluding all existing rights-of-way.
- (6) The recorded and measured dimensions of all lot lines and the location and design of all lots.
- (7) Structures, uses, zoning, and other significant features of immediately adjacent property.
- (8) The location of all existing and proposed drives, parking areas, and pedestrian circulation ways, including types of surfacing, parking layout, and dimensions.
- (9) The dimensions of road widths and rights-of-way.
- (10) All existing easements and vacated easements and rights-of-way.
- (11) All required minimum setbacks from the existing or proposed rights-of-way and from adjacent properties.
- (12) The locations of lawns, landscaped areas, and outdoor recreation areas, and how the landscaping is to be accomplished.
- (13) The locations, sizes, and types of existing trees over one and three-fourths inches in diameter, before and after proposed development.
- (14) The design and materials of construction of all fences, free-standing architectural walls, including typical cross sections and the heights above ground on both sides of free-standing walls.
- (15) The location, intensity and orientation of all exterior lighting.
- (16) The location, dimensions, and lighting of all signs.
- (17) Photographs of the site and adjacent areas.
- (18) The location and capacity of water and sewer services serving the site, and of existing and proposed septic tanks

and wells.

(19) Topographic contours at two-foot intervals and any other information needed to evaluate storm drainage characteristics of the site.

(Ord. 106. Passed 12-9-81.)

#### **1272.05 STANDARDS FOR SITE DESIGN APPROVAL.**

The Planning Commission shall grant site design approval only if the site design fully meets all applicable standards set forth in this Zoning Code, and only upon a finding that the site design will not, on the basis of the facts known at the time of submission of the site design, have an unduly harmful external impact on surrounding property owners or the residents of the Village as a whole. The Planning Commission may, as a basis for making such a finding, require whatever site design modifications it deems necessary, including the provision of additional site design amenities not specifically required by this Zoning Code.

(a) All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Zoning Code.

(b) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal.

(c) The site design shall provide reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Fences, walks, barriers, and landscapings shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.

(d) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

(e) Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.

(f) There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system. In order to ensure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which generate a considerable amount of pedestrian traffic.

(g) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.

(h) Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provision shall be made for the construction of sewer facilities, including grading, gutters, piping, and the treatment of turf to handle storm water, and to prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas.

(i) Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

(Ord. 106. Passed 12-9-81.)

### **Chapter 1274:**

#### **Special Land Use Procedures and Standards**

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1274.01 Purpose.

1274.02 Procedures

1274.03 General standards for granting special land use approval.

1274.04 Conditions and safeguards

#### **CROSS REFERENCES**

Regulation of land development - see M.C.L.A. §§ 125.3201 et seq.

Land Use Plan - see P. & Z.Ch. 1224

Special land uses - see P. & Z. 1242.09

#### **1274.01 PURPOSE.**

This chapter sets forth review procedures for Planning Commission approval of special land uses. These procedures are instituted to provide an opportunity to use a lot for an activity which, under usual circumstances, would be detrimental to

other permitted land uses and cannot be permitted within the same district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land uses. These procedures are adopted to provide guidelines for the Village Planning Commission to follow in arriving at any decision over which the Commission has jurisdiction, and to provide for the public health, safety, morals, and general welfare.

(Ord. 106. Passed 12-9-81.)

## **1274.02 PROCEDURES**

(a) Application: Submission to Village Clerk. An application for the approval of a special land use may be made by an owner of an interest in the land on which the use is to be located, to the Village Clerk accompanied by the necessary fees and documents as provided herein.

(b) Application Forms and Documentation. The application shall be accompanied by the same documentation required for site design approval as set forth in Section 1272.03.

(c) Zone Change. The application for approval of a special land use may be accompanied by an application for a zone change, where such a zone change is necessary to the consideration of the special approval application, provided all applicable provisions of a zone change application have been complied with.

(d) Referral of Application to Planning Commission. The application for approval of a special land use and the zone application, if any, shall be referred to the Planning Commission at its next regularly scheduled meeting which takes place seven calendar days or more after the initial submission of the application to the Village Clerk. The Commission shall review and communicate its recommendation on the zone change application in accordance with procedures prescribed by applicable statute.

(e) Public Hearing. The Commission shall hear any person wishing to express an opinion on the application and review the application at its next regular meeting, following the Commission's formal receipt of the application from the Clerk, provided such date provides adequate time to notify property owners and post a notice of public hearing, as required below:

(1) The Village Clerk shall publish a notice of such public hearing for a special land use in a newspaper of general circulation in the Village and shall send a notice of such public hearing by mail or personal delivery to the owners of property for which approval is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet.

(2) The notice shall be given not less than fifteen days before the application will be considered at the public hearing.

(3) If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(4) The notice shall do all of the following:

A. Describe the nature of the special land use request.

B. Indicate the property which is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

C. State when and where the public hearing on the special land use request will be considered.

D. Indicate when and where written comments will be received concerning the request.

(f) Planning Commission Review and Determination. The Planning Commission shall review the application for special land use approval, together with any professional reports thereon and the comments of all interested parties, and shall make the final determination on the application. Such determination shall be based solely on the requirements and standards of this Zoning Code. The decision on a special use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. Approval, approval with conditions, or disapproval, shall be made by resolution setting forth the Planning Commission's findings regarding the pertinent requirements and standards.

(g) Building Permit. If the special land use is approved by the Planning Commission, the applicant may then submit the written approval to the Building Inspector who will then sign and issue the building permit if all other building permit requirements have been met, and all required signatures have been obtained. If special land use approval is denied on grounds pertaining to the site design of the proposed use, the Planning Commission may, by resolution, provide that a revised site design be resubmitted for review and approval in accordance with the process outlined above. If, in the judgment of the Planning Commission, the special land use can be approved if minor modifications are made to the site design, the Planning Commission may, by resolution, issue a conditional approval in writing and provide for resubmission of a revised site design to the Enforcement Officer who shall sign and issue the building permit upon determination that all appropriate site design modifications have been made in accordance with Planning Commission stipulations, and that all

other building permit requirements have been met.

(Ord. 106. Passed 12-9-81; Ord. 106-A46. Passed 11-14-07.)

### **1274.03 GENERAL STANDARDS FOR GRANTING SPECIAL LAND USE APPROVAL.**

The Planning Commission shall approve special land uses upon Planning Commission determination that the proposed use will comply with all requirements of this Zoning Code, including the applicable standards for specific uses and the following general standards:

(a) Location. The location of the proposed use within the zoning district will minimize the impact of the traffic generated by the proposed use on surrounding uses. The Planning Commission shall presume that this standard has not been met if the proposed use is not located immediately adjacent to Benstein, Glengary, or South Commerce Roads. This presumption may be set aside by the presentation of substantial evidence indicating that the traffic generated by the proposed use will have a minimal impact despite the failure to meet this locational standard.

(b) Site Design. The site design of the proposed use will minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, the Planning Commission will consider:

(1) The location and screening of outdoor storage or activity areas and mechanical equipment in relationship to surrounding development.

(2) The location and screening of vehicular circulation and parking areas in relationship to surrounding development.

(3) The hours of operation of the proposed use. In granting the approval of a use subject to special conditions, the Planning Commission may set such restrictions upon the hours of operation as it deems appropriate to ensure minimal impact on surrounding uses.

(4) The bulk, placement, and materials of construction of the proposed use in relationship to surrounding uses.

(c) Enhancement of Neighborhood Environment. The site design of the proposed use will be such as to provide the maximum feasible enhancement of the neighborhood environment of the surrounding area. In determining whether this requirement has been met, the Planning Commission shall consider:

(1) The provision of landscaping or other site amenities over and above those required by specific stipulations of this Zoning Code. The Planning Commission may require provision of additional landscaping amenities over and above the specific stipulations of this Zoning Code, but such additional landscaping may not be required in an amount which would exceed in cost the greater of fifty percent of the total development cost which would be necessitated by the site improvements specifically stipulated by this Zoning Code, or four percent of the total construction cost of the structure, excluding site clearance or other site preparation costs and excluding paving of parking vehicular circulation and loading areas, except to the extent that such paving may be deemed aesthetically enhancing by use of decorative features such as brick pavers or other similar devices. In determining site development costs, the Planning Commission may accept the presentations of the applicant or may require cost estimates by an independent registered landscape architect obtained at the applicant's expense.

(2) The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.

(d) Not Detrimental to Surrounding Development. The location of the proposed use shall not be detrimental to the orderly development of surrounding areas.

(e) Professional Review. In determining whether the above standards have been met, the Planning Commission may obtain a written evaluation from a professional community planner registered in the State of Michigan.

(Ord. 106. Passed 12-9-81.)

### **1274.04 CONDITIONS AND SAFEGUARDS**

(a) Modification of Requirements; Additional Requirements. Prior to granting approval of a special land use, the Planning Commission may modify any of the existing requirements or may impose any additional conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the approval as in its judgment may be necessary for the protection of the public interest. Conditions and requirements stated as part of the approval of the use subject to special conditions shall be a continuing obligation of holders of approval. The Zoning Enforcement Officer shall make periodic investigations of developments authorized by approval of uses subject to special conditions to determine compliance with all requirements.

(b) Bond. In authorizing a special land use, the Planning Commission may require that a bond or other financial guarantee acceptable to the Village, of ample sum, be furnished by the developer to ensure compliance with such requirements.

(c) Continuance. Continuance of special land use approval by the Planning Commission shall be withheld only upon a determination by the Building Inspector to the effect that:

(1) Such conditions as may have been prescribed in conjunction with the issuance of the original approval included the requirement that the use be discontinued after a specified time period.

(2) Violations of conditions pertaining to the granting of the permit continue to exist more than thirty days after an order to correct has been issued.

(d) Plans and Specifications Part of Conditions. All plans, specifications, and statements submitted with the application shall become, with any changes ordered by the Planning Commission, a part of the conditions of any approval issued by the Planning Commission pursuant thereto.

(Ord. 106. Passed 12-9-81.)

## **Chapter 1275**

### **Site Condominium and Condominium Project Regulations**

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1275.01 Purpose.

1275.02 General requirements.

1275.03 Site plan approval requirements.

1275.04 Required improvements.

1275.05 Information required prior to occupancy.

1275.06 Condominium revisions/amendments.

1275.07 Performance guarantee.

1275.08 Conversion condominiums.

#### **CROSS REFERENCE**

Site design review procedures and standards - see P. & Z.Ch. 1272

#### **1275.01 PURPOSE.**

Pursuant to the authority conferred by Section 141 of the Condominium Act, the intent of this section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership.

(Ord. 106-A51. Passed 12-10-08.)

#### **1275.02 GENERAL REQUIREMENTS.**

(a) Each condominium lot shall be located within a zoning district that permits the proposed use.

(b) Each condominium lot shall front on and have direct access to a public street.

(c) All condominium project plans shall conform to the plan preparation requirements, design, layout, and improvement standards of Title Four - Zoning of the Codified Ordinances of Wolverine Lake and the design, layout and improvements standards as established in the Subdivision Regulations, Chapter 1222 by the Village.

(d) For the purposes of this chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located.

(e) In the case of a condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot.

(Ord. 106-A51. Passed 12-10-08.)

#### **1275.03 SITE PLAN APPROVAL REQUIREMENTS.**

Approval of the site plan and condominium documents by the Planning Commission shall be required as a condition to the right to construct, expand or convert a site condominium project.

(a) A site plan pursuant to the standards and procedures set forth in Chapter 1272 shall be submitted to the Planning Commission for review. The plans shall have sufficient detail so that the Village, and appropriate consultants, can determine compliance with applicable laws, ordinances and design standards for construction of the project.

(b) In addition to the site plan, the applicant shall submit the draft condominium documents and master deed to the Village for review by the Village Attorney, consultants, and other appropriate staff.

(c) All review comments shall be submitted to the Village, who shall compile the findings prior to consideration of the site plan for approval by the Planning Commission.

(d) The Planning Commission shall approve or deny the site plans based upon conformance with all applicable laws, ordinances, and design standards.

(e) If the site plan, condominium documents and/or plans conform in all respects to applicable laws, ordinances and design standards, approval shall be granted by the Planning Commission.

(f) If the site plan, condominium documents and/or engineering plans fail to conform to the ordinance or development standards, final approval shall be denied by the Planning Commission.

(g) In the interest of insuring compliance with this article and protecting the health, safety and welfare of the residents of the Village, the Planning Commission, as a condition of approval of the site plan, may require the applicant to deposit a performance guarantee as set forth in Section 1275.07 for the completion of improvements associated with the proposed use.

(Ord. 106-A51. Passed 12-10-08.)

#### **1275.04 REQUIRED IMPROVEMENTS.**

(a) All design standards and required improvements that apply to a subdivision, under the Subdivision Regulations adopted by Village Council, and/or a development requiring site design review under Chapter 1272 of the Zoning Code shall apply to any condominium development.

(b) Each condominium unit shall be connected to the Village water, sanitary, and storm sewers where available. Utility standards stated in the Building Code shall apply to all condominium units proposed for location on any property which is not subdivided and recorded, or any property which is to be further subdivided.

(c) Monuments.

(1) Monuments must be located in the ground, and flush with the ground where practical, but not intended or required to be placed within traveled portions of a street, to mark all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

(2) Monuments shall be made of solid iron or steel bars at least one-half inch in diameter and thirty-six inches long and completely encased in concrete at least four inches in diameter. Lot corner monuments shall be made of solid iron or steel bars at least one-half inch in diameter and eighteen inches long and completely encased in concrete at least four inches in diameter.

(3) The Village may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the Village cash, a certified check, or an irrevocable bank letter of credit running to the Village, whichever the developer selects, in an amount as determined from time to time by resolution of the Planning Commission. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Planning Commission shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

(d) Road right-of-ways shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium plans and the site plan. The right-of-ways shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall declare easements to the Village for all public water and sanitary lines and appurtenances, where applicable.

(Ord. 106-A51. Passed 12-10-08.)

#### **1275.05 INFORMATION REQUIRED PRIOR TO OCCUPANCY.**

Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Village:

(a) A copy of the recorded condominium documents (including exhibits).

(b) A copy of any recorded restrictive covenants.

(c) A copy of the site plan on laminated photostatic copy or Mylar sheet, or electronic copy as dictated by the Village.

(d) Evidence of completion of improvements associated with the proposed use including two copies of an "as-built survey."

(Ord. 106-A51. Passed 12-10-08.)

#### **1275.06 CONDOMINIUM REVISIONS/AMENDMENTS.**

(a) Revision of a Site Condominium Plan. If the site condominium plan is revised, the site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be

issued, where such permit is required.

(b) Amendment of Condominium Documents. Any amendment to a master deed or bylaws that affects the approved site plan or any conditions of approval of a site plan shall be reviewed and approved by the Village Attorney and Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the original site plan.

(c) Relocation of Boundaries. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located and shall be approved by the Planning Commission upon recommendation by the Village Assessor. These requirements shall be made a part of the condominium bylaws as recorded as part of the master deed.

(d) Subdivision of Condominium Lot. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located, and shall be approved by the Planning Commission upon recommendation of the Village Assessor. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

(Ord. 106-A51. Passed 12-10-08.)

#### **1275.07 PERFORMANCE GUARANTEE.**

(a) To ensure compliance with the Village of Wolverine Lake - Part Twelve, Planning and Zoning Code and any condition imposed thereunder, a cash deposit, certified check, or surety bond up to one hundred percent of the cost of site improvements, as determined by the Village, may be required to insure faithful completion of the improvements.

(b) The performance guarantee shall be deposited with the Village Treasurer at the time of the issuance of the permit authorizing the project. The Village shall rebate to the applicant, as the work progresses, amounts of such deposit equal to the ratio of work satisfactorily completed to the entire project. Such rebates shall be based on the report and recommendation of the Building Official.

(Ord. 106-A51. Passed 12-10-08.)

#### **1275.08 CONVERSION CONDOMINIUMS.**

All conversion condominium projects shall be subject to all rules contained in this chapter and shall require site plan approval prior to occupancy of any unit converted to a condominium unit. A site plan submitted for a conversion project shall include all existing conditions and clearly identify all proposed changes. The Planning Commission shall review the site plan in the same manner as a new development on the site. The Planning Commission may waive any of the requirements if determined that the site improvements are minimal and full compliance with this chapter would be unnecessary.

(Ord. 106-A51. Passed 12-10-08.)

## **Chapter 1276:**

### **Signs**

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1276.01 Purpose.

1276.02 Scope of requirements.

1276.03 General limitations.

1276.04 Residential District signs.

1276.05 Office District signs.

1276.06 Commercial District signs.

#### **CROSS REFERENCES**

Regulation of land development - see M.C.L.A. §§ 125.3201 et seq.

Billposting - see GEN. OFF. 658.01

#### **1276.01 PURPOSE.**

These sign regulations are instituted to provide for the establishment of such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health or safety, and, further, to regulate such permitted signs in such a way as to create land use patterns compatible with other major land use objectives and to prevent such signs from causing annoyance or disturbance to the citizens and residents of the Village.



(Ord. 106. Passed 12-9-81.)

### **1276.02 SCOPE OF REQUIREMENTS.**

The regulations herein set forth shall apply to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing location and bulk of structures for the district in which it is located, except when specifically provided for by a variance.

Any sign already established on the effective date of this Zoning Code, and which sign is rendered nonconforming by the provisions herein, and any sign which, as a result of subsequent amendments hereto, shall be rendered nonconforming, shall be subject to the regulations of Chapter 1282.

(Ord. 106. Passed 12-9-81.)

### **1276.03 GENERAL LIMITATIONS.**

(a) Exceptions. The provisions of this chapter shall not apply to the following:

- (1) Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right-of-way.
- (2) Miscellaneous traffic and other official signs of any public or governmental agency such as railroad crossing signs, trespassing signs, signs indicating danger, or signs used as aids to service or safety.
- (3) Any flag, emblem or insignia of the nation, a political unit, or school, when used for official purposes.
- (4) Any official notice of a public office or court. Such notices shall include, but not be limited to, notices of public hearings, condemnation notices, eviction notices, and stop work orders.
- (5) Any sign which is located completely within an enclosed building, and which sign is not visible from outside the building.
- (6) Tables, grave markers, headstones, statuary, or remembrances of persons or events that are noncommercial in nature.
- (7) Works of fine art when not displayed in conjunction with a commercial enterprise which may receive direct commercial gain from such display.
- (8) Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays.
- (9) Signs on a truck, bus, trailer, or other vehicle while operated in the normal course of a business which is not primarily the display of such sign.

(b) Prohibited Signs. The following signs shall not be permitted, erected, or maintained in any district:

- (1) Signs which incorporate in any manner flashing or moving lights. This does not include the change from one message to the next message on an electronic message sign.
- (2) Banners, pennants, spinners, and streamers, except specifically permitted temporary signs.
- (3) String lights used in connection with commercial premises for commercial purposes, other than Christmas decorations.
- (4) Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by action of normal wind current. This does not include the change from one message to the next message on an electronic message sign.
- (5) Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.
- (6) Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
- (7) Any sign which makes use of words such as "Stop," "Look," "Danger," or any other words, phrases, symbols, or characters, in such a manner to interfere with, mislead, or confuse traffic.
- (8) Any sign or other advertising structure containing any obscene, indecent, or immoral matter.
- (9) Any sign unlawfully installed, erected, or maintained.
- (10) Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold.
- (11) Portable signs, except as allowed in Section 1276.06 hereof.
- (12) Any sign attached to a standpipe, gutter drain, or fire escape, or any sign erected so as to impair access to a roof.

(13) Any advertising signs within a Residential District or within seventy-five feet of any Residential District boundary lines, except as allowed in Section 1276.06(h) or unless said sign is completely screened from said Residential District by a building, solid fence, or evergreen planting, which planting shall be equal to or higher than the height of the sign at the time said evergreens are planted. Said evergreens shall be spaced not more than one-half the height of the tree for regular varieties and one-third the height of the tree for columnar varieties of trees. Said evergreen planting shall be continuously maintained.

(14) Any sign which would project above the parapet line of any roof.

(15) Any sign which would project into any public right-of-way or other accessway.

(16) Any single face wall sign located on the exterior of a building which would project more than eighteen inches therefrom, except as provided for in subsection (c) hereof.

(17) Any other sign not specifically authorized by this Zoning Code.

(c) Marquee Signs, Awnings, and Canopies.

(1) Where limitations are imposed by this Zoning Code on the projection of signs from the face of the wall of any building or structure, such limitations shall not apply to identification canopy or marquee signs indicating only the name of the building or the name of the principal occupant of the building or the principal product available therein on any marquee or canopy, provided that any identification sign located on a marquee or canopy shall be affixed flat to the vertical face thereof, and provided, further, that all marquee signs and canopies shall maintain the following clearances.

A. Height. All marquee signs shall maintain a vertical clearance of not less than twelve feet above grade. All identification canopies shall maintain a vertical clearance of not less than seven feet and six inches above grade.

B. Projection. No marquee or canopy sign shall project into a public right-of-way.

(2) Signs on awnings shall be exempt from the limitations imposed by this Zoning Code on the projection of signs from the face of the wall of any building or structure, provided that any sign located on the awning shall be affixed flat to the surface thereof, shall be nonilluminated and shall indicate only the name and/or address of the establishment, and provided, further, that no such sign shall extend vertically or horizontally beyond the limits of said awning, and provided, further, that all awnings shall maintain the following clearances:

A. Height. All awnings shall maintain a vertical clearance of not less than seven feet and six inches above grade.

B. Projection. No awning shall project into a public right-of-way.

(d) Temporary Political Signs. Temporary political signs may be erected upon private property under the following conditions. The person or organization responsible for the erection or distribution of any such signs, or the owner, or his or her agent, of the property upon which such signs may be located, shall cause the removal thereof within fourteen days after the primary or special elections to which they are pertinent, unless such signs shall continue to be pertinent to a general election to be held within ninety days. The person or organization responsible for the erection or distribution of any such signs, or the owner, or his or her agent, of the property upon which such signs may be located, shall cause the removal thereof within fourteen days after the general election to which they are pertinent. No political sign shall exceed twenty square feet in area or five feet in length, except that in Residential Districts no political sign shall exceed ten square feet in area, three feet in height, and five feet in length. A maximum of seven such signs may be placed on a building or on a zoning lot.

(e) Obsolete and Nonconforming Signs.

(1) Obsolete signs, as defined in this Zoning Code, shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such copy or message may be found, within thirty days after written notification from the Building Inspector, and upon failure to comply with such notice within the time specified in such notice, the Building Inspector is hereby authorized to cause removal of such copy or message, and any expense incident thereto shall be paid by the owner of the building, sign, or structure upon which such copy or message is displayed. Upon vacating a commercial establishment, the proprietor shall be responsible for the removal of all signs used in conjunction with the business.

(2) No nonconforming business sign or advertising sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this section. For the purpose of this section only, the term "altered or reconstructed" shall not include normal maintenance; changing of sign content, ornamental moulding, frames, trellises, or ornamental features or landscaping below the base line; or the addition, construction, installation, or charging of electrical wiring or electrical devices, backgrounds, letters, figures, or characters, or other embellishments.

(f) Construction and Maintenance. The construction, installation, erection, anchorage, and maintenance of all signs shall be subject to the regulations of the Building and Housing Code. All electrical wiring associated with free-standing signs shall be installed underground.

(g) Mounting of Signs. All signs shall be mounted in one of the following manners:

(1) Flat against a building or wall.

(2) Back to back in pairs, so that the backs of signs will be screened from public view.

(3) Clustered in an arrangement which will screen the backs of the signs from public view.

(4) Otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

(h) Limitation on Number of Signs. In those districts within which a reduction in total sign area is applied as the number of signs increases, the following exemption is offered. If more than four establishments occupy a single zoning lot, the twenty percent reduction in total sign area shall not apply if all signs are grouped in a single location or are part of a common sign for the entire zoning lot. In such instances, each establishment shall be permitted an additional wall-mounted sign of more than sixteen square feet in area and projecting not more than twelve inches from the face of the wall or structure of the building.

(i) Signs Accessory to Parking Areas. Signs accessory to parking areas shall be permitted in all districts subject to the following controls:

(1) Area and number. Signs designating parking area entrances or exits shall be limited to one sign for each such exit or entrance, and to a maximum size of two square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of six square feet, shall be permitted. On a corner lot, two such signs, one facing each street, shall be permitted. Directional signs, no parking signs, and signs identifying parking spaces for the handicapped shall be permitted as needed within parking areas.

(2) Height. No sign shall project higher than five feet above grade level where it is mounted.

(Ord. 106. Passed 12-9-81; Ord. 106-A45. Passed 10-10-07; Ord. 106- A92. Passed 12-10-14.)

#### **1276.04 RESIDENTIAL DISTRICT SIGNS.**

The following signs shall be permitted in all Residential Districts:

(a) Nameplate and Identification Sign. Nameplate and identification signs shall be permitted in Residential Districts subject to the following controls:

(1) Area, location, and content for one- and two-family residential uses. There shall be not more than one nameplate which shall be attached to the structure or free-standing, but not closer than three feet to the property line. Said nameplate shall not exceed one square foot in area for each dwelling unit, and shall indicate only the name and address of the occupant. If a home occupation as permitted by this Zoning Code is conducted on the premises, said occupation may be identified on the residential nameplate, but no additional signage shall be permitted. On a corner lot, two such nameplates shall be permitted for each dwelling unit, one facing each street. No such sign shall project higher than five feet above the level of the ground floor of the structure on which it is mounted.

(2) Area, location, and content for nonresidential uses. There shall be not more than one identification sign, which shall be attached to the structure, not to exceed twelve square feet in area and which shall indicate only the name and address of the building. On a corner lot, two such signs, one facing each street, shall be permitted. No such sign shall project higher than one story or fifteen feet above the grade line of the structure on which it is mounted, whichever is lower.

(b) "For Sale" and "For Rent" Signs. Signs offering the premises on which they are located "for sale," "for lease," or "for rent" shall be permitted in Residential Districts subject to the following controls:

(1) Area and number. There shall be not more than one such sign per zoning lot, except that on a corner zoning lot two signs, one facing each street, shall be permitted. No sign shall exceed twelve square feet.

(2) Height. No sign shall project higher than one story if wall mounted, or five feet above the elevation of the nearest point on a public right-of-way line if free-standing.

(c) Temporary Signs Accessory to Residential Developments or Other Permitted Improvements. Temporary signs accessory to or having to do with residential developments and other permitted improvements shall be permitted in Residential Districts subject to the following controls:

(1) Content. The signs shall be only for the purpose of identification of homes, condominiums, or apartments for sale or rent in the residential development under construction, or for the identification of other nonresidential uses under construction.

(2) Area, number, and setback. Such signs shall not exceed two in number for each development, or one for each entrance to a subdivision, nor thirty-two square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least fifty feet from all other boundaries of the site.

(3) Height. No sign shall project higher than seven feet above grade level where it is mounted.

(4) Time limitation. The sign or signs shall be removed by the applicant or property owner within two years of the date of the issuance of the building permit.

(d) Residential Development Permanent Identification Signs. Residential development permanent identification signs shall be permitted in Residential Districts subject to the following controls:

(1) Content. The signs shall bear only the name of the residential development, the address of the building if a multiple-

family structure, and the name and address of the management if applicable.

(2) Area and number. There shall be not more than one sign located at each entrance to the subdivision or estate. No such sign shall exceed twelve square feet in area.

(3) Height. No sign shall project higher than seven feet above grade level where it is mounted.

(e) Church Bulletin Boards. Church bulletin boards shall be permitted in Residential Districts subject to the following controls:

(1) Area and number. There shall be not more than one sign per lot, except that on a lot exceeding 100 feet of frontage, one sign shall be permitted for each 100 feet of frontage or portion thereof, and on a corner lot, two signs, one facing each street, shall be permitted even if total frontage is less than 100 feet. No sign shall exceed twelve square feet in area.

(2) Location. No sign shall be located less than ten feet from any property line.

(3) Height. No sign shall project higher than seven feet above the elevation at the nearest point on a public right-of-way line.

(f) Signs for Nonconforming Uses. Each nonconforming nonresidential use in a Residential District shall be permitted one accessory sign which shall conform to the requirements of Section 1276.06(b).

(g) Signs for Subdivision Lake Access Lots.

(1) Area and Number. Up to two signs shall be allowed. Signs shall not exceed twelve square feet each, and there shall be a limit of eighteen square foot of signage per lot.

(2) Location and Height. No sign shall exceed seven feet in height above the adjacent ground, and placement must meet setback requirements of the district.

(3) Content. The sign shall be only for the purpose of identification of the specified lake access lot and/or for the rules governing the lot.

(Ord. 106. Passed 12-9-81; Ord. 106A-56. Passed 7-11-12.)

#### **1276.05 OFFICE DISTRICT SIGNS.**

(a) Signs for Residential District Uses in Office Districts. Signs for Residential District uses in Office Districts shall be governed by the sign regulations for Residential District uses set forth in Section 1276.04.

(b) Wall Mounted Identification Signs for Office and Other Nonresidential Permitted Uses. Identification signs shall be permitted in Office Districts subject to the following controls:

(1) Area and content. A single identification sign, not exceeding thirty-two square feet in area, and indicating only the name and address of the building, the name of the management, and the names of each of the tenants, may be displayed. On a corner zoning lot two such signs, one facing each street, shall be permitted.

(2) Location. No such sign shall project more than twelve inches from the face of the wall of the building. The top of such sign shall be no higher than the following heights, whichever is lowest:

A. Fifteen feet above grade.

B. The top of the sills of the first level of windows above the first story.

C. The height of the building at the eaves facing the street on which the sign is located.

(3) Wall mounted electronic message signs Wall mounted electronic message signs are allowed in an Office District, and are subject to the following additional regulations:

A. The electronic display shall not be animated, flashing or scrolling.

B. The frequency of the message change shall be restricted to no more than eight times a day.

C. The maximum area of an electronic message board shall be considered a part of a wall sign and shall not exceed fifty percent of the total sign area as allowed per zoning district and sign regulations.

D. The maximum height of an electronic message board shall conform to the height regulations for signs allowed in the zoning district.

E. The electronic message sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. Maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning one-half hour after sunrise and continuing until one-half hour before sunset and does not exceed 375 candelas per meter squared at four lux illumination at all other times. \*  $E$  (illuminance) =  $I$  (luminance) /  $S$  (distance) Illuminance (lux) is a measure of the intensity of incident light on a surface per unit area.

Luminance (candela/m<sup>2</sup> or NIT) is a measure of the amount of light passing through, or emitted from, an area, traveling in a given direction.

F. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to the Village of Wolverine Lake.

(c) Signs for Nonconforming Uses. Signs for nonconforming nonresidential district uses in an Office District shall conform to the requirements of subsection (b) hereof.

(Ord. 106. Passed 12-9-81; Ord. 106-A93. Passed 12-10-14.)

#### **1276.06 COMMERCIAL DISTRICT SIGNS.**

(a) Signs for Residential District Uses in Commercial Districts. Signs for Residential District uses in Commercial Districts shall be governed by the sign regulations for Residential District uses set forth in Section 1276.04.

(b) Wall-Mounted Identification Signs. Wall-mounted identification signs shall be permitted in Commercial Districts subject to the following controls:

(1) Area and number, C-1 District. The gross area in square feet of all signs on a zoning lot shall not exceed one and one-half square feet for each linear foot of building frontage or one-half square foot for each linear foot of lot frontage, whichever results in the larger sign area; however, the maximum total area of all permitted signs for any establishment shall not exceed 150 square feet, and no individual sign shall be more than sixty-four square feet in area. Where more than four signs are located on any zoning lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty percent.

(2) Area and number, C-2 and C-3 Districts. The gross area in square feet of all signs on a zoning lot shall not exceed one and one-half square feet for each linear foot of building frontage or one-half square foot for each linear foot of lot frontage, whichever results in the larger sign area; however, the maximum total area of all permitted signs for any establishment shall not exceed 200 square feet. Where more than four signs are located on any zoning lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty percent.

(3) Location. No such sign shall project more than twelve inches from the face of the wall of the building. The top of such sign shall be no higher than the following heights, whichever is lowest:

- A. Fifteen feet above grade.
- B. The top of the sills of the first level of windows above the first story.
- C. The height of the building at the eaves facing the street on which the sign is located.

(4) Wall-mounted electronic message signs. Wall mounted electronic message signs are allowed in a Commercial District. They are subject to the regulations for wall-mounted signs and are subject to the additional regulations outlined in Section 1276.05 (b)(3).

(c) Free-Standing Signs. For shopping centers in single ownership or under unified control, or individual uses with a minimum frontage of 150 feet, one additional sign on each street frontage, other than those regulated in subsection (b) hereof, shall be permitted, subject to the following controls:

(1) Content. Such sign shall advertise only the name and location of such center or individual use and/or the name and type of business of each occupant of the center.

(2) Area, C-1 District. The gross area in square feet permitted for the additional sign on a zoning lot shall not exceed thirty-two square feet.

(3) Area, C-2 and C-3 Districts. The gross area in square feet permitted for the additional sign on a zoning lot shall not exceed thirty-six square feet.

(4) Setback. Such sign shall be set back a minimum of ten feet from the front lot of such center or individual use.

(5) Height, C-1 District. No sign shall project higher than seven feet above the elevation of the nearest point on a public right-of-way line.

(6) Height, C-2 and C-3 Districts. No sign shall project higher than eight feet above the elevation of the nearest point on a public right-of-way line.

(7) Distance from other permitted signs. Such sign shall be located at least fifty feet from any other permitted sign on the zoning lot and fifty feet from any existing free-standing sign on an adjacent zoning lot.

(8) Free-standing electronic message signs. Free-standing electronic message signs are allowed in a Commercial District. The maximum area of an electronic message board shall be considered a part of a free-standing sign and shall not exceed fifty percent of the total sign area as allowed per zoning district and sign regulations. They are subject to the regulations for freestanding signs and are also subject to the additional regulations outlined in Section 1276.05 (b)(3).

(d) Permanent Window Signs. Permanent signs shall be permitted on the inside of the glass of windows, provided that the total area of such a sign does not exceed thirty percent of the area of the window in which it is located and provided that the area of the sign is counted in determining the total area of signs on the zoning lot. Permanent electronic message signs

in windows are allowed in a Commercial District. They are subject to the regulations for permanent window signs listed here and are subject to the additional regulations outlined in Section 1276.05 (b)(3). Electronic "open" signs are considered electronic message signs.

(e) Temporary Window Signs Advertising Sales. Temporary signs pertaining to special sales or events lasting no more than fifteen days may be affixed to windows, provided that their total area does not exceed thirty percent of the window area. Such signs shall not be counted in determining the total area of signs on the zoning lot.

(f) Signs for Nonconforming Uses. Signs for nonconforming nonresidential uses in a Commercial District shall conform to all the provisions of this section.

(g) Free-Standing and Wall Mounted Advertising Signs. Free-standing and wall-mounted advertising signs shall be allowed in the C-2 and C-3 Districts, subject to the following controls:

(1) Advertising signs shall be counted in determining the total sign area permitted on the zoning lot.

(2) Free-standing advertising signs shall not be permitted on zoning lots with another free-standing sign.

(3) Free-standing and wall-mounted signs must be in accordance with requirements listed for C-2 and C-3 Districts per division (c)(3) of this section.

(4) Free-standing electronic message signs must be in accordance with requirements listed for C-2 and C-3 Districts per division (c)(3) of this section, and the additional requirements outlined in Section 1276.05(a)(3).

(h) Portable signs may be displayed subject to the following controls:

(1) In situations deemed by the Village Administration to be unique or unusual, upon payment of a special case fee, the amount of which will from time to time be set by resolution of Council, the Administrator may determine the sign's shape and number of portable signs allowed in a given case. All non-special case portable signs shall be governed by the following paragraphs.

(2) Signs may not exceed a total height above grade of six feet or exceed a total width of four feet or a gross sign area of twelve square feet.

(3) No more than two signs per street frontage, limited to the gross sign area or twelve square feet combined per street frontage.

(4) All portable signs must be removed at the end of the business day and are not allowed at any time that the business on the lot is closed.

(5) No signs shall be allowed which interfere with road or highway visibility or give off light which glares, blinds or has any other such adverse effect on traffic or adjacent properties or obstruct or otherwise interfere with any driveway public or private or interfere with the safe and orderly movement in traffic or could be confused with any authorized traffic sign, signal or device or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs.

(6) No signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities.

(Ord. 106. Passed 12-9-81; Ord. 106-A42. Passed 10-13-04; Ord. 106- A45. Passed 10-10-07; Ord. 106-A94. Passed 12-10-14.)

## **Chapter 1278:**

### **Off-Street Parking and Loading**

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1278.01 Scope of regulations.

1278.02 Existing parking and loading facilities.

1278.03 Permissive parking and loading facilities.

1278.04 Damage or destruction.

1278.05 Submission of plot plan.

1278.06 Off-street parking.

1278.07 Off-street loading.

#### **CROSS REFERENCES**

Regulation of land development - see M.C.L.A. §§ 125.3201 et seq.

Parking generally - see TRAF. Ch. 420

Parking of junk vehicles - see B. & H.1480.02(PM-301.8)

#### **1278.01 SCOPE OF REGULATIONS.**

The off-street parking and loading provisions of this Zoning Code shall apply as follows:

(a) For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this Zoning Code, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Zoning Code.

(b) When the intensity of use of any building, structure, or premises shall be increased, parking and loading facilities as required herein shall be provided to accommodate such increase in intensity of use and for 100 percent of any existing building, structure, or premises even if less than 100 percent of the required parking and loading facilities was provided before the increase in intensity. Whenever an existing use has less than 100 percent of the required parking and loading spaces and said deficiency is or has been approved by a duly granted variance, then the intensity of the use may be increased by providing additional parking and loading spaces sufficient to meet the requirements for the enlargement. When additional parking and loading areas are provided, said additional parking and loading areas and all existing parking and loading areas shall be made to conform to the appropriate site design regulations set forth in Chapter 1470.

(c) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use regardless of any deficiency in parking spaces which may have existed prior to the change in use. Any previously granted variance for the parking or loading requirements for a particular use shall be void when such use is changed. For the purposes of this section, a change in use shall be any change which results in a change in the parking and loading requirements set forth herein.

(Ord. 106. Passed 12-9-81.)

#### **1278.02 EXISTING PARKING AND LOADING FACILITIES.**

Accessory off-street parking and loading facilities in existence on the effective date of this Zoning Code and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements of a similar new building or use under the provisions of this Zoning Code.

(Ord. 106. Passed 12-9-81.)

#### **1278.03 PERMISSIVE PARKING AND LOADING FACILITIES.**

Nothing in this Zoning Code shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

(Ord. 106. Passed 12-9-81.)

#### **1278.04 DAMAGE OR DESTRUCTION.**

For any conforming building or use which is in existence on the effective date of this Zoning Code, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. For any legally nonconforming building or use which is in existence on the effective date of this Zoning Code, which subsequently thereto is damaged by fire, collapse, explosion, or other cause, and which is permitted to rebuild under the terms of Chapter 1282, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Zoning Code for equivalent new uses or construction.

(Ord. 106. Passed 12-9-81.)

#### **1278.05 SUBMISSION OF PLOT PLAN.**

Any application for a building permit, or for an occupancy certificate where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities, as well as all structures, to be provided in compliance with this Zoning Code. Whenever a site design plan is required in accordance with the provisions of Chapter 1272, said site plan shall meet the requirements of this section.

(Ord. 106. Passed 12-9-81.)

#### **1278.06 OFF-STREET PARKING**

(a) General Requirements.

(1) Location. All parking spaces required to serve buildings or uses erected or established after the effective date of this Zoning Code shall be located on the same zoning lot as the building or use served, except that parking spaces to serve office or commercial buildings or uses may be located within 500 feet of such use if said spaces and uses are located in an Office or Commercial District. However, parking spaces for handicapped persons shall be located on the same zoning lot as the use served. Buildings or uses existing on the effective date of this Zoning Code which are subsequently altered or enlarged so as to require the provision of parking spaces under this Zoning Code, may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such facilities are within 500 feet walking distance of a main entrance to the use served. Owners of property, non-conforming as to parking, who elect to provide parking and become conforming may locate such parking on land other than the zoning lot on which the building or use is located, as allowed in this section. However, parking spaces for handicapped persons shall be located on the same zoning lot as the use served. Off-street parking spaces, open to the sky, may be located in any yard, except the required front yard in a Residential District. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.

(2) Control of off-site parking facilities. In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession shall be by deed or lease, and such deed or lease shall be filed with the Village Clerk. If possession is by lease, said lease shall be for a term extending not less than twenty years beyond the date on which the property receives final approval for meeting the parking requirements of this Zoning Code. The deed or lease shall require such owner or his or her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

(3) Size. Except for parallel parking spaces, each required off-street parking space shall be at least eight feet in width and at least nineteen feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least seven feet. For parallel parking, the length of the parking space shall be increased to twenty-four feet. All other requirements as to size shall be as hereinafter set forth in the attached Off-Street Parking Chart.

(4) Access. Except on lots accommodating single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street in a manner which will least interfere with traffic movement.

(5) Collective provision. No parking space or portion thereof shall serve as a required space for more than one use. Off-street parking facilities for separate uses may be provided collectively. If parking facilities for separate uses are provided collectively, the total number of spaces so provided shall not be less than the number which would be required if the spaces were provided separately, except that the total number of spaces may be reduced by up to twenty-five percent if such a reduction is specifically approved as a special land use. Such an approval shall be granted only on a showing that the parking demands of the two uses do not overlap in time.

(6) Computation. When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

(7) Design and maintenance.

A. Plan. For uses subject to site design review, the plan of parking areas shall be subject to the approval of the Planning Commission. For other uses, the plan of parking areas shall be subject to the approval of the Building Inspector. All parking areas shall be designed to provide adequate fire lanes and access for emergency vehicles. Fire lanes shall be identified with signs which prohibit parking therein.

B. Character. Accessory parking spaces may be open to the sky or enclosed in a building.

C. Surfacing. All open off-street parking areas shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds. A two-inch blacktop on a four-inch base or five inches of Portland cement will meet this requirement, except where special soil-bearing problems exist.

D. Screening and landscaping. All open vehicle parking areas shall be screened and landscaped as required in Chapter 1270.

E. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three foot-candles measured at the lot line.

F. Wheelstops. Except for single and two-family residential uses, all parking spaces shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas.

G. Shelter building. No parking lot for accessory off-street parking shall have more than one attendant shelter building. All shelter buildings shall conform to all setback requirements for structures in the district.

H. Signs. Accessory signs shall be permitted on parking areas in accordance with the provisions specified in Chapter 1276.



I. Repair and service. No commercial motor vehicle repair work or service of any kind shall be permitted in association with accessory parking facilities, except that emergency service required to start vehicles shall be permitted.

J. Loud speakers prohibited. The operation of loud speakers shall be prohibited in all parking areas.

(b) Parking of Commercial Vehicles in Residential Areas The outdoor parking of commercial vehicles on any property zoned or used for residential purposes shall be permitted as follows:

(1) The parking of commercial vehicles having a gross vehicle weight rating of 10,000 pounds or less shall be permitted on private property as described in this subsection. Other than the exception in 1278.06(b)(5), the overnight parking of all other types of commercial vehicles is prohibited.

(2) The vehicle must be used as the principle means of transportation for the resident of the property in that resident's employment or profession or must be the resident's sole means of motor vehicle transportation.

(3) If parked out of doors, one commercial vehicle is permitted per lot, and shall be parked on the driveway. A second commercial vehicle is permitted per lot if parked in an enclosed building.

(4) The parking or storage of trailers, parts, equipment, or materials related to operation of a commercial vehicle is prohibited.

(5) The provisions of this section shall not prohibit the parking of commercial vehicles on a single-family lot for the sole purpose of rendering an immediate and/or current service on the lot (e.g. construction or repair, landscaping, cleaning, etc.)

(c) Storage in or Sale of Goods From Parked Vehicles Restricted The storage in a sale of merchandise from parked vehicles shall be prohibited except that such storage or sale of goods may be permitted as a special land use for one period of not more than two weeks during any six-month period, provided that it is done in conjunction with an existing conforming commercial use.

(d) Specific Requirements. All off-street parking spaces hereinafter required by this Zoning Code, except those required for one and two-family dwellings, shall be designed in accordance with one of the formulas set forth in the Off-Street Parking Table (Parking Classes). Parking spaces for accessory uses not specifically enumerated within a parking class shall be assumed to be included in the principal (permitted or special land) use requirement. If, for any reason, the classification of any use, for the purpose of determining the amount of off-street parking, or the number of spaces to provide for such use, is not readily determinable hereunder, the parking class of such use shall be fixed by the Zoning Board of Appeals.

OFF-STREET PARKING TABLE (PARKING CLASSES)	
OFF-STREET PARKING TABLE (PARKING CLASSES)	
RESIDENTIAL	
1. One-Family, Duplex Units	2 parking spaces for each dwelling unit.
2. Residential; Multiple-Family (Apartments, Condominiums, and Cooperatives)	
(a) Efficiency and One-Bedroom Units	1.5 parking spaces for each dwelling unit.
(b) Two-Bedroom Units or More	2 parking spaces for each dwelling unit.
3. Boarding, Rooming, Lodging Establishments, and/or Tourist Homes	1 parking space for each occupancy unit plus 1 parking space for each employee.
4. Senior Citizen Housing	1.2 parking spaces for each dwelling unit plus 1 parking space for each employee. Should units revert to general occupancy, then parking spaces shall be provided as indicated in No. 2 above.
5. Church, Chapel, Synagogue, Temple, or other place of worship	1 parking space for each 3 seats or 6 linear feet of pews in the main unit of worship.
6. Industrial or Vocational Schools, including Commercial Schools, Business Schools, Business Machine Schools, and Computer Technology Schools	1 parking space for every teacher, employee, and administrator and one parking space for each 2 students. If retail sales or services are conducted in conjunction with industrial or vocational schools, then additional parking shall be provided as required for such retail uses.
7. Homes for the Aged, Nursing Facilities, Convalescent Homes, Convents, Children's Homes, and Orphanages	1 parking space for each 4 beds plus 1 space for each employee on the premises, based on the largest number of employees on the premises at one time.

8. Library	1 parking space for each 300 square feet of floor space, plus 1 parking space per employee on the largest shift.
9. Private Civic or Fraternal Club or Lodge	1 parking space for every 50 square feet of floor area, or 1 per 3 persons of maximum occupancy as established by the Fire Marshal, whichever is greater.
10. Stadium, Sports Arena, or Similar Place of Assembly	1 parking space for each 3 seats or similar vantage accommodation provided or 1 parking space for each 6 linear feet of benches.
11. Theaters, Auditoriums Assembly Halls, or Similar Places of Indoor Assembly	(a) With Fixed Seating: 1 parking space for each 3 seats and similar vantage accommodation, or 1 parking space for each 6 linear feet of benches, or 1 parking space per 3 persons based on the occupancy load as established by local, County, and State fire, building, or health codes, whichever is greater, plus 1 parking space per employee.
	(b) Without Fixed Seating: 1 parking space for every 3 persons who may legally be admitted therein at one time under occupancy load as established by local, County, and State fire, building, or health codes, whichever is greater, plus 1 parking space per employee.
COMMERCIAL	
12. Ambulance Service and Rescue Squad	Adequate space to accommodate all motor vehicles operated in connection with such use and 1 additional parking space for each employee.
13. Athletic Clubs, Physical Exercise Establishments, Health Studios Sauna Baths, Judo Clubs	1 parking space per patron based on the occupancy load as established by local, County, and State fire, building, or health codes, whichever is greater, plus 1 parking space per employee on a major shift.
14. Automobile Service and Filling Stations	1 parking space for each lubrication stall, rack or pit, plus 1 space for each service vehicle, plus either 1 space for each fuel pump, or 1 space for each employee on the largest shift, whichever is greater. These standards shall be a minimum and maximum.
15. Automobile Washing Establishments, Production and Custom	1 space for each 2 employees. In addition, reservoir parking space equal in number to 30 spaces for the first car wash lane and 20 spaces for each additional car wash lane.
16. Automobile Washing Establishments (Self-Service or Coin-Operated)	5 parking spaces at the entry side of each washing stall in addition to the staff itself, plus two drying spaces at the exit side of each stall.
17. Automobile Repair, Buffing, and/or Collision	1 parking space per bay plus 1 space per each employee on the largest shift. The area used to store damaged or inoperative vehicles shall not be counted as off-street parking. Adequate area shall be provided to store 2 vehicles for every service bay. Such storage area shall be screened as provided in Section 1270.06(b).
18. Banks, Financial Institutions	1 parking space for every 150 square feet of floor area plus 1 for each employee.
19. Banks, Financial Institutions With Drive-in Windows	1 parking space for every 150 square feet of floor area plus 8 stacking spaces for the first drive-in window and 6 stacking spaces per each additional window.
20. Beauty Parlor or Barber Shop	3 parking spaces per beauty or barber chair.
21. Bowling Alleys	5 parking spaces for each bowling lane in addition to the requirements for a place serving food or beverages on the site plus 1 parking space per employee on the largest shift.

22. Dance Halls, Roller or Skating Rinks, Exhibition Halls, and Assembly Halls Without Fixed Seats	Either 1 parking space for each 50 square feet of floor area, or 1 parking space for every three persons, based on the occupancy load as established by local, County, and State fire, building, or health codes, whichever is greater, plus 1 space per employee on the largest shift.
23. Day Care Center, Child Care Centers, Nursery School, School of Special Education, and Schools for the Mentally and Physically Disadvantaged.	1 parking space for each teacher, administrator, or other employee in addition to the requirements of the auditorium. The number of teachers, administrators, and other employees shall be based on the design capability of the facility. If there is no auditorium or assembly hall, then 2 spaces per classroom shall be provided in addition to those for each teacher, administrator, or employee.
24. Eating Establishments/ Prepared Food Pickup	
(a) Drive-Thru Restaurant	Either 1 parking space per 100 square feet of floor area, or 1 parking space for each employee on the largest shift, whichever is larger, plus sufficient area for 8 stacking spaces for the first drive-in window and 6 stacking spaces per each additional window.
(b) Drive-In Restaurant (Eating Only Allowed in Vehicle With No Seating Facilities)	Either 1 parking space per 100 square feet of floor area, or 1 parking space for each employee on the largest shift, in addition to the spaces provided for customer service.
(c) Drive-In Restaurant With Seating Facilities (Eating Allowed in Vehicles)	1 parking space per 50 square feet of eating area, plus either 1 parking space per 100 square feet of noneating area or 1 parking space per employee on the largest shift, whichever is larger, in addition to the spaces provided for drive-in service.
(d) Fast-Food Restaurant Serving Patrons Over a Counter or at a Cafeteria Line	1 parking space per 50 square feet of eating area, plus either 1 parking space per 100 square feet of noneating area or one parking space per employee on the largest shift, whichever is greater.
(e) Snack Bars Serving Snacks or Meals Over a Counter to Patrons Arriving on Foot, by Bicycle, or by Motor Vehicle	5 parking spaces plus 5 additional spaces per service station. For the purpose of this section, each 24 inches of customer service counter or fraction thereof shall be considered a service station.
(f) Dining Room Restaurant Serving Prepared-to-Order Meals Brought to Patrons' Tables by Waiters or Waitresses	1 parking space per 100 square feet of eating area, plus either 1 parking space per 100 square feet of noneating area or 1 parking space per employee on The largest shift, whichever is greater.
25. Furniture and Appliance, Household Equipment Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade, Shoe Repair, and Other Similar Uses	1 parking space for every 500 square feet of floor area.
26. Laundromats and Coin-Operated Dry Cleaners	1 parking space per each washing and/or dry cleaning machine.
27. Miniature or "Par 3" Golf Courses and Golf Driving Ranges	2 parking spaces for each hole and for each tee plus 1 parking space for each employee.
28. Mortuary Establishments, Funeral Homes, and Funeral Chapels	1 parking space for each 50 square feet of area used for services, parlors, and slumber rooms.
29. (New) Motor Vehicle Sales, Rental, and Service Establishments	1 parking space for each 200 square feet of floor area exclusive of the service area, plus 1 parking space for each auto service stall in the service room plus 1 space per employee on the largest shift.

30. (Used) Motor Vehicle Sales	1 parking space for every 500 square feet of outdoor sales area plus 1 space for each auto service stall plus 1 space per employee on the largest shift.
31. Open Air Businesses Including Nurseries and Other Outdoor Sales Areas	1 parking space per 500 square feet of land area being utilized for retail purposes plus 1 space per employee.
32. Pool Room, Billiard Parlor, and Table Game Establishments	Either 1 parking space per pool table, billiard table, or game plus 1 space for every 20 square feet of floor area or 1 parking space per 3 persons based on the occupancy load as established by local, County, and State fire, building, and health codes, whichever is greater.
33. Public Utility Facilities, Such as Communications Equipment Buildings, and Electrical Substations not Open to the Public	1 parking space per employee. This shall apply to the maximum number of employees on duty at any one time.
34. Retail Stores, Including Hardware and Sporting Goods Stores, except as Otherwise Specified Herein	1 parking space for every 200 square feet of floor area plus either 1 space per each employee working on the premises in the largest shift or 1 space per 1,000 square feet of floor area, whichever is greater.
35. Retail Lumber and Building Supply Sales Facilities	1 parking space for every 200 square feet of indoor retail sales area, plus 1 parking space for every 1,000 square feet of storage area.
36. Roadside Vegetable and Fruit Stands	4 parking spaces.
37. Supermarkets, Self-service Food Stores, and Convenience Food Stores	1 parking space for every 150 square feet of floor area or fraction thereof.
38. Tennis Clubs and Court-Type Recreation Uses	1 parking space per each person permitted by the capacity of the courts, plus such additional spaces as may be required herein for affiliated uses such as bars, restaurants, or assembly space, plus 1 space per employee.
OFFICE	
39. Business and Professional Offices of Architects, Engineers Landscape Architects, Lawyers or Similar or Allied Professions	1 parking space for each 200 square feet of floor area.
40. Professional Offices of Medical or Dental Practitioner's Office or Similar Professions	1 parking space for each 100 square feet of floor area or a minimum of not less than 4 spaces.
USES UNDER CONSTRUCTION	
41. Uses Under Construction	Space on site shall be provided for all construction workers during periods of construction. Such spaces need not be paved as required in Section 1278.06(a)(7)C.

(Ord. 106. Passed 12-9-81; Ord. 106-A89. Passed 5-14-14; Ord. 106A-113. Passed 11-9-20.)

### **1278.07 OFF-STREET LOADING.**

#### **(a) General Requirements.**

(1) Location. All permitted and required loading berths shall be located as provided herein, and loading berths not so located shall be prohibited. Except as provided in Section "8" below, all required loading berths shall be located on the same zoning lot as the use served. No permitted or required loading berth shall be located within thirty (30) feet of the nearest point of intersection of any two streets. Any permitted or required loading berth may be located in a rear yard including a required rear yard setback area. Any permitted or required loading berth may be located in a side yard, but not in a required side yard area. Any permitted or required loading berth which is not served by or adjacent to a loading dock and from which entry into the building is provided by a service door or doors not more than fifty (50) square feet in total area may be located in a front yard, but not in a required front yard area.

(2) Size. Unless otherwise specified, a required off-street loading berth shall be at least 12 feet in width by at least 30

feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.

(3) Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. A determination that this standard is met shall be made during site design approval.

(4) Surfacing. All open off-street loading berths shall be surfaced with a dustless all-weather material capable of bearing a live load of 200 pounds per square foot.

(5) Repair and Service. Residential, Office, and Commercial Districts: No commercial motor vehicle repair work or service of any kind shall be permitted in association with loading facilities in any residential or business district. Emergency service required to start vehicles shall be permitted.

(6) Utilization. Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof.

(7) Central Loading. Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

A. (i) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.

B. (ii) Total off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum of the several types of uses served. (Area of types of uses may be totaled before computing number of loading berths.)

C. (iii) No zoning lot served shall be more than 500 feet removed from the central loading area.

D. (iv) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

(8) Minimum Facilities. Uses for which off-street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent service drive, or open space on the same zoning lot.

(b) Specific Requirements. Off-street loading facilities shall be provided in accordance with the specific loading classes as hereinafter set forth in the Off-Street Loading Table (Loading Spaces). Loading spaces for accessory uses not specifically enumerated within a loading class shall be assumed to be included in the principal (permitted or conditional) use requirement. If, for any reason, the classification of any use, for the purpose of determining the amount of off-street loading to be provided by such use, is not readily determinable hereunder, the loading class of such use shall be fixed by the Zoning Board of Appeals.

OFF-STREET LOADING TABLE			
(LOADING SPACES)			
	Type of Facility	Minimum Number of Loading Berths	Minimum Size of Each Berth
1.	Multifamily	1 for buildings containing 20,000 to 200,000 square feet of gross floor area, plus 1 additional for each additional 200,000 square feet or fraction thereof.	12 ft. x 30 ft.
2.	Commercial Facilities	1 for buildings containing 7,000 to 60,000 square feet of gross floor area; 2 for buildings containing over 60,000 to 100,000 square feet, plus 1 for each additional 200,000 square feet of fraction thereof.	12 ft. x 30 ft. for the first 2 required berths; 12 ft. x 55 ft. for each additional required berth.
3.	Banks	1 for buildings containing 10,000 to 100,000 square feet of gross floor area, plus 1 for each additional 100,000 square feet.	12 ft. x 30 ft.
5.	Offices for Business, Nonhealthcare Professionals, and Government	1 for buildings containing 10,000 to 100,000 square feet of gross floor area, plus 1 for each additional 150,000 square feet.	12 ft. x 30 ft.
6.	Radio and Television Stations and Studios	1 for buildings containing 10,000 to 100,000 square feet of gross floor area, plus 1 for each additional 150,000 square feet.	12 ft. x 30 ft. for buildings up to 20,000 square feet; 12 ft. x 55 ft. for buildings over 20,000 square feet.

7.	Recording Studios	1 for buildings containing 10,000 to 100,000 square feet of gross floor area, plus 1 for each additional 150,000 square feet.	12 ft. x 30 ft. for buildings up to 20,000 square feet; 12 ft. x 55 ft. for buildings over 20,000 square feet.
8.	Mail Order House	1 for buildings containing 7,000 to 40,000 square feet of gross floor area; 2 for buildings over 40,000 square feet to 100,000 square feet, plus 1 for each additional 100,000 square feet.	12 ft. x 30 ft. for the first 2 required berths; 12 ft. x 55 ft. for each additional required berth.
9.	Printing and Publishing Establishments	1 for buildings containing 7,000 to 40,000 square feet of gross floor area; 2 for buildings over 40,000 square feet, plus 1 for each additional 100,000 square feet.	12 ft. x 30 ft. for the first 2 required berths; 12 ft. x 55 ft. for each additional required berth.
10.	Warehousing, Storage, and Wholesale Establishments	1 for buildings containing 7,000 to 40,000 square feet of gross floor area; 2 for buildings over 40,000 square feet, plus 1 for each additional 100,000 square feet.	12 ft. x 30 ft. for the first 2 required berths; 12 ft. x 55 ft. for each additional required berth.
11.	Health Care Facilities	1 for buildings containing 10,000 of 100,000 square feet of gross floor area, plus 1 for each additional 100,000 square feet or fraction thereof.	12 ft. x 30 ft. for buildings up to 20,000 square feet; 12 ft. x 55 ft. for buildings over 20,000 square feet.
12.	One- and Two- Family Residences, Townhouses, and Garden Apartments	None.	Not applicable.
13.	Parking Areas and Structures	None	Not applicable.
14.	For All Other Uses	1 for buildings containing 10,000 to 100,000 square feet of gross floor area, plus 1 for each additional 100,000 square feet.	12 ft. x 30 ft. for the first required berth; 12 ft. x 55 ft. for each additional required berth.

(Ord. 106. Passed 12-9-81.)

## **Chapter 1280:**

### **Accessory Buildings and Structures**

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1280.01 Time of construction.

1280.02 Type, size and quantity permitted.

1280.03 General regulations.

1280.04 Placement regulations.

1280.05 Temporary accessory uses.

1280.06 Swimming pools.

#### **CROSS REFERENCES**

Regulation of land development - see M.C.L.A. §§ 125.3201 et seq.

#### **1280.01 TIME OF CONSTRUCTION.**

An accessory building or structure shall not be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(Ord. 106. Passed 12-9-81; Ord. 106A-21. Passed 12-13-89).

#### **1280.02 TYPE, SIZE AND QUANTITY PERMITTED.**

Detached accessory buildings and structures shall be limited to the following general types, and limited to the following

size and quantity when located on a single zoning lot zoned and/or used for residential purposes:

(a) Buildings.

(1) Single-family residential units. One garage, carport that is securely anchored to the ground, and/or large storage building which shall not exceed one story or fourteen feet in height nor for:

A. Single family units: exceed the ground floor area of the residential unit located on the same lot or 750 square feet, whichever is less.

B. Multi-family residential units: exceed the ground floor area of the residential unit located on the same lot or 400 square feet per family unit, whichever is less.

(2) One shed or one other utility structure for the storage of domestic tools, recreational equipment or other supplies which shall not exceed ten feet in height nor exceed 200 square feet in area with no single side wall dimension exceeding sixteen feet in length.

(b) Structures.

(1) One pump house on lakefront lots which shall not exceed three feet in height nor exceed eight square feet in area.

(2) One swimming pool.

(3) One of the following:

A. A playhouse, gazebo, cabana, pergola or other similar structure, as determined by the Building Official, which shall not exceed ten feet in height nor exceed one hundred square feet in area.

B. An outdoor kitchen, which shall not exceed one hundred square feet in area.

C. An outdoor fireplace or pizza oven, which chimney shall not exceed ten feet in height, nor the hearth exceed sixty-four square feet in area. The area dimension is measured by using the height of the fireplace at its tallest point of the chimney and the width of the fireplace at its widest point, including any integrated wall, wood storage area, or other attachments.

1. Permanently installed outdoor fireplaces for recreational fire purposes shall not be installed within ten feet of any structure or combustible material. It shall also not be installed within ten feet of any side property line.

(4) One greenhouse or one conservatory which shall not exceed ten feet in height nor exceed 120 square feet in area.

(5) Tennis courts, basketball courts or other play surfaces where activities can be accommodated solely within unrequired side yards and/or rear yards. If fencing is required in excess of six feet in height, the location, use and height of the fencing for such play surfaces shall be reviewed and approved by the Planning Commission.

(6) Satellite dishes, antennas or other equipment for the receipt or transmission of audio-visual communication signals. Such equipment shall be subject to height, size and placement restrictions that will not interfere with the visual enjoyment of the lake by adjacent property owners nor the physical safety of adjacent property owners when the equipment is operable or when it may be destroyed or fall due to natural causes.

(7) Any accessory structure other than that described above is prohibited.

(Ord. 106. Passed 12-9-81; Ord. 106A-21. Passed 12-13-89; Ord. 106- A41. Passed 10-13-04; Ord. 106-A90. Passed 5-14-14; Ord. 106-A97. Passed 12-10-14; Ord. 106A-109. Passed 7-11-18.)

### **1280.03 GENERAL REGULATIONS.**

The following general regulations shall apply to all detached accessory buildings and structures:

(a) Detached accessory buildings and structures in Single-Family Detached Residential Districts shall be subject to the review and approval of the Building Official. The Building Official, with notice to the petitioner, shall seek the review and recommendation of the Planning Commission on this subject if the proposed accessory building is not in harmony with the principal building on the lot, as determined in paragraph (c)(1) below.

(b) Detached accessory buildings and structures in districts other than Single-Family Detached Residential Districts, shall be subject to the review and approval of the Planning Commission.

(c) The erection of an accessory building or structure shall be subject to the following conditions:

(1) The appearance of the building shall be in harmony with the principal use of the property. The following standards shall be used in this evaluation:

A. The architectural style, type of construction and building materials of the accessory building shall be similar to and harmonious with the principal building on the lot as determined by the Village.

B. For residential districts, the exterior materials used in the accessory building are typically used for the same purposes in residential construction, or have a similar appearance as materials typically used in residential construction. For non-residential districts, the exterior materials used in the accessory building are typically used for the same purpose in non-

residential construction or have a similar appearance as materials typically used in non-residential construction.

(2) The building and/or structure shall be kept in good repair, it shall not become a physical hazard, health or safety problem, and it shall not become a visual nuisance to adjacent property owners or to the general public.

(3) The placement of the building or structure shall not unreasonably impair the view of the Lake for surrounding property owners.

(Ord. 106. Passed 12-9-81; Ord. 106A-21. Passed 12-13-89; Ord. 106-A90. Passed 5-14-14.)

#### **1280.04 PLACEMENT REGULATIONS.**

Accessory buildings and structures are subject to the placement and setback requirements outlined in each zoning district, and residential detached accessory buildings and structures are also subject to the following placement regulations:

(a) Accessory buildings shall not be located in any required or non-required front yard (i.e., not permitted between the house and the street).

(b) Accessory buildings and structures in lakefront yards not exceeding eighteen inches in height above the surrounding grade shall be setback from the water's edge by a minimum of five feet. Accessory buildings and structures in lakefront yards exceeding eighteen inches in height above the surrounding grade shall be setback from the water's edge by a minimum of twenty feet. Notwithstanding the previous setback requirements, the following accessory structures may be located anywhere in a required or non-required lakefront yard: a ground-level deck, a play structure, a pump house, a temporary boat lift and a temporary dock. Accessory buildings and structures in rear (non-lakefront) yards shall be set back from the side or rear property line by a minimum of five feet, unless greater setbacks are required by this code.

(c) Accessory buildings shall be permitted in any required and non-required side and rear yards subject to:

(1) The general regulations of this section and other requirements of this Zoning Code.

(2) The setback regulations of Sections 1250.06 for the Single-Family Detached Residential Districts and the requirement of site plan approval for all other districts.

(3) The total area of all accessory buildings or structures shall not occupy more than twenty-five percent of the area of the required yard in which they are located.

(d) When an accessory building is closer than ten feet to a principal building, additional fire separation construction requirements will be necessary as set forth in the Building and Housing Code.

(e) When the rear lot line of a corner lot is the same as the side lot line of an adjoining lot in a Residential District, no accessory building shall be closer to the rear lot line than the required side yard setback of such adjoining lot nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot.

(f) When the rear lot line of a corner lot is the same as the rear lot line of any other lot, no accessory building shall be closer to the side street lot line than the setback of the principal building on either of the lots.

(g) When an accessory building is attached to the principal building, the accessory buildings must meet all of the setback requirements of the principal building.

(Ord. 106. Passed 12-9-81; Ord. 106A-21. Passed 12-13-89; Ord. 160A-109. Passed 7-11-18; Ord. 106A-117. Passed 10-13-21.)

#### **1280.05 TEMPORARY ACCESSORY USES.**

The following temporary accessory uses may be permitted on single-family detached residential parcels subject to the following:

(a) The temporary storage of all vessels (as defined in Section 1240.08), trailers, docks and materials customarily incidental to the usage of the lake, is permitted in a required rear yard, required or unrequired lakefront yard, and required or unrequired side yard provided the property is maintained in a manner to enhance the area. Temporary storage of one boat and one trailer on the street-side front yard is also permitted. Temporary storage of the materials listed above in any yard must be setback a minimum of five feet from any dwelling and located on the property.

(b) Occupancy while building permanent residence. The Village Administrator or his or her designee shall have the authority to issue an on-site temporary trailer use permit for a period of no longer than six months during the construction of a principal dwelling on the same site, or for additional periods of time no longer than six months each. Prior to such a permit being issued a performance or cash bond in the amount of two thousand dollars (\$2,000.00) shall be provided by the petitioner to assure the prompt and orderly removal of the trailer and site improvements at the expiration of any such permit issued, and also to guarantee that the trailer is of neat appearance when in use.

(c) Any type of temporary shade structure, such as tarps, canopies, tents, pergolas, or similar structures, whether set upon or attached to the ground, or set upon or attached to a deck, patio, outdoor furniture, outdoor structure of any kind, or other surface, shall meet the same setback requirements as any permanent accessory structure.

(1) Temporary shade structure used to shield people for special events, such as weddings or graduations, may be



erected within a non-required rear yard for no more than seven consecutive days. Temporary shade structures for such events may be erected in a required rear or lakefront yard for no more than seven consecutive days after obtaining a Certificate of Zoning Compliance from the Building Official.

(Ord. 106. Passed 12-9-81; Ord. 106A-21. Passed 12-13-89; Ord. 106A-26. Passed 10-12-94; Ord. 106A-28. Passed 12-13-95; Ord. 106A-109. Passed 7-11-18; Ord. 106A-112. Passed 3-11-20.)

## **1280.06 SWIMMING POOLS.**

It is hereby determined that outdoor swimming pools may endanger the public safety unless carefully regulated and supervised.

(a) Definitions and Purpose. These regulations were enacted to guide the construction and operation of swimming pools. A swimming pool is defined in Chapter 1472 of the Building Code. In addition to Chapter 1472, these definitions pertain to this chapter. For the purpose of this chapter pools are considered an accessory structure. See this chapter for additional regulations.

(1) "Barrier" means a fence or a wall surrounding the pool or a motorized pool cover requiring a key switch to operate.

(2) "In-ground pool" means swimming pool permanently built into the ground including its decks, walks and side walls, which project less than two feet above the average finished grade of the pool site or portion of the lot immediately surrounding the pool to a distance of twenty feet beyond the pool.

(3) "Temporary-pool" means swimming pools above ground made of plastic, light metal, or other light duty materials that are more than three feet in height and are completely emptied when not in use.

(b) Permit Application; Fee; Plot Plan. Applications for a permit shall show the name of the owner, the location of the proposed swimming pool, the manner in which its use shall be supervised, the safety precautions to be made to protect those making use thereof, or who might be endangered thereby, and information showing the size, depth and capacity of such swimming pool, and shall be accompanied by such other information necessary for the protection of the public health and safety as may be required by the Village Building Inspector and/or the Public Health Officer. There shall also be filed with the Village Building Inspector a plot plan of the property showing the location of such swimming pool thereon and a detailed plan for such swimming pool, which shall contain such information as to the type, height, and location of the fence surrounding said swimming pool, and the number of gates therein. Applicants for permits shall submit the established fee with their applications, said fee to be used to defray any expense incurred by the Village in the enforcement and administration of this chapter.

(c) Location, Height and Area Requirements. No outdoor swimming pool shall be built, constructed or assembled on any lot or parcel of land which is less than 4,000 square feet in area.

(1) Location.

A. No pool and the decks, walks and the appurtenances thereto, shall be located nearer than ten feet from the side or rear property line of the lot or parcel upon which it is situated or nearer to any street on which the lot or parcel abuts than a distance of ten feet greater than the building setback.

B. Pumps, filtering systems, and equipment storage shall be located not less than twenty feet from any property line and less than five feet from the building setback line. Location must be in lake front yard for lake front homes.

(2) Area limitations. The area of a swimming pool, related decks, walks and other appurtenances, shall not exceed 10% of the area of the lot or parcel on which the pool is located. The area of decks, walks and appurtenances is included in lot coverage calculations.

(3) Height limitations. Fences, lights, diving boards, slides or other accessories shall not project more than four feet in height or impede neighbors view.

(4) Only in-ground pools are permitted in lake front yard.

(d) Barriers. All pool barriers must conform to State and Village requirements for pool enclosure and conform to Section 1270.08.

(e) Supervision. No person shall maintain an outdoor swimming pool on his or her premises without providing adequate supervision at all times when the swimming pool is in use so that no person may be injured or drowned therein.

(f) Public Health Measures. Any outdoor swimming pool shall not be used unless adequate public health measures are periodically taken to ensure that the use thereof will not cause the spread of disease. The water of all pools shall be maintained according to the current standards set by the State Department of Public Health and the Oakland County Department of Health to protect the public health in the use of such swimming pools are hereby adopted and made a part of this chapter.

(g) Penalty. Any person who violates any provision of this section is responsible for a municipal civil infraction, subject to payment of a civil fine as specified in Section 202.99 of the Administration Code, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided in Section 202.99. In addition, any violation of the terms of this section shall be and the same is hereby declared to be a nuisance per se and the Village, by and through its proper officers and agents, shall have the authority and power by proper court procedure to maintain and conduct legal

action for the abatement of such violation.

(Ord. 675. Passed 4-11-07.)

## Chapter 1282:

### Nonconforming Buildings, Structures and Uses

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1282.01 Statement of purpose.

1282.02 Authority to continue nonconforming buildings, structures and uses.

1282.03 Repairs and alterations.

1282.04 Relocation of building or structure.

1282.05 Restoration of damaged building or structure designed or intended for a nonconforming use.

1282.06 Discontinuance of a nonconforming use.

1282.07 Expansion of a nonconforming use.

1282.08 Change of a nonconforming use.

#### **CROSS REFERENCES**

Regulation of land development - see M.C.L.A. §§ 125.3201 et seq.

Nonconforming signs - see P. & Z. 1276.03(e)

#### **1282.01 STATEMENT OF PURPOSE.**

This Zoning Code establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming buildings, structures, and uses which substantially and adversely affect the orderly development and assessed value of other property in the district not be permitted to continue without restriction.

The purpose of this chapter is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses shall be permitted to continue.

(Ord. 106. Passed 12-9-81.)

#### **1282.02 AUTHORITY TO CONTINUE NONCONFORMING BUILDINGS, STRUCTURES AND USES.**

Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this Zoning Code and which remains nonconforming, and any such building, structure or use which shall become nonconforming upon the adoption of this Zoning Code, or of any subsequent amendment thereto, may be continued subject to the regulations which follow.

(Ord. 106. Passed 12-9-81.)

#### **1282.03 REPAIRS AND ALTERATIONS.**

(a) Building or Structure Designed or Intended for a Nonconforming Use. Repairs and alterations may be made to a nonconforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure, and the use thereof, conform to the regulations of the district in which it is located. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural changes to the building or structure, except as hereinabove provided.

(b) Building or Structure Designed or Intended for a Permitted Use. Repairs, alterations, structural changes, additions and enlargements, all or substantially all of which are designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations, structural changes, additions and enlargements conform to the regulations of the district in which said building or structure is located and provided that all applicable site design and landscape requirements are met to the maximum extent possible without razing all or a portion of existing principal buildings or structures.

(Ord. 106. Passed 12-9-81.)

#### **1282.04 RELOCATION OF BUILDING OR STRUCTURE.**

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, are made to conform to all of the regulations of the district in which it is to be located.

(Ord. 106. Passed 12-9-81.)

#### **1282.05 RESTORATION OF DAMAGED BUILDING OR STRUCTURE DESIGNED OR INTENDED FOR A NONCONFORMING USE.**

A nonconforming building or structure which is destroyed or damaged by fire or other casualty or act of God, to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 100 percent of the assessed valuation of the entire building at the time of the casualty, shall not be restored unless said building or structure, and the use thereof, shall conform to all of the regulations of the district in which it is located. In the event such damage or destruction is less than 100 percent of the assessed valuation of the entire building new, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of partial destruction and is diligently prosecuted to completion. If the restoration is not started within one year of said calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared.

(Ord. 106. Passed 12-9-81.)

#### **1282.06 DISCONTINUANCE OF A NONCONFORMING USE.**

If the nonconforming use of a building, structure, or premises is discontinued for a continuous period of six months, it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which such building, structure, or premises is located.

(Ord. 106. Passed 12-9-81.)

#### **1282.07 EXPANSION OF A NONCONFORMING USE.**

(a) Building or Structure Designed or Intended for a Nonconforming Use. The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, provided that: no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located and provided that applicable site design and landscape regulations are met to the maximum extent possible without razing all or a portion of existing principal buildings or structures.

(b) Building or Structure Designed or Intended for a Permitted Use. The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any other nonconforming use.

(c) Land. The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

(Ord. 106. Passed 12-9-81.)

#### **1282.08 CHANGE OF A NONCONFORMING USE.**

(a) Building or Structure Designed or Intended for a Nonconforming Use. The nonconforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use allowed in the same district in which the nonconforming use which presently occupies the building or structure is allowed, or to a use permitted in a more restrictive district.

(b) Building or Structure Designed or Intended for a Permitted Use. No nonconforming use shall be changed to another nonconforming use when such nonconforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

(c) Land. The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be changed to any other use, except to a use permitted in the district in which the land is located.

(Ord. 106. Passed 12-9-81.)

### **Chapter 1284:**

## **Medical Marihuana Cultivation, Use and Distribution**

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- 1284.01 Intent.
- 1284.02 Definitions.
- 1284.03 Requirements for license.
- 1284.04 Restrictions on distribution.
- 1284.05 Inspection of patient cultivation.
- 1284.06 Disclaimer of immunity.
- 1284.07 No vested rights.
- 1284.08 Revocation of license.
- 1284.99 Penalty.

#### CROSS REFERENCE

Medical Marihuana Act - see M.C.L.A. §§ 333.26421, et seq.

### **1284.01 INTENT.**

(a) It is the intent of this chapter to give effect to the intent of M.C.L.A. §§ 333.26421, et seq, (the Act) as approved by the electors, and not to determine and establish an altered policy with regard to marihuana. The Act authorizes a narrow exception to the general rule and state policy that the cultivation, distribution, and use of marihuana amount to criminal acts. It is the further intent of this chapter to protect the public health, safety, and general welfare of persons and property, and to license certain locations as specified below. It is the further intent of this chapter to comply with the Act while concurrently attempting to protect the health, safety, and welfare of law enforcement officers and other persons in the community, and also to address and minimize reasonably anticipated secondary effects upon children, other members of the public, and upon significant areas of the community, that would be reasonably expected to occur in the absence of the provisions of this chapter. This chapter is designed to recognize the fundamental intent of the Act to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, distribution, and use of marihuana for medical purposes; and to regulate around this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose the community and its residents to significant adverse conditions, including the following: adverse and long-term influence on children; substantial serious criminal activity; danger to law enforcement and other members of the public; discouragement and impairment of effective law enforcement with regard to unlawful activity involving the cultivation, distribution, and use of marihuana; the creation of a purportedly lawful commercial enterprise involving the cultivation, distribution, and use of marihuana that is not reasonably susceptible of being distinguished from serious criminal enterprise; and the uninspected installation of unlawful plumbing and electrical facilities that create dangerous health, safety, and fire conditions.

(b) This chapter permits authorizations for activity based on the Act. Nothing in this chapter shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and this chapter; and, nothing in this chapter shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marihuana. Thus, the authorization of activity, and the approval of a license under this chapter shall not have the effect of superseding or nullifying federal law applicable to the cultivation, use, and possession of marihuana, and all applicants and grantees of licenses are on notice that they may be subject to prosecution and civil penalty, including forfeiture of property.

(Ord. 106A-59. Passed 7-11-12.)

### **1284.02 DEFINITIONS.**

For the interpretation of this chapter, the following definitions shall apply:

- (a) "Act" means M.C.L.A. §§ 333.26421, et seq., and Michigan Administrative Rules, R 333.101, et seq.
- (b) "Collective Ingestion Facility" means a facility that allows multiple qualifying patients to consume or ingest medical marihuana upon the premises. This term does not encompass the consumption or ingestion of medical marihuana by a qualifying patient at his or her principal residence or at a hospital or hospice at which the qualifying patient is receiving care.
- (c) "Department" means the State of Michigan Department of Community Health.
- (d) "Distribution" means the physical transfer of any amount of marihuana in any form by one person to any other person or persons, whether or not any consideration is paid or received.
- (e) "Distributor" means any person, including but not limited to a caregiver, patient or any other person, who engages in any one or more acts of distribution.
- (f) "Facility" or "Premises" means one commercial business premises having a separate or independent postal address, one private office premises having a separate or independent postal address, one single family residence having a separate or independent postal address, one apartment unit having a separate or independent postal address, or one condominium

unit having a separate or independent postal address.

(g) "Marihuana" means the substance or material defined in the Public Health Code, M.C.L.A. § 333.7106.

(h) "Primary caregiver" or "Caregiver" means a person as defined under M.C.L.A. § 333.26423(g) of the Act, and who has been issued and possesses a registry identification card under the Act.

(i) "Principal residence" means the place where a person resides more than half of the calendar year.

(j) "Qualifying patient" or "Patient" means a person as defined under M.C.L.A. § 333.26423(h) of the Act.

(k) "Registry identification card" means the document defined under M.C.L.A. § 333.26423(i) of the Act.

(Ord. 106A-59. Passed 7-11-12.)

### **1284.03 REQUIREMENTS FOR LICENSE.**

Licensure requirements.

(a) The cultivation of marihuana by a caregiver or any other person permitted under the Act, and the provision of caregiver services relating to medical marihuana use, shall be permitted in accordance with the Act. No cultivation, distribution, and other assistance to patients shall be lawful in this community at a location unless and until such location for such cultivation, distribution, and assistance is a permitted use, as specified in the Village Zoning Ordinance, and shall have been licensed under this chapter. Licensure shall be required and in accordance with these regulations for the following:

(1) The location of a facility used for the cultivation of marihuana by caregivers or by other persons permitted under the Act.

(2) The location of a facility used for distribution.

(3) The location of a facility used to provide any other assistance to patients by caregivers or any other person permitted under the Act relating to medical marihuana.

(4) By way of exception, it is not the intent of this chapter to require a license for the principal residence of a patient where marihuana is cultivated or used exclusively for the patient's personal consumption, however, a location other than a patient's principal residence where a patient cultivates or uses marihuana shall be subject to the licensure requirements of this chapter.

(b) Application for License.

(1) The requirement of this chapter is to license a location, and not to license persons. The information acquired through the licensing process prescribed herein shall be accessible to the Zoning Administrator, Michigan Construction Code and Fire Code enforcement officials, and law enforcement officials and their support personnel in the performance of their duties and shall otherwise remain confidential and not subject to public disclosure except as otherwise required by law. The confidential information required for a license application shall:

A. Not require the name, home address, or date of birth of a patient or caregiver.

B. Include the address and legal description of the precise premises, other than a patient's principal residence, at which there shall be possession, cultivation, distribution or other assistance in the use of marihuana. The fact that a caregiver or other person providing assistance to patients also has an ID card as a patient shall not relieve the obligation to provide this information.

C. Specify the address of the place where all unused portions of marihuana plants cultivated in connection with the use of marihuana or caregiver activity at the premises shall be disposed.

D. Describe the enclosed, locked facility in which any and all cultivation of marihuana is proposed to occur, or where marihuana is stored, with the description including: location in building; precise measurements in feet, of the floor dimensions and height; the security device for the facility.

E. Describe all locations in the premises where a caregiver or other person authorized under the Act shall render assistance to a qualifying patient.

F. Specify the number of patients to be assisted, including the number of patients for whom marihuana is proposed to be cultivated, and the number of patients to be otherwise assisted on the premises, and the maximum number of plants to be grown or cultivated at any one time. If the location at which patients will be assisted is different from the licensed premises, the application shall provide the address of all such other locations (other than the address of a patient being assisted). The maximum number of patients and plants is specified in Section 1284.03(b)(2)B. of these regulations.

G. Specify a waste disposal plan that describes how material, chemical, and plant waste from the growing, cultivating, packaging, or use of medical marihuana is disposed of.

H. For safety and other code inspection purposes, it shall describe and provide detailed specifications of all lights, equipment, and all other electrical, plumbing, and other means proposed to be used to facilitate the cultivation of marihuana plants as the specifications relate to the need for the installation of facilities. As noted in Section 1284.03(b)(2)D., all new construction including structural, electrical, and plumbing shall meet current Village building codes and shall be inspected for

compliance.

(2) The standards of approval as noted below will be used to review each application. An inspection will be made at each location noted in the application to verify the standards.

(3) Requirements and standards for approval of licensure and for the activity permitted.

A. Locations used for the cultivation of marihuana by caregivers and any other person permitted under the Act, and the location used for the provision of assistance to patients by caregivers or any other person authorized under the Act relating to medical marihuana use, including distribution or other assistance, but in all events not including a patient's principal residence which is not used to cultivate marihuana or assist in the use of medical marihuana for persons other than the patient at the residence, shall be prohibited:

1. Within 500 feet from a public or private pre-school, elementary school, middle school, high school, community college, and all other schools that have different name references but serve students of the same age.

2. Within 500 feet of adult entertainment uses, as defined in the Village Zoning Ordinance.

3. Within 500 feet from the site at which any other caregiver or any other person cultivates marihuana, or assists in the use of marihuana, not including a patient's principal residence which is not used to cultivate marihuana or assist in the use of medical marihuana for persons other than the patient at such residence.

4. Measurements for purposes of this subsection shall be made from property boundary to property boundary.

B. The location of the facility at which a caregiver or any other person permitted under the Act cultivates marihuana, or assists a patient in the use of marihuana shall not be the same facility at which any other caregiver or person cultivates marihuana, or assists a patient in the use of marihuana. Accordingly, at a patient's principal residence used by the patient to cultivate marihuana for his or her personal use as permitted under the Act, there shall be not more than twelve marihuana plants being cultivated at any one time; only at a licensed Facility may there be more than twelve marihuana plants being cultivated at any one time; and, at a facility at which a caregiver or any other person permitted under the Act cultivates marihuana for use by patients, there shall not be more than twelve marihuana plants being cultivated at any one time per patient, and in no event more than sixty marihuana plants being cultivated at any one time (which assumes cultivation for five patients), plus an additional twelve plants if the caregiver is also a patient that has not designated a caregiver to assist in providing medical marihuana.

C. In order to insulate children and other vulnerable individuals from such actions, all medical marihuana cultivation, and all assistance of a patient in the use of medical marihuana by a caregiver, shall occur within the confines of a building licensed under this section, and these activities shall occur only in locations not visible to the public. This subsection shall not prohibit a caregiver from assisting a patient at the patient's principal residence or at a hospital.

D. All lights, plumbing, equipment, and all other means proposed to be used to facilitate the growth or cultivation of marihuana plants shall be in accordance with all applicable Village building codes.

E. Considering that the distribution of marihuana is generally unlawful, and that the Act authorizes "caregivers," and reading the Act as a whole, the activities of caregivers are interpreted as being limited to private and confidential endeavors. Nothing in this chapter shall be deemed to allow dispensaries or collective ingestions facilities, which are hereby strictly prohibited. Moreover, the location and identity of a caregiver is known to patients. Accordingly:

1. There shall be no signage identifying a caregiver use or a place at which medical marihuana is distributed.

2. Unless conducted as part of a related licensed professional medical or pharmaceutical practice, caregiver activity shall not be advertised as a "clinic," "hospital," "dispensary," or other name customarily ascribed to a multi-patient professional practice.

F. Storage of toxic, flammable or hazardous materials at a licensed facility is prohibited. The disposing of any toxic, flammable or hazardous materials into the sewer system is also prohibited.

(c) No application for a license hereunder shall be approved without payment of a non-refundable application fee to help defer the cost of administering and enforcing this chapter. The application fee shall be set by resolution of Village Council and may be adjusted from time to time thereafter as the Village Council deems appropriate.

(d) Use of land in accordance with approved application. If approved, all use of property shall be in accordance with an approved application, including all information and specifications submitted by the applicant in reliance on which the application shall be deemed to have been approved.

(e) A facility that exists on the effective date of this chapter must make application for and receive approval to continue to operate; provided, an application shall be filed within fifteen days following the effective date of this chapter. If an application for licensure under this chapter is denied due to the minimum distance requirement standards, and a timely application has been filed seeking licensure under this chapter, the facility shall have sixty days from the date of application denial to cease operating at the denied site.

(Ord. 106A-59. Passed 7-11-12.)

#### **1284.04 RESTRICTION ON DISTRIBUTION.**

(a) The restrictions in this section are based on the following findings:

(1) The Act as a whole reflects the intent to a private and confidential patient-caregiver relationship to facilitate the lawful cultivation, distribution, and use of marihuana strictly for medical purposes, that is, an authorization for confidential and private use of marihuana by patients, and for confidential and private assistance in such use by caregivers with whom individual patients are connected through the Department's registration process. That is, the Act does not authorize the broad legalization of the cultivation, distribution, or use of marihuana, and a reading that permits such broad legalization is inconsistent with the fundamental intent of the Act read as a whole in context with generally applicable Michigan law. Thus, it would be reasonable to expect and require that all undertakings of caregivers and other persons in assisting a patient are intended to occur on a confidential and private one-to-one basis.

(2) The Act does not reflect the intent for distributions of marihuana by more than one caregiver or other person to one patient, or by one or more caregivers or other persons to more than one patient at any given time and place.

(3) The confidentiality provisions of the Act reflect the intent for all caregivers and patients to remain anonymous in terms of their name and address, thus further reflecting the private and confidential nature of the activities contemplated between a caregiver and the patient he or she is assisting.

(4) In view of the fact that the Act effectively requires law enforcement officers to seek to prevent unlawful cultivation, distribution or consumption of marihuana, while concurrently permitting substantially the same actions by those who meet the terms of the Act, and considering that law enforcement officials are prohibited from having access to important information that could be used to distinguish unlawful and lawful actors, it is deemed necessary by the legislative body of the community to maintain by licensure and restriction an environment that seeks to promote the protection, efficiency, and effectiveness of law enforcement officers and their work performed in connection with the cultivation, distribution or consumption of marihuana.

(5) All of the findings stated above in support of the requirement for licensure are incorporated by reference to this subsection of the chapter.

(b) Restrictions:

(1) A caregiver and any other person authorized under the Act to assist patients, if any, shall distribute medical marihuana only on a confidential, one-to-one, basis with no other caregiver being present at the same facility at the same time, and no other patient or other person being present at the same facility at the same time, provided, that a patient's immediate family members or guardian may be present within the patient's private residence, and one family member or guardian may be present in any facility other than the patient's private residence. For purposes of this subsection, the phrase "same time" shall mean and include concurrently as well as within a time interval of one hour.

(2) Considering the health issues presented, no food shall be sold from the facility used for the distribution of medical marihuana.

(Ord. 106A-59. Passed 7-11-12.)

#### **1284.05 INSPECTION OF PATIENT CULTIVATION.**

Upon the request of a patient who is cultivating medical marihuana, the medical marihuana officer of the community shall confidentially coordinate electrical and plumbing inspectors (and other inspector(s) within whose expertise an inspection is needed) with regard to site of the cultivation for the purpose of determining whether all lights, plumbing, equipment, and all other means used to facilitate the cultivation of marihuana plants is in accordance with applicable code. In carrying out the provisions of this subsection, community officials shall not require the name and address of the patient. Rather, the intent of this subsection is to focus on the premises, and to insure fire, electrical, plumbing, and other safety for the benefit of the resident of the premises and others who may be affected by one or more code violations.

(Ord. 106A-59. Passed 7-11-12.)

#### **1284.06 DISCLAIMER OF IMMUNITY.**

Nothing in this chapter shall be construed as allowing the use, cultivation, distribution or possession of marihuana not in strict compliance with the express provisions of the Act and this chapter. Further, nothing in this chapter shall be construed to undermine or provide immunity from federal or state law as it may be enforced by the federal or state government relative to the use, cultivation, distribution or possession of marihuana or to prevent prosecution thereunder.

(Ord. 106A-59. Passed 7-11-12.)

#### **1284.07 NO VESTED RIGHTS.**

A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this chapter or any amendment of this chapter.

(Ord. 106A-59. Passed 7-11-12.)

#### **1284.08 REVOCATION OF LICENSE.**

(a) A license issued pursuant to this chapter may be revoked for any of the following reasons:

(1) The license holder has violated any of the provisions of this chapter or any statute of the State of Michigan relative to the cultivation of marihuana by a caregiver or the provision of caregiver services relating to medical marihuana use.

(2) Fraud, misrepresentation, or incorrect statements have been made by the license holder in the course of carrying on an activity or in application for the licensed activity.

(3) The license holder has conducted an activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(b) If upon investigation by the Village, it is discovered that a license holder has violated any regulations of this chapter, written notice of the violation shall be issued, by certified mail, to that person. Immediately upon the giving of the notice, the license shall become null and void.

(c) Denials may be appealed to the Village Council. The Village Council shall make a determination after presentation by the applicant, supported by a preponderance of the evidence, as to whether or not the grounds for denial should be upheld. The Village Council's decision may be reviewed by a court of competent jurisdiction.

(Ord. 106A-59. Passed 7-11-12.)

#### **1284.99 PENALTY.**

Any person violating any provisions of this chapter shall be deemed responsible for committing a municipal civil infraction and shall be responsible for a municipal civil fine. In addition to ordering the offender determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this Code. Each day on which any violation of this Code or any ordinance continues is a separate offense and shall be subject to penalties or sanctions as a separate offense. In addition to any penalties provided for in this Code, any equitable or other remedies available may be sought.

(Ord. 106A-59. Passed 7-11-12.)