

Village of Oakley

Zoning Ordinance

And Procedures Manual

Village of Oakley - Saginaw County

PO Box 64 Oakley, Michigan 48649-0064
Phone: (989) 845-2222
Fax: (989) 845-2230

Adopted: May 10, 2011

Village Council

Douglas Shindorf, President
Cheryl Bolf, Clerk
Kathy Dudek, Treasurer
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James Frelitz, Trustee
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Norm Wolfe
Paul Overholt

Zoning Board of Appeals

Donald Hart, Chairman
Steven Bolf, Vice Chairman
Coset Milbrandt, Secretary
James Frelitz

Zoning Administrator

Rob Kehoe

Crescent Consulting, Inc.

P.O. Box 1184
Midland, MI 48640-1184



Cindy Winland, AICP, PCP

crescentdr@chartermi.net
(989) 839-2031

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Chapter 1 ■ Miscellaneous Provisions

Village of Oakley hereby ordains these regulations for the use of land and structures within the Village.

SECTION 1.1 SHORT TITLE

This Ordinance shall be known as the Oakley Village Zoning Ordinance.

SECTION 1.2 PURPOSE AND OBJECTIVES

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

- a. Guide the use and development of land, buildings and natural resources according to their suitability for particular activities
- b. Protect the community's quality of life and enhance the social and economic stability of the Village.
- c. Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land uses.
- d. Guide efforts to provide public services, such as water supply, sewers, storm drainage, waste disposal, transportation, education, recreation and public safety.
- e. Establish standards to guide physical development of each Zoning District and of the Village as a whole, and provide for enforcement of said standards.
- f. Educate citizens and public official about their shared responsibilities for wise use of community resources.
- g. Strive to balance one property owner's right to the peaceful use and enjoyment of his or her parcel with the rights of neighboring property owners to the peaceful use and enjoyments of theirs.
- h. Furthermore, any business or organization in violation of local, state or federal law is prohibited from locating or operating within the village limits of Oakley.

SECTION 1.3 INTERPRETATION

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

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

requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

SECTION 1.4 SEVERABILITY

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

SECTION 1.5 REPEAL

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

SECTION 1.6 EFFECTIVE DATE

The Ordinance shall take effect May 17, 2011, the date of adoption by the Village of Oakley Council.

Chapter 2 ■ Definitions

SECTION 2.1 RULES APPLYING TO THE TEXT.

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

- a. Words used in the present tense include the future tense; and, the singular includes the plural, unless the context clearly indicates the contrary.
- b. The word "person" includes a corporation or firm as well as an individual.
- c. The word "structure" includes the word "building."
- d. The word "lot" includes the words "plot," "tract," or "parcel."
- e. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- f. The words "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged or designed to be used or occupied."
- g. Any word or term not herein defined shall be used with a meaning of common standard use.
- h. The term "he" shall be read as he, she, or they.

SECTION 2.2 DEFINITIONS.

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

ACCESSORY OCCUPATION. An accessory occupation is an occupation carried on within the walls of an accessory building and not visible or noticeable in any manner or form from outside the accessory structure.

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

ACTIVITY. See "Use."

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

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

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

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

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

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

AUTOMOBILE SALES AND REPAIR SHOP. An auto sales or repair business is an establishment engaged in the sale rental or leasing of new or used automobiles, vans or pickup trucks, or a business performing repairs on such vehicles, including work which requires the engine to be removed, replacement or modification of the frame, body, transmission or suspension systems, glass or upholstery replacement, or the painting or undercoating of vehicles.

AUTOMOBILE SERVICE STATION. An auto service business is any establishment engaged in the direct retail sale of gasoline or other engine fuel, motor oil or lubricants, or performing interior or exterior cleaning, sale of tires, parts or accessories, inspection, lubrication, engine tuning, or minor repair for automobiles, vans or pickup trucks.

BANK. See "Financial Business."

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

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

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

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

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

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

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

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

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

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

CHILDCARE ORGANIZATION. A facility for the care of children under 18 years of age, as licensed and regulated by the State under [Act No. 116 of Public Acts of 1973](#) and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a. **CHILDCARE CENTER or DAY CARE CENTER** means a facility, other than a private residence, receiving one or more preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. **CHILDCARE CENTER or DAY CARE CENTER** does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. **FOSTER FAMILY HOME** is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c. **FOSTER FAMILY GROUP HOME** means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d. **FAMILY DAY CARE HOME** means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e. **GROUP DAY CARE HOME** means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

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

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

COMMERCIAL RECREATION. Commercial recreational facilities are for-profit establishments providing recreational activities for a fee. Commercial recreational facilities include such uses as bowling alleys, roller rinks, etc.

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

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

CONVALESCENT OR NURSING HOME See Institution: Human Care

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

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

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

DAY NURSERY. See Childcare Organization.

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

- a. **USE.** In the USES table from the DISTRICT REGULATIONS chapter of this Ordinance, the number of changes in zoning Districts required to move FROM the District in which a use would be permitted as a use by right TO the District in which it is located.
- b. **SETBACK.** The square footage of a building which lies within a required setback area.
- c. **AREA.** The square footage by which a building or parcel varies from the maximum or minimum area required for its Zoning District.
- d. **WIDTH OR DEPTH.** The distance in feet by which the width or depth of a parcel varies from the minimum or maximum dimension for its zoning District.
- e. **PARKING.** The number of off-street parking spaces which a parcel lacks to conform with the requirements of [Chapter 5 – Parking Regulations](#).

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

DISTRICT REGULATIONS. Regulations for properties within each Zoning District, found in Chapter 3 – District Regulations.

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

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

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

- a. **SINGLE FAMILY DWELLING** is a detached building containing one (1) dwelling unit only and complying with the regulations of [Chapter 4 – General Requirements](#).
- b. **TWO FAMILY DWELLING** is a building containing not more than (2) dwelling units and complying with the regulations of [Chapter 4 – General Requirements](#).
- c. **MULTIPLE DWELLING** is a building or portion thereof containing three (3) or more dwelling units and complying with the regulations of [Chapter 4 – General Requirements](#).

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

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

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

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

FARM. A tract of land which is directly devoted to agricultural purposes provided further that farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, apiaries; but establishments keeping or operating fur bearing animals, riding or boarding stables, kennels, quarries or gravel or sand pits, shall not be considered farms hereunder, unless combined with bonafide farm operations on the same contiguous tract of land of not less than ten (10) acres.

FARMING, GENERAL. The practice of agriculture on a farm as defined above.

FARM ANIMAL, LARGE. Any four (4) footed creature as livestock which, at maturity, exceeds one hundred (100) pounds. This includes, but is not limited to, the following: cattle, horses, sheep, hogs, and goats. (Large farm animals are not permitted in the Village of Oakley.)

FAST FOOD RESTAURANT. See Drive-In.

FEEDLOT. A small, confined area for fattening cattle or holding them temporarily for shipment.

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

FRUIT ORCHARD. A planting of fruit trees for the purpose of harvesting fruit.

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

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

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

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

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

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

- a. is operated in its entirety within the principal dwelling
- b. does not have a separate entrance from outside the building
- c. does not involve alteration or construction not customarily found in dwellings;
- d. does not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
- e. does not use more than twenty-five (25) percent of the total actual floor area of the dwelling;
- f. does not display, or create outside the structure any external evidence of the operation of the home occupation, except for one (1) unanimated, non-illuminated, wall sign having an area of not more than two (2) square feet.

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

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

INCINERATOR. An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.

INSTITUTION, CULTURAL: see MUSEUM, LIBRARY, EDUCATIONAL INSTITUTIONS

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

INSTITUTION, HUMAN CARE; ADULT FOSTER CARE: A public or private facility for physical, as opposed to mental, care. A human care institution may include hospitals, convalescent, assisted care facilities, nursing homes and senior housing. It does not include substance abuse rehabilitation facilities. See [Act 218, of 1979](#) as amended, for definitions of Adult Foster Care.

INSTITUTION, INCARCERATION: Any jail or other place of confinement including work camps, jails, reformatories, penitentiaries, and correctional **institutions**.

INSTITUTION, REHABILITATION: A public or private facility for mental or substance abuse rehabilitation. A rehabilitation institution may include inpatient or outpatient hospitals, halfway houses, and similar facilities.

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

INSTITUTION, SOCIAL: Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, hospitals, convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, retreats, parks and playgrounds.

INSTITUTION, SUBSTANCE ABUSE: A public or private facility designed to provide medical treatment and psychological therapy to those individuals who suffer from drug or alcoholic addiction.

JUNK/SALVAGE YARD. A licensed open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A Junk/Salvage Yard includes automobile-wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with the characteristics of salvage yards which are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

KENNEL. A kennel is any facility where more than two (2) dogs or two (2) cats over four (4) months old are kept, housed or boarded on a single parcel.

LOADING BERTH/SPACE. An off-street space at least ten (10) feet wide, twenty-five (25) feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

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

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

LOT: CORNER, INTERIOR AND THROUGH.

- a. CORNER LOT is a lot which has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than one hundred thirty five (135) degrees.
- b. INTERIOR LOT is a lot other than a corner lot.
- c. THROUGH LOT is an Interior Lot having frontage on two streets which do not intersect at a point contiguous to such lot.

LOT LINES. The lines abutting a lot as defined herein:

LOT LINE, FRONT. That line separating the lot from a street right-of-way. In the case of a corner lot or through lot the lines separating the lot from each street.

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

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

LOT, WIDTH OF. The width measured along the front lot line or street line.

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

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

MEDICAL USE OF MARIHUANA. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under The [Michigan Medical Marihuana Act, P.A. 2008, Initiated law](#), MCL 333.26423(d).

MARIHUANA, also known as MARIJUANA, also known as CANNABIS. That term shall have the meaning given to it in section 7601 of the Michigan public health code, 1978 PAS 368, MCL 333.7106, as is referred to in section 3(d) of The [Michigan Medical Marihuana Act, P.A. 2008, Initiated law](#), MCL 333.26423(d). Any other term pertaining to marihuana used in this Chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

MOBILE HOME. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (from MHC)

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. ([Mobile Home Commission Act](#))

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

MODULAR HOME. A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation for residential use.

MOTEL. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile facilities. The term "motel" shall include buildings designated as "auto courts," "tourist courts," "motor courts," "motor hotels," and similar which are designed as integrated units of individual rooms under common ownership.

NON-PROFIT ORGANIZATION. The term "non-profit organization" shall include any church, school, governmental agency, service club or similar organization which owns or leases property in the Village of Oakley.

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

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

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

OPEN SPACE. Any unoccupied space open to the sky on the same lot with a building. See COURTS.

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

PARKING SPACE. An off-street space of at least two hundred (200) square feet exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

PAVED SURFACE: A surface constructed either of concrete or bituminous materials.

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

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

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

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

PUBLIC STREET. Any vehicular way which:

- a. is an existing state, county, or municipal roadway; or
- b. is shown upon a plat approved pursuant to law or
- c. is approved by other official action; and includes the land between the street or right-of-way lines, whether improved or unimproved. A public thoroughfare which affords the principal means of access to abutting property.

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

RIGHT-OF-WAY. A street, alley or other thoroughfare or easement permanently established for passage of persons, vehicles or utilities.

ROADSIDE STAND. A "roadside stand" is a structure for the display of agricultural products, with no space for customers within the structure itself.

RUBBISH. A general term for solid waste, excluding food waste and ashes taken from residences, commercial establishments and institutions.

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

SANITARY LANDFILL. A tract of land developed, designed, and operated to accommodate general types of solid waste including but not limited to garbage, rubbish, soils, and concrete, but excluding hazardous waste.

SECTIONAL HOME. Two or more units, fabricated and transported to the building site where they are put on a permanent foundation and thereon finished as a residential unit.

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

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

SEX SHOP: An establishment offering goods for sale or rent and that meets any of the following tests:

a. The establishment offers for sale items from any two of the following categories:

- 1) Adult media:
- 2) lingerie
- 3) leather goods marketed or presented in a context to suggest their use for the sadomasochistic practices

and the combination of such items constitutes more than 10 percent of the stock-in-trade of the business or occupies more than 10 percent of its floor area.

- b. More than 5 percent of the stock-in-trade of the business consists of sexually oriented toys or novelties.
- c. More than 5 percent of the gross public floor areas of the business is devoted to the display of sexually oriented adult toys or novelties.

SEXUALLY ORIENTED BUSINESS: An inclusive term used to describe collectively: adult cabaret, adult motion picture theater; adult media store; bathhouse; massage shop; modeling studio and/or sex shop. This collective term does not describe a specific land use and should not be considered a single-use category.

SEXUALLY ORIENTED TOYS OR NOVELTIES: Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

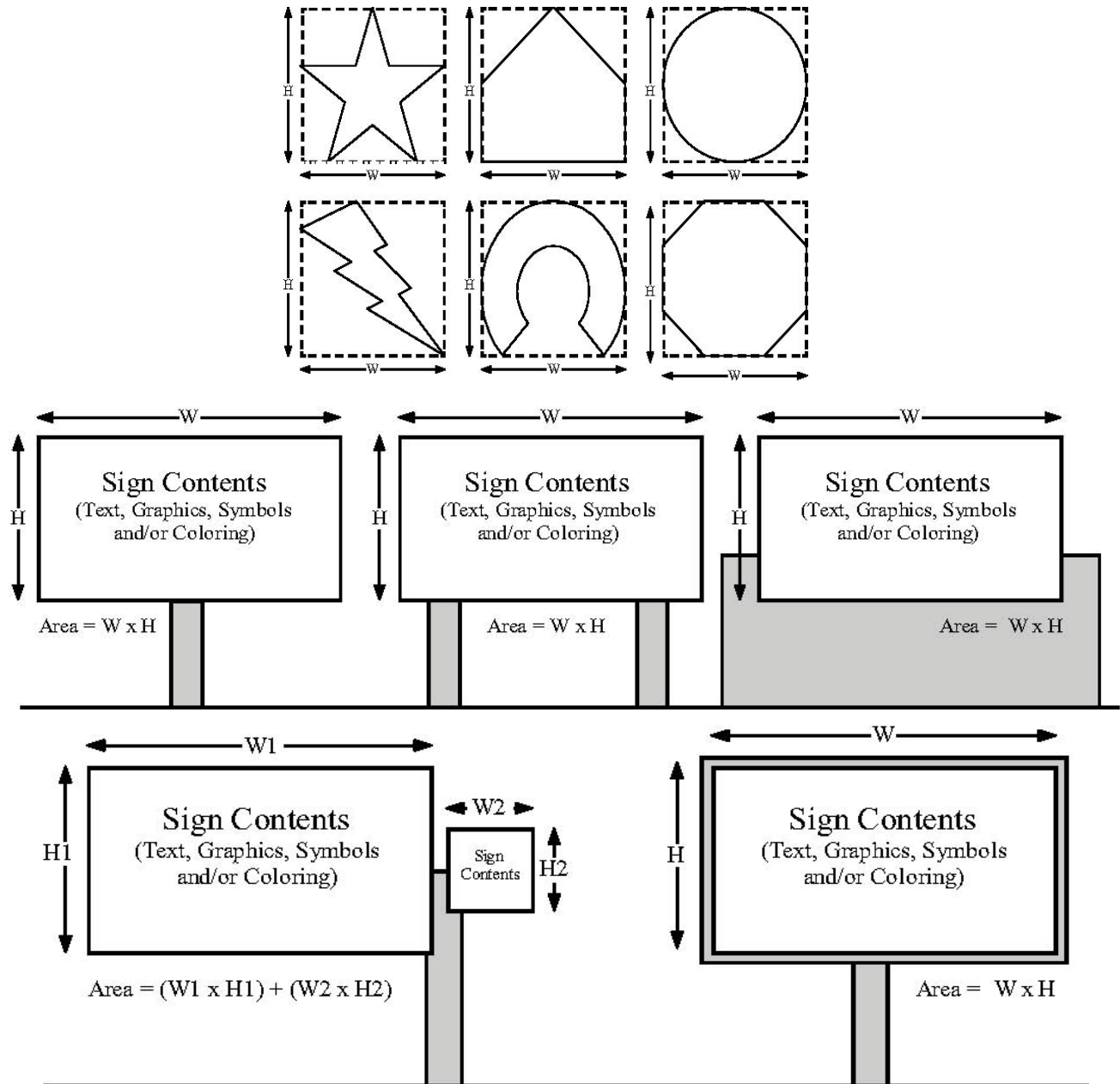
SIGNS: A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, or idea and which is visible from any street, right of way, sidewalk, alley, park or other public property. This definition includes the base, frame, and support members of the Sign. Customary displays of merchandise or objects and material within an enclosed building or placed behind a store window are not Signs. A Sign shall not include any display of official court or public office notices nor shall it include the flag of a political unit or school.

For the purpose of this Ordinance, the following sign or sign related terms are here defined:

a. Abandoned: A sign shall be deemed Abandoned if:

- 1) It does not display a well-maintained structure or sign face for a consecutive one hundred twenty (120) day period;
- 2) The owner of the sign cannot be located at the owner's last known address, as reflected on the records of the department; or

- 3) A structure designed to support a sign no longer supports the sign for a period of one hundred twenty (120) consecutive days.
- 4) Any sign not repaired or maintained properly, after notice, pursuant to the terms of this section.



- b. Area/measurement of Sign. The entire area within a circle, triangle, parallelogram, or other geometric configuration enclosing the extreme limits or writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed and any numbers displaying the address of the use. Only one side of a sign with two faces is used to calculate the area of the sign.

- c. Awning Sign. Any Sign attached to or constructed on a canopy or awning. A canopy is a permanent roof-like shelter extending from part of or all of a building face.
- d. Clear Vision Area. The area bounded by the street property lines of corner lots and a line intersecting the street property lines, thirty (30') feet from their point of intersection.
- e. Construction Sign. A Sign containing identifying information concerning construction activity in progress on the premises on which the Sign is located, such as the name of the future occupant or business, development name, type of development, name of the developer, and names of architects, engineers, contractors and lenders involved in the construction activity.
- f. Directional Sign: A Sign on private property the primary purpose of which is to direct traffic movement onto or off of a premises. Such signs include entrance, exit, or street number.
- g. Electronic Message Board. Video terminal or electronic changeable copy Sign in which the copy or animation consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than five (5) seconds.
- h. Freestanding Sign: A Sign supported by one or more uprights, braces, pylons, or foundation elements located in or upon the ground and not attached to a building.



Electronic Message Board



Freestanding Sign

- i. Governmental Sign: A Sign authorized by this municipality, a governmental agency, the state of Michigan, or the federal government, for the benefit of the public. Such Signs may include safety Signs, danger Signs, trespassing Signs, street direction Signs, destination Signs, hazardous condition Signs, or Signs for traffic control purposes.
- j. Ground Mounted. See Monument Sign.
- k. Integral Sign: Signs made an integral part of the walls of the structure or roof for farm buildings, or when carved into stone, concrete, or similar material or made of bronze, aluminum or other permanent type construction.



Marquee Sign



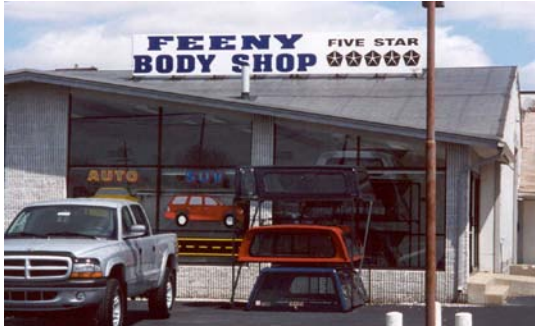
Monument Sign

- l. Marquee: Any hood, canopy, awning, or permanent construction that projects from a wall of a building, usually above an entrance.
- m. Monument Sign: A Freestanding Sign where the base of the Sign structure is permanently in the ground or integrated into landscaping or other solid structural features.
- n. Nonconforming Sign. Any advertising structure or Sign which was lawfully erected and maintained prior to the effective date of this ordinance, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this ordinance, or a Sign for which a permit was previously issued that does not comply with the provisions of this ordinance.
- o. Nondwelling Use sign: A sign associated with a permitted nonresidential use in a residential district. Examples of these signs include subdivision entrance signs, educational and religious institution signs.
- p. Owner: A Person owning the Sign and/or the property owner upon which the Sign is located.
- q. Parcel: Contiguous real estate taxed as a single parcel on one side of a public road.
- r. Permit: The authorization for the installation of a Sign issued by the department.
- s. Person: Any individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee, and their legal successors.
- t. Portable/Temporary Sign: A Sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, included but not limited to “sandwich” Signs and Signs mounted on wheels so as to be capable of being pulled by a motor vehicle from one location to another. Banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs, inflatables or similar devices intended for a limited period of display shall also be considered a portable sign. This definition does not include specified exceptions for grand opening type signs.
- u. Projecting Sign: A Sign affixed to any part of a building or structure that extends beyond the building or structure by more than twenty (20”) inches.
- v. Property Sign: A sign related to the property on which it is located and offering such property for sale or lease, advertising contemplated improvements, announcing the name of the builder, designer, owner, or developer of a project, or warning against trespass.
- w. Replacing Copy. Any change to a Sign's face or display other than changing letters and numbers designed to be removed on a daily or weekly basis for a temporary advertisement or sale.
- x. Roof Line. The highest point on any building where an exterior wall encloses usable floor space. The term “roof

Projecting Sign

line” includes the top of any parapet wall, providing said parapet wall extends around the entire perimeter of the building at the same elevation. The façade of a building is not defined as part of the roof line.

- y. Roof Sign: A Sign erected, constructed, or maintained upon, or which projects above, the Roof Line of a building.



Roof Sign

- z. Special Event Sign: See Portable/Temporary Sign. A Sign advertising display that is temporary in nature, is not permanently attached to the ground or Sign surface, and is used for special events, such as, but not limited to grand openings, seasonal sales, liquidations, going out of business sales, fire sales and promotions.

- aa. Street Banner: See Portable/Temporary Sign. Fabric Signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Michigan Department of Transportation.
- bb. Structural Alteration. Any change other than incidental repairs and maintenance that would prolong the life of the supporting members or face(s) of the Sign.
- cc. Temporary Sign: See Portable/Temporary sign
- dd. Wall Sign: A Sign attached to, painted upon, placed against, or supported by the exterior surface of any building. Wall signs also include Marquees and Canopy Signs.

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

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

STATE LICENSED RESIDENTIAL FACILITY. A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home has 7 to 20.

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

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

TAVERN. See Bar.

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

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

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

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

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

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

WIND GENERATING FACILITIES. Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include individual wind power generating facilities erected and used primarily for private use.

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

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

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

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

ZONING DISTRICT. Zoning Districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this Ordinance are the same. Zoning Districts are identified in [Chapter 3 – Zoning Districts](#). Their purposes are outlined in the PURPOSES Table, and permitted activities in each zoning District are identified by the USES Table. These Tables are found in [Chapter 3](#).

Chapter 3 ■ Zoning Districts

SECTION 3.1 DIVISION OF THE VILLAGE

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

| | |
|------|------------------------------------|
| R-1A | Agricultural/Dispersed Residential |
| R-1 | Residential: Single Family |
| R-2 | Residential: Multiple Family |
| B-1 | Commercial: Neighborhood |
| B-2 | Commercial: Intensive |
| M-1 | Industrial: Light Manufacturing |

SECTION 3.2 OFFICIAL ZONING MAP

The boundaries of Zoning Districts are defined and established as shown on a map entitled "Village of Oakley Zoning Map" which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The official Zoning Map shall be kept and maintained by the Saginaw County Metropolitan Planning Commission.

SECTION 3.3 INTERPRETATION OF BOUNDARIES

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

- a. Boundaries indicated as approximately following streets or highways shall be presumed to follow the center line of said roadways.
- b. Boundaries indicated as approximately following Village boundary lines or property lines shall be presumed to follow said lines.
- c. Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel thereto and at such distance therefrom as indicated by given distance or scaled dimension.

SECTION 3.4 SCOPE OF REGULATIONS

No building or structure or part thereof shall be hereafter erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms with the

provisions of this Ordinance, including the regulations for the Zoning District in which it is located.

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

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

SECTION 3.5 DISTRICT REGULATIONS TABLES.

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

PURPOSES TABLE. It sets forth the intent and purpose of each of the Zoning Districts. These brief statements form the objectives to be accomplished by regulations for each of the Zoning Districts.

USES TABLE. This table appears on the following pages. Each page describes permitted activities for one or more related Zoning Districts which are identified in the left-hand column of each page. Each Zoning District may be host to several types of activity, but only the activities specified for a given Zoning District will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this Ordinance.

Uses permitted by Special Permit are subject to the process described by [Chapter 7 - Special Use Permit Requirements](#).

DIMENSIONS TABLE. This table appears on one page. The table specifies parcel dimensions and setback requirements for parcels in each Zoning District.

TABLE 1 ZONING DISTRICTS

| Zoning District | Stated Intent and Purpose |
|--|--|
| R-1A Agricultural/Dispersed Residential | This district is intended for open rural agricultural areas which are of prime potential for urban development. The purpose of this zone is to permit a gradual transition from agricultural uses to more intensive uses, primarily residential. |
| R-1 Residential: Single Family | This district is intended primarily for single family residential uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low density dwellings located on individual lots. |
| R-2 Residential: Multiple Family | The intent and purpose of this district is to provide a variety of housing style, design and cost to meet the needs of existing and potential residents while promoting the development and preservation of neighborhoods of somewhat higher density than in the R-1 district, but with equivalent quality. |
| B-1 Commercial: Neighborhood | It is the intent and purpose of this district to provide neighborhood shopping areas to meet the day-to-day convenience shopping, service and professional needs of Village residents. |
| B-2 Commercial: Intensive | It is the intent and purpose of this district to promote development of businesses which primarily serve the needs of residents and other businesses in a regional market. |
| M-1 Industrial: Light Manufacturing | This district is intended for light industrial uses with few nuisance characteristics, but also permits nonretail commercial and service establishments. It is designed to permit manufacturing, production, processing, assembling, packaging and treatment of products from previously prepared materials. The purpose of this district is to promote industrial areas which are protected from incompatible uses. |

TABLE 2 CONSOLIDATED DISTRICT USES

| √= Permitted by Right S=Special Land Use Permit | Zoning Districts | | | | | | |
|--|---|------|-----|-----|-----|-----|-----|
| | Use | R-1A | R-1 | R-2 | B-1 | B-2 | M-1 |
| | Accessory structures | √ | √ | √ | | | |
| | Adults-only businesses | S | | | | | |
| | Arcades | | | | | √ | |
| | Arenas or stadiums located over 1000 ft from any dwelling | | | | | S | |
| | Bars or night clubs | | | | | S | |
| | Bingo halls | | | | | √ | |
| | Bowling alleys | | | | | √ | |
| | Building supply yards | | | | | √ | √ |
| | Bus terminals | | | | | S | |
| | Business services | | | | | √ | |
| | Campgrounds | S | | | | | |
| | Cemeteries | √ | √ | √ | | | |
| | Churches | S | S | S | √ | √ | |
| | Commercial schools | | | | S | | |
| | Contractors yards | | | | | | S |
| | Conversion of one or two family homes to structures with up to four units | | | S | | | |
| | Day nurseries | | | √ | | | |
| | Drive-in restaurants | | | | | S | |
| | Drive-in theaters | | | | | S | |
| | Driving ranges | S | S | S | | | |
| | Farm equipment sales and service | | | | | S | |
| | Field crops | √ | √ | √ | √ | √ | √ |
| | Financial institutions | | | | √ | √ | |

| √= Permitted by Right S=Special Land Use Permit | Zoning Districts | | | | | |
|--|------------------|-----|-----|-----|-----|-----|
| | R-1A | R-1 | R-2 | B-1 | B-2 | M-1 |
| Food stores under 5000 sq ft | | | | S | | |
| Food suppliers | | | | | S | |
| Forestry | | | | | | √ |
| Fuel dealers | | | | | | S |
| Funeral home | | | | √ | √ | |
| Gas stations | | | | | √ | |
| <u>Golf courses</u> | S | S | S | | | |
| Government offices | | | | √ | √ | |
| <u>Grain and seed elevators</u> | | | | | S | √ |
| Greenhouses not selling retail on the premises | √ | | | | | |
| Group care facilities,<7 persons | | √ | √ | | | |
| Home occupations | √ | √ | √ | | | |
| Horticulture | √ | √ | √ | √ | √ | √ |
| <u>Hospitals</u> | S | S | S | √ | √ | |
| Hotels/motels | | | | | √ | |
| Industrial activities not involving any outdoor storage of raw materials, finished products, work in progress, waste or scrap, fuel, or containers | | | | | | √ |
| Industrial activities that involve storage of raw materials, finished products, work in progress, fuel or containers | | | | | | S |
| Industrial, commercial, or construction equipment sales and service | | | | | S | √ |
| <u>Junk yards</u> | | | | | | S |
| <u>Landfills or incinerators located over 1000 ft from any dwelling</u> | | | | | | S |
| Libraries | | | √ | √ | √ | |
| Low density livestock or poultry raising | √ | | | | | |

| √= Permitted by Right S=Special Land Use Permit | Zoning Districts | | | | | |
|---|------------------|-----|-----|-----|-----|-----|
| | R-1A | R-1 | R-2 | B-1 | B-2 | M-1 |
| Miniature golf | S | | | | S | |
| Mobile home parks | | | S | | | |
| Multi-family apartment dwellings | | | | S | S | |
| Multi-family homes | | | √ | | | |
| Museums or galleries | | | √ | √ | √ | |
| Nature preserves | S | | | | | |
| Non-food retail | | | | √ | √ | |
| Non-residential structures accessory to permitted uses | | S | S | | | |
| Nursing homes | | | S | √ | √ | |
| Office under 5000 sq feet | | | | √ | √ | |
| Orchards | √ | √ | √ | √ | √ | √ |
| Outdoor court or field sports | √ | S | S | | | |
| Outdoor plant nurseries not selling retail on the premises | √ | | | | | |
| Outdoor storage of materials that are NOT buoyant, flammable, explosive; subject to dispersal by wind; contaminants; or injurious to humans, plants, or animals | | | | | | S |
| Parks | | S | S | √ | √ | |
| Pasture | √ | | | | | |
| Personal service | | | | √ | √ | |
| Planned unit developments | S | | | | | |
| Police or Fire Service facilities | | | | √ | √ | √ |
| Printing and publishing | | | | | S | |
| Private clubs | | | S | | √ | |
| Public buildings | √ | | S | | | |
| Public or private meeting halls | | | S | S | √ | |
| Public service installation | √ | √ | √ | √ | √ | √ |

| √= Permitted by Right S=Special Land Use Permit | Zoning Districts | | | | | |
|---|------------------|-----|-----|-----|-----|-----|
| | R-1A | R-1 | R-2 | B-1 | B-2 | M-1 |
| Rail freight yards | | | | | | S |
| Restaurants – not including drive-in | | | | S | | |
| Retail nursery or greenhouse | | | | √ | √ | |
| Riding stables | S | | | | | |
| Roadside stands for selling only produce grown on the premises | S | | | | | |
| Roadway or utility service yards | | | | | | S |
| RV parks | S | | S | | | |
| Schools | √ | S | √ | | | |
| Shooting clubs located over 1000 feet from any dwelling | S | | | | | |
| Shopping centers | | | | | √ | |
| Single family homes | √ | √ | √ | | | |
| Skating rinks | | | | | √ | |
| Sod farming | | | | | | √ |
| Soil extraction located over 500 ft from any dwelling | S | | | | | √ |
| State licensed residential facilities | √ | | √ | | | |
| Theaters | | | | | √ | |
| Tool and die shops or machine shops under 5000 sq ft | | | | | S | S |
| Truck farming | √ | | √ | | | √ |
| Truck stops | | | | | √ | |
| Truck terminals | | | | | S | √ |
| Two-family homes | | | √ | | | |
| Utility service yards | S | | | | | |
| Utility sub stations | S | S | S | | | |
| Vehicle sales and service | | | | | √ | √ |

| √= Permitted by Right S=Special Land Use Permit | Zoning Districts | | | | | |
|---|------------------|-----|-----|-----|-----|-----|
| | R-1A | R-1 | R-2 | B-1 | B-2 | M-1 |
| Veterinary hospitals, clinic, or kennels | S | | | S | | |
| Vineyards | √ | √ | √ | √ | √ | √ |
| Warehouses | | | | | S | S |
| Waste water treatment and disposal facilities | | | | | | √ |
| Water tower located over 100 feet from any dwelling | | S | S | | | |
| Water treatment and storage facilities | | | | | | √ |
| Wholesale businesses, except fuel dealers | | | | | √ | √ |
| Wind turbines | √ | S | S | S | S | S |
| Wind turbines - utility | S | | | | | |

TABLE 3 CONSOLIDATED DISTRICT DIMENSIONS

| | Zoning District | | | | | | | |
|-------------------------------|-----------------|-----------|---------------|------------|-----------------|------------|------------|---|
| | R-1A | R-1 | R-2 | | | B-1 | B-2 | M-1 |
| | | | Single family | Two-family | Multiple family | | | |
| Min area, sq ft | 15,000 | 11,000 | 11,000 | 12,000 | 4,000 | 6,000 | 6,000 | 12,000 |
| Min width | 100' | 85' | 85' | 100' | 200' | 66' | 66' | 150' |
| Front Yard Min depth | 30' (30') | 30' (30') | 30' (30') | 30' (30') | 30' (30) | 0' | 0' | 40' |
| Back Yard Min depth | 30' (5') | 30' (5') | 30' (5') | 30' (5') | 30' (5') | 15' (15')* | 15' (15')* | 10% of lot width and depth respectively but need not be >40'. See Chapter 4 |
| Side yard Min total | 20' (20') | 20' (20') | 20' (20') | 20' (20') | 30' (20') | 20' (0') | 20' (0') | |
| Side yard Min 1 side | 7' (5') | 7' (5') | 7' (5') | 7' (5') | 15' (5') | 10' (5') | 10' (5') | |
| Corner yard – street side min | 30' (30') | 30' (30') | 30' (30') | 30' (30') | 25' (30') | 15' (15') | 15' (15') | |
| Min across any one side | 20' | 20' | 20' | 20' | 20' | NA | NA | |
| Min sq ft – ground floor | 950' | 950' | 950' | 950' | * | 1000' | 1000' | 1000' |
| Max bldg ht | 35' (25') | 35' (25') | 35' (25') | 35' (25') | 35' (25') | 40' (25') | 40' (25') | 45' (35')* |
| Max stories | 2.5 (1.0) | 2.5 (1.0) | 2.5 (1.0) | 2.5 (1.0) | 3.0 (1.0) | 3.0 (1.0) | 3.0 (1.0) | 3.5 (2.5)* |
| Max lot coverage (%) | 25% | 25% | 25% | 35% | 40% | 40% | 50% | 50% |

() indicates accessory structures

*R-2 – Minimum lot size of 4,000' for the first dwelling unit, plus 2,600' for each additional dwelling unit. Minimum floor area per unit is 350' with 0 bedrooms, 650' with 1 bedroom, 750' with 2 bedrooms, 850' with 3 bedrooms, 1000' with 4 bedrooms.

*M-1 Height restrictions when abutting residential property

*B-1, B-2 – Abutting residence side yard all structures (5')

All single family dwellings must have a minimum width across any front, side or rear elevation of twenty (20) feet and comply in all respects with the Village Building Code, including minimum heights for habitable rooms.

TABLE 4 AG/DISPERSED RESIDENTIAL DISTRICT USES

| Agricultural/Dispersed Residential District, R-1A | |
|--|--|
| Permitted Uses | Special Land Uses |
| Accessory structures | Adults-only business |
| Cemeteries | Campgrounds |
| Field Crops | Churches |
| Greenhouses not selling retail on premises | Driving Ranges |
| Home occupations | Golf Courses |
| Horticulture | Hospitals |
| Low density livestock or poultry raising | Miniature golf |
| Orchards | Nature Preserves |
| Outdoor court or field sports | Planned unit developments |
| Outdoor plant nurseries not selling retail on the premises | Riding stables |
| Pasture | Roadside stands for selling only produce grown on the premises |
| Public buildings | RV parks |
| Public service installations | Shooting clubs located over 1000 feet from any dwelling |
| Schools | Soil extraction located over 500 feet from any dwelling |
| Single family homes | Utility service yards |
| State licensed residential facilities | Utility sub stations |
| Truck farming | Veterinary hospitals, clinics, or kennels |
| Vineyards | Wind turbines - utility |
| Wind turbines | |

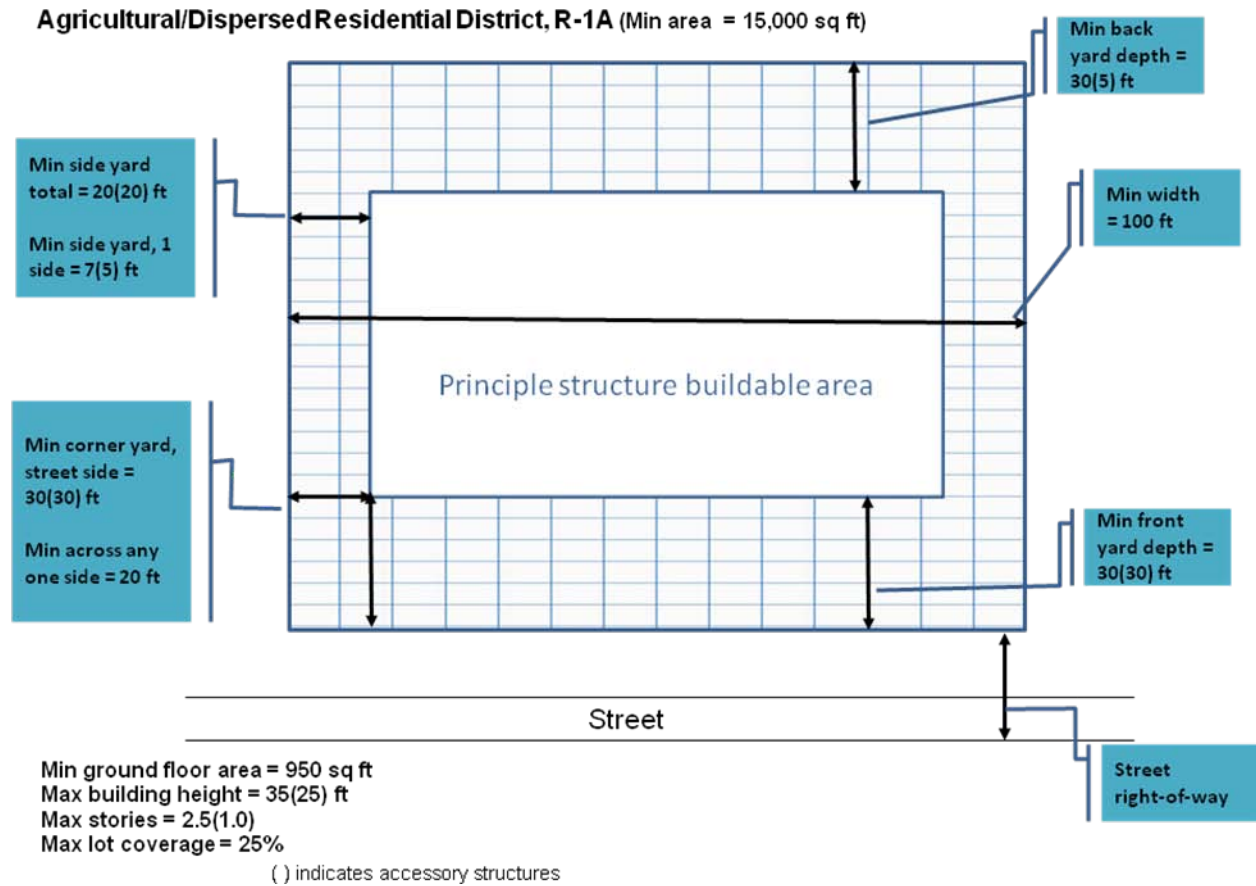


FIGURE 1 AG/DISPERSED RESIDENTIAL DISTRICT DIMENSIONS

TABLE 5 RESIDENTIAL: SINGLE FAMILY DISTRICT USES

| Residential: Single Family District, R-1 | |
|---|--|
| Permitted Uses | Special Land Uses |
| Accessory structures | Churches |
| Cemeteries | Driving Ranges |
| Field Crops | Golf Courses |
| Group care facilities < 7 persons | Hospitals |
| Home occupations | Non-residential structures accessory to permitted uses |
| Horticulture | Outdoor court or field sports |
| Orchards | Parks |
| Public service installations | Schools |
| Single family homes | Utility sub stations |
| Vineyards | Water tower located over 100 feet from any dwelling |
| | Wind turbines |

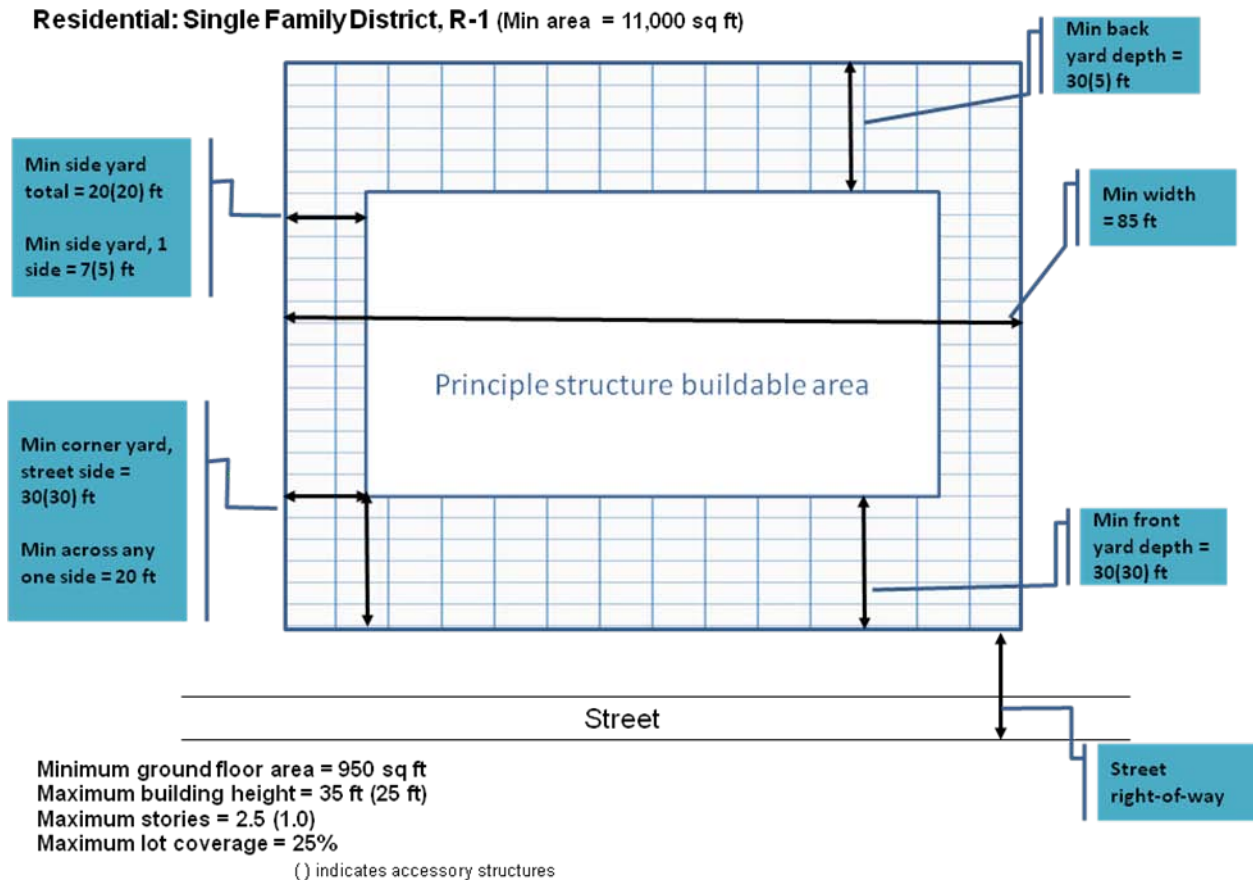


FIGURE 2 RESIDENTIAL: SINGLE FAMILY DISTRICT DIMENSIONS

TABLE 6 RESIDENTIAL: MULTIPLE FAMILY DISTRICT USES

| Residential: Multiple Family District, R-2 | |
|---|---|
| Permitted Uses | Special Land Uses |
| Accessory structures | Churches |
| Cemeteries | Conversion of one or two family homes to structures with up to four units |
| Day nurseries | Driving Ranges |
| Field Crops | Golf Courses |
| Group care facilities < 7 persons | Hospitals |
| Home occupations | Mobile home parks |
| Horticulture | Non-residential structures accessory to permitted uses |
| Libraries | Nursing homes |
| Multi-family homes | Outdoor court or field sports |
| Museums or galleries | Parks |
| Orchards | Private clubs |
| Public service installations | Public buildings |
| Schools | Public or private meeting halls |
| Single family homes | RV parks |
| State licensed residential facilities | Utility sub stations |
| Truck farming | Water tower located over 100 feet from any dwelling |
| Two-family homes | Wind turbines |
| Vineyards | |

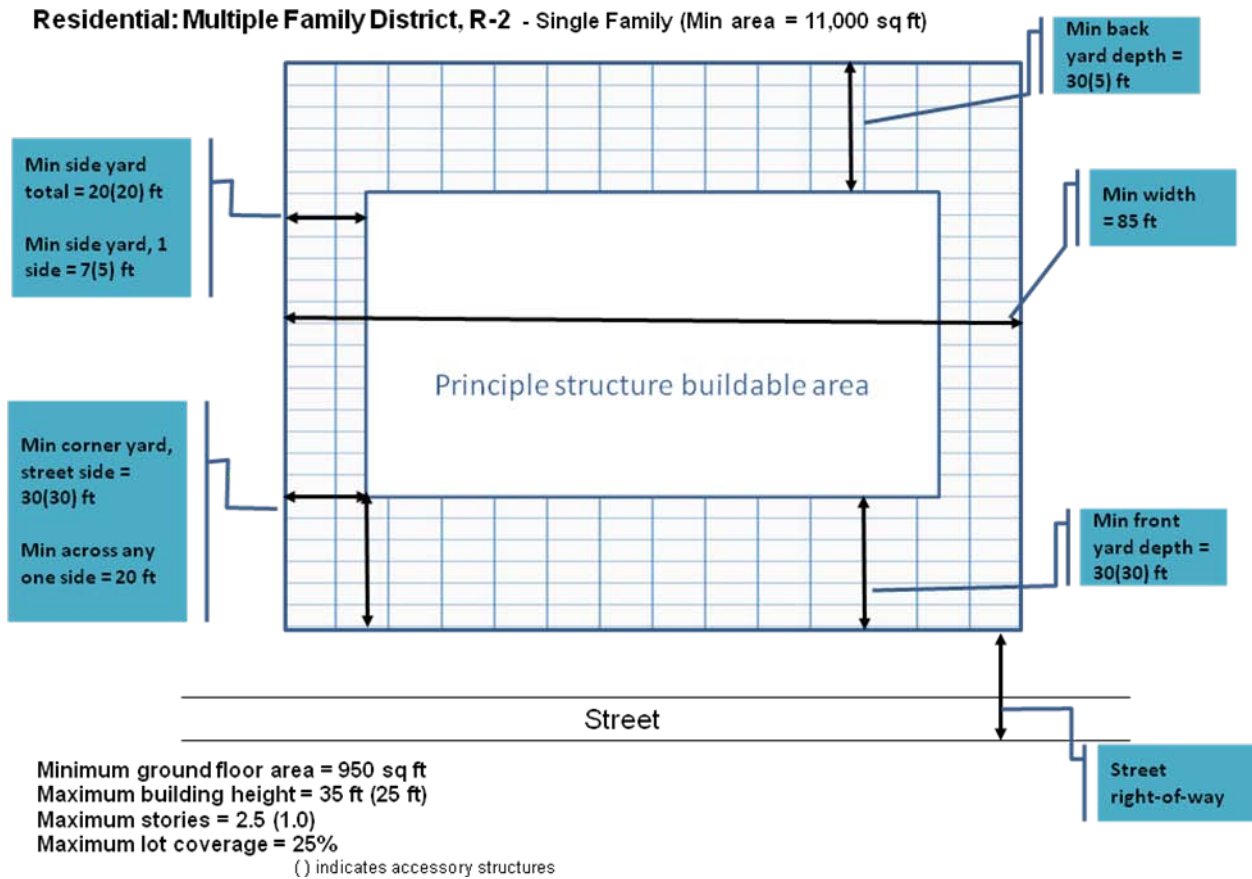


FIGURE 3 RESIDENTIAL: MULTIPLE FAMILY DISTRICT – DIMENSIONS FOR SINGLE FAMILY

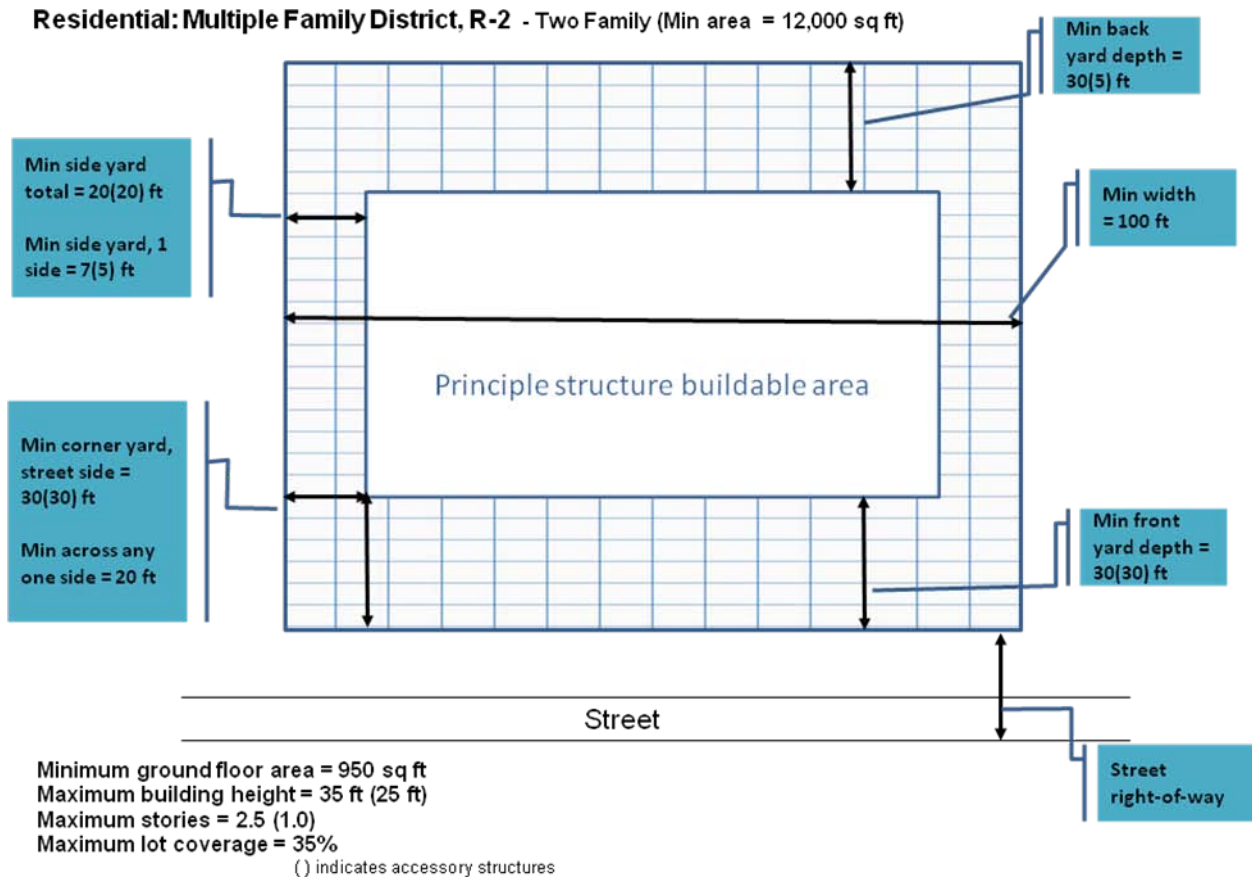


FIGURE 4 Residential: Multiple Family District – Dimensions For Two Family

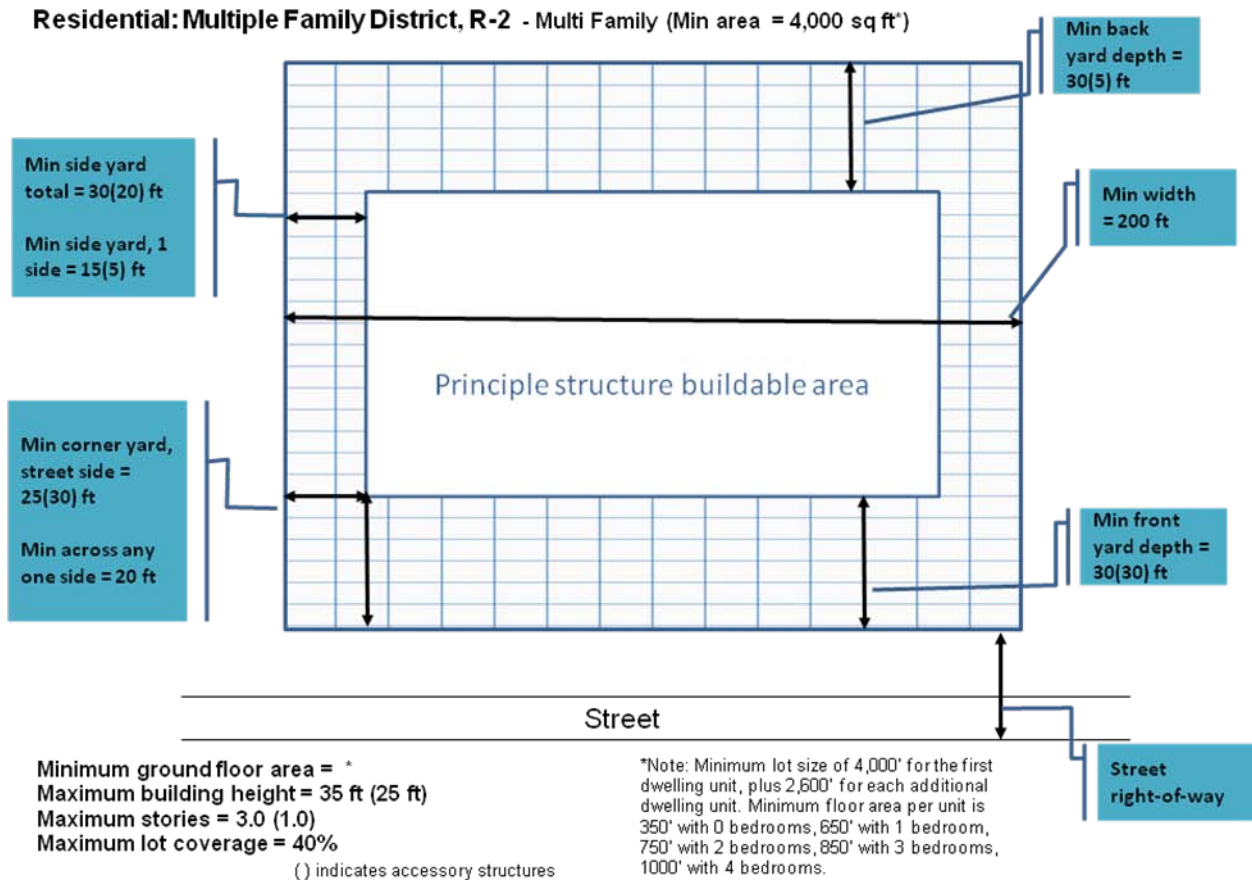


FIGURE 5 Residential: Multiple Family District – Dimensions For Multiple Family

TABLE 7 COMMERCIAL: NEIGHBORHOOD DISTRICT USES

| Commercial: Neighborhood District, B-1 | |
|---|--|
| Permitted Uses | Special Land Uses |
| Churches | Commercial schools |
| Field Crops | Food stores under 5000 sq ft |
| Financial institutions | Multi-family apartment dwellings |
| Funeral home | Public or private meeting halls |
| Government offices | Restaurants – not including drive-in |
| Horticulture | Veterinary hospitals, clinic, or kennels |
| Hospitals | Wind turbines |
| Libraries | |
| Museums or galleries | |
| Non-food retail | |
| Nursing homes | |
| Office under 5000 sq ft | |
| Orchards | |
| Parks | |
| Personal service | |
| Police or fire service facilities | |
| Public service installations | |
| Retail nursery or greenhouse | |
| Vineyards | |

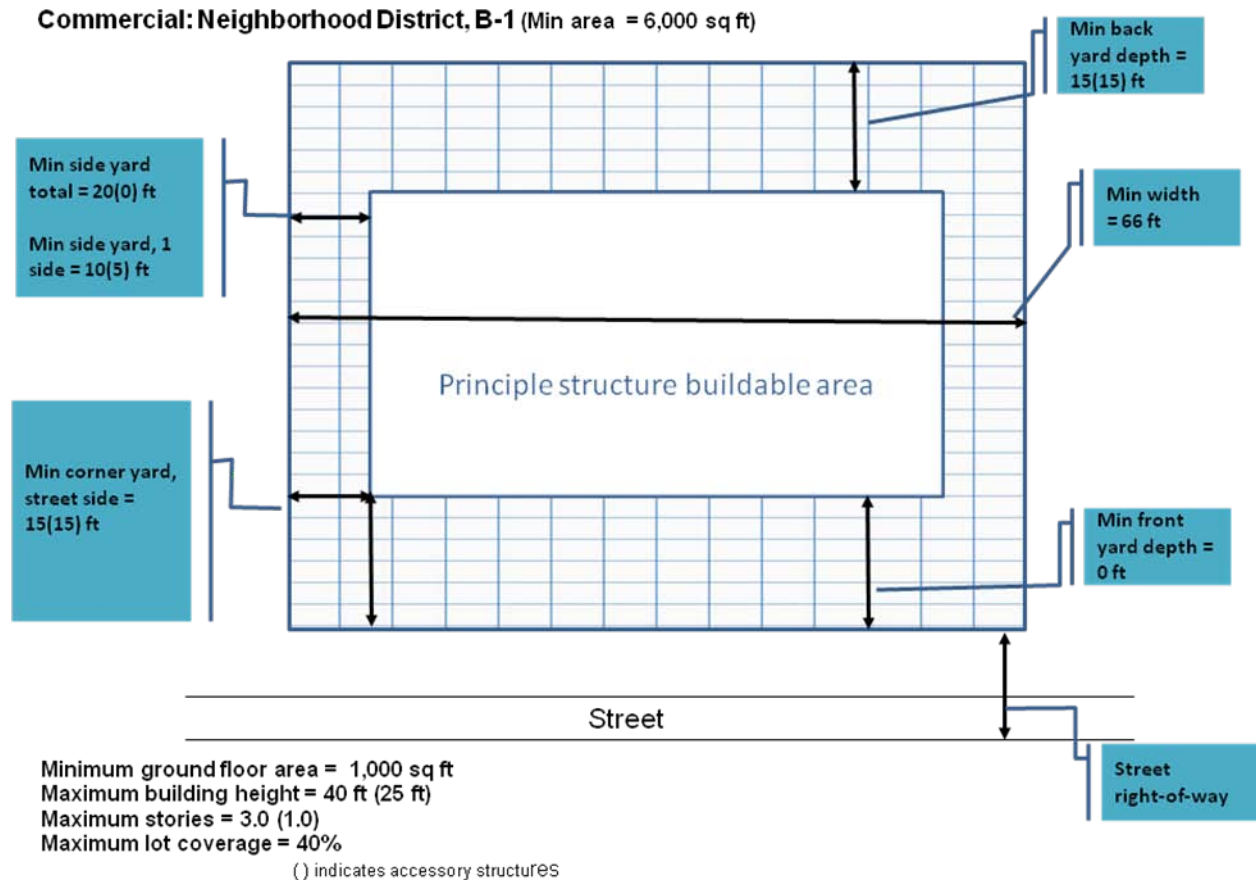


FIGURE 6 COMMERCIAL: NEIGHBORHOOD DISTRICT DIMENSIONS

TABLE 8 COMMERCIAL: INTENSIVE DISTRICT USES

| Commercial: Intensive District, B-2 | |
|--|---|
| Permitted Uses | Special Land Uses |
| Arcades | Arenas or stadiums located over 1000 ft from any dwelling |
| Bingo halls | Bars or night clubs |
| Bowling alleys | Bus terminals |
| Building supply yards | Drive-in restaurants |
| Business services | Drive-in theaters |
| Churches | Farm equipment sales and service |
| Field Crops | Food suppliers |
| Financial institutions | Grain and seed elevators |
| Funeral home | Industrial, commercial, or construction equipment sales and service |
| Gas stations | Miniature golf |
| Government offices | Multi-family apartment dwellings |
| Horticulture | Printing and publishing |
| Hospitals | Tool and die shops or machine shops under 5000 sq ft |
| Hotels/motels | Truck terminals |
| Libraries | Warehouses |
| Museums or galleries | Wind turbines |
| Non-food retail | |
| Nursing homes | |
| Office under 5000 sq ft | |
| Orchards | |
| Parks | |
| Personal service | |
| Police or fire service facilities | |
| Private clubs | |

| Commercial: Intensive District, B-2 | |
|---|-------------------|
| Permitted Uses | Special Land Uses |
| Public or private meeting halls | |
| Public service installation | |
| Retail nursery or greenhouse | |
| Shopping centers | |
| Skating rinks | |
| Theaters | |
| Truck stops | |
| Vehicle sales and service | |
| Vineyards | |
| Wholesale business, except fuel dealers | |

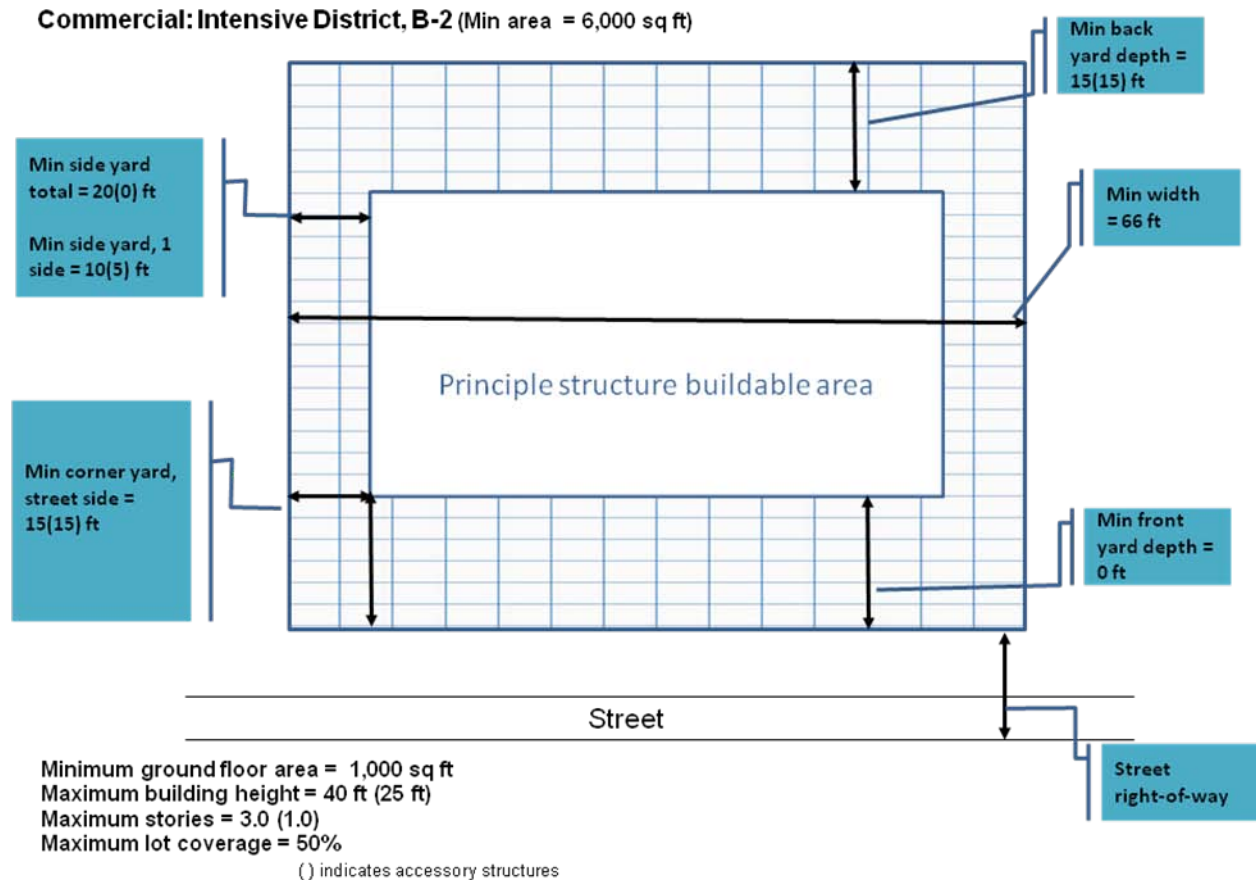


FIGURE 7 COMMERCIAL: INTENSIVE DISTRICT DIMENSIONS

TABLE 9 INDUSTRIAL: LIGHT MANUFACTURING DISTRICT USES

| Industrial: Light Manufacturing District, M-1 | |
|--|---|
| Permitted Uses | Special Land Uses |
| Building supply yards | Contractors yards |
| Field Crops | Fuel dealers |
| Forestry | Industrial activities that involve storage of raw materials, finished products work in progress, fuel or containers |
| Grain and seed elevators | Junk yards |
| Horticulture | Landfills or incinerators located over 1000 ft from any dwelling |
| Industrial activities not involving any outdoor storage or raw materials, finished products, work in progress, waste or scrap, fuel, or containers | Outdoor storage of materials that are not buoyant, flammable, explosive; subject to dispersal by wind; contaminants; or injurious to humans, plants, or animals |
| Industrial, commercial, or construction equipment sales and service | Rail freight yards |
| Orchards | Roadway or utility service yards |
| Police or fire service facilities | Tool and die shops or machine shops under 5000 sq ft |
| Public service installation | Vehicle sales and service |
| Sod arming | Warehouses |
| Soil extraction located over 500 ft from any dwelling | Wind turbines |
| Truck farming | |
| Truck terminal | |
| Vineyards | |
| Waste water treatment and disposal facilities | |
| Water treatment and storage facilities | |
| Wholesale business, except fuel dealers | |

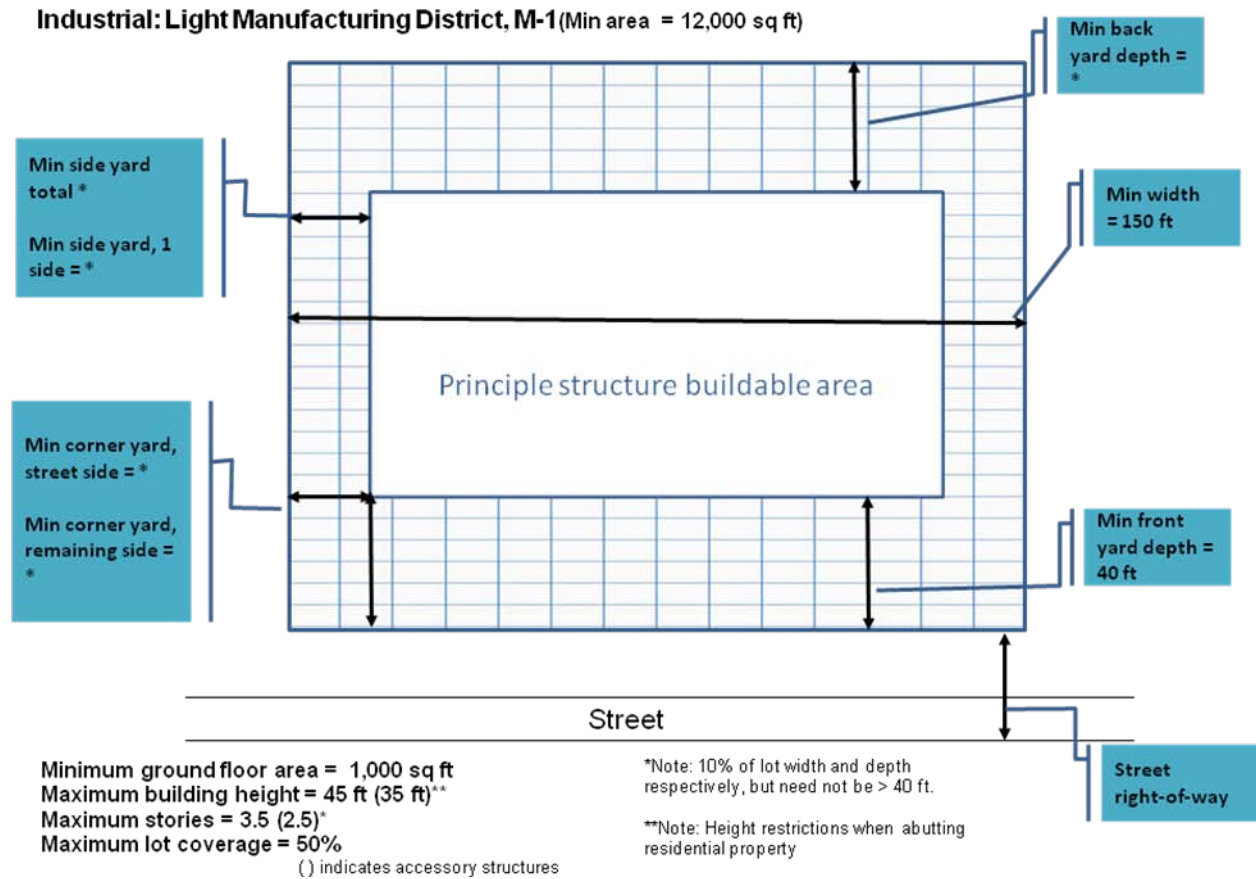


FIGURE 8 INDUSTRIAL: LIGHT MANUFACTURING DISTRICT DIMENSIONS

Chapter 4 ■ General Requirements

SECTION 4.1 NONCONFORMITIES

- a. **INTENT.** It is the intent of this section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is contrary to the best interests of the citizens of the Village and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use may be expanded, changed, repaired, or reconstructed only as prescribed by this section.
- b. **HISTORIC PROPERTIES.** Any nonconforming property in the Village of Oakley which is listed on the state or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.
- c. **LEGALITY OF NONCONFORMITIES.** Illegal nonconformities are presumed to have existed before the adoption of zoning regulations in the Village of Oakley, or to have been developed in conflict with zoning regulations through oversight or error.

Nonconforming properties or uses will be considered to be Legal Nonconformities if they meet each applicable criterion, listed below. Note that temporary signs are not considered to be legal nonconforming structures.

- 1) The nonconformity existed before the effective date of this Ordinance.
 - 2) The use, parcel, building or structure in question meets one of the following standards.
 - a) It complied with the District Regulations of any previous zoning ordinance.
 - b) The nonconformity was allowed under any previous zoning ordinance due to granting of a variance or special use permit.
 - c) It was previously recognized as a "legal nonconforming use".
 - d) (Applies to Nonconforming Setback or Lot Size only) The nonconformity resulted from land acquisition by a government agency, such as for a road right of way.
 - e) (Nonconforming Parcels only) Area, width, and depth of parcel, and the number of off-street parking spaces provided, are at least ninety percent (90%) of minimum requirements for its zoning district.
 - 3) (Applies to Nonconforming Uses only) The use has not been discontinued for any twelve month period.
 - 4) (Applies to Nonconforming Buildings or only) The building or structure does not extend into a public right of way, or over a neighboring property line.
- d. **INVENTORY OF NONCONFORMITIES.** The Village Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in the Village of

Oakley. Listed properties shall be arranged in the order of the Village Assessor's parcel identification numbers.

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

Properties shall be added to or deleted from the Inventory as circumstances change or as Village officials become aware of previously unlisted situations.

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

- 1) Parcel identification number.
 - 2) Property address (if one is assigned).
 - 3) Current owner(s).
 - 4) Property description.
 - 5) Parcel dimensions.
 - 6) Current zoning district.
 - 7) Current use of property.
 - 8) Description of all nonconformities.
- e. **REDUCTIONS OF THE DEGREE OF NONCONFORMANCE.** A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way.
- f. **PRIOR CONSTRUCTION APPROVAL.** Nothing in this section shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that all terms of the permit are fully complied with.
- g. **DISTRICT CHANGES.** Whenever changes occur in the boundaries of Zoning Districts, the provisions of this Section shall apply to any uses or properties that become nonconforming as a result of the boundary changes.
- h. **ELIMINATION OF NONCONFORMITIES.** It should be recognized that state laws permit the Village of Oakley Council to acquire nonconforming properties, by condemnation if necessary, and remove any nonconforming uses or structures. The resultant property may be leased or sold for a conforming use or used by the Village. The net cost of acquisition may be assessed against a benefit district, or may be paid from general funds.
- i. **RECONSTRUCTION AND RESTORATION.** Any lawful nonconforming use that is damaged may be restored, rebuilt, or repaired PROVIDED that such restoration does not exceed fifty percent (50%) of its appraised value as determined by the assessing officer exclusive of foundations. Provided also that said use be the same or more nearly conforming with the provisions of the district in which it is located.

- j. **REPAIR.** Nothing in this ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear, provided that such repair does not exceed the footprint of the original structure. Occupied single family dwellings in the B-1 and B-2 districts are exempt from this requirement.
- k. **CHANGING USES.** If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- l. **REGULATION OF NONCONFORMITIES.**
- 1) **TABLE.** The following table prescribes actions to address various types of nonconformities in several situations. It is presumed that each of these situations will result in an application for a building or zoning permit and that sufficient information will be obtained to determine the legality of the nonconformity before any action will be taken by Village officials.
 - 2) **INTERPRETATION.** Should any question arise concerning the interpretation of any provision of the REGULATION OF NONCONFORMITIES TABLE, or if a situation is encountered which was not anticipated by the Table, the question shall be submitted to the Zoning Board of Appeals for their interpretation which shall be final and shall set the precedent for future treatment of related situations.
- m. **LOSS OF LEGAL NONCONFORMING STATUS.** If a nonconforming use of land or structure ceases for any reason for a period of one year or more, any reuse of the land or structure must conform to all requirements of this Ordinance.

TABLE 10 REGULATION OF NONCONFORMITIES

| Type | If Discontinued for 6 months | If damaged more than S.E.V. | If damaged less than S.E.V. | Change in use (including new buildings) | Expansion of nonconforming use or building | Remodeling, maintenance, code work |
|--|------------------------------|---|----------------------------------|--|---|--|
| Legal Nonconforming Parcel | Not applicable | Not applicable | Not applicable | Change or construction permitted. | Not applicable | Property must be kept in safe condition. |
| Legal Nonconforming Use of Land | May not be resumed. | Not applicable | Not applicable | Permitted, but must reduce degree of nonconformance | Requires a Variance. ALL requirements of <u>Chapter 9 – Admin Actions By ZBA</u> must be met. | Property must be kept in a safe condition. |
| Legal Nonconforming use of Building or Structure | May not be resumed. | May rebuild if plans meet ALL other district regulation | May repair to pre-damage status. | Permitted, but must reduce degree of nonconformance. | Requires a Variance. ALL requirements of <u>Chapter 9 – Admin Actions By ZBA</u> must be met. | Permitted so long as use is not expanded. |
| Legal Nonconforming Dimensions or Setback of Bldg. or Structure | Not applicable | May rebuild, but must reduce degree of nonconformance. | May repair to pre-damage status. | Change or construction permitted. | Permitted, but must not create any greater degree of nonconformance. | Permitted, but must not create any greater degree of nonconformance. |
| | | | | | | |
| Illegal Nonconforming Parcel | Not applicable | Not applicable | Not applicable | Weed Variance. ALL other Dist. Regs. Apply. | Not applicable | Property must be kept in safe condition. |
| Illegal Nonconforming Use of Land | May not be resumed. | Not applicable | Not applicable | MUST adhere to ALL district Regulations | NOT PERMITTED! | Property must be kept in safe condition. |

| Type | If Discontinued for 6 months | If damaged more than S.E.V. | If damaged less than S.E.V. | Change in use (including new buildings) | Expansion of nonconforming use or building | Remodeling, maintenance, code work |
|--|------------------------------|---|--|--|--|--|
| Illegal Nonconforming Use of Building or Structure | May not be resumed. | Use must stop and may not be resumed. | Repairs allowed if use is not expanded. | MUST adhere to ALL district regulation. | NOT PERMITTED! | Permitted so long as use is not expanded. |
| Illegal Nonconforming Dimensions or Setback of Building | Not applicable | Building must be rebuilt to fully comply with applicable district regulation. | May repair but must remove any part of building in a right of way, over a lot line, or exceeding zoning district coverage limit. | New use and New building must adhere to ALL District Regulations. | Building must be changed to fully comply with ALL DIMENSION Regulations. | Permitted, but, may not create any greater degree of nonconformance. |
| Illegal Nonconforming Dimensions or Setback of Structure | Not applicable | Structure must be removed. | Structure must be rebuilt to comply with ALL District Regulations. | Structure must be rebuilt to comply with ALL District Regulations. | Structure must be rebuilt to comply with ALL District Regulations. (May need to be removed.) | Permitted, but, may not create any greater degree of nonconformance. |

SECTION 4.2 SUPPLEMENTARY USE REGULATIONS.

- a. **BUILDING PERMITS REQUIRED.** Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.
- b. **PRIOR BUILDING PERMITS.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- c. **OCCUPANCY PERMIT.** Upon completion of a structure and before moving into a building in any district, an occupancy permit, available from the zoning administrator, is required.

- d. **REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.** No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Saginaw County Health Department and applicable State agencies.
- 1) All new structures or uses shall be required to hook up with the public system before they may be occupied.
 - 2) When public sewer becomes available to a parcel, connection to the public sewer system shall be made within ninety (90) days.
- e. **ACCESSORY USES.** Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
- 1) Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.
 - 2) Buildings or structures necessary for provision of essential services.
 - 3) Gardens, garden ornaments and usual landscape features within required yard space.
 - 4) Fences within required yard space provided they meet the standards cited in subsection g below.
 - 5) Retaining walls.
 - 6) Public playgrounds.
 - 7) Off-street parking for licensed motor vehicles recreational equipment, not including trucks one (1) ton rated capacity.
 - 8) Accessory Occupations, by special use permit.
 - 9) Home Occupations
 - 10) Use of premises as a voting place.
- f. **INOPERATIVE OR DISMANTLED VEHICLES.** The storage of inoperable, dismantled, wrecked and/or unlicensed vehicles, including recreational equipment, in any Zoning District is expressly prohibited unless contained within a licensed junk yard or an enclosed structure or provided said storage does not exceed forty-eight (48) hours. Note that the storage period may be extended with written permission of the Zoning Enforcement Officer.
- g. **FENCES, WALLS AND SCREENS.** No fence, wall or hedge plantings shall exceed a height of three (3) feet within twenty (20) feet of any street right-of-way line. Fences, walls or structural screens shall not exceed three (3) feet in any front yard, and must be chain link or constructed in such a way that they can be seen through for the length of the fence in any R-1A, R-1, R-2, or R-3 Zoning District. Fences, other than those in front yards, shall not exceed six (6) feet in height in any R-1A, R-1, R-2, or R-3 Zoning District. If placed on lot lines, fences shall be installed with the finished out.

- h. STORAGE OF GARBAGE. All garbage and rubbish must be stored in closed containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.
- i. PARKING OF LICENSED RECREATIONAL EQUIPMENT. Parking of recreational equipment including travel trailers, campers, snowmobiles, boats, and similar items in any R-1, or R-2 Zoning District must conform to required setbacks for accessory structures and to overall limitations for lot coverage or must be parked on driveway.
- j. HEAVY TRUCKS. Overnight parking of commercial vehicles in excess of one (1) ton-rated capacity, including all semi-truck tractors with trailers, is prohibited within any R-1 or R-2 zoning District.
- k. AGRICULTURAL EQUIPMENT. Agricultural equipment, motorized or nonmotorized, except for restored antique tractors, must be housed in a garage, in an R-1 or R-2 Zoning District.

SECTION 4.3 SUPPLEMENTARY DWELLING REGULATIONS.

- a. MUST COMPLY WITH CODE REQUIREMENTS. Every dwelling must comply with all pertinent housing, fire and construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a mobile home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards" of the United States Department of Housing and Urban Development. Where any state or local regulation sets a more stringent standard than the "Mobile Home Construction and Safety Standards", then the state or local standard shall apply.
- b. DWELLING INSTALLATION. Mobile Dwellings must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the Village Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a perimeter wall or skirting which has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage or chassis exposed.
- c. ONE SINGLE FAMILY DWELLING PER PARCEL. No building in the rear of or on the same lot with a principal building shall be used for residential purposes except for elderly or handicapped family members.
- d. STRUCTURES TO BE OF UNIFORM QUALITY. Any rooms or other areas of a dwelling must be using workmanship and materials similar in quality to the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
- e. MAINTENANCE. A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- f. USE OF MOBILE HOME FOR TEMPORARY DWELLING.
 - 1) A temporary dwelling may be authorized to house family members as provided in section 4.3(c), to house the owner and immediate family during construction of a single family home, and to house the owner and immediate family during the repair of a single family home that has been damaged to the degree that it cannot be occupied.

- 2) Any mobile home intended for temporary use as a dwelling must meet the standards of this Ordinance and the Village Building Code. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling for any length of time unless authorized by the Planning commission by the issuance of a temporary permit as provided for by section 4.2 of this ordinance. Temporary dwelling structures may not be occupied by more than one family.
 - 3) A temporary dwelling may be occupied for up to 6 months. Extensions of 6 months may be granted by the Zoning Administrator for up to 2 years for reasonable cause.
- g. **STORAGE AREA.** Every dwelling unit must contain a storage area equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less, in a basement located under the dwelling, an attic area, closet areas, or a separate structure which meets all requirements of the Village Building Code.
 - h. **FOUNDATION.** All single-family dwellings must be firmly attached to a permanent foundation meeting the Village Building Code requirements for such dwellings, the walls of which have the same perimeter dimensions as the dwelling.
 - i. **ROOF.** All one or two-family dwellings must have a pitched roof, the principal portion of which has a slope of no less than one (1) vertical unit to four (4) horizontal units. The eaves of this roof must project no less than six (6) inches beyond the walls.
 - j. **EXTERIOR DOORS.** Every single family dwelling must have exterior doors on not less than two sides with steps and porches connected to said doors where required due to a difference in elevation.
 - k. **GARAGE/YARD SALES.** Sales of used material from a single family dwelling's side yard, rear yard or garage may occur twice a year for a period not to exceed three days for each occurrence.
 - l. **AUTO REPAIR.** Repair of vehicles not owned by a resident of the parcel on which such activity is occurring is expressly prohibited in any R-1, or R-2 Zoning District.
 - m. **ACCESSORY BUILDING NOT FOR DWELLING USE.** No portion of an accessory building in any Zoning District is to be used as a dwelling.

SECTION 4.4 SUPPLEMENTARY PARCEL REGULATIONS.

- a. **MINIMUM LOT FRONTAGE.** The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the front lot line for the required width. "Flag lots" are not permitted.
- b. **ACCESS TO A STREET.** Any parcel created after the effective date of this Ordinance shall have hard surfaced access to a public street.
- c. **SPACE USED ONCE.** Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure except where one is to be demolished upon completion of the other.
- d. **ADDITIONAL FRONT SETBACK.** Where the current right-of-way width of an arterial or collector street is less than its future right-of-way width as determined by the appropriate public authority, an additional front yard setback from said street is required. The front yard setback for properties fronting on such a street shall be measured from a line which lies a distance of one half of the future

right of way width from the centerline of the current right of way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this Ordinance.

- e. ZONING DISTRICT BOUNDARY EXCEPTIONS. The degree of restrictiveness for the Zoning Districts proceeds from greatest to least in the following sequence. R-1A, R-1, R-2, B-1, B-2, and M-1.

When a zoning district boundary line divides a parcel, any use permitted as a use by right in the less restrictive portion of the parcel may be extended to the entire parcel if both of the following conditions are met.

- 1) One-half (1/2) or more of the area of said parcel shall be in the less restrictive zoning District.
- 2) Any part of a less restricted use extending into the more restrictive Zoning District shall be confined entirely within an enclosed building which conforms to the applicable yard and area requirements of the more restrictive Zoning District.

SECTION 4.5 SUPPLEMENTARY STRUCTURE REGULATIONS.

- a. PERMITTED YARD ENCROACHMENTS. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS table of the DISTRICT REGULATIONS chapter, must be adhered to, as well as any requirements listed herein.
- 1) Open porches, paved terraces and patios, provided the following restrictions apply. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.
 - a) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.
 - b) If roofed, a porch is unenclosed, and the roof is no higher than one (1) story.
 - c) If unroofed, paved areas or porches may have non-continuous wind breaks or walls six (6) feet high and not enclosing more than one half (1/2) the perimeter of area or porch.
 - 2) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one-half (2 1/2) feet.
 - 3) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5) feet.
 - 4) Signs, subject to provisions of [Chapter 6 – Sign Regulations](#).
- b. PERMITTED HEIGHT EXCEPTIONS. The following exceptions shall be permitted to height limitations in the DIMENSIONS table of the [DISTRICT REGULATIONS chapter](#). These permitted exceptions shall not be for human occupancy or dwelling. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance.
- 1) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety

equipment shall be permitted to a maximum height of fifty-five (55) feet in any Commercial Zoning District and sixty (60) feet in any Industrial Zoning District.

- 2) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or microwave relay towers shall be permitted to a maximum height of one hundred seventy –five (175) feet in R-1A and M-1 Zoning Districts.
- 3) Flagpoles in any B or M Zoning District are permitted to a maximum height of forty (40) feet.

Chapter 5 ■ Parking Regulations

SECTION 5.1 INTENT

This Section is intended to provide efficient and safe access management and adequate parking area for specific uses as well as promote the efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

SECTION 5.2 CONSTRUCTION AND DESIGN

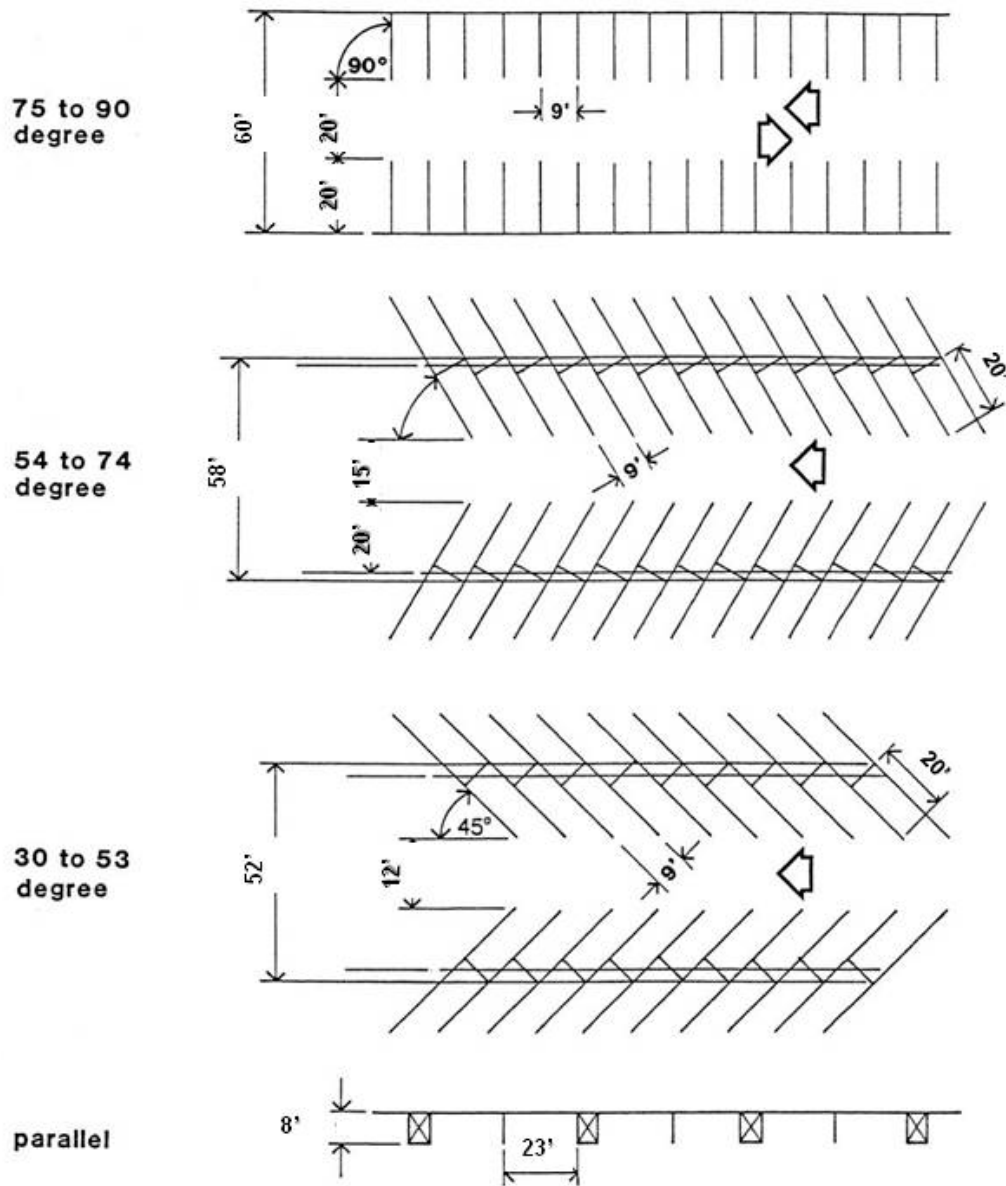
Regulations in this section apply to all nonresidential uses in all districts.

- a. **APPLICATION.** All developers of new or revised parking areas shall submit plans to the Village Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. The site plan for any new or revised parking areas shall be presented for site plan approval to the Planning Commission.
- b. **STANDARDS.** The design and construction of parking areas shall conform to the following requirements:
 - 1) **Parking spaces** shall be at a minimum ten (10') feet by twenty (20') feet in size. This does not include access drives and aisles. Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.
 - 2) **HANDICAPPED SPACES** – All parking areas shall meet the requirements of all current Barrier Free Design specifications for Michigan.
 - 3) **LIGHTING.** Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall spill beyond the lot lines of the property upon which it is located. Off-street parking areas provided for any multiple family housing, business, industrial or institutional use must be provided with sufficient lighting to allow safety for users at any time.
 - 4) **DRAINAGE.** All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and the drainage area shall be constructed of graded aggregate materials which will have a surface resistant to erosion by wind and water.
 - 5) **DRIVEWAY OPENING.** Each off-street parking driveway opening to a public street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the public street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Each driveway shall intersect a public street at a ninety (90°) degree angle where possible.
 - 6) **CLEAR VISION AREA.** All off-street parking driveways shall have a CLEAR VISION AREA unobstructed by Accessory Structures or plantings, within twenty (20') feet of any Public Street Right-of-Way, for a sight distance of fifty (50') feet along the near edge of the pavement in either direction.
 - 7) **STRIPING.** Except for parallel parking, all parking spaces on paved surfaces shall be clearly marked with STRIPING that shall be maintained.

- 8) LANDSCAPING. Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- 9) LAYOUT. Plans for the layout of parking facilities shall be in accordance with the following minimum requirements:

| <i>Parking Pattern</i> | <i>Maneuvering Lane (Aisle) Width, ft.</i> | <i>Parking Space Width, ft.</i> | <i>Parking Space Length, ft.</i> | <i>Total Width of One Tier of Spaces Plus Maneuvering Lane, ft.</i> | <i>Total Width of Two Tiers of Spaces Plus Maneuvering Lane, ft.</i> |
|------------------------------|--|---------------------------------|----------------------------------|---|--|
| <i>0° (parallel parking)</i> | <i>12</i> | <i>8</i> | <i>23</i> | <i>20</i> | <i>28</i> |
| | <i>24</i> | <i>8</i> | <i>23</i> | <i>32 – one-way</i> | <i>40 – two-way</i> |
| <i>30° to 53°</i> | <i>12</i> | <i>9</i> | <i>20</i> | <i>32</i> | <i>52</i> |
| <i>54° to 74°</i> | <i>15</i> | <i>9</i> | <i>20</i> | <i>36 ½</i> | <i>58</i> |
| <i>75° to 90°</i> | <i>20</i> | <i>9</i> | <i>20</i> | <i>40</i> | <i>60</i> |

- 10) SCREENED. Off-street parking areas shall be effectively SCREENED on any side that abuts a residential use or institutional use, by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.
- 11) SURFACE. In cases where the Planning Commission determines that the level of traffic using a parking area or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be paved surface with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.
 - a) GRAVEL. Gravel surfaces are permitted for all uses in the agricultural and residential districts. This surface must be of a material that provides a durable, smooth parking lot which is graded to properly drain and dispose of storm water.
 - b) PAVED (HARD SURFACED). Paved surfaces are required in all commercial and industrial districts. Pavement must consist of at least six inches (6") of reinforced concrete or bituminous surface laid over compacted crushed stone. Hard surface must be in place within one year of occupancy.
 - c) The Planning Commission may waive a) or b) with the written recommendation of a licensed Professional Engineer.



PARKING LAYOUTS

- c. **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding agricultural single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval.

Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

- d. **DRIVEWAY CLOSURE.** Nonconforming driveways, per this Ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review in instances where there is redevelopment or a change in use.
- e. **BONUS FOR COMBINED PARKING:** In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply:
 - 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
 - 2) For three (3) uses, seventy-five (75%) percent.
 - 3) For four (4) uses, seventy (70%) percent.
 - 4) For five (5) or more, (65%) percent.
 - 5) In no case shall less than sixty-five (65%) percent be allowed.
- f. **EMPLOYEE PARKING:** Employee parking shall consist of one (1) parking space for every one (1) employee on the largest shift. Handicapped parking shall be required.

SECTION 5.3 RESIDENTIAL DISTRICTS

- a. **APARTMENTS.** Apartments require two (2) spaces per dwelling unit. Parking areas must be on an approved surface of asphalt, concrete or gravel.
- b. **OTHER USES.** For all institutional, public, or essential services in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent, under the same ownership and shall be paved.
- c. **REPAIR WORK.** No commercial repair work, commercial servicing, or selling of any kind except for periodic garage or yard sales shall be conducted on parking areas in residential districts, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon.

SECTION 5.4 COMMERCIAL DISTRICTS

- a. **OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.**
 - 1) An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.
 - 2) Drive-through lanes shall have a minimum centerline radius of twenty-five (25') feet.
 - 3) Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
 - 4) No space shall be located closer than fifty (50') feet to any lot in any residential district, unless entirely screened.

| USE SERVED BY DRIVE-THROUGH LANE | MINIMUM STACKING REQUIREMENTS (PER LANE) |
|-------------------------------------|---|
| Restaurant | The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board) |
| Financial Institution | Six (6) vehicles per lane inclusive of the vehicle at the window. |
| Car Wash | Four (4) times the maximum capacity of the car wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas. |
| Childcare Center | One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building. |
| Quick Oil Change | Six (6) vehicles per lane inclusive of the vehicle at the window. |
| Other Uses | For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review. |

Source: American Planning Association Parking publications

- b. **USE OF PARKING AREAS.** No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this ordinance.

SECTION 5.5 NUMBER OF PARKING SPACES REQUIRED

Parking or storage of motor vehicles shall be provided for in all districts in connection with all industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Administrator. Handicapped parking shall be provided.

- a. **FLOOR AREA.** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
- b. **SINGLE USES.** In cases where there is a single specified use, the following regulations shall apply:

TABLE 11 PARKING SPACES BY USE

| Use | Parking Spaces |
|--|---|
| Barber and beauty shops. | Two (2) parking spaces for each chair or booth. |
| Bowling alleys. | Four (4) parking spaces for each bowling lane. If in addition to alleys, patrons are provided with assembly halls, bars, restaurants, or other businesses, additional off-street parking spaces will be required in accordance with regulations of this section for the uses. |
| Commercial recreation (outdoor). | Twenty-five (25%) percent of lot area, but in no case less than ten (10) parking spaces. |
| Commercial recreational (indoor). | One (1) parking space for each one hundred (100) square feet of building floor space. |
| Dance hall, roller rink, assembly hall. | Without fixed seats, five hundred (500%) percent of the building floor area used for dancing or assembly. One (1) for each three (3) seats or one (1) for each one hundred (100) square feet of gross floor area. |
| Funeral homes. | Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle. |
| Furniture sales, retail. | One (1) parking space for each five hundred (500) square feet of building floor area. |
| Gasoline service stations. | One (1) parking space for each employee on the largest shift, plus one for each service bay. |
| Hospitals and convalescent homes. | One (1) parking space for each hospital bed and one (1) parking space for each three (3) rest home beds. |
| Laundromats. | One (1) parking space for every two (2) washing machines or two hundred (200) square feet of gross building floor area, whichever is greater. |
| Libraries and Museums. | One (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours. |
| Livestock Auction. | One (1) space for each one hundred (100) square feet of building, pens, and all enclosed areas on the premises of the auction facility. |

| Use | Parking Spaces |
|---|--|
| Motels, hotels, and clubs | . One parking space for each sleeping room. If, in addition to sleeping rooms, patrons are provided with assembly halls, bars, restaurants, retail shops or other businesses, additional off-street parking spaces shall be required for the other uses in accordance with the regulations of this section for those uses. Parking reductions may apply. |
| Office buildings, including banks, business and professional offices. | One (1) parking space for each four hundred (400) square feet of building floor area, but in no case less than five (5) spaces. |
| Places of public assembly. | One (1) parking space for each three (3) seats or where those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. |
| Private clubs and lodges. | One (1) for each three (3) active members and one (1) for each employee normally engaged in and about the premises, with a minimum of one (1) for each one hundred (100) square feet of floor space. |
| Restaurants, taverns, bars, cocktail lounges, and similar eating establishments. | One (1) parking space for each four (4) seats provided for patron use. |
| Retail sales and personal services self-serve food market or supermarket. | Parking area equivalent to one (1) space per three hundred (300) square feet of the public floor area. In addition, for uses over 100,000 square feet of retail use, a maximum of 1 space per 300 square feet shall be permitted. |
| Schools: Private or Public Elementary and Middle or High Schools. | One (1) space for each employee working during the maximum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity and one (1) for each eight (8) auditorium seats. |
| Senior High School and Institutions of Higher Learning, Private or Public. | One (1) parking space for each employee plus one (1) for each five (5) students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included. |
| Theaters, auditoriums, stadiums. | One (1) parking space for each four (4) seats. |
| Vehicle sales. | One parking space per each five hundred (500') |

| Use | Parking Spaces |
|---|---|
| | square feet of sales floor area. |
| Vehicle service garages. | One parking space for each five hundred (500') square feet of building floor area. |
| Warehouses, storage buildings, lumber and supply yards, wholesale sales. | Two (2) parking spaces for each employee. If retail sales exist, required parking spaces shall be determined by using retail floor space requirements for the building floor area used for retail in conjunction with the employee requirement. |

Chapter 6 ■ Sign Regulations

SECTION 6.1 SIGN REGULATIONS BY ZONING DISTRICT

- a. **General.** The following table presents regulations for permanent signs in each Zoning District identified by this Ordinance. Signs which conform to these regulations are a use by right, but each such sign also requires a building permit. Only signs as described herein and as may be described under Temporary Signs (Section 6.2) and Exemptions (Section 6.3) will be permitted in each Zoning District.
- b. **OMISSIONS.** If a new Zoning District is created after the enactment of this Ordinance, no new signs shall be permitted therein until this ordinance shall be amended to include said district.
- c. **JOINT IDENTITY SIGN FOR COMMERCIAL OR INDUSTRIAL AREA.** In any Commercial or Industrial Zoning District, a joint sign identifying a commercial or industrial area and/or its occupants may be allowed by special use permit. This sign may be in addition to the maximum number and total area of signs for the parcel, but must comply with the applicable limits for sign size, height and setbacks.
- d. **TABLE OF REGULATIONS.** Please see page at the end of this chapter.

SECTION 6.2 TEMPORARY SIGNS.

The following Temporary Signs are allowed anywhere within the Village. No permit is required for those temporary signs described in Subsections a. through e. below. However, signs described in Subsections .a through c., and e. shall be confined within private property and shall comply with setback provisions for the Zoning District in which they are located.

- a. **CONSTRUCTION SIGNS.** Signs which identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended. These signs may be displayed during the construction period, commencing with the issuance of a building permit. The signs shall have a maximum area of 20 square feet for each firm. The signs shall be confined to the site of the construction and shall be removed no more than 4 days after the beginning of the intended use of the project.
- b. **REAL ESTATE SIGNS.** Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed, up to a total area of 12 square feet. Such signs shall be removed no more than 7 days after the sale, rental, or lease.
- c. **POLITICAL CAMPAIGN SIGNS.** Signs announcing candidates for public political office and other data pertinent to an upcoming election, up to an area of 32 square feet for each parcel. These signs may be erected no more than 30 days before, and must be removed no more than 4 days after, the election for which they were made.
- d. **STREET BANNERS.** Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Michigan Department of Transportation or the Oakley Village Council. These signs may be displayed during the event being advertised and for no more than 14 days before and 4 days after it.

- e. **SPECIAL PURPOSE SIGNS.** Any other temporary signs, subject to the restrictions outlined in the following Table of Special Purpose Sign Regulations and subject to the location restrictions for permanent signs in the applicable Zoning District. Each such sign shall require a permit if it is to be posted more than 48 hours.

TABLE 12 SPECIAL PURPOSE SIGN REGULATIONS

| Zoning District | Maximum Size | Duration of Permit | Permits Per Parcel |
|---------------------------------------|--------------|--------------------|--------------------|
| Residential (Non-profit organization) | 32 sq ft | 14 days | 2 per year |
| Residential (All Other) | 32 sq ft | 2 days | 2 per year |
| Commercial | 32 sq ft* | 30 days | 2 per year |
| Industrial | 32 sq ft* | 30 days | 1 per year |

* Total area of permanent signs and special purpose signs may not exceed total sign area for the parcel as defined by the Table of Permanent Sign Regulations.

- 1) **OFF PREMISE.** No off premise special purpose signs are allowed.
- 2) **ILLUMINATION** - Illumination of special purpose signs is permitted, but only in accordance with Section 6.6 of this ordinance.

SECTION 6.3 EXEMPTIONS

The following types of signs are exempted from other provisions of this ordinance, but must meet the requirements specified below.

- a. **PUBLIC SIGNS.** Signs of a governmental nature and public interest, erected by, or on the order of, a public officer in the performance of his or her duty.
- b. **PRIVATE TRAFFIC DIRECTION.** Signs directing traffic movement or giving instructions, located within a parcel, placed in compliance with Section 6.5, and not directed at traffic on abutting roadways. They may be illuminated in accordance with Section 6.6.
- c. **ENTRANCE/EXIT.** Signs directing traffic movement to or from a parcel, placed in compliance with Section 6.5, and not exceeding 3 square feet. Such signs may be illuminated in accordance with Section 6.6.
- d. **TEMPORARY LAND DEVELOPMENT PROJECT SIGNS.** Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel. Such signs are allowed for a period of one year upon issuance of a permit. Said permit may be extended for one additional year. Total number and size of signs allowed shall be controlled according to the following schedule.
- e.

| Land Size | Total No. Of Signs | Max. Area Per Sign |
|-------------------------------|--------------------|--------------------|
| Less than 1 acre | 1 | 50 sq ft |
| Over 1 but less than 4 acres | 1 | 100 sq ft |
| Over 4 but less than 20 acres | 2 | 150 sq ft |
| Over 20 acres | 3 | 150 sq ft |

Such project signs shall comply with height and regulations for the Zoning District in which they located, except that in Residential Districts the height of such signs is twelve (12) feet.

- f. PROPERTY RENTAL SIGNS. Signs on the announcing rooms, apartment or house for rent not to exceed 4 square feet.

SECTION 6.4 NONCONFORMING SIGNS

Sign not conforming to the provisions of this Ordinance shall be considered to be nonconforming structures and regulated as described in section 4.1. Note that temporary signs are not considered to be legal nonconforming structures.

SECTION 6.5 PROHIBITED SIGNS

Signs which violate any of the standards listed below are prohibited in the Village of Oakley. Sign permits may not be issued for such signs, and the Zoning Enforcement Officer shall have authority to order removal of such signs as described in Section 6.9. Determination of a sign’s compliance with these standards shall be made by the Zoning Enforcement Officer. Any party feeling aggrieved by the Enforcement Officer’s decision may appeal to the zoning Board of Appeals.

- a. Signs may not contain statements, words, or pictures of an obscene, indecent or immoral character, such as would offend public morals or decency.
- b. Signs may not contain, or be an imitation of, an official traffic sign or signal, nor shall they contain the words: "stop," "go slow," "caution," "danger," "warning," or similar terms.
- c. Signs may not be of a size, location, movement, content, coloring, or manner of illumination which may be confused with, or construed as, a traffic control device, nor may signs hide from view any traffic or street sign or signal.
- d. Signs may not advertise an activity, business, product or service no longer available on the premises upon which the sign is located.
- e. Signs may not move in any manner or have a major moving part. Only minor decorative parts may move.
- f. Signs may not swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment

SECTION 6.6 ILLUMINATION

- a. Any electrical illumination of a sign shall be done in full compliance with the National Electrical Code as amended and adopted by the Village of Oakley.
- b. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to occupants of surrounding properties, and so that no direct rays from the light source are visible from any public right-of-way or from abutting property.
- c. No sign shall have blinking, flashing or fluttering lights or other illuminating devices, such as changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Beacon lights are not permitted. This section shall not be interpreted to prohibit electronic message boards as defined in Chapter 2.
- d. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- e. Neither the direct, nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets.
- f. No exposed reflective type bulbs, no strobe lights, and no incandescent lamps which exceed 15 watts shall be used so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

SECTION 6.7 STRUCTURAL REQUIREMENTS

All signs and sign structures shall be designed and constructed to meet the requirements of the Village of Oakley Building and Electrical Codes, and shall be constructed to withstand a 30 pound per square foot wind-stress factor. Signs larger than 100 square feet must be erected on structural or tubular steel supports. Where the back of a sign is visible, it should be suitably painted or otherwise covered to present a neat and clean appearance. No guy wires are permitted.

Any temporary sign must be so constructed that it is not dangerous to the public.

SECTION 6.8 PERMIT

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

The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.

- a. **REPLACING COPY.** The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
- b. **MAINTENANCE.** Painting, repainting, cleaning, light bulb replacement and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

SECTION 6.9 INSPECTION, REMOVAL, SAFETY

- a. **INSPECTION.** Signs may be inspected periodically by the building official to assure compliance with this and other codes of the Village of Oakley.
- b. **MAINTENANCE.** All sign and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- c. **REMOVAL OF SIGN.** The Zoning Enforcement Officer may order the removal of any sign erected or maintained in violation of this code. Said order shall be made in writing, delivered personally or by certified mail, and shall allow the person receiving it thirty (30) days to remove the sign or to bring it into compliance. Said order shall be served upon the owner of such sign, or to the owner or manager of the building, structure, or premises on which such sign is located. The Zoning Enforcement Officer may remove a sign immediately and without notice, at cost to the owner or lessee, if it is the Enforcement Officer's opinion that the condition of the sign presents an immediate threat to the safety of the public.
- d. **ABANDONED SIGNS.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it within 180 days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.
- e. **TRAFFIC/SAFETY.** No sign shall be placed so as to obstruct the view of approaching vehicular or pedestrian traffic from any direction or present a hazard to the safe flow of traffic. In the event that any sign violates this requirement, the Zoning Enforcement Officer may remove such sign to protect traffic. The owner of the property, or business operator where such sign is located, shall first be notified of its impending removal. The property owner or business operator shall be given opportunity to alter or replace such a sign within 24 hours to make it comply with this Section.

TABLE 13 PERMANENT SIGN REGULATIONS

| Zoning District | Content | Total Sign Area | Sign Type | Setbacks | Number of Signs | Sign Size | Height |
|----------------------------------|--|---|--------------------------------|---|-----------------|-------------|-----------------|
| Open Residential District R-1A | Name, address, farm name, home occupation | 100 sq ft per parcel except for integral signs | Ground Mounted (Free Standing) | Front: 10 ft [®] Side: 10 ft Rear: 10 ft | 1 per parcel | 100 sq ft | 12 ft |
| (Parcels 5 acres or larger only) | Products raised on the premises (not allowed for integral signs) | | Wall: | Not applicable | No limit | 100 sq ft | Top of wall |
| | | | Marquee | Not applicable | | Not allowed | |
| | | | Projection | Not applicable | | Not allowed | |
| | | | Roof | Not applicable | | Not allowed | |
| | | | Integral | Not applicable | 1 per parcel | No limit | Top of building |
| Residential R-1 | Occupant's name and address, Home occupation | 2 sq ft per dwelling, except for integral signs | Ground Mounted (Free Standing) | Front: 10 ft [®] Side: 10 ft Rear: 10 ft | 1 per dwelling | 2 sq ft | 4 ft |
| | | | Wall: | Not applicable | 1 per dwelling | 2 sq ft | Top of wall |
| | | | Marquee | Not applicable | | Not allowed | |
| | | | Projection | Not applicable | | Not allowed | |
| | | | Roof | Not applicable | | Not allowed | |
| | | | Integral | Not applicable | 1 per dwelling | 10 sq ft | Top of wall |

| Zoning District | Content | Total Sign Area | Sign Type | Setbacks | Number of Signs | Sign Size | Height |
|----------------------|---|---|--------------------------------|---|--------------------------------------|-------------|--------------------------|
| Residential R-2, R-3 | Name of Mobile Home Park or Multi-Family Development | 32 sq ft per parcel | Ground Mounted (Free Standing) | Front: 10 ft [@] Side: 10 ft Rear: 10 ft | 1 per parcel | 32 sq ft | 4 ft |
| | | | Wall: | Not applicable | 1 per parcel | 32 sq ft | Top of wall |
| | | | Marquee | Not applicable | | Not allowed | |
| | | | Projection | Not applicable | | Not allowed | |
| | | | Roof | Not applicable | | Not allowed | |
| | | | Integral | Not applicable | 1 per parcel | 10 sq ft | Top of wall |
| Commercial B-1, B-2 | Identity (required) merchandise or services available upon premises | The smaller of 1.5 sq ft per front foot. of building, or 0.5 sq ft per front foot of parcel, or 32 sq ft. | Ground Mounted (Free Standing) | Front: 3 ft [@] Side: 10 ft Rear: 10 ft | 1 per each 150 lineal ft of frontage | 32 sq ft | 35 ft |
| | | | Wall: | Not applicable | 1 | 150 sq ft | Top of wall |
| | | | Marquee | Same as ground | 1 per parcel | 32 sq ft | Top of wall [#] |
| | | | Projection | Same as ground | 1 per parcel | 50 sq ft | Top of wall [#] |
| | | | Roof | Not applicable | 1 per parcel | 50 sq ft | 35 ft |
| | | | Integral | Not applicable | 1 per parcel | 25 sq ft | Top of wall |

| Zoning District | Content | Total Sign Area | Sign Type | Setbacks | Number of Signs | Sign Size | Height |
|-----------------|---------------|--|--------------------------------|---|---|-----------|--------------------------|
| Industrial M-1 | Identity only | The largest of 1 sq ft per front foot. Of building, or 0.5 sq ft per front footage of parcel, or 50 sq ft. | Ground Mounted (Free Standing) | Front: 10 ft [@] Side: 10 ft Rear: 10 ft | 1 only, of any type, per each street front. | 150 sq ft | 24 ft |
| | | | Wall: | Not applicable | Same as ground | 150 sq ft | Top of wall |
| | | | Marquee | Same as ground | Same as ground | 150 sq ft | Top of wall [#] |
| | | | Projection | Same as ground | Same as ground | 50 sq ft | 24 ft [#] |
| | | | Roof | Not applicable | Same as ground | 50 sq ft | 24 ft |
| | | | Integral | Not applicable | 1 per parcel | 25 sq ft | Top of wall |

[@]May not obstruct vision of drivers

[#]Must be 10 feet above a sidewalk and 15 feet above a driveway.

Chapter 7 ■ Special Use Permit Requirements

SECTION 7.1 INTENT, PURPOSE AND PROCESS

INTENT/PROCESS. Regulation of Special Uses may include up to three separate steps. First is the possibility of a rezoning being required to accommodate the special use. Second is the review of the Site Plan for the proposed use. Third is the decision of whether a Special Use Permit will be granted.



- a. STANDARDS. During the [Special Use Permit process](#), various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
- b. CONDITIONS. The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
- c. PERMANENCE. Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked.

SECTION 7.2 HOW A SPECIAL USE PERMIT IS REVIEWED

- a. SUBMISSION OF APPLICATION. The application package is to be submitted to the Village Zoning Administrator.
 - 1) CONTENTS. The application package consists of a [Special Use Permit Application form](#) completed in full by the applicant, accompanied by a fee as established by the Village Council.
 - 2) APPLICATION DEADLINE. The complete application package must be submitted to the Zoning Administrator at least ten (10) days before the Planning Commission meeting at which it will be considered.
- b. CONSIDERATION OF [REZONING](#) AND SPECIAL USE PERMIT. In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
 - 1) SEPARATE. The rezoning shall be considered separately & prior to the Special Use Permit.

- 2) PROCEDURES. The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Village Council, after submission to the Planning Commission.
 - 3) STANDARDS. All standards required by this Ordinance shall be observed for each action.
 - 4) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- c. PLANNING COMMISSION REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:
- 1) PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
 - a) NOTICE. A notice of public hearing shall be mailed to all parties specified in the Administration chapter and published in a newspaper of general circulation in the Village not less than fifteen (15) days before the date of such hearing.
 - b) DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.
 - 2) SITE PLAN REVIEW. The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in the Site Plan chapter and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
 - a) PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
 - b) IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.
 - 3) CONSIDERATION OF SPECIAL USE PERMIT. Following the close of the public hearing, consideration of the Special Use permit shall take place.
 - a) OPEN MEETING. Note that the Open Meetings Act requires this vote to take place in an open public meeting.

- b) **PROMPT DECISION.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
- d. **REAPPLICATION.** An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.
- e. **TERMS OF PERMIT.** A Special Use Permit consists of a permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
- f. **REVOCAION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item e – Terms of Permit, the permit remains valid as long as all of those conditions are met and is transferable from owner to owner or “runs with the land.” However, the Planning Commission shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated.
- 1) **FIRST NOTICE.** The Zoning Administrator shall send written notice of a violation to the holder of the permit by certified mail. The notice shall state that correction must be made within thirty (30) calendar days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
 - 2) **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use.
 - 3) **PLANNING COMMISSION ACTION.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
 - 4) **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
 - 5) **ENFORCEMENT OF ORDER.** Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.
- g. **STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT.**
- 1) **STANDARDS ATTACHED TO SITE PLAN REVIEW.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish

that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards and any applicable standards from this Chapter.

- 2) **ADDITIONAL CONDITIONS.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These conditions may include but are not limited to changing the parking, lighting or building configuration to promote compatibility on the site. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself, communicated to the applicant in writing, and based directly on the intent of this Ordinance. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chair.
- 3) **ENFORCEMENT OF CONDITIONS.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

SECTION 7.3 GOLF COURSES

Golf courses, country clubs, and other similar land uses including accessory uses such as clubhouses, driving ranges, pro shops, maintenance buildings, recreational facilities, restaurants and caretaker residence shall be subject to the following conditions:

- a. Minimum site area shall be forty (40) acres.
- b. The location of any structure and their operations shall be reviewed to insure minimum disruption of the adjacent properties, and as much distance as is practical shall be provided between golf course structures and activities and abutting residential properties. In no case shall any structure be located any closer than one hundred (100) feet from adjacent residentially planned, zoned, or used property.
- c. All storage, service and maintenance areas when visible from adjoining residentially planned, zoned, or used land shall be screened from view according to the buffering regulations in this ordinance.
- d. All proposed outdoor lighting and sound systems shall be reviewed by the Planning Commission to ensure that they do not have an impact on adjacent land uses. In no case shall such speakers or lights be directed towards land planned, zoned, or used for residential purposes.
- e. The caretaker's residence must meet the minimum requirements of the district.
- f. Direct ingress and egress shall be from a paved road.
- g. Applicant shall provide a detailed site description showing all structures and accessory structures

SECTION 7.4 GRAIN AND SEED ELEVATORS, WAREHOUSING AND OUTDOOR STORAGE

- a. Each principal agribusiness use shall have frontage upon and access to a thoroughfare having a primary or greater classification.

- b. The minimum lot area shall be ninety thousand (90,000) square feet and the minimum lot width shall be three hundred (300') feet.
- c. A bulk collection, storage, distribution, and similar structure shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear property line.
- d. The total coverage of all main and accessory buildings shall not exceed thirty (30%) percent of the lot on which they are located.
- e. Noise or similar objectionable characteristics incidental to the activity shall not be discernible beyond five hundred (500) feet from the boundaries of the lot or premises from which the noise or objectionable characteristic is generated.

SECTION 7.5 HIGH INTENSITY USES, RAIL FREIGHT YARD, TRUCK TERMINALS, INDUSTRIAL ACTIVITIES, FUEL DEALERS.

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses (Uses by Special Permit) in the USES Table in Chapter 3. These uses are: Junk Yard, Type II or Type III Landfill, Incinerator, and Sewage Treatment or Disposal Facility.

- a. **GENERAL.** All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- b. **REMOTE FROM RESIDENTIAL SUBDIVISIONS.** No residential subdivisions with officially filed plats should exist within one half mile of the facility.
- c. **TREE BUFFER.** Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than one hundred (100) feet *in* width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- d. **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of Natural Resources, may be deposited or stored by any use in this group.
- e. **TRUCK ACCESS.** Routes for truck movement to and from the site shall be identified by the Saginaw county Road Commission and Village DPW. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- f. **ACTIVITY RESTRICTIONS.** No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.
- g. **FENCE REQUIREMENTS.**
 - 1) **AROUND LANDFILL OR INCINERATOR.** Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations contained in [Natural Resources and Environmental Protection Act](#). The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which can be locked during hours when no operation is taking place.
 - 2) **AROUND JUNK YARD.** A solid fence or wall at least eight (8) feet in height shall be provided around the active area of a junk yard to screen said activity from surrounding property. Such

fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.

- 3) **AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY.** All operations shall be completely enclosed by a wire link fence not less than six (6) feet high.
- h. **RESTORATION OF LANDFILL SITES.** Grading or reseeded upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards, and be blended with the general surrounding ground form.

SECTION 7.6 DRIVE-IN THEATER

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses (Uses by Special Permit) in the USES Table in [Chapter 3](#). These uses are: Drive-In Theater.

- a. **ALL ACCESS FROM VILLAGE STREET OR STATE HIGHWAY.** All traffic ingress and egress shall be from a Village street or a state highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
- b. **DRIVEWAYS REMOTE FROM INTERSECTIONS.** All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- c. **SIGHT DISTANCE.** All vehicles shall have clear vertical and horizontal sight distance approaching a public street within one hundred (100) feet of the street for a sight distance of five hundred (500) feet in either direction along the street.
- d. **ACCELERATION AND DECELERATION LANES.** Acceleration and deceleration lanes shall be provided at points of ingress and egress to the site.
- e. **LEFT TURN LANES.** A left turn lane, at least long enough to accommodate ten (10) cars without hindering through traffic or blocking other driveways, shall be provided on the major thoroughfare at each driveway entrance or exit.
- f. **SOLID WALL OR FENCE.** The entire active portion of the site, excluding vehicle entrance and exit areas, shall be enclosed with a solid wall or screen fence at least eight (8) feet in height. Fences shall be of sound construction, and painted or otherwise finished attractively and inconspicuously.
- g. **TICKET GATES.** One (1) ticket gate shall be provided for each three hundred (300) cars of capacity at any facility where tickets are to be sold before customers leave their vehicles. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30) percent of the vehicular capacity of the facility.
- h. **SCREENS FOR DRIVE-IN THEATER.** Drive-in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.

SECTION 7.7 HUNTING AND NATURE PRESERVES, SHOOTING CLUBS

- a. Safety Area. A buffer of a minimum of four hundred and fifty (450') feet must be provided along any county road or from any dwelling unit. This buffer is a distance requirement only and is intended to be an area where there is no shooting from within the buffer zone toward the perimeter of the property. No additional landscaping is required.
- b. Posting. The entire perimeter of the site must be posted as required by the DNR license.
- c. Noise and hours of operation. The hours of operation shall not exceed dawn to dusk, regardless of the season or hunting conditions.
- d. Parking. Adequate parking shall be provided on site at a quantity determined by the planning commission on a case by case basis. Other parking regulations in this Ordinance do not apply.
- e. Retail Sales. No retail sales to the public shall take place on the premises of any kind. Sales to participants in the shoot such as shot gun shells, hats, licenses, game birds, clothing, etc. is allowed.

SECTION 7.8 INSTITUTIONS: CULTURAL, EDUCATIONAL, HUMAN CARE, RELIGIOUS, RETREATS, SOCIAL, PRIVATE CLUBS, MEETING HALLS, COMMERCIAL SCHOOLS, MULTIPLE FAMILY CONVERSION, MULTIPLE FAMILY STATE LICENSED RESIDENTIAL FACILITIES FOR 7-20 PEOPLE.

Institutions are subject to the following conditions:

- a. Direct ingress and egress shall be from a paved road unless determined to be unnecessary by the Planning Commission.
- b. The buildings on the site shall be set back from abutting properties zoned and used for residential use not less than fifty (50) feet.
- c. Buildings of greater than the maximum height allowed in the zoning district that a religious institution is located in may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one (1) foot of building that exceeds the maximum height allowed.

SECTION 7.9 MANUFACTURED HOME DEVELOPMENT

- a. PERMITTED USES:
 - 1) Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this section.
 - 2) Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile home park residents.
 - 3) Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article.
 - 4) Public Service Installations
- b. INTERNAL ROADS.

- 1) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the Planning Commission. Sole access by an alley is prohibited.
- 2) Dead end internal roads shall terminate with a turning radius of fifty (50) feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area.
- 3) A clear vision distance of two hundred fifty (250) feet shall be provided at intersections.
- 4) Offsets at intersections, or intersections of more than two (2) internal roads are prohibited.
- 5) Internal roads shall have driving surfaces with widths not less than the following:
 - a) No parking, twenty-one (21) feet.
 - b) Parallel parking, one (1) side, thirty-one (31) feet.
 - c) Parallel parking, two (2) sides, forty-one (41) feet.
- 6) All entrances to new communities or new entrances to expanded communities shall be a minimum of thirty-three (33) feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:
 - a) All turning lanes shall be a minimum of eleven (11) feet in width and sixty (60) feet in depth measured from the edge of the pavement of the public road into the community.
 - b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of sixty (60) feet.
 - c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.
 - d) Alternative designs that provide for adequate ingress and egress shall be approved by the Department of Labor and Economic Growth, Manufactured Housing Commission, www.michigan.gov/dleg.
- 7) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), which is available from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, <https://bookstore.transportation.org/support.aspx>
- 8) The community developer may use other suitable material of equal quality if approved by the Department of Labor and Economic Growth, Manufactured Housing Commission, www.michigan.gov/dleg.
- 9) A developer may install curbing on all internal roads. If curbing is used, it shall be constructed of concrete or asphalt.
- 10) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within one hundred (100) feet of the entrance or before the

first intersection, and shall be enforced in compliance with the requirements of [Michigan Vehicle Code Act](#), 1949 PA 300, MCL 257.1 et seq.

- 11) All internal roads may be clearly marked with appropriate traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.
- 12) Internal roads shall be named and so identified by signs located at all internal road intersections.
- 13) Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.
- 14) Vehicle Parking.
 - a) All home sites shall be provided with two (2) parking spaces at the home site. Vehicle parking shall be in compliance with both of the following provisions:
 - (1) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If spaces are side by side, then the combined width of the two (2) parking spaces shall not be less than twenty (20) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.
 - (2) A parking space shall be hard-surfaced.
 - b) Additional parking facilities.
 - (1) A minimum of one (1) parking space for every three (3) home sites shall be provided for visitor parking. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve. The five hundred (500) feet shall be measured along a road or sidewalk.
 - (2) If parking bays are provided, then they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
 - c. ILLUMINATION. All streets and sidewalk and areas open to travel by mobile home park residents shall be illuminated as follows:
 - a) Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
 - b) At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
 - c) All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.
 - d) If a central park, mail box, or park directory, or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.

- e) All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile home park.
- d. MOBILE HOME INSTALLATION. Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the [Manufactured Housing Commission rules](#).

SECTION 7.10 OUTDOOR ASSEMBLY

- a. ALL ACCESS FROM COUNTY PRIMARY ROAD. All traffic ingress and egress shall be from a county primary road or a state highway. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal left or right turns into or out of the major thoroughfares.
- b. DRIVEWAYS REMOTE FROM INTERSECTIONS. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200') feet from the intersection of any two (2) streets or highways.
- c. SIGHT DISTANCE. All vehicles shall have clear vertical and horizontal sight distance approaching a public street. Saginaw County Road Commission road development rules shall apply.
- d. ENTRANCE GATES. One (1) ticket gate shall be provided for each three hundred (300) cars of capacity at any facility where tickets are to be sold before customers leave their vehicles. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the facility.
- e. SCREENS. Picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare.

SECTION 7.11 OUTDOOR SALES, INDUSTRIAL, COMMERCIAL OR CONSTRUCTION EQUIPMENT SALES AND SERVICE.

The display and sales of products and services primarily outside of a building or structure, including vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, building and landscape materials and lumber yards.

- a. Lot area, lot width, and other dimensional requirements of the zoning district shall be complied with, provided that no item or items displayed outdoors shall be greater than thirty-five (35) feet in height.
- b. All exterior lighting shall be no greater than 12' in height, be directed downward and away from all adjacent property. Lighting shall be turned off or reduced to a minimum necessary for safety when the business is not open.
- c. The Planning Commission may establish, as a condition of approval, hours of operation for the Outdoor Sales Facility.
- d. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may be in addition to any landscaping and buffering standards contained in this Zoning Ordinance to mitigate the visual impact of an Outdoor Sales Facility,

- e. The Planning Commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to rear or side yards and with adequate screening or fencing.
- f. The outdoor sales area shall be paved, or have mechanisms to prevent the creation of dust shall be implemented. The site plan shall include measures satisfactory to the Planning Commission to contain blowing dust, trash, and debris on the site.

SECTION 7.12 PUBLIC BUILDINGS, SERVICE AND UTILITY BUILDINGS AND INSTALLATIONS, WIND INSTALLATIONS

- a. All public and private utilities, services and installations shall be located behind the front building line of the principal building on the property. Where possible, utilities shall be buried.
- b. All above ground utilities and installations must be screened from view of the road and adjacent properties whether installed on the ground or on structures.
- c. Where fencing is required or desirable, fencing shall be consistent in design with the surrounding environment. In no case shall chain link fencing with inserted privacy slats be used. Use of barbed wire is prohibited in residential districts and in other districts where residential uses are within view.

SECTION 7.13 PLANNED UNIT DEVELOPMENT (PUD)

- a. INTENT. This section is intended to encourage innovation in land use patterns and variety in design for development of large parcels as well as encouraging economy and efficiency in provision of public services, the use of land, natural resources and energy. These regulations provide flexibility for developers while protecting public values.
- b. PERMITTED USES AND STANDARDS
 - 1) Dwelling units in detached, semi-detached, attached, or multiple family dwellings or any combination thereof, along with customary accessory detached uses and structures are permitted in a PUD. Site condominium projects ([Act 59 of 1978](#)) established after the effective date of this Ordinance shall be designated as a PUD.
 - 2) Commercial uses, limited to those set forth in the Commercial District of the Village Zoning Ordinance and specifically approved by the Planning Commission are permitted in the PUD, provided that such uses are designed to be compatible and harmoniously incorporated into the overall design of the PUD.
 - 3) Non-residential uses of a religious, cultural, or recreational character are permitted in a PUD provided they are compatibly and harmoniously incorporated into the overall design of the PUD.
- c. DENSITY AND PARCEL COVERAGE. Minimum requirements set forth by the original district in which the proposed PUD is located shall act as general guideline for the lot and yard regulations. To encourage flexibility and creativity consistent with the intent of PUD regulations, the Village may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. Any regulatory modification shall be approved through a finding by the Village Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning methods.
- d. OPEN SPACE.

- 1) Required open space shall comprise no less than fifty (50) percent of the total lot or parcel area. Forest, wetland or other unique environmental areas may be left in a natural state. Cropland may not be counted as landscaped open space, nor may yard areas of individual residential lots be included. However, landscaped yard areas for multiple dwellings or nonresidential uses may be included. Areas covered with buildings, streets, parking lots, driveways and other paved surfaces are not considered open space.
- 2) Development in dedicated open space areas may include a recreational trail, picnic area, children's play area, greenway, farm or linear park, but any structures constructed incidental to such uses shall not exceed, in the aggregate, ten percent (10%) of the required open space area.
- 3) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Village, such as: recorded deed restrictions, restrictive covenants conservation easements, plat dedication, or other legal means that runs with the land. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall indicate the proposed allowable use(s) of the dedicated open space. The Village may require the inclusion of open space restrictions that prohibit the following:
 - a) Dumping or storing of any material or refuse;
 - b) Activity that may cause risk of soil erosion or threaten any living plant material;
 - c) Cutting or removal of live plant material except for removal of dying or diseased vegetation;
 - d) Use of motorized off-road vehicles;
 - e) Cutting, filling or removal of vegetation from wetland areas;
 - f) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- e. **FAILURE TO MAINTAIN OPEN SPACE.** If the developer fails to maintain the common open space in reasonable order and condition in accordance with the plan, the Planning Commission may serve written notice upon such organization or upon the residents of the planned unit development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be remedied within thirty (30) days, and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) days of the notice.

At the hearing the Planning Commission may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in the modifications are not remedied within the thirty (30) days or any extension, the Village, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon the common open space and maintain it for a period of one (1) year. The entry and maintenance shall not vest in the public any right to use the common open space, except when the open space is voluntarily dedicated to the public by the owners. Before the expiration of the organization responsible for the maintenance of the common open space, a public hearing shall be scheduled upon notice to such organization or to the residents of the planned unit development, to be held by the Planning Commission at which hearing the organization or the residents of the planned unit development shall show cause why the maintenance by the Village

shall not, at the election of the Planning Commission continue for a succeeding year. If the Planning Commission determines that the organization is not ready or willing or able to maintain the common open space in a good, clean, and safe condition, the Village Council, in its discretion may continue to maintain the open space, subject to a similar hearing and determination in the next succeeding year.

The cost of such maintenance by the Village shall be proportionally assessed against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a tax lien on the properties. The Village, at the time of entering upon the common open space for the purposes of maintenance, shall file a notice of the lien in the office of the county recorded upon the properties affected by the lien within the planned unit development.

- f. ENVIRONMENTAL STANDARDS. Environmental design criteria in PUD District shall include the following: the preservation of trees, groves, waterways, scenic points, historic spots, and other community assets and landmarks. If animal or plant habitats of significant value exist on the site, the Village, as a condition of approval, may require that the PUD plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

SECTION 7.14 RECREATION, INDOOR AND OUTDOOR, DRIVE-IN RESTAURANTS, RESTAURANTS, BARS, TAVERNS, FOOD STORES

- a. INDOOR RECREATION. Indoor Recreation uses included, but are not limited to: putt putt courses, batting cages, bowling alleys, ice or roller rinks, firearm ranges, indoor fields and racquet courts, and athletic clubs.
- 1) The sites shall be located on, or shall have principal access from a major thoroughfare or county primary road.
 - 2) Minimum site area shall be one (1) acre.
 - 3) No building shall be located within fifty (50) feet of a lot line of adjoining residentially planned, zoned, or currently being used for residential purposes.
 - 4) Whenever parking areas are adjacent to land in a residential district, a minimum of a five (5) foot high wall shall be provided along the side of the parking area adjacent to the residentially planned, zoned, or used land.
 - 5) Based on the nature of the use and nuisance potential to adjoining property owners, the Planning Commission and the Village Council may stipulate noise standards beyond those stipulated otherwise in this Ordinance.
 - 6) Operating hours for all uses shall be determined by the Planning Commission and the Village Council based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, 7:00am to midnight.
- b. OUTDOOR RECREATION: Outdoor Recreation uses shall include, but may not be limited to: drive-in restaurants, bars, taverns, food stores, archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle track, off-road or mud bogging, amphitheater, amusement and water park, drive-in theater, air gun or survival games, amusement park, golf driving range, fairground, batting cages, ski slope, and skate board park.
- 1) The site shall be located on, or shall take principal access from a major thoroughfare, or county primary road.

- 2) All points of entrance or exit shall be no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- 3) No drive shall be closer to another drive by less than seventy-five (75) feet and the maximum number of drives shall be two (2).
- 4) Minimum site area shall be based on the underlying district. However, the Planning Commission and the Village Council may increase the minimum required site area depending upon the described use and anticipated extraneous impacts on adjoining properties. Such an increase will be for the purpose of buffering, screening, and otherwise negating or limiting the potential nuisance to adjacent properties caused by noise, dust, odor and the like. To this end, the Planning Commission and the Village Council may require additional information concerning the proposed use and the potential for nuisance.
- 5) No building or spectator seating area shall be located within one hundred (100) feet of a lot line of an adjoining residentially planned, zoned, or used property.
- 6) A landscaped buffer strip of no less than one hundred (100) feet shall be provided along the property lines of all residentially planned, zoned, or used land. However, the Planning Commission and the Village Council may reduce such requirement by 50% if it is determined that the potential for off-site nuisance is limited.
- 7) Whenever parking areas are adjacent to a residential district or dwelling, a minimum of a five (5) foot wall shall be provided along the side of the parking area adjacent to such land.
- 8) Race tracks of any sort shall be enclosed around the entire periphery with an obscuring wall of at least eight (8) feet in height.
- 9) Golf driving ranges shall provide safety screening as deemed reasonable and necessary by the Planning Commission and Village Council.
- 10) Not more than sixty-five (65) percent of the land area shall be covered by recreation uses.
- 11) Central loudspeakers/ paging systems are prohibited within two hundred (200) feet of residentially planned, zoned, or used property. Such systems shall not be directed toward a residential area even if outside the 200 foot setback.
- 12) Operating hours for all uses shall be determined by the Planning Commission and the Village Council based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, 7:00am to Midnight.

SECTION 7.15 RECREATIONAL VEHICLE PARK, CAMPGROUND

- a. **OCCUPANCY.** Spaces in RV parks or campgrounds may be used by motor homes, travel trailers, campers, tents or other short term housing or shelter arrangements.
- b. **RESIDENT MANAGER.** Each RV Park or campground shall be directly supervised by a resident manager who may share such duties with other members of his or her family. Management shall be accessible to park tenants at all times (24 hours) when park spaces are rented.
- c. **REGULATORY COMPLIANCE REQUIRED.** RV parks or campgrounds must maintain compliance with all regulations of the Michigan Department of the County Health Department and the Michigan

Department of Natural Resources which apply to such enterprises. Failure to comply with any such regulation shall constitute a violation of this Ordinance.

- d. **GREENBELT, FENCE AND SETBACK.** The entire perimeter of any RV park or campground shall be enclosed by a fence at least four (4) feet high. Further, there shall be a greenbelt planting strip not less than fifteen (15) feet wide around the entire site. Said greenbelt shall contain at least one (1) straight or staggered row of deciduous or evergreen trees, spaced not more than twenty (20) feet apart and at least two (2) rows of deciduous or evergreen shrubs which will grow to an ultimate height of at least six (6) feet planted not more than six (6) feet apart. All individual campsites are to be setback at least seventy five (75) feet from any street right of way or neighboring property line.
- e. **PERSONAL CARE FACILITIES.** Each RV Park or campground shall include men's and women's restroom and bathing facilities in all-weather, heated structures. These facilities shall include adequate water outlets, wash basins, toilets, showers and waste containers. These facilities shall be provided uniformly throughout the park at a ratio not less than one (1) toilet and sink for each eight (8) camping or RV sites. These facilities shall be kept in good working order and each structure shall be cleaned thoroughly daily.
- f. **INDIVIDUAL CAMPSITE REQUIREMENTS.** Each RV parking site or campsite shall be a minimum of twelve hundred (1200) square feet in area and shall include the following amenities; an electrical power outlet, fixed facilities for cooking using charcoal or wood as fuel with a fire that is not placed directly upon the ground, unless in a specified metal fire ring in a specified location. Metal trash container with a lid and volume of at least two (2) cubic feet which shall be emptied daily by park personnel to the solid waste facility and a gravel or hard surfaced parking area of at least two hundred (200) square feet.

SECTION 7.16 RIDING STABLES, COMMERCIAL

- a. **LOCATION.** Commercial stables shall not be located on land that is part of a recorded plat.
- b. **MINIMUM SIZE.** Commercial stables shall have a minimum of one (1) acre per animal, but in no such case shall there be less than twenty (20) acres.
- c. **SETBACKS.** All buildings in which animals are kept shall be located a minimum of one hundred (100) feet from any property line planned, zoned or used for residential purposes and a minimum of fifty (50) feet from any occupied dwelling and any other building used by the public on-site.
- d. **MAINTENANCE.** All stables shall be constructed and maintained so that odor, dust, noise and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least one-hundred (100) feet from any property line and shall be removed from the premises or spread and cultivated so as to control odors and flies.
- e. **SUPERVISION.** Persons renting horses shall be properly supervised so as to avoid conflict with other nearby property owners.

SECTION 7.17 SELF STORAGE, MINI STORAGE, PRINTING AND PUBLISHING, FOOD SUPPLIERS, TOOL AND DIE

- a. Minimum lot size shall be one (1) acre. Minimum lot width shall be sixty-five (65') feet.
- b. Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of fifteen (15') feet, as measured from building front to building front.

- c. All items shall be stored inside an enclosed facility except wheeled vehicles.
- d. Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.
- e. All access aisles and entrances to the site shall be paved with asphalt or concrete with appropriate storm water drainage. Where possible, access to individual units shall face the interior of the site to avoid perimeter traffic.

SECTION 7.18 SOIL RESOURCE EXTRACTION

- a. **SCOPE OF REGULATIONS.** This section regulates any extraction, land filling or repositioning of soil, sand, gravel, clay or other geologic deposit which involves disturbance of more than one thousand (1,000) cubic yards of material. This section does not apply if such a disturbance of soil is the result of construction of a building, structure, or parking lot which is regulated by other provisions of this Ordinance. This section also applies to artificial ponds created by excavation, intervention in watercourses, surface drainage or groundwater aquifers, regardless of size. These regulations must be met whether the creation of the pond is an end in itself or whether the pond is a by-product of another activity, such as mining for sand, gravel or clay. Ponds created by embankments or dams across streams or watercourses are not permitted in the Village of Oakley.
- b. **ADDITIONAL INFORMATION REQUIRED FOR SITE PLAN.** The site Plan for any activity regulated by this Section must include the following items in addition to other required information:
 - 1) A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in 5 foot intervals. If water is expected to accumulate in the excavation, the projected water level must also be shown.
 - 2) A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
 - 3) A report describing the specifications for any spillway or drain for a proposed pond, including the proposed methods of foundation preparation or fill placement.
- c. **ADDITIONAL EXCAVATION SITE REQUIREMENTS.**
 - 1) Sites of ecological significance, such as wetlands, should be avoided.
 - 2) An excavation which will result in creation of a pond should be located to minimize the chance of pollution from sources such as feedlots, farmsteads, corrals or septic tanks.
 - 3) Excavations may not extend closer than fifty feet (50') to a power line.
- d. **CONSTRUCTION AND OPERATION REQUIREMENTS.**
 - 1) An excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
 - 2) If an excavation results in a pond, its banks shall have a maximum slope of one foot (1') vertical to four feet (4') horizontal extending below the water's surface to a depth of at least eight feet (8').
 - 3) Maximum designed water depth of pond must be at least fifteen feet (15') to insure proper aeration and circulation of the water.

- 4) Conditions of any required environmental permits shall be obeyed at all times.
- 5) Excavated material not removed from the site shall be spread to a height not exceeding three feet (3') above the original surface with the top of fill graded to a continuous slope which does not exceed one foot (1') vertical to three feet (3') horizontal away from any water body. As an alternative, the material may be shaped in berms which assume a natural angle of repose for the material and which blend visually with the landscape. The toe of the slope of such berms shall be no closer than twelve feet (12') to the edge of the water in any pond formed by such an excavation.
- 6) At the end of each construction season, the completed portion of any excavation, including any area around it, shall be landscaped and seeded. Landscaping shall not interfere with any natural waterway or have an adverse effect on drainage of surrounding properties.
- 7) No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.
- 8) Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or rock while a site is being excavated.
- 9) When two or more dwellings are located within two hundred feet (200)' of the edge of any water body that is formed on an excavation site, said water body shall be enclosed by a fence that includes a gate that can be locked and which is not less than four feet (4'), nor more than six feet (6'), in height.

SECTION 7.19 SEXUALLY ORIENTED BUSINESS AND ADULT MEDIA STORES

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

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

- d. **PARKING AND LIGHTING.** All parking shall be situated in the front yard, adjacent to and visible from a public road and shall be lighted. All entrances and exits to the structure shall be lighted during the hours of operation.
- e. **PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS.** When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.
 - 1) **ORDINANCE INTENT.** The proposed use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
 - 2) **BLIGHTING INFLUENCE.** The proposed use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
 - 3) **NEIGHBORHOOD CONSERVATION.** The proposed use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
 - 4) **OTHER STANDARDS.** The proposed use, and its principal building, shall comply with all other regulations and standards of this Ordinance.

SECTION 7.20 TEMPORARY INDOOR AND OUTDOOR USES, ROADSIDE STANDS

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

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

- e. **STRUCTURES-INDOOR USES.** Structures for the display of indoor sales items are allowed provided they are not used for human shelter. One structure for sales items is allowed under the following conditions:

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

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

- f. **USES REQUIRING AN OFFICIAL SITE PLAN AND PLANNING COMMISSION REVIEW.** If the use is for greater than five (5) days, within a one hundred and eighty (180) day period, a site plan must be submitted to the Planning Commission, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.

- 1) **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted.
- 2) **SANITARY FACILITIES.** Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
- 3) **DISPLAY OF GOODS.** Display and sale of goods may not be within the required yards for the zoning district.

- g. **USES NOT REQUIRING AN OFFICIAL SITE PLAN OR PLANNING COMMISSION APPROVAL.** Private temporary outdoor uses and those associated with nonprofit organizations, may be granted temporary use permits by the Zoning Administrator, at no cost to the organization if,

- 1) The use is for five (5) days or less within a one hundred and eighty (180) day period,
- 2) A drawing of the site and description of activity is provided and,
- 3) No structures for display, sale or storage remain on the site other than during the hours of operation,
- 4) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.
- 5) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
- 6) The temporary use location must meet all yard requirements of the zone in which it is located.

SECTION 7.21 VETERINARY HOSPITALS, CLINICS, KENNELS

Shall be subject to the following conditions:

- a. Compliance with all County and State Regulations
- b. All activities shall be conducted within a completely enclosed structure on a minimum lot size of 2 acres.
- c. Structures or pens shall not be located less than three hundred (300) feet from a public right-of-way or less than two hundred (200) feet from a side or rear lot line.
- d. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions
- e. Kennel facilities shall be designed as follows
 - 1) Constructed of masonry or comparable sound-proofing material.
 - 2) Mechanical ventilation shall be provided in all areas.
 - 3) Floor drains are to be directly connected to a sanitary sewer system approved by the Health Department.
- f. Operating standards:
 - 1) Animal odors and habitual barking noises shall not be detectable beyond the lot lines of the property in which the kennel is located.
 - 2) Dust and drainage from the kennel operation shall not create a nuisance or hazard to adjoining property uses.
 - 3) The premises shall be kept clean and sanitary manner, including the proper disposal of refuse, to prevent the spread of disease or offensive odor.
 - 4) Refuse shall not include animal waste.
 - 5) Animal waste shall be disposed of through a sewage disposal system.

Such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements, buffering).

Chapter 8 ■ Site Plan Review

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

SECTION 8.1 SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW.

The Village Planning Commission must review and approve site plans before granting approval to Special Use Permits.

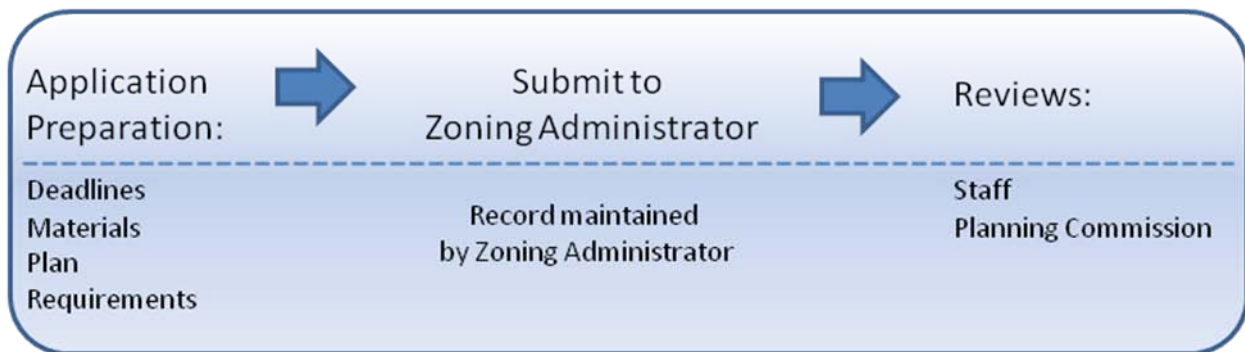
In addition, and in the case of new development, Site Plan Review before the Village Planning Commission is required for any project meeting one of the following conditions:

- a. The proposed project will have more than two (2) dwelling units.
- b. The proposed project is in a Commercial Zoning District.
- c. The proposed project is in an Industrial district.
- d. The project is a Special Use.

At no time shall a Site Plan review be required as a part of the decision process for rezoning. This is because the decision to rezone property should be based on consideration of its effects on long-range plans for the Village, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

SECTION 8.2 SITE PLAN REVIEW PROCESS.

Site Plan Review Process



- a. APPLICATION DEADLINES. If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies. A preapplication meeting is encouraged.
- b. APPLICATION MATERIAL. [Applications](#) requiring Site Plan Review must be accompanied by a fee as established by the Village Council and by at least ten (10) 11" x 17" copies of a site plan that

meets the following requirements stipulated below. The application will not be reviewed until the complete application package has been submitted, including the fee.

- c. **SITE PLAN REQUIREMENTS.** All applicants shall complete the site plan review checklist. The [site plan review checklist](#) is available at the Village offices. Site plans shall conform to the provisions approved on the checklist. All site plans must be prepared in a complete and accurate manner so that the plan can be used by the building inspector for all other necessary permits. An engineered site plan, stamped by an engineer, surveyor or architect may be required in instances where the Planning Commission deems that an engineered site plan is required to meet the requirements of this ordinance.

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

- 1) **SCALE.** The site plan must be drawn to a consistent scale of not less than one-inch-equals-fifty (1" = 50') feet for sites of three acres or less, or one-inch-equals-two hundred (1" = 200') feet for larger sites.
- 2) **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- 3) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Saginaw County Register of Deeds will be the legal description upon which a site plan decision is based.
- 4) **SITE FEATURES.** The site plan should depict existing environmental conditions, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- 5) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks (required for all development), loading areas or docks, truck bays, and refuse pickup stations.
- 6) **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan

approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.

- 7) UTILITIES. The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
- 8) STRUCTURES. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
- 9) SUPPLEMENTARY MATERIAL. The site plan shall be complemented by any additional information that, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.
- 10) PERFORMANCE BOND. Further, the Planning Commission is empowered to require and at its option may require a [performance bond](#) or certified check in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Village Deputy Treasurer at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, the performance bond shall be forfeited. The Village shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Village Administrator. The Village Administrator may, at his/her discretion, call upon professional assistance from the Village Engineer, or building inspectors. In cases where the provisions above have not been met, the amount of the aforementioned performance guarantee shall be used by the Village to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.

d. STAFF REVIEW OF SITE PLAN.

- 1) PERSONS INVOLVED. Before the site plan is reviewed by the Planning Commission, the County Building Inspector, Engineer, or contracted engineering services, County Drain Commission and Fire Chief, or their designees, may be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Village government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. A preapplication meeting with the applicant and Zoning Administrator is encouraged.

- 2) **STANDARDS TO BE USED.** Reviewers shall address the considerations identified by the Review Standards in this Chapter. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.
- e. **PROFESSIONAL REVIEW OF SITE PLAN.** If a professional assessment for any portion of the site plan is determined to be necessary or desirable by the Village, an estimate of costs shall be obtained by the Village for the review(s). The applicant shall pay the cost of the assessment if he/she agrees to have a professional review completed. The applicant may suggest an alternative professional if the/she chooses. If a site plan is unable to be acted upon without professional review, the Planning Commission may choose to deny the site plan.
- f. **PLANNING COMMISSION REVIEW OF SITE PLAN.** The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Village Clerk prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted:
 - 1) **RECOMMEND APPROVAL TO THE VILLAGE COUNCIL.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan.
 - 2) **RECOMMEND CONDITIONAL APPROVAL TO THE VILLAGE COUNCIL.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, State or federal laws. These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission. At this point in the site plan process any approval is considered preliminary until all conditions are met.

Approval of any proposed site plan that must also receive approvals from other public agencies must obtain approvals from those agencies before seeking site plan review. This shall include any variances that must be issued by the Village of Oakley Zoning Board of Appeals. Approval of a variance for conditions that differ from those depicted on the site plan must be obtained prior to site plan review by the Planning Commission. When these conditions have been met the site plan is considered to have final approval.
 - 3) **RECOMMEND DENIAL TO THE VILLAGE COUNCIL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
 - 4) **VILLAGE COUNCIL.** Recommendations from the Planning Commission shall be acted upon by the Village Council at their next regular meeting.

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

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

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

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

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

- h. **RECORD TO BE MAINTAINED.** The record relating to any approved site plan shall be maintained by the Zoning Administrator. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

SECTION 8.3 SITE PLAN REVIEW STANDARDS.

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

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

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

- c. **SPECIAL USE STANDARDS.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be satisfied.
- d. **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features that contribute to environmental quality.
- e. **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. All new subdivisions must have sidewalks on at least one side of the road.
- f. **DRIVEWAYS.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Except for large parking lots, driveways shall be limited to one (1) per development.
- g. **UTILITIES.** Utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought. All utilities for new subdivisions must be installed underground.

H. LANDSCAPING

- 1) In all Commercial and Industrial Districts the front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway.
- 2) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
- 3) Undeveloped areas proposed for future expansion shall be maintained in a weed free condition.
- i. **BUFFERING.** All uses abutting agricultural and residential districts must provide sufficient buffering to achieve visual, noise, and pedestrian traffic from crossing into the residential or agricultural site.
- j. **SIGNS AND LIGHTING.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground-mounted standards adjacent to or the parking lot or vehicular use areas. Lighting must only be in operation during the hours the use is in operation. All entrance doors for the public and employees must be illuminated. No lighting may exceed 12' in height nor may bleed onto neighboring properties.

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

Chapter 9 ■ Administration, Enforcement and Amendments

SECTION 9.1 PEOPLE INVOLVED IN THE ZONING PROCESS

The provisions of this Ordinance shall be carried out by the Village of Oakley Planning Commission, the Zoning Board of Appeals, the Village Council and the Village Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

a. ZONING ADMINISTRATOR:

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

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

- 1) **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.** All applications for site plans shall be submitted to the Zoning Administrator who shall keep a record of all applications that have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action. The Zoning Administrator shall maintain a record of all applications, including documentation for each.
- 2) **ISSUE WRITTEN DENIAL.** When any application for a site plan is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- 3) **INSPECTIONS.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- 4) **RECORD NONCONFORMING USES.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.
- 5) **RECORD SPECIAL USES.** The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- 6) **RECORD INTERPRETATIONS OF ORDINANCE.** The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- 7) **PUBLIC INFORMATION.** The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the

provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.

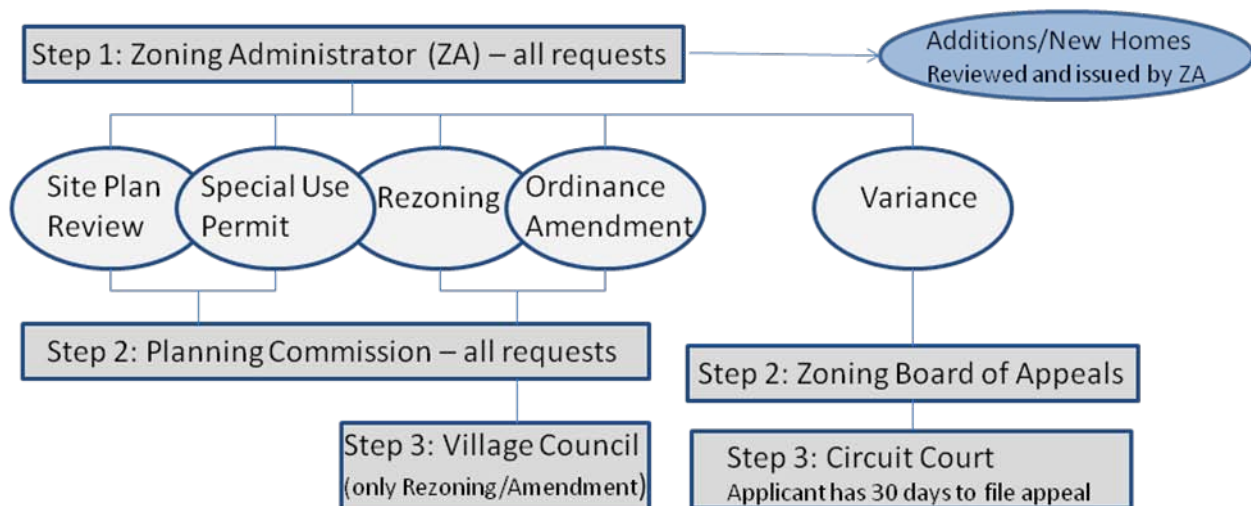
- 8) **RESPOND TO COMPLAINTS.** The Zoning Administrator shall respond within five (5) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
- 9) **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.
- 10) **PROVIDE A WRITTEN REPORT** to the Planning Commission each month.

b. **PLANNING COMMISSION:**

- 1) **MEMBERSHIP.** The Planning Commission shall be composed of five (5) members, comprised of
 - a) One member of the Village Council selected by the Village President as an ex officio member, and
 - b) Four residents of the Village, representing, insofar as possible, different professions or occupations, who shall be appointed by the Village Mayor, subject to the approval of a majority of the members elected to the Board.
- 2) **TERMS OF OFFICE.** The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
- 3) **RULES OF PROCEDURE.** The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
- 4) **FUNCTION:** The duties of the Planning Commission shall be as outlined in [Public Act 110 of 2006](#), commonly known as the Michigan Zoning Enabling Act, and where applicable in the Michigan Planning Enabling Act, [Public Act 33 of 2008](#), as amended.
- 5) **MEETINGS.** The Planning Commission shall meet monthly or as determined by the Village Council and Planning Commission, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.
- 6) **PER DIEM OR EXPENSES.** Members of the Planning Commission may be compensated for their services as provided by the Village Council. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.
- 7) **MASTER PLAN.** The Planning Commission shall make and adopt a master plan as a guide for the development of the Village. Plan contents, adoption, amendment, approval by the Village Council, hearing and publication shall be according to the Michigan Zoning Enabling Act, [PA 110 of 2006](#), as amended and where applicable in the Michigan Planning Enabling Act, [PA 33 of 2008](#), as amended.

- 8) ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
- 9) ADMINISTRATION AND ENFORCEMENT. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
 - a) SITE PLAN APPROVAL. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial.
 - b) SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny an application and shall also take any necessary action to revoke a Special Use Permit.
 - c) REZONING OR TEXT AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Village Council. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Village Council approval.
- c. VILLAGE COUNCIL. On recommendation of the Planning Commission, the Village Council shall decide to adopt or amend the text or zoning districts of the Zoning Ordinance, making it the enforceable policy of Village government. The Village Council may review all zoning decisions of the Planning Commission. The Village Council shall, by resolution, set fees to be charged for any administrative action under this Ordinance and may also act to waive any fee.

SECTION 9.2 ADMINISTRATIVE PROCESSES



- a. APPLICATION: Before proceeding with the erection, alteration, moving or use of any building or structure, or the use of any premises subject to the provisions of this Ordinance, the owner thereof shall first obtain a [zoning permit](#) from the Zoning Administrator. Applications shall be made in writing upon forms provided by the Village. It shall be the duty of all architects, contractors, and other persons having charge of erection or movement to determine that proper certification has

been issued before undertaking any such work, and all persons performing such work in violation shall be deemed guilty of violation in the same manner as the owner of the premises.

- b. **ZONING PERMIT REQUIRED:** The issuance of a Zoning Permit, showing compliance with the Zoning Ordinance, signifies compliance with the requirements of this Ordinance. A building permit must be obtained from the Saginaw County building official before any of the following activities may legally take place:
- 1) Occupancy and use of vacant land (including parking lot construction).
 - 2) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit by the Saginaw County Building Inspector.
 - 3) Any use of land or a building that would be identified as a Use by Special Use Permit by the [Uses Table in Chapter 3, District Regulations](#), for the Zoning District in which the parcel is located.
 - 4) Any change of a nonconforming use or building.
- c. **APPLICATION REVIEW PROCESS.** On submission of an application for a site plan, the Zoning Administrator will review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation.
- d. **RECORD MAINTAINED.** The zoning administrator shall keep a record of each application for a site plan that has been submitted including the disposition of each one. This record shall be a public record, open for inspection upon request.

SECTION 9.3 ENFORCEMENT

- a. **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
- b. **VIOLATIONS AND PENALTIES.**
- 1) Any building or structure erected, altered, moved, razed, or converted, or any use of lands or premises begun or changed subsequent to the time of passage of this Ordinance and in violation of any provisions of this Zoning Ordinance, is hereby declared to be a nuisance per se, and may be abated by any court of competent jurisdiction.
 - 2) Use of land, buildings, structures and recreational vehicles in violation of any provision of this Ordinance are hereby declared to be a civil infraction.
- c. **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or Ordinance shall govern.

SECTION 9.4 AMENDMENTS

Amendments or supplements to this Ordinance may be made from time to time, in the same manner as provided by [Public Act 110 of 2006](#), as amended, for the enactment of the original Ordinance. It shall be necessary to publish only a summary of the section or sections to be amended to the Ordinance.

- a. INITIATION OF AMENDMENTS. Proposals for amendments, supplements, or changes may be initiated by the Village Council of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- b. AMENDMENT PROCEDURE:
 - 1) PETITION TO VILLAGE DEPUTY TREASURER AND PAYMENT OF FEE. Each petition by one (1) or more owners or their agents for an amendment shall be submitted upon an application provided by the Village to the Village Deputy Treasurer. A fee as established by the Village Council shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Village Deputy Treasurer shall transmit the application to the Planning Commission for recommended action.
 - 2) RECOMMENDATION. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - 3) PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing.
 - 4) RESUBMITTAL. No application for a rezoning that has been denied by the Village Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Village Council, are found to be valid.
 - 5) Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance.

SECTION 9.5 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

- a. If the Village is required to provide notice and hearing under the Michigan Zoning Enabling Act, the Village shall publish notice of the request in a newspaper of general circulation in the community.
- b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval 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 (15) days before the date the application 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 request.
 - 2) Indicate the property that is the subject of the 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.
 - 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.

- d. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner.
- e. If 11 or more adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as required in this section, except no individual addresses of properties are required to be listed.

TABLE 14 Review Process Table

| QUESTION | REFER TO | IF ALL STANDARDS ARE MET, NEXT STEP | ----IF STANDARDS ARE NOT MET---- | | |
|---|--|--|--|--|---------------------------------------|
| | | | SITUATION | APPLICANT'S OPTIONS | NEXT STEP |
| #1 Is proposed activity permitted in this Zoning District? | District Regulations: USES Table. | Activity is a Use by Right: Go to Question #2. OR Activity is a Special Use: Go to ACTIONS Table: SPECIAL USE Permit. Continue to Question #2. | Activity is permitted in a different Zoning District. | Request a Re-zoning. | ACTIONS Table: Rezoning |
| | | | Activity is not listed for any Zoning District. | Request an Interpretation Appeal. | ACTIONS Table: INTERPRETATION |
| | | | Applicant does not agree with Administrator's finding. | Request an Administrative Appeal. | ACTIONS Table: ADMINISTRATIVE APPEAL |
| | | | Any situation | Withdraw | DENIAL LETTER |
| #2 Does the parcel meet standards for this Zoning District? | District Regulations: DIMENSIONS Table - "Lot Size". | Go to Question #3. | Any situation | Request a Dimensions Variance. | ACTIONS Table: VARIANCE |
| | | | Applicant does not agree with Administrator's finding. | Withdraw | DENIAL LETTER |
| | | | Applicant does not agree with Administrator's finding. | Request an Administrative Appeal. | ACTIONS Table: ADMINISTRATIVE APPEAL |
| #3 Does existing or proposed structure or building meet yard and area standards? | District Regulations: DIMENSIONS Table | Go to Question #4 | Existing facility violates standards. | Request a Dimensions Variance. | ACTIONS Table: VARIANCE |
| | | | | Continue with process as is. | NONCONFORMITIES |
| | | | Proposed facility will violate standards. | Request a Dimensions Variance. | ACTIONS Table: VARIANCE |
| | | | | Amend Application to meet all standards. | Go To Question #4. |
| | | | Applicant does not agree with Administrator's finding. | Request an Administrative Appeal. | ACTIONS Table: ADMINISTRATIVE APPEAL. |
| | | | Any situation | Withdraw | DENIAL LETTER |

| QUESTION | REFER TO | IF ALL STANDARDS ARE MET, NEXT STEP | ---IF STANDARDS ARE NOT MET---- | | | | | |
|--|----------------------------------|-------------------------------------|---|--|--------------------------------------|--|----------------------|---------------------------|
| | | | SITUATION | APPLICANT'S OPTIONS | NEXT STEP | | | |
| #4 Will proposed activity meet parking requirements? | Off-Street Parking Requirements. | Go to Question #5. | Existing facility violates standards. | Request a Dimensions Variance. | ACTIONS Table: VARIANCE | | | |
| | | | | Continue with process as is. | NONCONFORMITIES. | | | |
| | | | Proposed facility will violate standards. | Request a Dimensions Variance. | ACTIONS Table: VARIANCE | | | |
| | | | | Amend application to meet all standards. | Go to Question #5. | | | |
| | | | | Withdraw | DENIAL LETTER. | | | |
| | | | Applicant does not agree with Administrator's finding. | Request an Administrative Appeal. | ACTIONS Table: ADMINISTRATIVE APPEAL | | | |
| #5 Will proposed activity meet all Supplementary Regulations? | Supplementary Regulations. | Go to Question #6. | Proposed activity will violate measurable standards. | Request a Dimensions Variance. | ACTIONS Table: VARIANCE | | | |
| | | | | Amend application to meet all standards | Go to Question #6. | | | |
| | | | | Withdraw | DENIAL LETTER | | | |
| | | | Proposed activity will violate non-measurable, written standards. | Request a Text Change. | ACTIONS Table: TEXT CHANGE | | | |
| | | | | Amend application to meet all standards. | Go to Question #6 | | | |
| | | | | Withdraw | DENIAL LETTER | | | |
| | | | Applicant does not agree with Administrator's finding. | Request an Administrative Appeal. | ACTIONS Table: ADMINISTRATIVE APPEAL | | | |
| | | | #6 Has permit fee been paid? | Village Fee Schedule | ISSUE PERMIT | Fee represents a serious hardship to applicant | Request a Fee Waiver | ACTIONS Table: FEE WAIVER |
| | | | | | | | Withdraw | DENIAL LETTER |

SECTION 9.6 REVIEW OF SUBDIVISION PLATS

- a. ZONING. All plats shall be subject to the use provisions of the zoning District in which they are located. Any Zoning District changes which may be necessary to accommodate a proposed plat's use or uses shall be made according to the amendment procedure described in this chapter.
- b. LOT STANDARDS. No proposed plat of a new or redesigned subdivision shall hereafter be approved unless the lots within the plat equal or exceed the minimum size and width requirements and all other applicable provisions of this Ordinance.

SECTION 9.7 ACTIONS SUMMARY TABLE.

The following Table is a summary of various basic administrative actions under this Zoning Ordinance. It supplements the preceding text, but is not a substitute for it.

TABLE 15 PROCEDURAL REQUIREMENTS FOR SPECIAL ZONING DECISIONS

| Type of Action | Parties Who May Initiate Action | Body Making Decision | Public Hearing Required? | Published Notice(s) – Number of Days before Hearing | Mailed Notice to all Owners and Occupants within 300 ft – Days before Hearing | Body to which Applicant may Appeal a Denial |
|-----------------------------------|---|---|---------------------------|---|---|--|
| Variance | Applicant or Administrator | Zoning Board of Appeals | Yes | Not Required | Not less than 15 | Circuit Court |
| Interpretation | Applicant or Administrator | Zoning Board of Appeals | Yes | Not Required | Not less than 15 | Circuit Court |
| Appeal of Administrative Decision | Any aggrieved party or any State, County, or Village officer, board, bureau or department | Zoning Board of Appeals | Yes | Not Required | Not less than 15 | Circuit Court |
| Site Plan Approval | Applicant or Administrator | Planning Commission | If requested by any party | Not less than 15 | Not less than 15 | Village Council, after 2 nd denial |
| Appeal of Site Plan Denial | Applicant, after 2 nd site plan denial | Village Council | Yes | Not less than 15 | Not less than 15 | Circuit Court |
| Special Use Permit | Applicant or Administrator | Planning Commission | Yes | Not less than 15 | Not less than 15 | Circuit Court |
| Planned Unit Development | Applicant or Administrator | Planning Commission | Yes | 15 | | |
| Rezoning | Applicant, Planning Commission or Village Council | Planning Commission recommends to Village Council | Yes | Not less than 15. | Not less than 15. | No approval until after Village Council action |
| | | Village Council | If requested by any party | Not less than 15 | Not Required | Circuit Court |

| Type of Action | Parties Who May Initiate Action | Body Making Decision | Public Hearing Required? | Published Notice(s) – Number of Days before Hearing | Mailed Notice to all Owners and Occupants within 300 ft – Days before Hearing | Body to which Applicant may Appeal a Denial |
|----------------|---|---|---------------------------|---|---|--|
| Text Change | Applicant, Planning Commission or Village Council | Planning Commission recommends to Village Council | Yes | Not less than 15. | Not less than 15 | No appeal until after Village Council action |
| | | Village Council | If requested by any party | Not less than 15. | Not Required | Circuit Court |
| Fee Waiver | Applicant | Village Council | No | Not Required | Not Required | Circuit Court |

Chapter 10 ■ Zoning Board of Appeals

SECTION 10.1 ESTABLISHMENT

The Village Council, exercising the authority of [Act 110 of the Public Acts of 2006](#), as amended, hereby provides that a Village Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members.

SECTION 10.2 MEMBERSHIP

The Village of Oakley Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Village of Oakley Planning Commission, one member shall be a member of the Village Council, and the remaining members shall be selected and appointed by the Village Council from among the electors residing in the unincorporated area of the Village. An elected officer of the Village may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Village Council may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Village Council for misfeasance, nonfeasance or malfeasance of duty or misconduct in office upon written charges and after public hearing. The Zoning Board of Appeals shall annually elect its own Chair, Vice-Chair, and Secretary at its January meeting or as soon thereafter as practicable.

The Village Council shall appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as 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 appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

A per diem or reimbursement for expenses actually occurred shall be allowed to the Board of Appeals and shall exceed a reasonable sum, which shall be appropriated annually in advance by the Village Council.

SECTION 10.3 TERMS OF OFFICE

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission, or Village Council whose terms shall be limited to the time they are members of the Zoning Board, Planning Commission, or Village Council, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term. A Village Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

SECTION 10.4 BOARD OF APPEALS PROCEDURES

- a. MEETINGS. Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before

the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.

- b. RECORDS. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the member and the final disposition of each case. Such minutes shall be filed in the office of the Village Clerk and shall be public records. ([ZBA final decision and form minutes](#))
- c. RULES OF PROCEDURE. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.
- d. MAJORITY VOTE. The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.
- e. CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

SECTION 10.5 APPEALS, METHOD FOR TAKING

- a. Any [appeal](#) from a ruling of the Zoning Administrator or body concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within 10 days after the fate of the Zoning Administrator's decision which is the basis of the appeal. Any appeal shall be in writing on standard forms. The Zoning Administrator shall transmit to the Board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken. Any appeal to the Board of Appeals shall be accompanied with a payment of a fee established by resolution of the Village Council to cover costs of processing such appeal.
- b. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the Village. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.
- c. An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this Ordinance; except that the Zoning Administrator may certify to the Board of Appeals after the notice of the appeal shall have been filed with him that for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

SECTION 10.6 DECISIONS

The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

A decision of the Board of Appeals should not be construed to set a precedent. Each case shall be judged on its own merits.

SECTION 10.7 DUTIES

The Village of Oakley Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section.

- a. **REVIEW.** The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Administrator, or by any other official in administering or enforcing any provisions of this Ordinance.
- b. **INTERPRETATION.** The Board of Appeals, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this Ordinance as follows:
 - 1) So as to carry out the intent and purposes of this Ordinance.
 - 2) To determine the precise location of the boundary lines between zoning districts; or,
 - 3) To classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- c. **VARIANCES.** The Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations as specified in this Ordinance PROVIDED all the conditions listed are satisfied. ([ZBA final decision and form minutes](#))
 - 1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - 2) The variance will do substantial justice to the applicant, as well as to other property owners.
 - 3) The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
 - 4) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - 5) The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.
- d. **RULES FOR GRANTING VARIANCES:**
 - 1) In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgment, secure substantially the

objectives of the regulations or provisions to which such variances applies. The breach of any such conditions shall automatically invalidate the permit granted.

- 2) Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within six months after the granting of the variance.
- 3) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
- 4) In authorizing any variance, the Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.
- 5) The Board of Appeals may not create a nonconforming use or a use that is more nonconforming than the current nonconforming use. In the same way the Board may not create a nonconforming lot or parcel or a lot or parcel that is more nonconforming than the current nonconforming use or create a nonconforming parcel from a conforming parcel.

SECTION 10.8 LIMITATIONS

The Board of Appeals, notwithstanding any provisions to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, or to prohibit a use which is permitted in this Ordinance, change permitted uses in a district, nor may it determine the validity of this Ordinance.

Procedures Manual

IMPORTANT DATES

Planning Commission Meeting Dates

Planning Commission meetings are scheduled on the first Monday of each third month starting in January.

Village Council Meeting Dates

Village Council meetings are the second Tuesday of each month at 7:00pm at the Oakley Village Hall, 201 Parshall Street, Oakley, Michigan.

Zoning Board of Appeals Meeting Date

The Zoning Board of Appeals meets once a year or on demand, as needed.

Comments

Written comments for items on the agenda must be submitted by 5pm on the day of the meeting to the Village Clerk.

Special Accommodations

People requiring special assistance to accommodate a disability should contact the Village Clerk at least 4 days prior to the meeting.

FEE SCHEDULE

All fees do not include any required engineering, legal or planning fees in addition to publication fees.

- (1) Zoning permit - \$ 50 (Includes Administrative Review)
- (2) Site Plan Review - \$ 300
- (3) Rezoning - \$ 300
- (4) Special Use Permit - \$ 300
- (5) Zoning Board of Appeals - \$ 300
- (6) Land Division - \$ 50
- (7) Plat: Tentative, Preliminary, or Final - \$ 300
- (8) Special Village Council meeting - \$ 300

HOW TO SUBMIT A SITE PLAN FOR REVIEW

Site plans for uses permitted in a specific district are eligible for review by the Planning Commission, provided they are complete and prepared according to the Village's regulations. If the use desired is not permitted in the location chosen, please refer to the directions for requesting a rezoning.

Materials to submit

1. The Village will supply you with a [site plan review form](#).
2. Following is a list of items each site plan must include - if they are applicable to your project. This list is called the Site Plan Review Checklist. It is helpful to provide this to your engineer or architect. The Planning Commission uses this checklist to review the plan so it is wise to follow this list.
3. All site plans must be prepared and sealed by a licensed engineer, architect, landscape architect or surveyor.
4. Ten (10) copies of each plan must be submitted, including ten (10) copies of elevation perspectives of any buildings to be constructed.

Time line for review

1. All plans must be delivered to Village Hall by 5:00 pm, three (3) weeks prior to the date of the Planning Commission meeting, Planning Commission meetings are held as needed.
2. The Village's planning consultant will contact you to discuss your site plan and suggest revisions prior to the meeting. Should you wish to remain on the agenda for that month's meeting, revised plans must be submitted by 5:00 pm two (2) weeks prior to the meeting. Plans that require a longer time to revise will be considered at the next month's meeting.
3. Incomplete site plans will not be reviewed by the Planning Commission. It is our intent to provide you with an efficient review and approval of your plan. This can only be done if the plan is complete and prepared according to the Village's ordinances and rules.

Fees

1. The Village charges a fee of \$ 300 for each site plan reviewed.
2. If a drainage review or other professional opinion is necessary to review and/or approve your site plan, an estimate of fees will be provided to you prior to any reviews being conducted.

How the process works

1. The Planning Commission will receive a copy of your site plan prior to the Planning Commission meeting.
2. At the meeting you or your representative will be given an opportunity to present your plan, including any recommendations or conditions for approval.
3. The Planning Commission will discuss the plan and vote to approve, approve with conditions, deny or table the plan to a specified date, which is generally the next meeting.
4. If your plan is tabled for incomplete information, you will have one (1) month to produce the necessary information and be reheard at the next Planning Commission meeting. After one (1) month, your site plan will be removed from the active business of the Planning Commission for incomplete information. A new site plan and fee may be submitted at any time after that.

Application for Site Plan Review

(Must Be Submitted At Least Three (3) Weeks Prior To Meeting)

Completed Application must include all fees, 10 full size copies and 1 reduced copy.

Applicant: _____ Date: _____

Address: _____

Telephone: () _____ Fax: () _____

Applicants Signature: _____

Owner (If different than applicant): _____

Address: _____ Telephone () _____ Fax () _____

Owner's Signature _____

Subject Property Address: _____

Legal Description (Provide the legal description of the property affected - if additional space is needed please attach on a separate sheet to this application):

Current Use(s): _____

Proposed Use(s): _____

| | | |
|------------------|---------------------------------------|--|
| All uses: | Number of Employees Maximum per Shift | |
| | Estimated Daily Traffic Generation | |
| | Expected Hours of Operation | |
| | Number of Parking Spaces | |
| Residential Uses | Type of Dwelling Units | |
| | Total Number of Units | |
| | Estimated Population | |

| | | |
|----------------------------|----------------------|--|
| For Office Use Only | Date Filed | |
| | Amount Paid | |
| | Case # | |
| | Hearing Date: | |
| | Current Zoning: | |
| | Parcel Id. No: | |
| | Checklist Submitted: | |

Site Plan Review Checklist

A detailed site plan must be prepared according to the guidelines in the Village Zoning Ordinance and include each item listed on the checklist where applicable. Site Plans will not be scheduled for a Planning Commission meeting until they are complete. All applicants are encouraged to contact the Village President to schedule a preapplication meeting with staff to review the site plan prior to submitting it to the Planning Commission for review. Completed site plans must be submitted three weeks prior to the next scheduled Planning Commission meeting.

General Information

- Name and Address of the owner and project printed on plans
- Date (Revision dates)
- North Arrow
- Location map, (show at least 600' around perimeter of site)
- Scale (Minimum 1"=20', Maximum 1"=60')
- Zoning (Subject parcel and adjoining parcels)
- Lot dimensions
- Building dimensions
- Square footage of buildings
- Buildings Uses - Indicate layout if there is more than one building
- Building elevation drawings including all four sides of buildings

Transportation

- Public roadways - Include curb, lanes, shoulder, width, through lanes, etc.
- Access Drives (width, traffic directions, curb, signs, etc.)
 - Barrier free parking (size and number of spaces)
- Loading Docks
- Road right-of-way (Existing and proposed)
- Curbing
- Curb cut dimensions
- Return radii of driveways
- Adjacent and across the street curb cuts (Location and size)
- Provisions for joint access and parking

Surrounding Land Use

- Phases of development and phase boundaries
- Neighboring structures on all adjacent lots and distance from joint property lines
- Neighboring land uses/proposed uses
- Wetlands (Calculations of all areas proposed and existing)
- Floodplains

Site Detail

- Utility, drains, water bodies or public easement of any kind
- Setback dimensions of front, side and rear yards for all buildings
- Parking lot layout (driveway widths, setbacks, green areas, lines, arrows, etc.)
- Number of parking spaces
- Parking space dimensions
- Circulation drive dimensions
- Sign locations
- Buffer yards - type and proposed detail of landscaping
- Fences (Size and location)
- Accessory structures
- Dumpster location and screening
- Bumper blocks or other vehicular restrictions
- Sidewalks (Size, type location)
- Existing trees (Type and size)
- Proposed water mains
- Proposed sanitary sewer
- Fire hydrants (Existing and proposed)
- Topography at 5 ft. intervals

Additional information for a Final Site Plan

- Landscaping
- Ground elevations, first floor finished elevations
- Easements
- Copy of Survey to verify property lines and existing structures
- Drainage ditches
- Storm Sewers
- Drainage
- Lot split/Combination from register of deeds
- Façade materials and Appearance Standards

Additional requirements for condominium projects

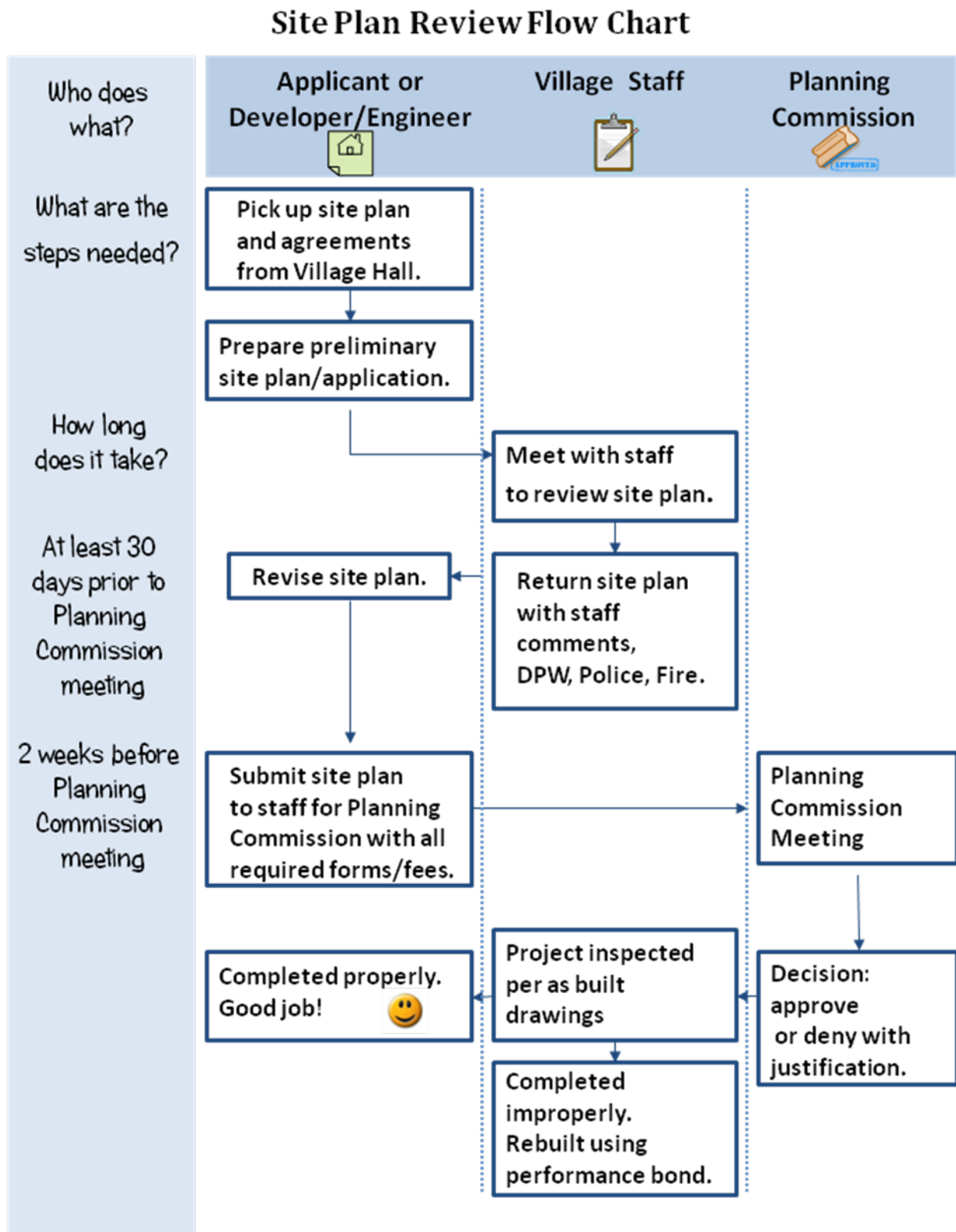
- Limited/ General Commons, etc.
- Density per Acre
- Units (Size and location)
- Master Deed

Signature of Applicant: _____

Conditions of Approval: _____

Approval Date: _____

Site Plan Review Flow Chart



HOW TO SUBMIT A SPECIAL USE PERMIT REQUEST

A Special Use Permit is required for all uses listed as allowed by Special Use Permit in each zoning district. A permit may only be applied for to establish a use that is allowed by special use permit in a specified district. A Special Use permit is discretionary in nature. A Special Use must first meet the guidelines established for that use in the Zoning Ordinance. Additional requirements may be imposed by the Planning Commission during the review of the permit, depending on the specific circumstances surrounding the proposal. A special use permit requires a public hearing.

Material to submit

- The Village will supply you with a [special use permit](#) and [site plan review form](#). Please fill each form out completely.
- The following is a list of items each site plan must include - if they are applicable to your project. This list is called the [Site Plan Review Checklist](#). It is helpful to provide this to your engineer or architect. The Planning Commission uses this checklist to review the plan so it is wise to follow this list.
- All site plans must be prepared and sealed by a licensed engineer, architect, landscape architect or surveyor.
- Ten (10) copies of each plan must be submitted, including ten (10) copies of elevation perspectives of any buildings to be constructed.

Time line for review

- A special use permit requires a public hearing. The notification for this hearing must be printed in the paper and sent to all property owners within 300' of the subject property. Application for a special use permit must be submitted four (4) weeks prior to the Planning Commission meeting. Planning Commission meetings are held as needed.
- All site plans must be delivered to Village Hall by 5:00 pm, 30 days prior to the date of the Planning Commission meeting. The Village's planning consultant will contact you to discuss your site plan and suggest revisions prior to the meeting. Should you wish to remain on the agenda for that month's meeting, revised plans must be submitted by 5:00 pm two (2) weeks prior to the meeting. Plans that require a longer period of time to revise will be considered at the next month's meeting.
- Incomplete site plans will not be reviewed by the Planning Commission. It is our intent to provide you with an efficient review and approval of your plan. This can only be done if the plan is complete and prepared according to the Village's ordinances and rules.

Fees

- The Village charges a fee of \$ 300 for each special use permit. This includes the plan review fee, but no other professional fees for reviews requested by the Village or required by law. This fee pays for the cost of publishing the notice of public hearing and the professional review of your plan.
- If a drainage review or other professional opinion is necessary to review and/or approve your site plan, an estimate of fees will be provided to you prior to any reviews being conducted.

How the process works

- The Planning Commission will receive a copy of your special use permit and site plan prior to the Planning Commission meeting.
- At the meeting you or your representative will be given an opportunity to present your plan. The Planning Consultant will comment on the plan, including any recommendations or conditions for approval.
- The Planning Commission will discuss the special use permit first to determine if the use is appropriate in the district. If the use is appropriate, the site plan will be considered. Approval of the special use permit is contingent upon approval of the site plan. The Planning Commission will then vote to approve, approve with conditions, deny or table the plan to a specified date, which is generally the next meeting.
- If your plan is tabled for incomplete information, you will have one (1) month to produce the necessary information and be reheard at the next Planning Commission meeting. After one (1) month, your site plan will be removed from the active business of the Planning commission for incomplete information. A new special use permit application, site plan and fee may be submitted at any time after that.

Application for Special Use Permit

(Must Be Submitted At Least thirty (30) Days Prior To Meeting)

Completed Application must include all fees, a site plan application along with 10 full size copies and 1 reduced copy of site plan.

\$ 300 Fee

Applicant: _____ Date: _____

Address: _____

Telephone: () _____ Fax: () _____

Applicants Signature: _____

Owner (If different than applicant): _____

Address: _____ Telephone () _____ Fax () _____

Owner's Signature _____

Subject Property Address: _____

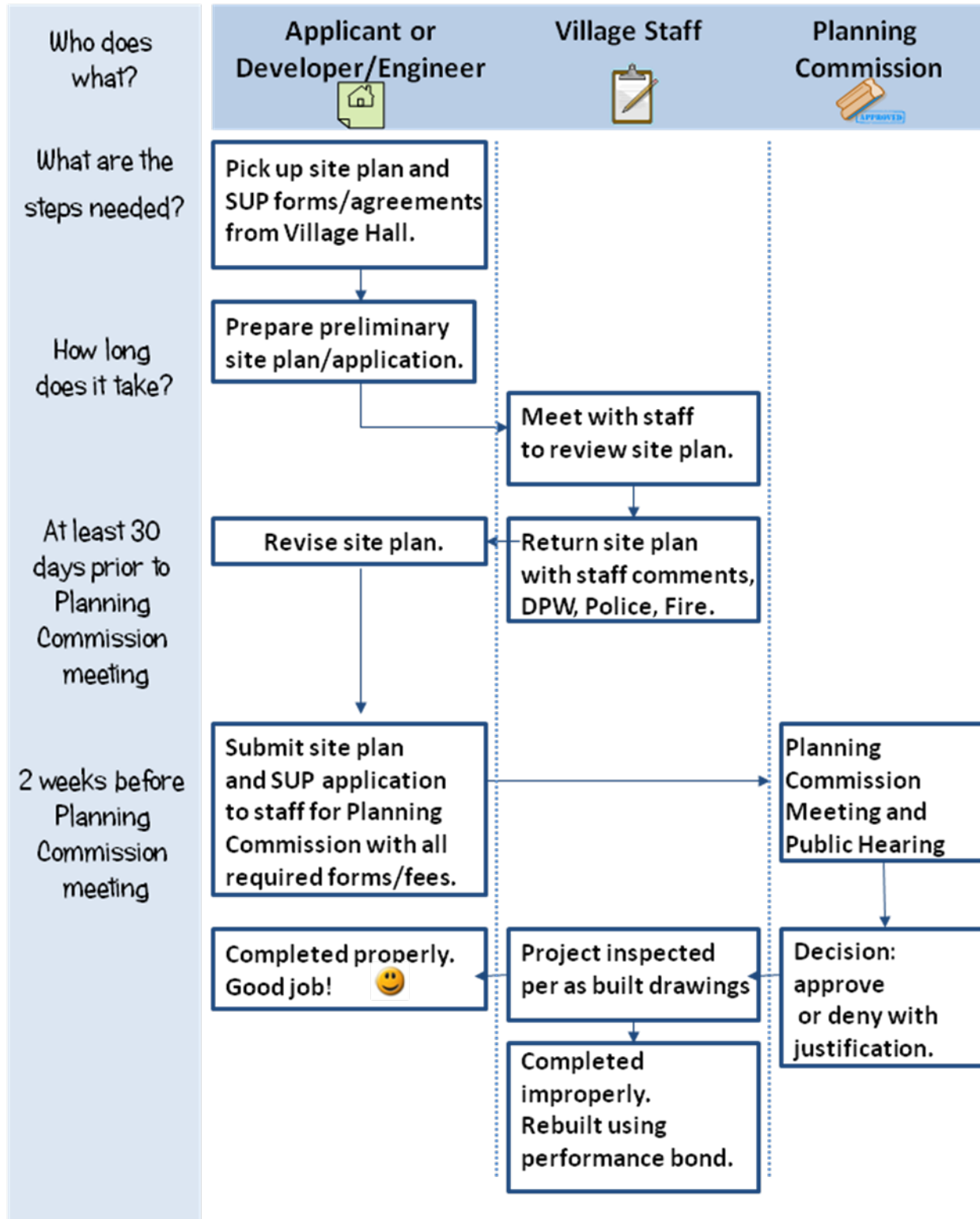
Legal Description (Provide the legal description of the property affected - if additional space is needed please attach on a separate sheet to this application):

Proposed Use(s): _____

| | | | | |
|-----------------------------|------------------------|--|-----------------------|--|
| For Office Use Only: | Date Filed | | Amount Paid: | |
| | Case # | | Hearing Date: | |
| | Current Zoning: | | Parcel ID No.: | |

Special Land Use Review Flow Chart

Special Land Use Review Flow Chart



HOW TO SUBMIT A REZONING REQUEST

This is the process to request that the zoning classification for a parcel of property is changed or that the text of the zoning ordinance is changed. Only the property owner, the Planning Commission or the Village Council may initiate a change to the zoning classification of a parcel. Only the Village Council may approve a request to rezone property. A rezoning request requires a public hearing and notification of all property owners within 300' of the parcel.

Materials to submit

- The Village will supply you with a [rezoning review form](#). Please fill the form out entirely.
- If you are requesting that the zoning classification is changed, a map of the location of the parcel with a legal description is required.

Time line for review

- A rezoning request requires a public hearing. The hearing must be advertised at least three weeks in advance of the hearing date. The Village Council will make the final decision regarding the rezoning. A rezoning typically takes two (2) months to complete.
- All applications and maps must be delivered to Village Hall by 5:00 pm, four (4) weeks prior to the date of the Planning Commission meeting. Planning Commission meetings are held as needed.
- The Village's planning consultant will contact you to discuss your request prior to the meeting. Should you wish to remain on the agenda for that month's meeting, revised plans for parcels or text must be submitted by 5:00 pm two (2) weeks prior to the meeting. Plans that require a longer period of time to revise will be considered at the next month's meeting.
- Incomplete text change requests or parcel information will not be reviewed by the Planning Commission. It is our intent to provide you with an efficient review and approval of your request. This can only be done if the information is complete and prepared according to the Village's ordinances and rules.

Fees

The Village charges a fee of \$ 300 for each rezoning request. This fee pays for the cost of professional review of your request and notification of a public hearing.

How the process works

- The Planning Commission will receive a copy of your request prior to the Planning Commission meeting.
- At the meeting you or your representative will be given an opportunity to present your plan. Planning Consultant will comment on the request, including any recommendations or conditions for approval.
- The Planning Commission will discuss the request and vote to recommend to the Village Council to approve, approve with conditions, deny or set aside the plan to a specified date, which is generally the next meeting.
- If your request is tabled for incomplete information, you will have one (1) month to produce the necessary information and be reheard at another Planning Commission meeting. After one (1) month, your request will be removed from the active business of the Planning Commission for incomplete information.

Application for Rezoning or Text Change

(Must Be Submitted At Least Four (4) Weeks Prior To Meeting)

Completed Application must include all fees, 10 full size copies and 1 reduced copy.

\$ 300 Fee

Applicant: _____ Date: _____

Address: _____

Telephone: _____ Fax: _____

Applicant's Signature: _____

Owner (If different than applicant): _____

Address: _____

Telephone: _____ Fax: _____

Owner's Signature: _____

Subject Property Address: _____

Legal Description (Provide the legal description of the property affected - if additional space is needed please attach on a separate sheet to this application):

Current Zoning: _____ Proposed Zoning: _____

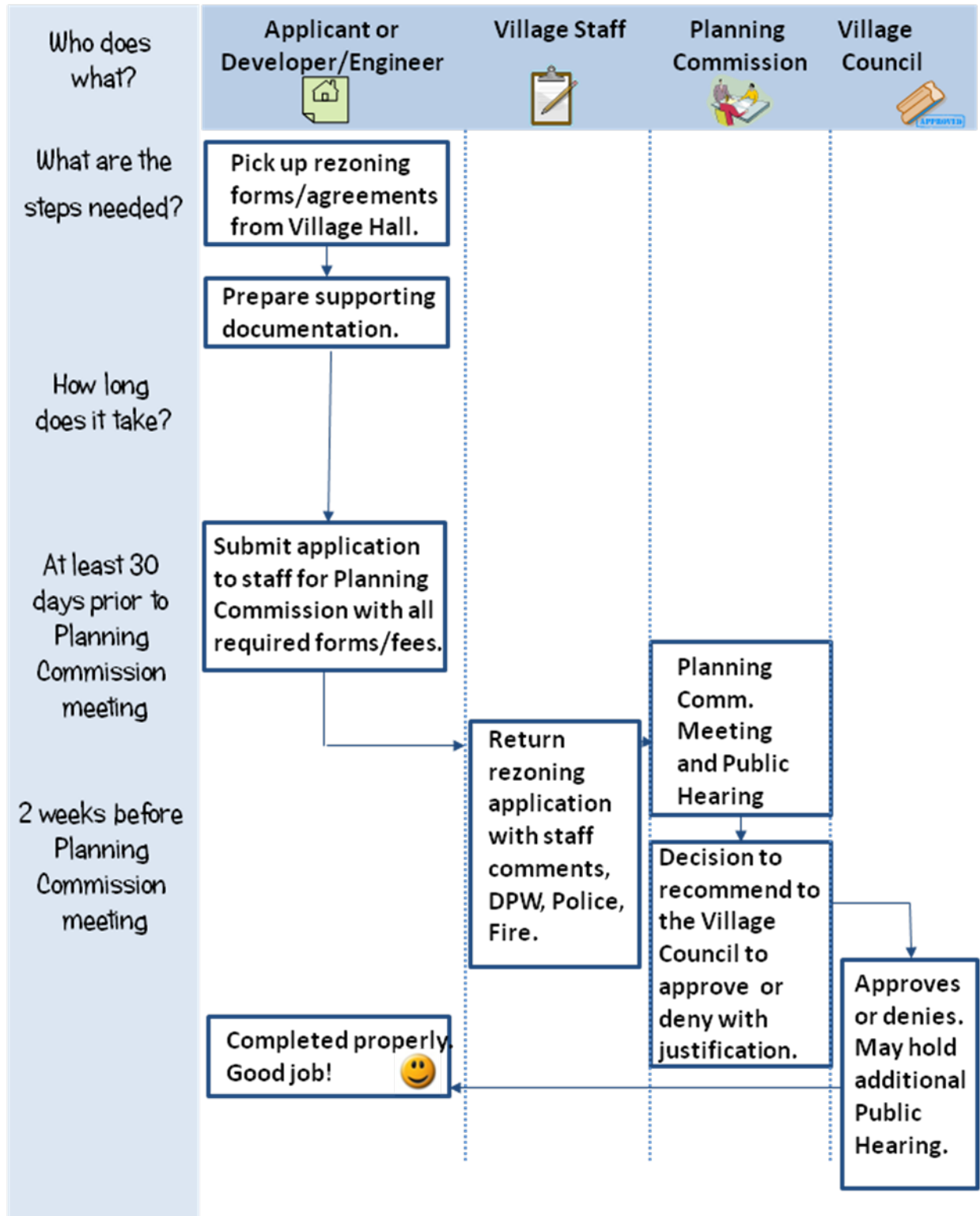
A survey or map of this property showing existing zoning boundaries, parcel boundaries and requested zoning boundaries is attached.

For Office Use Only:

| | |
|----------------------------------|--------------------|
| Date Filed: | Amount Paid: |
| Hearing Date: | Current Zoning: |
| Parcel ID No. | Date Notices Sent: |
| Village Council Date & Decision: | |

Rezoning Flow Chart

Rezoning (Text & Map) Review Flow Chart



HOW TO SUBMIT A ZBA REQUEST

(Zoning Board of Appeals)

This is the process to request a Variance Request, Ordinance or Map Interpretation of an Appeal from Administrative Decisions. The Zoning Board of Appeals Application must be filled out completely and returned no later than three (3) weeks prior to a scheduled Board of Appeals hearing. All mailings will be sent to the applicant.

Materials to submit

- The Village will supply you with a [Zoning Board of Appeals Application](#). Please fill the form out completely.

Time line for review

- Zoning Board of Appeals requires notification of all property owners within 300' of the property.
- Applicant will be notified as to when the Appeals meeting is scheduled.

Fees

- The Village charges a fee of \$ 300 for each Zoning Board of Appeals application. This fee pays for the cost of professional review of your request and notification to property owners.

Application for Zoning Board of Appeals

This application must be filled out completely and returned no less than three (3) weeks prior to a scheduled Board of Appeals hearing. All mailings will be sent to the applicant.

Applicant: _____

Address: _____

Telephone: _____ Fax: _____

Owner (If Different than Applicant): _____

Address: _____

Telephone: _____ Fax: _____

Subject Property:

Address: _____

General Location: _____

Legal Description: (Attach if Necessary) _____

(Check One):

- Variance Request
- Ordinance or Map Interpretation
- Appeal from Administrative Decision

Description of Request (Attach Additional Sheets if Necessary):

If you are applying for a variance, please respond to the following questions by answering yes or no and providing an explanation:

| | |
|--|--|
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Can this property be put to a use which conforms to the Zoning Ordinance without a variance? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Is the problem requiring a variance unique to this property? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Is the problem due to general conditions in the neighborhood? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | If the request is granted, will the essential character of the neighborhood be changed? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Is the situation causing the need for the variance self created? |

Provide a site drawing roughly to scale, indicating lot lines, existing buildings and structures, easements and other relevant features **must accompany this application**. This drawing shall indicate all relevant lot, structure and spacing dimensions.

I hereby grant personnel involved with the review of this request permission for reasonable entry onto the above property for investigations specifically related to this request.

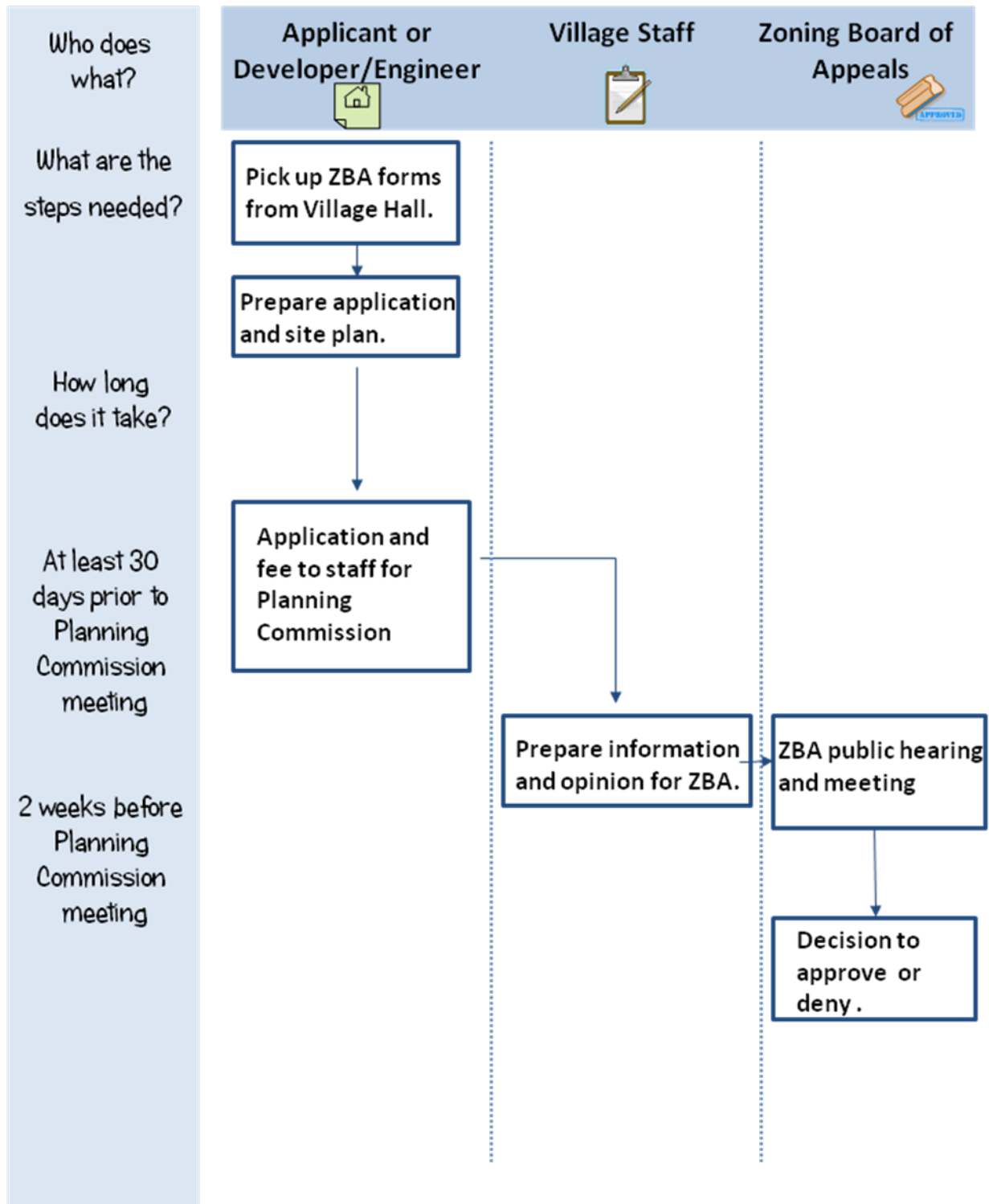
I further understand that if the requested appeal is granted, I am in no way relieved from all other applicable requirements of the Zoning Ordinance or other applicable regulations.

Applicant's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

Flow Chart for Zoning Board of Appeals

Zoning Board of Appeals Flow Chart



PUBLICATIONS

Requirements for Zoning Decisions

| Type of Action | Parties who may initiate | Body Making Decision | Public Hearing | Publication Requirements | Mail Notice to owners and occupants within 300' & # of days before hearing | Body to which applicant may appeal a denial |
|--|--|----------------------|----------------|----------------------------|--|---|
| VARIANCE | Property owner, agent or Administrator | ZBA | Yes | Once not less than 15 days | Once Not less than 15 days | Circuit Court only |
| INTERPRETATION | Property owner, agent or Administrator | ZBA | Yes | Once not less than 15 days | Once Not less than 15 days | Circuit Court only |
| APPEAL OF ADMINISTRATIVE DECISION | Any aggrieved party or State County or Village Officer board bureau or dept. | ZBA | Yes | Once not less than 15 days | Once Not less than 15 days | Circuit Court only |
| SITE PLAN | Property owner or agent | PC | No | Not required | Not required | PC after 1 year or Village Council |
| SPECIAL USE PERMIT (SUP) | Property owner, agent or Administrator | PC | Yes | Once not less than 15 days | Once Not less than 15 days | PC after 1 year or Circuit Court |
| PLANNED UNIT DEVELOPMENT (PUD) | Property owner, agent or Administrator | PC | Yes | Once not less than 15 days | Once not less than 15 days | PC after 1 year or Circuit Court |

| Type of Action | Parties who may initiate | Body Making Decision | Public Hearing | Publication Requirements | Mail Notice to owners and occupants within 300' & # of days before hearing | Body to which applicant may appeal a denial |
|--|--|---|---------------------------|-----------------------------------|---|---|
| REZONING (TEXT OR MAP CHANGE) | Property owner, agent or Administrator, Planning Commission or Village Council | PC recommends to Village Council | Yes | Once not less than 15 days | Once not less than 15 days | Planning Commission after 1 year |
| | | Village Council | If requested by any party | Once not less than 15 days | For map change: Individual property or 10 or fewer adjacent properties notify within 300 ft. for each property. If 11 or more adjacent properties notify within 300 feet of each property but no addresses of properties are required to be listed in notification. | Planning Commission after 1 year |
| MASTER PLAN OR MAP CHANGE | Public, Planning Commission or Village Council | Planning Commission Recommends to the Village Council | Yes | See PA 33 of 2008 | Not required. | Planning Commission |
| FEE WAIVER | Applicant | Village Council | No | Not Required | Not Required | Circuit Court |

What to publish before the public hearing:

1. Publish notice of the request in a newspaper of general circulation in the local unit of government.
2. Notice shall also be sent by mail or personal delivery to the owners of property for which approval 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.
3. The notice shall be given not less than 15 days before the date the application 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:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the 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 request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.

Whom to notify:

1. The legislative body of a local government may provide by ordinance for the manner in which the regulations and boundaries of districts or zones shall be determined and enforced or amended, supplemented, or changed. Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance.
2. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as described above.
3. If 11 or more adjacent properties are proposed for rezoning, notice shall be given of the proposed rezoning in the same manner as described above, except that no individual addresses of properties are required to be listed.

What to publish after adoption of an amendment:

A zoning ordinance shall take effect upon the expiration of 7 days after publication as required by this section or at such later date after publication as may be specified by the legislative body.

1. Following adoption of a zoning ordinance and any subsequent amendments, the zoning ordinance or subsequent amendments a notice of ordinance adoption shall be published in a newspaper of general circulation in the local unit of government within 15 days after adoption.
2. A copy of the notice required under subsection (7) shall be mailed to a local paper of general circulation.
3. The notice required under this section shall include all of the following information:
 - a. In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the Village of Oakley".
 - b. In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 - c. The effective date of the ordinance or amendment.
 - d. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.

Sample Public Hearing Notice for Zoning Amendment or Map Change**Sample Public Hearing Notice to review amendments to the
Village of Oakley Zoning Ordinance**

A public hearing will be held to gather comments from the public regarding adoption of proposed revisions to the Village of Oakley Zoning Ordinance.

If adopted, the proposed revisions will:

- Establish wind energy siting regulations,
- Establish regulations for the location of wood fired outdoor heaters,
- Increase the minimum lot size in the ____ district to one acre for lots without sewer and water, and
- Increase the maximum size of accessory structures permitted on lots in the ____ district that are greater than one acre.

A copy of the proposed revisions and a map showing the proposed new zoning district can be viewed at Village Hall.

The hearing will be held on _____ at 7:00 PM in the _____, located at 201 Parshall, Oakley Michigan. Written comments will be received until 5:00 PM on Monday, April 20, 2009 and may be presented at the hearing.

Village of Oakley will provide necessary reasonable auxiliary aids and services to any individuals with disabilities who plan to attend this public meeting. Persons interested in such services need to contact the Village President's Office at _____ at least four (4) working days prior to the meeting. In the case of a special meeting where advance notice for accommodations is not possible, every reasonable effort will be made to accommodate the disabled.

This notice must be published once in a newspaper of general circulation not less than 15 days before the date of the public hearing.

Sample Notice of Adoption of New Zoning Ordinance Text

At the DATE meeting of the Village Council, two zoning ordinance amendments were approved. The amendments take effect seven days following this publication. A summary of the regulatory effect of the amendments is to:

- Amend Article 15.2 Z to regulate the height, placement and safety issues related to wind energy systems both for individual use and as part of a wind farm. Wind Energy Conversion Systems will be permitted by right in the Agricultural district if all structures associated with the system are 65 feet or less. Structures over 65 feet will be permitted by special use permit in the agricultural district only. Structures mounted on dwelling units shall be permitted in all districts provided they do not exceed the height or structural regulations for the district in which they are located.
- Amend Article 15.2 S to regulate the placement, fuels and safety issues related to outdoor wood fired heaters. Outdoor heaters will be permitted in the agricultural district by right and in the general and regional business districts by special use permit.

A copy of the revisions and entire zoning ordinance can be viewed or purchased at Village Hall located at ADDRESS between TIMES and DAYS.

This notice must be published once in a newspaper of general circulation not less than 15 days after adoption by the Village Council.

Sample Public Hearing Notice for Master Plan Amendment or Map Change

A public hearing will be held to hear a request from the Village Planning Commission to revise the Future Land Use Plan map. Copies of the map are available for review at Village Hall.

The hearing will be held on _____, at _____ PM in the _____ Room, located at _____ Michigan. Written comments will be received until 4:30 PM on Monday, September 15, 2003 and may be presented at the hearing.

Village of Oakley will provide necessary reasonable auxiliary aids and services to any individuals with disabilities who plan to attend this public meeting. Persons interested in such services need to contact the Village President's Office at _____ at least four (4) working days prior to the meeting. In the case of a special meeting where advance notice for accommodations is not possible, every reasonable effort will be made to accommodate the disabled.

This notice must be published once in a newspaper of general circulation not less than 15 days prior to the public hearing on the Master Plan.

Sample Notice of Intent to Plan

March 16, 2009

«AddressBlock»

Re: Village of Oakley Master Plan

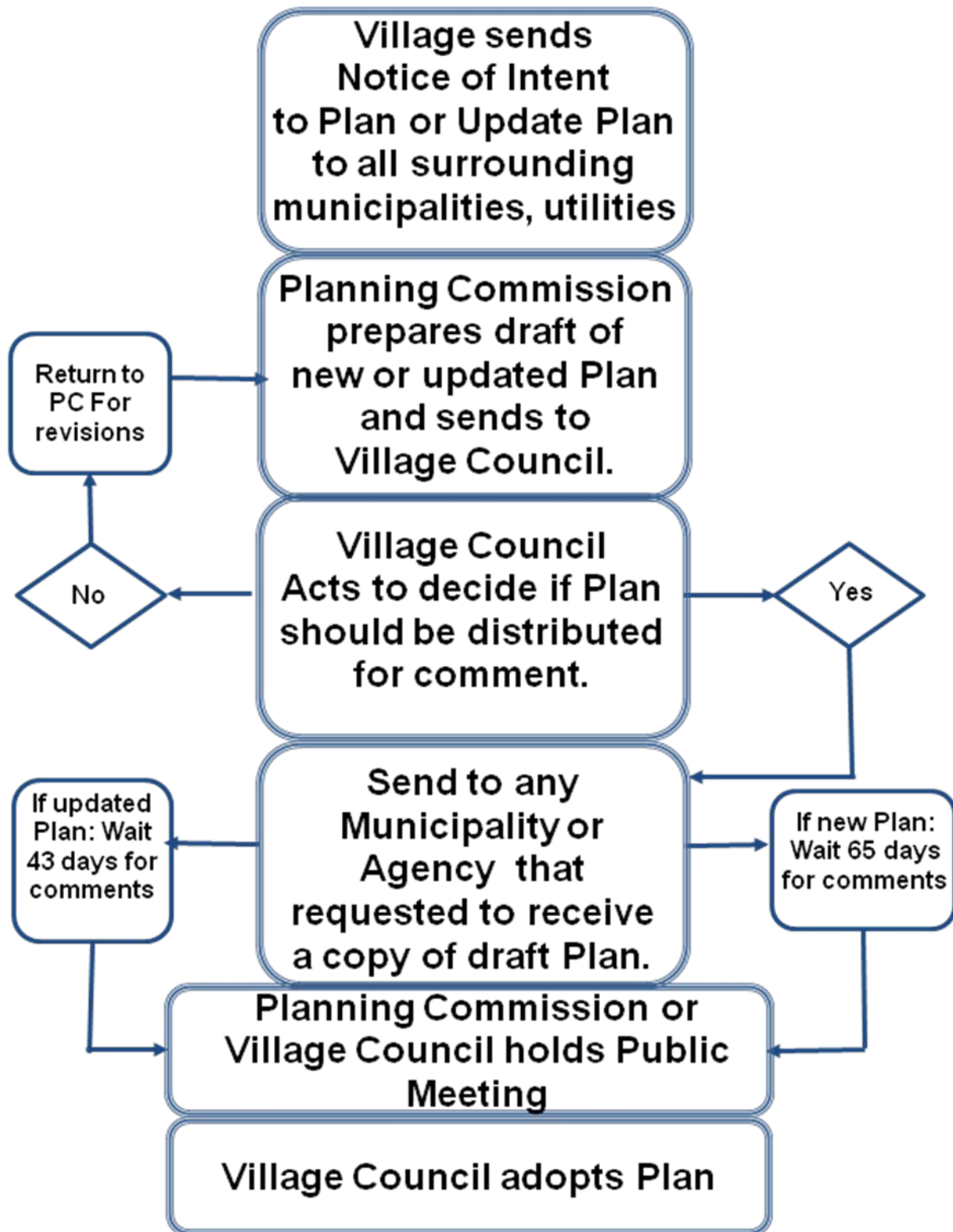
Dear Sir/Madam:

On behalf of the Village of Oakley this letter comes to you to inform you that the Village is preparing a new Master Plan. In accordance with Planning Enabling Legislation PA 33 of 2008, this letter is to notify our neighboring local governments, utilities and any other related entities that have requested this notice, that the Village of Oakley welcomes your cooperation and comments on the proposed plan. If you request a draft plan, the Village will send you an electronic copy of the proposed Master Plan as soon as the draft is completed.

Please contact me with any questions or concerns. Thanks very much.

Sincerely,

Flow Chart for Master Plan Adoption or Amendment



FORMS

Application for Sign Permit

To be completed by SIGN OWNER

Project name: _____

Project explanation: _____

Location: _____ Parcel No: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ email: _____

Print Sign Owner Name: _____

Signature of Sign Owner: _____ date: _____

To be completed by INSTALLER

Name of Installer: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ email: _____

Print Contact Person Name: _____

Signature of Contact Person for Installer: _____ date: _____

To be completed by PARCEL OWNER

Parcel Owner Name: _____

Parcel Owner Address: _____

City: _____ State: _____ Zip Code: _____

Parcel Owner Phone: _____ email: _____

Print Parcel Owner Name: _____

Signature of Parcel Owner: _____ date: _____

The following items must be attached to this application when submitted or it will not be reviewed:

- A front profile drawing having a scale of ¼ inch to 1 foot or greater from grade to the top of the sign excluding text or pictures
- A plot of the site showing the location and dimensions of the sign in relation to property lines, road right-of-way, parking spaces, driveways, sidewalks and building, as well as the location of any existing pole or ground signs on the parcel including billboards. All existing sign sizes shall be indicated.
- A lighting diagram shall be provided indicating the type of lighting proposed for the sign.
- Along with the building plans a footing plan must be submitted showing the footing depth and size meeting the standards found in the Michigan Building Code which is incorporated herein by reference.
- The building plans must include structural plan showing structural members and fasteners meeting the standards found in the Michigan Building Code.
- A filled out building permit application must be filled out and attached.

The following must be completed by the applicant or parcel owner:

- The road or highway right-of-way must be clearly marked in front of the proposed sign for inspection reasons. The leading edge of a pole or ground signs must be no closer than 10 feet to any road right-of-way.
- The right-of-way must be marked during both footing inspection and during final inspection.

By signing this application, I acknowledge that I have read and understand all requirements of the Village of Oakley Sign Ordinance that must be followed in order to secure a permit to install the requested sign(s). I agree to follow all provisions of the Village Sign Ordinance related to sign installation including sign placement, location on the parcel, setbacks from side property lines as well as the setback from any road or highway right-of-way. I agree to follow and understand fully all sunset provisions which require all pole, ground, and wall signage on the parcel to be brought into total compliance with the Village Sign Ordinance by DATE. I take full responsibility for providing true and accurate information and for marking the road or highway right-of-way. I attest to the fact that the plot plan provided to the Village Building Inspector shows the true road or highway right-of-way location and that the proposed sign will be installed as requested and will be set back a minimum of 10 feet from any road or highway right-of-way. I attest that I understand that I may replace the face or faces of the signs and this change does not bring them into compliance with the Village Sign Ordinance. I further attest that I was given a copy of the sign ordinance and have read and understood all provisions and requirements completely and agree to abide by the same.

Required Signatures

Signature of Sign Owner: _____ date: _____

Signature of Installer: _____ date: _____

Signature of Parcel Owner: _____ date: _____

Sign Location Drawing

Please draw a site plan in the space below showing the location of any ground or pole sign, the distance from the curb or edge of road, the distance from the County Road right-of-way and/or State Highway right-of-way, the distance from side property lines, and the distance from sidewalks, parking spaces and driveways.

Scale of drawing: 1 square= 2 feet

A large grid of graph paper for drawing a site plan. The grid consists of 30 squares across and 30 squares down, providing a space for the user to draw a site plan showing the location of any ground or pole sign, the distance from the curb or edge of road, the distance from the County Road right-of-way and/or State Highway right-of-way, the distance from side property lines, and the distance from sidewalks, parking spaces and driveways.

The items listed below are to determine if a ground or pole sign placement is in compliance with the code and sign ordinance. The drawing will be checked by the Building Inspector for compliance and it is necessary to show all of the items listed below to complete the review process. If any of the items are not included on your drawing it will be denied a permit for insufficient information.

Must show on drawing:

- ✓ Building
- ✓ Driveway with distance to sign.
- ✓ Parking lot and distance from sign
- ✓ Parking spaces
- ✓ Pole or ground sign
- ✓ The distance from the side property line to the sign (must be a minimum of 10 feet)
- ✓ The distance from between the sign and the road right-of-way (must be a minimum of 10 feet.)

Zoning Board of Appeals Final Decision and Form Minutes

Appeal Number: _____ Hearing Date: _____

Applicant Name: _____ Phone: _____

Address: _____

Reason for Request: _____

Type of Appeal: Interpretation_____ Variance_____

ZBA Findings of Fact: _____

ZBA Determination: _____

Reasons for Determination: _____

Vote of Board Members and signature:

(Yes) (No) _____

(Yes) (No) _____

(Yes) (No) _____

(Yes) (No) _____

(Yes) (No) _____

I, _____, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this report.

Dated: _____ Secretary: _____

PLEASE NOTE THAT ANY APPEAL OF THIS DECISION MUST BE MADE TO A COURT OF PROPER JURISDICTION WITHIN 21 DAYS OF THE DATE OF THIS DECISION.

Chairperson

Sample Performance Bond

BOND NO. _____

The premium for this bond is: \$ _____ payable in advance and subject to adjustment at current annual rates.

KNOW ALL MEN BY THESE PRESENTS: That we _____

as Principal, and _____

a corporation organized under the laws of the State of Michigan and duly authorized under the laws of the State of Michigan to become sole surety on bonds and undertaking as Surety, are held and firmly bound unto

The Village of Oakley
ADDRESS

as Obligee in the full and just sum of _____ Dollars (\$ _____), lawful money of the United States of America to be paid to the said Obligee, successors or assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, successors, administrators and assigns, jointly and severally, firmly by these presents.

The Condition of the above Obligation is such that the Principal has been awarded a permit to engage in the business of collecting, transporting, disposing, processing, or using refuse, or a combination of these functions, in COUNTY, and the above Principal has agreed and is obligated to perform such business in conformity with the provisions of such permit, the Ordinance Code of COUNTY and the rules and regulations of the COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES and to pay monthly for accrued waste disposal fees incurred by principal at the landfills operated by COUNTY.

Now, therefore, if the above Principal shall well and faithfully perform each and all of the requirements and conditions of such permit, ordinances, and regulations and truly pay his monthly obligations to COUNTY for use of said use, then this obligation is void, otherwise to remain in full force and effect.

This bond may be canceled by giving thirty (30) days written notice to the Obligee, the Surety, however, will remain liable for any subsequent default in payment of fees incurred during the period up to the expiration of thirty (30) days notice.

No right of action shall accrue under this bond to or for the use of any person other than the Obligee named herein.

Sealed with our seals and dates this ____ day of _____, 2010.

Performance Bond: As a condition of the granting of a permit hereunder the Village may require the permittee, within thirty (30) days subsequent to being issued such a permit, to post a performance bond with the Village written by an approved corporate surety in the amount of fifty thousand dollars

(\$50,000.00) and in a form satisfactory to the Village guaranteeing the permittee's continued operation of the cable antenna television system within the Village and the permittee shall well and truly observe, fulfill and perform each term and condition of the bond; all damages which may be directly occasioned by the failure of the permittee to perform under this Ordinance up to the principal amount of the bond shall be recoverable from the principals and sureties of said bond by the Village.

Forfeiture Of Bond: If the permittee should commit a breach of this Ordinance and no remedy of such breach occurs within sixty (60) days after having been given notice thereof from the Village to do so then the Village, at its discretion, may declare a portion of the bond equivalent to the amount of damages sustained by the Village which are directly attributable to such breach, forfeited and the permittee shall thereupon be required:

1. To remedy the breach with reasonable dispatch; and
2. Within sixty (60) days of such forfeiture replace the forfeited portion of the bond.

Notwithstanding the foregoing nothing contained in this paragraph shall serve to absolve the permittee of any of its obligations under this Ordinance or the rules and regulations of the Federal Communications Commission.

Payment Of Bond Premiums; Termination Of Bond: The permittee shall pay all premiums chargeable for the bond and shall keep the same in full force and effect at all times throughout the term of this Ordinance and during the removal of all poles, wires, cables, underground conduits, manholes and other conductors, converters, equipment and fixtures subsequent to the termination of this Ordinance. The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty (60) days after written notice to that effect is given to the Village Clerk.

Michigan Insurance Companies: All insurance policies and bonds as are required of the permittee hereunder shall be written by a company or companies authorized and qualified to do business in the State of Michigan.

Fence Permit

Incomplete applications will not be accepted.

Permit number: _____

The application for a Residential Fence Permit must be submitted to the Village Zoning Office, along with the appropriate application fee and a complete application.

Description of Work to be done: _____

Name of property owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ email: _____

Signature of owner: _____

Name of Contractor: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ email: _____

Signature of Contractor: _____

| | | |
|---|---------------------------|----------------------|
| Zoning Classification of Property: | | |
| Property Tax ID: | Construction Cost: | |
| Section: | | |
| Subdivision: | Lot: | |
| Setback-front: | Setback-rear: | Setback-side: |

| | | |
|---|--|--|
| <input type="checkbox"/> Application – 2 copies | <input type="checkbox"/> Site plan to scale with accessory affidavit or survey showing location of proposed fence (2 copies) | <input type="checkbox"/> Copy of release of easement (if applicable) |
|---|--|--|

Notes - Residential Fence Permit

Chain link and wood fence - 6 feet in height and less (height measured from natural grade)

Masonry fences are considered walls and require a building permit

Chain link fences, picket fences and fences of open construction located between the front property line and the front of the principal residence are limited to 4 feet high.

Wood stockade fences and solid or opaque fences or any material located between the front property line and the front of the principal residence are limited to 3 feet high

Zoning Compliance Permit

To be filled out in entirety by applicant -
VILLAGE OF OAKLEY ZONING COMPLIANCE PERMIT
Worksheet
Saginaw County, Michigan

Application No. _____

Applicant name: _____

Address: _____

Phone _____

Owner of property involved

Name: _____

Address: _____

Phone: _____

Is applicant acting as Agent of property owner: Yes No

Address of property involved: _____

Legal description of property involved or tax I.D number _____

State what is to be built, remodeled, altered, etc. (include dimensions for each structure i.e. garage, house, deck, porch, pole barn; include number of floors and basement) _____

Total Value of project: \$ _____

Present zoning district: _____ Type of Building and land use: _____

(Commercial, Residential ...)

Description of lot: lot depth: _____ lot width: _____

Lot area (acres/sq. ft.) _____

Is a lake, river or stream within 500 ft. of property: Yes No

Access: Property is served by Private road* Public road*

*Access has to be improved to current standards as given in Ordinance

ZONING DISTRICT SETBACK AND AREA REQUIREMENTS MUST BE FILLED IN

Minimum Required Actual

Lot area _____ Side yards from property line _____

Backyard from property line _____ Road right of way if waterfront _____

Front yard: From road right of way/From edge of water _____

Septic tanks from water 100 ft. _____ Drain fields or dry well from water 100 ft. _____

Lot Coverage (impervious material/structure/paving) (Maximum 35%coverage) _____

Building height-stories _____ or feet _____

Distance between buildings _____ feet.(Either attached or at least 10 feet)

Is off-street parking proposed? Yes No

Estimated construction start date: _____

MOBILE HOMES:

Mobile homes located outside of a licensed Mobile Home Park are required to have cement, cement block, brick or treated wood foundations (2"x4" top and bottom, 16" centers, 5/8" front) around entire

perimeter of mobile home. Homes must have a minimum width of 24' for entire width of home. Homes must have 1200 sq ft of living area.

Mobile Home: Make _____ Model: _____ Year: _____

Serial Number: _____ Outside dimensions: _____ x _____

The undersigned hereby agrees to comply with all ordinances and regulations of Village of Oakley, Saginaw County, Michigan and of any other agencies or governmental units which may be involved. Applicant signature hereon grants permission for zoning official inspections as required to assure compliance with permit granted.

I/we do hereby swear that the above information is true and correct to the best of my/our knowledge.

Date: _____ Applicants: _____

Approval or denial is for a term of 12 months: _____

Date: _____ Zoning Administrator: _____

When completed, the dwelling will have the following overall:

Ground floor area _____ Chimney _____ Patio, sq. ft. _____

Number full baths _____ Inside or outside Enc. Porches _____ X _____

Number part baths _____ Hearths _____ Open Porches _____ X _____

Bedrooms _____ Wood burner _____ Decks, sq. ft. _____

Fin. Basement area _____ Air Cond. _____ Outbuildings _____ X _____

Heat Pump _____ Drive, cement _____

Asphalt _____

Approval is contingent upon receipt of the following permits/approvals if applicable:

Building Permit; Soil & Erosion Permit; Health Dept.; DNR

Worksheet and copy of plans-to be attached to permit

Mutual Access Agreement

**Village of Oakley
Mutual Access Easement Agreement**

By and Between: Village of Oakley &

_____, parcel # _____ (Parcel A) and
 _____, parcel # _____ (Parcel B),
 _____, parcel # _____ (Parcel C),
 _____, parcel # _____ (Parcel D).

This agreement is made and entered into this ____ day of _____, 2010 by and between Village of Oakley and _____.

WHEREAS, (insert land owner) is the current owner and interest holder of the property legally described as (insert legal description), henceforth referred to as "Parcel A"; and (insert land owner) is the current holder and interest holder of the property legally described as (insert legal description), henceforth referred to as "Parcel B", and (insert land owner) is the current holder and interest holder of the property legally described as (insert legal description), henceforth referred to as "Parcel C", and (insert land owner) is the current holder and interest holder of the property legally described as (insert legal description), henceforth referred to as "Parcel D",

WHEREAS, The Village Zoning Ordinance mandates, where possible, the establishment of shared driveways, parking lot connections and other cross access arrangements for properties in the Commercial and Industrial zoning districts of the Village,

WHEREAS, It has been stipulated by the Village of Oakley Planning Commission and the Michigan Department of Transportation, in approving the preliminary site plan for _____ that it is necessary to establish a shared driveway between Parcel A and Parcel B and access to Parcels C and D from this shared driveway, in order to facilitate efficient traffic operations and improve public safety in this location, now

THEREFORE, In consideration of the foregoing and the terms and conditions contained herein, the above named parties agree as follows:

1. Access Easement
 - a. An easement shall be created which shall allow the above named parties and the general public vehicular and pedestrian access across Parcel A, Parcel B, Parcel C and Parcel D. This easement is illustrated on the attached Exhibit A, and legally described as follows:
(insert legal description)
 - b. No physical barrier including, but not limited to, curbs, structures, buildings, signs, parking spaces, and product displays shall be placed across the easement in such a manner as to block access across and/or between Parcel A, Parcel B, Parcel C and/or Parcel D.
 - c. Details pertaining to the placement of the access drive within the easement shall be illustrated on the final site plans for any future developments on Parcel A, Parcel B, Parcel C

d. and/or Parcel D, or any portions thereof. Said plans shall be submitted to the _____ Planning Commission for review and approval.

e. Properties located adjacent to the easement shall be permitted to connect their parking areas, aisle ways, driveways, etc. to the access drive within the easement. The easement and corresponding access drive shall be open for use by the general public.

f. The easement shall be permanently recorded with the Saginaw County Register of Deeds.

2. The owners of Parcel A, Parcel B, Parcel C and Parcel D hereby covenant and agree that this agreement shall be binding and shall inure to the benefit of the parties hereto, their successors, assigns, tenants, and subtenants, and that the covenants herein contained shall be deemed to be covenants running with the land.

3. _____ shall be responsible for the payment of any and all costs and expenses incurred and arising out of any use of the easement for any of the purposes described and set forth in this agreement including, but not limited to, any cost and expenses incurred in the construction, maintenance and repair of the pavement within that portion of the easement area located on Parcel _____.

_____ shall be responsible for the payment of any and all costs and expenses incurred and arising out of any use of the easement for any of the purposes described and set forth in this agreement including, but not limited to, any cost and expenses incurred in the construction, maintenance and repair of the pavement within that portion of the easement area located on Parcel _____.

4. _____ and _____ shall be responsible for the payment of any and all costs and expenses incurred and arising out of the initial construction of the access drive within that portion of the easement area located on Parcel _____. _____ and _____ shall each pay one-half () of the costs and expenses of construction of said access drive. _____ shall construct said access drive within the easement (*describe location*) concurrent with the construction of the _____. _____ shall reimburse _____ for its portion of the costs of construction upon completion of said access drive on Parcel _____. *(modify as appropriate).

5. Each party shall separately operate the easement area located on their respective parcels and shall maintain the same in good condition and repair at their own cost and expense so long as such easement area shall exist.

IN WITNESS WHEREOF, _____ and _____ the _____ and _____, respectively, of _____ (owner A) have hereunto set their hands on the date affixed hereto.

Witnessed by: _____ (owner A)

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| Date | Title | Date |
| _____ | _____ | _____ |
| Date | Title | Date |

STATE OF MICHIGAN
COUNTY OF SAGINAW

On this _____ day of _____, 2001 before me personally appeared _____ and _____ the _____ and _____, respectively, of _____ (owner A) to me known as the persons who executed the foregoing instrument and acknowledge the same to be their own free act and deed.

Notary Public, Saginaw County,
Acting In Saginaw County,
My Commission Expires:

IN WITNESS WHEREOF, _____ and _____ the _____ and _____, respectively, of _____ (owner B) have hereunto set their hands on the date affixed hereto.

Witnessed by: _____ (owner B)

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| Date | Title | Date |
| _____ | _____ | _____ |
| Date | Title | Date |

STATE OF MICHIGAN
COUNTY OF SAGINAW

On this _____ day of _____, 2001 before me personally appeared _____ and _____ the _____ and _____, respectively, of _____ (owner B) to me known as the persons who executed the foregoing instrument and acknowledge the same to be their own free act and deed.

Notary Public, Saginaw County,
Acting In Saginaw County,
My Commission Expires:



IN WITNESS WHEREOF, _____ and _____ the _____ and _____, respectively, of _____ (owner C) have hereunto set their hands on the date affixed hereto.

Witnessed by: _____ (owner C)

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| Date | Title | Date |
| _____ | _____ | _____ |
| Date | Title | Date |

STATE OF MICHIGAN
COUNTY OF SAGINAW

On this _____ day of _____, 2001 before me personally appeared _____ and _____ the _____ and _____, respectively, of _____ (owner C) to me known as the persons who executed the foregoing instrument and acknowledge the same to be their own free act and deed.

Notary Public, Saginaw County,
Acting In Saginaw County,
My Commission Expires:

IN WITNESS WHEREOF, _____ and _____ the _____ and _____, respectively, of _____ (owner D) have hereunto set their hands on the date affixed hereto.

Witnessed by: _____ (owner D)

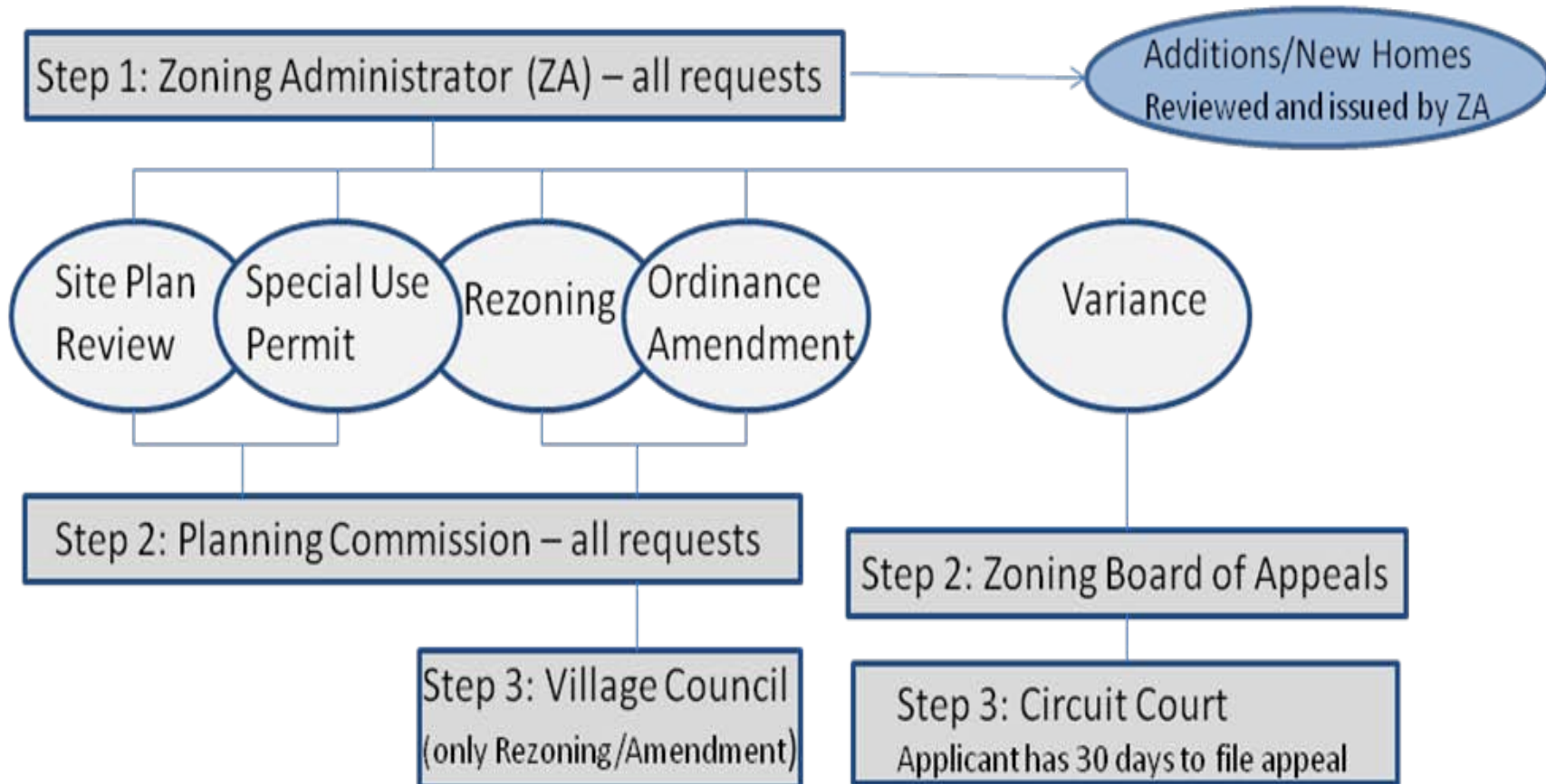
| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
| Date | Title | Date |
| _____ | _____ | _____ |
| Date | Title | Date |

STATE OF MICHIGAN
COUNTY OF SAGINAW

On this _____ day of _____, 2001 before me personally appeared _____ and _____ the _____ and _____, respectively, of _____ (owner D) to me known as the persons who executed the foregoing instrument and acknowledge the same to be their own free act and deed.

Notary Public, Saginaw County,
Acting In Saginaw County,
My Commission Expires:

ADMINISTRATIVE PROCESSES FLOW CHART



APPENDIX - LINKS

Michigan Zoning Enabling Act. P.A. 110 of 2006 as amended

<http://www.legislature.mi.gov/documents/2005-2006/publicact/htm/2006-PA-0110.htm>

Michigan Planning Enabling Act, P.A. 33 of 2008 as amended

<http://www.legislature.mi.gov/documents/2007-2008/publicact/htm/2008-PA-0033.htm>

Michigan Land Division Act 288 of 1967

[http://www.legislature.mi.gov/\(S\(yjacdl55xm0k3i45zmq4ii55\)\)/mileg.aspx?page=GetObject&objectname=mcl-Act-288-of-1967](http://www.legislature.mi.gov/(S(yjacdl55xm0k3i45zmq4ii55))/mileg.aspx?page=GetObject&objectname=mcl-Act-288-of-1967)

Michigan DNRE Permitting Site

http://www.michigan.gov/deq/0,1607,7-135-3307_29692_24403---,00.html