

VILLAGE
OF
MENDON

ZONING
ORDINANCE

THE VILLAGE OF MENDON
ZONING ORDINANCE
WAS AMENDED
BY RECOMMENDATION
OF THE

MENDON PLANNING COMMISSION BOARD

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Village of Mendon Zoning Ordinance

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ORDINANCE NO. 33

MENDON ZONING ORDINANCE

ARTICLE 1 – PREAMBLE

Section 1.0 Enactment and Authority: The Village Council of the Village of Mendon in the County of St. Joseph under the authority of the Village Zoning Act, 207 of the P.A. of 1921 of the State of Michigan, as amended, hereby ordains, enacts and publishes this Ordinance.

Section 1.1 Short Title: This Ordinance shall be known as the Zoning Ordinance of the Village of Mendon, and will be referred to herein as “this Ordinance”.

Section 1.2 Purpose: The Village of Mendon Zoning Ordinance is hereby established in accordance with the needs of the Village. The text, map and schedules contained herein shall constitute this Ordinance. Said Ordinance is expressly adopted for the following purposes:

1. To protect and promote the public health, safety and general welfare of the Village.
2. To control and guide the orderly growth and development of the Village in accordance with its Comprehensive Planning Program, and to implement the growth and development goals and policies contained therein, some of which are enumerated as follows:
 - a. To encourage a wide range of housing opportunities in an orderly manner in the Village from single-family to multiple-family and congregate housing for the elderly;
 - b. To ensure that the residential housing environment of the Village is safe, healthful and free of visual blight;
 - c. To preserve the character and value of certain historic areas and structures;
 - d. To preserve and enhance the appearance and viability of the Central Business District; and
 - e. To ensure the orderly development and operation of industrial uses.

3. To promote and protect the value of land and buildings which are appropriate to the various districts established by this Ordinance.
4. To prevent against conflicts among the use of land and buildings.

ARTICLE 2 – DEFINITIONS

Section 2. 0 Usage:

1. For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.
2. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word “herein” means this Ordinance; the word “regulation” means the regulations of this Ordinance; and the words “this Ordinance” shall mean “the Ordinance text, tables and maps included herein, as enacted or subsequently amended”.
3. A “person” includes a corporation, a partnership, and an unincorporated association of persons such as a club; “shall” is always mandatory; a “lot” includes a plot or parcel, a “building” includes a structure; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used for occupied”.
5. The “Council” is the elected governing body of the Village of Mendon.
6. The “Village” is the Village of Mendon in the County of St. Joseph, State of Michigan; and “Council”, and “Zoning Board of Appeals”, are respectively the Village Council, and Zoning Board of Appeals, of the Village of Mendon.
6. Any words not defined in this Ordinance shall be construed as defined in the Housing Code of Michigan, Act 167, Public Acts of 1917, as amended.

Section 2. 1 Terms and Words Defined:

Accessory Building: A detached subordinate building or structure on the same premises with a main building, occupied or devoted to an accessory use which is appropriate, supplemental and customarily related to that use at the main building or premises. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered part of the main building, including a carport, covered porch or other roofed structure.

Accessory Structure: A structure (which is not a building) subordinate to and located on the same lot with a principal building, the use of which is incidental to that of the principal building, and which is not attached to the principal building. (This definition shall include swimming pools, satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus).

Accessory Use: A use of a building, lot or portion thereof, which is incidental and subordinate to the principal use of the lot.

Adult Foster Care Facility: A governmental or private facility for adults who are aged, emotionally disturbed, developmental disabled, or physically handicapped and who require supervision but not continuous nursing care.

Agricultural Production: The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of live-stock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables; including in each instance the right to sell at wholesale or retail from the premises any goods or products produced thereon.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

Alteration of Building: A change in the supporting members of a building, or an addition, diminution, change in use or conversion of a building, or the removal of a building from one location to another.

Automobile or Trailer Sales Area: An area used for the display, sale or rental of new and used motor vehicle, boats or trailers (including mobile homes) in operable condition and where no repair work is done.

Automobile Repair – Major: Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines or trailers; collision services, such as body, frame or fender straightening and repair, overall painting and vehicles rust proofing.

Automobile Repair – Minor: Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including sale of accessories, greasing, oiling and minor automotive repair on the premises.

Basement or Cellar: A portion of a building having more than one-half (1/2) of its height below grade.

Bed and Breakfast Facility: A bed and breakfast facility is a building, other than a hotel, where lodgings and light breakfasts for person(s), other than the family, are regularly served for compensation.

Boarding House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging, for compensation, to more than two persons other than members of the resident family occupying such dwelling, for a period exceeding seven (7) days.

Building: A building is an edifice, framed or constructed and designed to stand more or less permanently and covering a space of land, for use as a dwelling, store, storehouse, factory, sign,

and shelter or for some other useful purpose. Building in this sense includes a wall, fence, monument, board fence or similar structure, trailer, tent, or vehicle used as a dwelling.

Building Code (Village): The nationally recognized model building, mechanical, plumbing and electrical code(s) in effect in the Community.

Building – Existing: An “existing” building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance: Provided, that the construction of any such building continues uninterruptedly and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full assessed value as of record at the time of damage shall not be considered an existing building.

Building – Height: Building height is the vertical distance from the average elevation of the street curb paralleling the front, or if on a street corner, the front and side, of the building, to the highest point of the roof surface if the roof is flat: to the deck line, if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type.

Building Inspector: The Officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

Building Line: The line adjacent to a building and parallel to the front lot line, formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjacent ground.

Building/Occupancy and Use Permit: The written authority issued by the Building Inspector/Zoning Administrator of the Village, permitting the construction, removal, moving, alteration, or occupancy and use of a building.

Building/Structure Setback Line (Minimum): The line which pertains to and defines those minimum building/structure setback lines which are established parallel to the front, side and rear lot lines and within which setback areas no part of a building or structure shall project or be located, except as otherwise provided for by this Ordinance.

Child (Family) Day Care Home: A private residence properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which 1-6 minor children are received unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term is not intended to include a home that gives care to an unrelated minor child for less than four (4) weeks during a calendar year.

Child (Group) Day Care Home: A private residence properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which 7 – 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term is not intended to include a home that gives care to an unrelated minor child for less than four (4) weeks during a calendar year.

Child Day Care Center: A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool

or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative pre-school, play group or drop-in center. Child Day Care Center is not, however, intended to include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
2. A facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.

Churches: A church is a building used principally for religious worship, but the word “church” shall not include or mean an undertaker’s chapel or funeral building.

Clinics: A building or group of buildings where human patients are admitted, but not lodged overnight for examination and treatment by more than one (1) professional, such as a physician, dentist or the like.

Commercial Recreational Enterprise: A facility providing athletic or other recreational use on a commercial basis, including golf driving range, miniature golf, baseball batting cage, ice or roller skating rink, bowling alley, or other similar and compatible recreational use, with such similarity and compatibility to be determined, if necessary, by the Zoning Board of Appeals.

Communication Tower: Radio, television, microwave, or similar transmission receiving or relay tower for commercial use, including multiple lease or use by customers other than the owner.

Contiguous: Adjoining; actually touching at a point or common boundary line.

Contractor’s Workshop: A business base for a contractor who provides personal services directly to clients in the electrical, plumbing, heating, painting, woodwork or similar occupations, where any production, assembly or fabrication of a product is by the owner and/or not to exceed two (2) employees, and where there is no manufacturing, assembling or fabrication of products on a wholesale basis for other persons or businesses.

Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for (excluding day care facilities).

Deck: A structure consisting primarily of flooring which is raised above the ground level, and which may be constructed as part of the principal structure or building, or as an accessory structure.

District (of Zoning District): An area within which certain designated uses of land and buildings are allowed and all others are prohibited, yards and other open spaces are required, and lot areas, building height limits and other requirements are established.

Dump: Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of trash, sewage, refuse or waste material of any kind.

Dwelling or Residence: A building, mobile home, pre-manufactured or pre-cut dwelling structure designed and used for the complete living accommodations of a single family, but in no case shall a recreational vehicle, automobile chassis, tent or portable building be considered as a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for the purposes of complying with the area requirements in this Ordinance.

Dwelling, Multiple: A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses and apartment hotels, but not including homes.

Dwelling, One-Family (Single Family): A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one (1) family only. Every one-family dwelling shall have a minimum width throughout the entire length of the dwelling of twenty-four (24) feet measured between the exterior part of the walls having the greatest length.

Dwelling, Two-Family: A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

Dwelling Unit: A dwelling unit is any building or portion thereof, having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, automobile chassis, tent, or other portable building be considered a dwelling in single-family, two-family or multiple-family residential areas. In cases of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

Earth Removal and Commercial Excavation: The digging and/or screening and washing of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for a commercial, manufacturing or industrial purpose other than the improvement, development, grading and selling of land; but not including any quarrying, asphalt manufacturing or concrete or cement manufacturing operations.

Essential Services: The erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic

signals, hydrant or other similar equipment and accessories in connection therewith, not including buildings, electrical substations or gas regulator stations, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety, or general welfare (not including buildings other than those which are primarily enclosures or shelters of the above essential service equipment).

Family: One or more persons related by blood, marriage, or adoption, including those related as foster children or servants, and not more than one additional unrelated person, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one dwelling under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary and resort/seasonal in character or nature.

Farm: Any parcel of land containing at least forty (40) acres which is used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.

Farm Structures: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential to and customarily used on farms of that type for the pursuit of their agricultural activities.

Foster Care Facilities:

1. Foster Care (Small Group) Facility: A residential facility licensed by the State pursuant to 1979 Public Act 218, as amended (MCLA 400.701 et seq), or 1973 Public Act 116, as amended (MCLA 722.111 et seq), which provides resident services, supervision and care for 6 or fewer persons 24 hours a day.
2. Foster Care (Large Group) Facility: A residential facility licensed by the State pursuant to 1979 Public Act 218, as amended (MCLA 400.701 et seq), or 1973 Public Act 116, as amended (MCLA 722.111 et seq), which provides resident services, supervision and care for 7 – 20 persons 24 hours a day.

Floor Area:

1. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings, excluding any basement floor area, and also excluding any space devoted to off-street parking or loading, breezeways, unfinished attics, porches (enclosed or un-enclosed), or garages.

2. Floor Area, Usable: The portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas

used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities.

Garage, Automotive Commercial: Any premises available to the public and used solely for the storage of automobile or motor driven vehicles, for remuneration, hire, or sale, where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.

Garage, Private: A private garage is an attached or detached building or other structure designed for the housing of automobiles and having capacity for not more than three (3) automobiles and not exceeding seven hundred twenty (720) square feet.

Garage, Public: A public garage is any building or premises, other than a gasoline filling station, used for the housing or care of more than three (3) automobiles, or where any such automobiles are equipped for operations, repaired or kept for remuneration, hire, or sale.

Gasoline Filling Station: A gasoline filling station is a space, structure, building or part of a building, used for the retail sale, service or supply of motor vehicle fuels, lubricants, air, water, batteries, tires, other accessories, motor vehicle washing or lubricating; or customary facilities for the installation of such commodities in or on such motor vehicles, including special facilities for the painting, repair or similar servicing thereof.

Golf Course: A comparatively large area of land laid out for the game of golf, which may include a clubhouse/pro-shop providing locker facilities and the sale of food/beverages and golf related merchandise.

Health Department: The county health department or comparable governmental agency.

Home Occupation: Any occupation or profession carried on in a dwelling by one or more members of a family, residing on the premises; and in accordance with ARTICLE 22, Section 22.4.

Horse Boarding or Riding Stable: A facility where four (4) or more horses are boarded for others and/or where riding horses are rented and/or where horse riding lessons are given, including the indoor and outdoor facilities for same.

Interior Boundary Line: A property boundary line which is not contiguous to or within a street.

Junk: Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicable unusable for the purposes for which the product was manufactured or designed.

Junk Yard: Any land area including buildings thereon used primarily for the outdoor collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

Kennel: Any lot or premises on which four (4) or more common house pets are kept permanently or temporarily boarded outside of the residence.

Livestock: Domestic animals raised or kept for any purpose, including but not limited to, cattle, sheep, hogs, horses, chickens, rabbits, ducks, goats, turkeys and geese, but excluding dogs and cats.

Lodging House: A lodging house is a building or part thereof, other than a hotel, including so-called tourist homes, where lodgings are provided for hire, more or less transiently, and with or without provision for meals.

Lot: A parcel of land with frontage on a public street or a private road, as provided in this Ordinance, and separated from other parcels by legal description, deed or subdivision plot. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, or as may otherwise be lawfully required by the Village to render the property buildable in conformance with this Ordinance, and in such cases the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines of what may be referred to as a “Zoning Lot”.

1. Lot, Area: The total horizontal area within the lot lines of a lot, including street right-of-way.
2. Lot, Corner: A lot situated at the intersection of two (2) or more streets.
3. Lot, Double Frontage: A lot, other than a corner lot, having frontage on two (2) more or less parallel streets.

Lot, Frontage/Width: The horizontal distance between the side lot lines, measured at both the front lot line (see definition of “Lot Line, Front”) and the building line (see definition of “Building Line”). Notwithstanding the foregoing, the lot frontage/lot width of a waterfront lot shall be determined at both that portion of the property abutting the water, and that portion of the property abutting a street or private road.

Lot, Lines: Any line dividing one (1) lot from another, and thus constituting property lines bounding a lot.

Lot Line, Front: That portion of a lot fronting on a street or private road; except that the front line of a waterfront lot shall be that portion of the lot abutting the water. In the case of a corner or double frontage lot, the front lot line shall be that line separating the lot from that street which is designated as the front street in the plat and/or in the request for a Building or Zoning Compliance Permit.

Lot Line, Rear: That boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

In any case, when this definition does not apply, the Zoning Board of Appeals shall designate the rear lot line.

Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

Lot, of Record: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for the county, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded with the county.

Lot, Waterfront: A lot having frontage directly upon a natural or man-made lake, river, stream, pond, or other waterway.

Mobile Home: A structure transportable in one (1) or more sections which is built on a chassis and designed to be used 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. Mobile home does not include a recreational vehicle (Act 419, Michigan P.A. of 1976). All mobile homes must conform to the U. S. Department of Housing and Urban Development's code for mobile homes. Mobile home includes a double-wide unit.

Mobile Home Park: A parcel or tract of land, under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational 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 or used incidental to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 419, Michigan P.A. of 1976).

Mobile Home Site: A plot of ground within a mobile home park designed to accommodate and support one (1) mobile home. It is not the same as a building lot.

Mobile Home Subdivision: An area of land with mobile home lots subdivided, surveyed, recorded, and sold in accordance with 1967 Public Act 288, as amended.

Modular, Prefab, Precut and Sectional Dwellings: A structure which meets the requirements of the B.O.C.A. building and construction code, and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation, when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to B.O.C.A. the characteristics of modular are:

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1. A pitched roof of heavy truss construction able to support a "deadweight" of at least forty (40) pounds, and having roof shingling of five (5) inch exposure;
2. A heavy deck flooring of wood on two (2) by eight (8) floor joists;

3. A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof; and
4. Establishment on a poured wall or cement block and mortar foundation.

Motel, or Motor Hotel: A building or a series of attached, semi-detached, or detached rental units providing long-term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the Village Council with the exception of units for use of the manager and/or caretaker.

Nonconforming Use, Building/Structure or Lot of Record:

1. Nonconforming Use: A use which lawfully occupied a building/structure or land prior to the enactment of this Ordinance or amendments thereto, and that does not conform to the use regulations of this Ordinance for the zoning district in which it is located.
2. Nonconforming Building/Structure: A building/structure or portion thereof lawfully existing prior to the enactment of this Ordinance or amendments thereto, and which does not conform to the provisions (e.g. setbacks, height, lot coverage) of this Ordinance for the zoning district in which it is located.
3. Nonconforming Lot of Record: A lot or parcel lawfully existing of record prior to the enactment of this Ordinance and which does not conform to the provisions of this Ordinance (i.e., area, width, etc).

Nuisance: The word ‘nuisance’ shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants, or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerage, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

Occupied: The word ‘occupied’ includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.

Parking Area, Off-Street: An area (not utilizing any portion of a public street right-of-way) providing vehicular parking spaces along with adequate drives and aisles.

Parking Space: That area required by this Ordinance for the parking or storage of one automobile or other motor vehicle.

Principal Building: A building in which is conducted the principal use of the lot upon which it is situated.

Principal Use: The main, primary or predominant use of a lot.

Public Utility: Any person, firm, corporation, municipal department or board duly authorized under governmental regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.

Public Utility Service Facilities: Gas or electric substations, regulator stations, including buildings accessory thereto, and other public utility service buildings or structures.

Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for temporary lodging. This term includes folding campers, truck-mounted campers, and motor homes, but does not include mobile homes.

Recreational Vehicle Campground: A recreational oriented facility for the overnight or short-term use of recreational vehicles and tents, including a year-round residence for the facility owner/operator; may also be known as a recreational vehicle park

Seasonal Mobile Home Park: A parcel or tract of land upon which three (3) or more mobile homes are located on a continual or temporary basis, but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, including a year-round residence for the park owner/operator.

Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots or record may be considered as the owner of a single 'zoning lot' of record for the purpose of this Ordinance, as he so elects, or as may otherwise be lawfully required by the Village to render the property buildable in conformance with this Ordinance, and in such cases the outside perimeter of the group of lots of record shall constitute the front, rear and side lot lines thereof. The 'owner' of a property may include dual or multiple-ownership by a partnership, corporation, or other group.

Setback (Building or Structure): The minimum horizontal distance required to exist between a building or structure (including steps or porches), and the front, side or rear lot line. The required setback area is that area encompassed by the respective lot lines and setback lines.

Signs: For the purpose of this Ordinance, the term 'sign' shall mean and include any announcement, declaration, display, illustration or insignia used to advertise or promote the interests or any person or product when the same is placed out-of-doors in view of the general public.

Special Use Permit: A permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the Village of Mendon, would not adversely affect the public health, safety, order,

comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.

Story: That portion of a building included between the surface of any floor and the surface next above, then the space between such floor and the ceiling next above it.

Story, Half: A story under a gable, hip, or gambrel roof, the wall plates of which are at least two (2) opposite exterior walls and are not more than two (2) feet above the floor of such story.

Street or Paved Road, Private: A private right-of-way reserved for the use of the occupants of the abutting structures. Said private street shall not be accepted by the Village of Mendon for maintenance in any form and shall have a minimum thirty (30) foot paved width.

Street or Road, Public: A public right-of-way of sixty-six (66) feet or more in width which has been dedicated for the purposes of providing access to abutting private lots of land including the space for pavement and sidewalks.

Structure: Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

Variance: A varying or relaxation of the standards of the Zoning Ordinance by the Zoning Board of Appeals; and where such variances will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in practical difficulty.

Village: Village of Mendon

Village Council: The Village Council is the elected governing body of the Village depending upon geographic location and jurisdiction.

Yard, Front/Rear/Side: A general term applied to the space on a lot or parcel, which contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building.

Yard, Required (Front/Rear/Side): An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, lying in the area between the building or group of buildings and the nearest lot line, and which is unoccupied and

unobstructed from the ground upward, except for plants, trees, shrubs, fences, and as otherwise provided herein.

1. **Front:** An open space extending across the full width of a lot between the front lot line and the building setback line. The depth of such yard shall be the shortest horizontal distance between the front lot line and the building setback line, measured at right angles.
2. **Rear:** An open space extending across the full width of a lot between the rear lot line and the nearest line of a building, porch or projection thereof. The depth of such yard shall be the shortest horizontal distance between the rear lot line and the nearest point of the building, porch or projection thereof.
3. **Side:** A side yard is an open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If there is no front yard, the front boundary of the side yard shall be the front line of the lot and if there is no rear yard the rear boundary of the side yard shall be the rear line of the lot.

Zoning Administrator: The person assigned the responsibility for administering the Zoning Ordinance by the Village Council.

Zoning Board of Appeals: The Village of Mendon Zoning Board of Appeals, the members of which have been duly appointed by the Council and which are authorized as a body to interpret, hear appeals, and grant variances in accordance with the provisions of this Ordinance.

Zoning Inspector: The person assigned the responsibility for conducting inspections as required under the Zoning Ordinance by the Village Council.

For the purposes of this Ordinance the Community of Mendon is divided into the following districts:

Residence District	“A”
Residence District	“B”
Residence District	“C”
Business District	“D”
Business District	“E”
Business District	“F”
Parking District	“P”
Light Industrial District	“G”
General Industrial District	“H”

Section 3. 1 Zoning Map:

The areas and boundaries of such districts noted in Section 3.0 are hereby established to scale as shown on a map entitled, Zoning Map of the Village of Mendon, and referred to herein as the ‘Zoning Map’. Said Zoning Map, together with everything shown thereon, is hereby adopted by reference and declared to be a part of the Ordinance.

Regardless of the existence of copies of the Zoning map which may be made or published, the official Zoning Map shall be located at the Village of Mendon Hall and shall be the final authority as to the current zoning status in the Village. No amendment to this Ordinance which involves a change of a mapped zoning district shall become effective until such change an entry has been made on the official Zoning Map. The official Zoning Map shall be identified by the signature of the President, and attested by the Village Clerk.

Section 3. 2 Prohibited Uses:

Except as hereinafter provided:

1. No building shall be erected, reconstructed, or structurally altered nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
2. No building shall be erected, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
3. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance; no yard or open space provided about any building for the purpose of complying with the provision of this Ordinance shall be considered as providing a yard or open space for any other building; and no yard or open space on adjoining premises shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

Section 4. 0 Description of District:

Residence District “A” is intended to preserve and promote the character of low density single-family neighborhoods.

Section 4. 1 Principal Permitted Uses:

In Residence District “A” no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Ordinance, except for the following uses:

1. One-family dwelling containing not less than 1,250 square feet of floor space placed on a permanent cement block or concrete foundation with all parts of the dwelling permanently and securely attached thereto, and with all parts of the dwelling permanently and securely fastened together.
2. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
3. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for profit.
4. Accessory buildings including one private garage when located not less than fifty (50) feet from the front line of the lot line, provided, however, that neither a private garage nor private stable shall be less than the building line on the side street, except that a garage may be located on the side street line where the lot abuts a lot in a business district.
5. Satellite receiving stations and dish antennas, in accordance with ARTICLE 22 – SPECIAL USE PERMITS, Section 22.5.
6. Off-street parking, in accordance with ARTICLE 21 – GENERAL REGULATIONS, Section 21.2

Section 4. 2 Uses Subject to a Special Use Permit:

1. Home occupations, in accordance with ARTICLE 22 – SPECIAL USE PERMITS, Section 22.4.
2. Churches, in accordance with ARTICLE 22 – SPECIAL USE PERMITS, Section 22.7.

3. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when

operating requirements necessitate locating within the District to serve the immediate vicinity and such use is not injurious to the surrounding neighborhood.

4. Hospitals and clinics, in accordance with ARTICLE 22 – SPECIAL USE PERMITS, Section 22.8.
5. Nursery schools, day nurseries and child care centers (not including dormitories), in accordance with ARTICLE 22 – SPECIAL USE PERMITS, Section 22.13.
6. Private roads and streets, in accordance with ARTICLE 24.
7. Vehicle storage garage, notwithstanding other ordinance limitations, and subject to such limitations to assure compatibility with adjacent properties within the vicinity of the subject site and subject to site plan review of ARTICLE 23.

Section 4. 3 Height Regulations:

No building or structure or part thereof shall be erected, or altered to a height exceeding two and one-half stories or thirty five feet, except that permitted non-residential structures may exceed this limit by one foot for each foot in excess of twelve (12) feet that the building sets back from all property lines.

Section 4. 4 Area Regulations:

The minimum dimensions of yards and the minimum lot area per family shall be as follows:

1. Lot Area Per Family: Every family dwelling hereafter erected or altered shall provide a lot area of not less than 8,712 square feet. This regulation shall not apply to lots already platted and recorded at the effective date of this Ordinance.
2. Setback: There shall be a building setback line of not less than 20 feet; provided, however, that when the majority of buildings capable of being built on one side of a street between two intersecting streets at the time of the adoption of this Ordinance have been built, no building hereafter erected or altered on that side of the street shall project beyond the minimum setback line thus established by the buildings already in existence; provided that no building shall be required by this Ordinance to set back more than forty (40) feet in any case; and provided further that this regulation shall not be interpreted as to reduce the buildable width of a corner lot facing on an intersecting street and which is separate and distinct from adjacent lots and is included in a plat or deed of record at the time of the adoption of this Ordinance.
3. Yard, Rear: There shall be a rear yard having a depth of not less than ten (10) feet for all dwellings and buildings in this district.

4. Yard, Side: There shall be a side yard on each side of the lot of not less than ten (10) feet in width. For lots of record as of February 13, 1959 (adoption date for Ordinance No. 33) there shall be a side yard on each side of the lot of not less than three (3) feet in width.

Section 4. 5 Special Regulation:

All lots platted as business lots shall be used and occupied solely for the uses permitted in this district. To accomplish this requirement where the width of any such lot is less than forty (40) feet, it shall be combined with an adjoining or such number of adjoining lots as shall be required to make the total frontage width thereof to be not less than forty (40) feet.

Section 5. 0 Description of District:

Residence District “B” comprises areas presently of a residential character where medium density residential development has occurred or appears likely to occur.

Section 5. 1 Principal Permitted Uses:

In Residence District “B” no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Ordinance, except for the following uses:

1. One-family dwellings containing not less than 1,100 square feet of floor space placed on a permanent cement block or concrete foundation with all parts of the dwelling permanently and securely attached thereto, and with all parts of the dwelling permanently and securely fastened together.
2. All Principal Permitted Uses in Residence District “A”.
3. Two- family dwellings.
4. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
5. Public, parochial or private elementary, intermediate and/or high schools offering courses in general education, not operated for a profit.
6. Municipal, State or Federal administrative or service buildings, provided they are architecturally compatible with the residential land uses in the neighborhood.
7. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
8. Off-street parking, in accordance with ARTICLE 21 – GENERAL REGULATIONS, Section 21.2.

Section 5. 2 Uses Subject to a Special Use Permit

1. Churches, in accordance with ARTICLE 22 – SPECIAL USE PERMITS, Section 22.7.

2. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity, and such use is not injurious to the surrounding neighborhood.
3. Nursery schools, day nurseries and child care centers (not including dormitories), in accordance with ARTICLE 22 – SPECIAL USE PERMITS, Section 22.13.
4. Private roads and streets, in accordance with ARTICLE 24.

Section 5. 3 Height Regulations:

No building or structure or part thereof shall be erected or altered to a height exceeding two and one-half stories or thirty-five (35) feet, except that permitted non-residential structures may exceed this limit by one foot for each foot in excess of twelve (12) feet that the building sets back from all property lines.

Section 5. 4 Area Regulations:

In the residence district the minimum dimensions of yards and the minimum lot area per family shall be as follows:

1. Lot Area Per Family: Every family dwelling hereafter erected or altered in the residence district shall provide a lot area of not less than 8,712 square feet. This regulation shall not apply to lots already platted and recorded at the effective date of this Ordinance.
2. Setback: there shall be a building setback line of not less than sixteen (16) feet; provided, however, that when the majority of buildings built on one side of a street between two intersecting streets at the time of the adoption of this Ordinance have been built, no building hereafter erected or altered on that side of the street shall project beyond the minimum setback line thus established by the buildings already in existence; provided, that no building shall be required by this Ordinance to set back more than forty (40) feet in any case; and provided further that this regulation shall not be interpreted as to reduce the buildable width of a corner lot facing on an intersecting street and which is separate and distinct from adjacent lots and is included in a plat or deed of record at the time of the adoption of this Ordinance.
4. Yard, Rear: There shall be a rear yard having a depth of not less than ten (10) feet for all dwellings and buildings in this district.
4. Yard, Side: There shall be a side yard on each side of the lot of not less than ten (10) feet in width except as provided in Section 4.4.4 which also applies to this district.

Section 5. 5 Special Regulation:

All lots platted as business lots shall be used and occupied solely for the uses permitted in this district.

Section 5. 6 Site Plan Review and Approval:

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with ARTICLE 23.

ARTICLE 6 – RESIDENCE DISTRICT “C”

Section 6. 0 Description of District:

Residence District “C” is designed for those who prefer mobile home living. Although a single-family unit, mobile home developments typically have a higher density impact than conventional single-family development. Certain land areas are hereby recognized as appropriate for continued mobile home use provided that proper site design standards and requirements are met.

Section 6. 1 Principal Permitted Uses:

In Residence District “C” no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Ordinance, except for the following uses:

1. All principal permitted uses in Residence “B”.
2. Mobile home parks shall be approved and expressly licensed, constructed and permitted in accordance with the Mobile Home Commission Act, Public Act 419 of 1976.
3. Mobile home subdivisions.
4. Mobile homes located in a mobile home park with a minimum 720 square feet of floor space placed on a permanent cement block or concrete foundation with all parts of the dwelling permanently and securely attached thereto, and with all parts of the dwelling permanently and securely fastened together.
5. Home occupations.
6. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
7. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
8. Off-street parking, in accordance with ARTICLE 21 – GENERAL REGULATIONS, Section 21.2.

Section 6. 2 Uses Subject to a Special Use Permit

1. Churches, in accordance with ARTICLE 22 – SPECIAL USE PERMITS, Section 22.7.
2. Nursery schools, day nurseries and child care centers, in accordance with ARTICLE 22 – SPECIAL USE PERMITS, Section 22.13.

Section 6. 3 Regulations:

1. Each and every mobile home shall be of such a construction as to satisfy the standards of construction as currently provided under the federal HUD requirements for mobile home and pre-manufactured home construction, and shall be modified and amended by standards established by the Michigan Mobile Home commission.
2. Height and area regulations shall be the same as for uses permitted in Residence District "B" found in section 5.3 and 5.4 inclusive.

Section 6. 4 Site Plan Review and Approval:

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with ARTICLE 23.

ARTICLE 7 – BUSINESS DISTRICT “D”

Section 7. 0 Description of District:

Business District “D” is intended to permit a variety of commercial, administrative, financial, civic, cultural, entertainment and recreational uses in an effort to provide the harmonious mix of activities necessary to further enhance the Central Business District as a commercial and service center. No building or land shall be used, and no building shall be hereafter erected or structurally altered, except as otherwise provided in this Ordinance, except for the following uses:

Section 7. 1 Principal Permitted Uses:

1. Financial institutions, including drive-thru facilities.
2. Barber shops and beauty parlors.
3. Catering establishments.
4. Millinery and tailoring establishments.
5. Office buildings.
6. Office and showrooms of plumber, electrician, decorator or similar trades.
7. Museums and art galleries, including photography studios.
8. Post office.
9. Public utility buildings without storage facilities or repair shops.
10. Publicly owned buildings including government facilities.
11. Personal service establishments, including health spas and gymnasiums.
12. Bakeries having retail sales rooms.
13. Restaurants and taverns including sidewalk and outdoor cafes but not including drive-in restaurants.
14. Auto showrooms or auto accessory sales having repair shops at the rear in connection with showroom or sales room.
15. Funeral homes and mortuaries.

16. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
17. Theatres and concert halls.
18. Parking lots.
19. Other uses which are similar to the above and subject to the following restrictions:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
 - b. All business, servicing or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings.
 - c. Storage of commodities shall be within buildings and shall not be visible to the public from a street or thoroughfare.
20. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
21. Off-street parking in accordance with ARTICLE 21 – GENERAL REGULATIONS, Section 21.2.

Section 7. 2 Uses Subject to a Special Use Permit

1. Gasoline service stations and filling stations subject to ARTICLE 22 - SPECIAL USE PERMITS, Section 22.10.
2. Medical or dental clinics subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.9.
3. Fraternal organizations, service clubs, and lodge halls subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.11.
4. Office developments (two or more structures) subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.12.

Section 7. 3 Site Plan Review and Approval:

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with ARTICLE 23.

Section 7. 4 Area and Bulk in Business Districts:

No building shall be erected in Business D, E, and F Districts which contains less than 600 square feet of floor space for each story thereof.

Section 7. 5 Height Regulations:

1. Every building hereafter erected or structurally altered to exceed fifty (50) feet in height, shall, above said height, be set back from the front lot line on the ratio of one (1) foot for each two (2) feet rise above said fifty (50) feet in height.
2. No building used in any part for dwelling purposes shall hereafter be erected or structurally altered to exceed three (3) stories in height.
3. Where lots comprising more than one-half (1/2) of the frontage on one (1) side of a block are zoned residence and the lots comprising the remainder of said frontage are zoned business, the height regulations for the residence district shall apply to the lots zoned for business.

Section 7. 6 Area Regulations:

All buildings in Business District “D” may be built on the front property line; provided however, that:

1. Side Yards: In Business District “D” no side yard shall be required except as follows:
 - a. Where a building is erected for mixed use, namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes shall, if more than two (2) rooms in depth, be provided with two (2) side yards, one on each side of the building, neither of which shall be less than eight (8) feet in width; provided, however, that this regulation shall not apply to the street side of a corner lot.
 - b. Where a lot abuts upon the side of a lot zoned residence there shall be a side yard of not less than five (5) feet in width.
 - c. Every side yard that is provided where not required by these regulations, shall be not less than three (3) feet in width.
2. Rear Yards: On every lot in Business District “D” there shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot; provided, however, that the depth of such rear yard need not exceed twenty-five (25) feet for an interior lot or fifteen (15) feet for a corner lot.

On every lot in Business District “D”, which lot has, before the passage of this Ordinance or any amendment thereto, been platted as residential or zoned as a residential district, there shall be a rear lot building setback line of not less than twenty (20) feet from the rear lot line.

Section 7. 7 Prohibited Uses:

1. Warehousing/storage unless subordinate to the related sales/service available at the same location.

ARTICLE 8 – BUSINESS DISTRICT “E”

Section 8. 0 Description of District:

Business District “E” is intended to serve the highway and comparison shopping needs of the residents of the greater Mendon area as well as the passing motorist. It is characterized by businesses with large lot requirements, extended hours and major thoroughfare locations. No building or land shall be used, and no building shall be hereafter erected or structurally altered, except as otherwise provided in this Ordinance, except for the following uses:

Section 8. 1 Principal Permitted Uses:

1. (RESERVED)
2. Retail shops.
3. Carpenter shop.
4. Package coal or wood, preciously cut for retail sale.
5. Cold storage.
6. Storage warehouse.
7. Restaurants and taverns, not including drive-in restaurants.
8. Bakeries, employing not more than ten (10) persons per shift.
9. Dry cleaning and laundry establishments employing not more than five (5) persons.
10. Printing, publishing, photography or other reproduction businesses.
11. Custom craft shops.
12. Combined retail-wholesale businesses when conducted entirely within a building.
13. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
14. Off-street parking in accordance with ARTICLE 21 – GENERAL REGULATIONS, Section 21.2.

Section 8. 2 Uses Subject to a Special Use Permit

1. Commercial and service establishments of an “Adult” nature as listed and defined herein and subject to the following conditions:
 - a. In order to prevent (such) undesirable concentration of such uses, the following uses and activities shall not be located within one thousand (1,000) feet of two (2) other such uses nor within one hundred (100) feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district.
 - 1) Adult book store.
 - 2) Adult motion picture theater.
 - 3) Adult mini motion picture theater.
 - 4) Adult smoking or sexual paraphernalia store.
 - 5) Massage parlor.
 - 6) Host or hostess establishments offering socialization with a host or hostess for consideration.
 - 7) Pool or billiard hall.
 - 8) Open dance hall.
 - 9) Pawnshop.
 - 10) Tavern or cabaret providing live or projected entertainment where intoxicating liquors may or may not be sold for consumption on the premises. “projected entertainment” shall not include standard television reception.
 - 11) Pinball or video game arcade or establishment.
 - 12) Sauna, hot tub or other similar health or body improvement or enjoyment enterprises.
 - 13) Any combination of the foregoing.
2. Drive-in restaurants subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.18.
3. Car wash establishments subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.14.

4. Medical or dental clinics subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.9.
5. Bowling alleys, skating rinks, and indoor recreation facilities subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.19.
6. Hotels, motels and motor courts subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.20.
7. Gasoline service stations subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.10.
8. Veterinary hospitals and clinics subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.21.
9. Lumber yards.

Section 8. 3 Site Plan Review and Approval:

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with ARTICLE 23.

Section 8. 4 Area and Bulk in Business Districts:

No building shall be erected in Business D, E, and F Districts which contains less than 600 square feet of floor space for each story thereof.

Section 8. 5 Height Regulations:

1. Every building hereafter erected or structurally altered to exceed fifty (50) feet in height, shall, above said height, be set back from the front lot line on the ratio of one (1) foot for each two (2) feet rise above said fifty (50) feet in height.
2. No building used in any part for dwelling purposes shall hereafter be erected or structurally altered to exceed three (3) stories in height.
3. Where lots comprising more than one-half (1/2) of the frontage on one (1) side of a block are zoned residence and the lots comprising the remainder of said frontage are zoned business, the height regulations for the residence district shall apply to the lots zoned for business.

Section 8. 6 Area Regulations:

All buildings in Business District “E” may be built on the front property line; provided however, that:

1. Side Yards: In Business District “E” no side yard shall be required except as follows:
 - a. Where a building is erected for mixed use, namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes shall, if more than two (2) rooms in depth, be provided with two (2) side yards, one on each side of the building, neither of which shall be less than eight (8) feet in width; provided, however, that this regulation shall not apply to the street side of a corner lot.
 - b. Where a lot abuts upon the side of a lot zoned residence there shall be a side yard of not less than five (5) feet in width.
 - c. Every side yard that is provided where not required by these regulations, shall be not less than three (3) feet in width.
2. Rear Yards: On every lot in Business District “E” there shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot; provided, however, that the depth of such rear yard need not exceed twenty-five (25) feet for an interior lot or fifteen (15) feet for a corner lot.

On every lot in Business District “D”, which lot has, before the passage of this Ordinance or any amendment thereto, been platted as residential or zoned as a residential district, there shall be a rear lot building setback line of not less than twenty (20) feet from the rear lot line.

ARTICLE 9 – BUSINESS DISTRICT “F”

Section 9.0 Description of District:

Business District “F” is intended to accommodate various types of office, retail, and service establishments. These uses can serve as a transitional use between more intensive land uses such as highway commercial uses or major highways and less intensive land uses such as single and two family districts. This district is also intended to allow for uses which do not generate large volumes of traffic or require extended hours of operation. All uses permitted in Residence District “A” and Residence District “B” shall be permitted in Business District “F” herein established. No building or land shall be used, and no building shall be hereafter erected or structurally altered, except as otherwise provide in this Ordinance, except for the following uses:

Section 9.1 Principal Permitted Uses:

1. Office buildings and uses when goods or wares are not commercially created on the premises.
2. Insurance offices, brokerage houses, and real estate offices.
3. Business and private schools operated for a profit completely within an enclosed building.
4. Photographic studios.
5. Funeral homes and mortuaries.
6. Financial institutions, banks and credit unions.
7. Grocery stores, fruit and flower markets and bakeries.
8. Sit down restaurants.
9. Watch, television and shoe repair shops.
10. Art galleries and museums.
11. Public utilities.
12. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
13. Off-street parking in accordance with ARTICLE 21 – GENERAL REGULATIONS, Section 21.2.

Section 9. 2 Uses Subject to a Special Use Permit

1. Medical or dental clinics subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.9.
2. Fraternal organizations, service clubs and lodge halls subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.11.
3. Office developments (two or more structures) subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.12.

Section 9. 3 Site Plan Review and Approval:

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with ARTICLE 23.

Section 9. 4 Area and Bulk in Business Districts:

No building shall be erected in this Business District which contains less than 600 square feet of floor space for each story thereof.

Section 9. 5 Height Regulations:

1. Every building hereafter erected or structurally altered to exceed fifty (50) feet in height, shall, above said height, be set back from the front lot line on the ratio of one (1) foot for each two (2) feet rise above said fifty (50) feet in height.
2. No building used in any part for dwelling purposes shall hereafter be erected or structurally altered to exceed three (3) stories in height.
3. Where lots comprising more than one-half (1/2) of the frontage on one (1) side of a block are zoned residence and the lots comprising the remainder of said frontage are zoned business, the height regulations for the residence district shall apply to the lots zoned for business.

Section 9. 6 Area Regulations:

All buildings in Business District “F” may be built on the front property line; provided however, that:

1. Side Yards: In Business District “F” no side yard shall be required except as follows:
 - a. Where a lot abuts upon the side of a lot zoned residential, there shall be a side yard of not less than five (5) feet in width.

b. Every side yard that is provided where not required by these regulations, shall be not less than three (3) feet in width.

2. Rear Yards: On every lot in Business District “F” there shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot; provided, however, that the depth of such rear yard need not exceed twenty-five (25) feet for an interior lot or fifteen (15) feet for a corner lot.

On every lot in Business District “F”, which lot has, before the passage of this Ordinance or any amendment thereto, been platted as residential or zoned as a residential district, there shall be a rear lot building setback line of not less than twenty (20) feet from the rear lot line.

ARTICLE 10 – PARKING DISTRICT

Section 10. 0 Description of District:

This District is intended to provide vehicular parking facilities that are associated with business or industrial districts. Such facilities are effective as buffer zones between such districts and residential districts.

Section 10. 1 Principal Permitted Uses:

In the “P” District, no uses shall be permitted unless otherwise provided in this Ordinance, except as follows:

1. Premises in this District shall be used only for vehicular parking areas subject to all regulations hereinafter provided.

Section 10. 2 Limitation of Uses:

1. Parking area shall be used for parking or storage of private passenger vehicles only.
2. Parking may be with or without charge.
3. No business involving the repair or services to vehicles permitted thereon or sale, or other storage, or display thereof, shall be conducted from or upon such premises.
4. All “P” Districts shall be contiguous to a Business District or Industrial District; provided, however, that there may be a private drive, public alley or public street between such “P” District and such Business or Industrial District.
5. No sign shall be erected or placed on the premises except that not more than one directional sign at each point of ingress and egress may be erected or placed. Such signs may also contain information on price and duration and shall not exceed twelve (12) square feet in area nor fifteen (15) feet in height.
6. Lighting and screening requirements shall be in accordance with ARTICLE 25.
7. All parking areas shall accommodate surface parking only; no parking structures may be permitted.
8. Every such parking area shall be surfaced with an asphalt, concrete or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water to the nearest adjoining street and away from adjoining street and away from adjoining properties.

Section 10. 3 Uses Subject to a Special Use Permit:

1. Single family dwellings.
2. Two family dwellings.

Section 10. 4 Site Plan Review and Approval:

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with ARTICLE 23.

ARTICLE 11 – LIGHT INDUSTRIAL DISTRICT “G”

Section 11. 0 Description of District:

The purpose of the Light Industrial District is to establish a zone where designated industrial and commercial businesses may locate and intermingle, which produce a minimum amount of adverse affect on adjoining premises, are compatible with one another, and do not require large land or building areas for operation, nor large yard areas for isolation or protection from adjoining premises or activities.

Section 11. 1 Principal Permitted Uses:

In the Light Industrial District, no uses shall be permitted, unless otherwise provided in this Ordinance, except as follows:

1. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment, alcoholic beverages, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, tobacco and tobacco products, paper and paper products, furniture and home furnishings, and any commodity the manufacture of which is permitted in this District, and truck terminals.
2. Testing and research laboratories.
3. Tool and die shops.
4. Facilities for the printing or forming of box, carton and cardboard products.
5. Electric transformer stations and substations, electric transmission towers, municipal buildings and uses, gas regulators and municipal utility pumping stations.
6. Indoor tennis, paddleball or racquetball courts.
7. Commercial bakeries.
8. Cold storage plants.
9. Bottling works, including milk bottling or distribution station.
10. Tin shop or plumbing supply shops.
11. Veterinary hospital or clinics.
12. Contractors’ storage yards.

13. Mini-storage facilities.
14. Automobile storage and parking.
15. Hotels, motels and motor courts, in accordance with ARTICLE 22 – SPECIAL USE PERMITS, Section 22.20.
16. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
17. Off-street parking in accordance with ARTICLE 21 – GENERAL REGULATIONS, Section 21.2.
18. Outdoor trash containers or dumpsters subject to ARTICLE 21 – GENERAL REGULATIONS, Section 21.3.

Section 11. 2 Uses Subject to a Special Use Permit

1. Planned Industrial Parks subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.17.
2. Public garages, automobile bump shops, rust proofing or paint shops, subject ARTICLE 22 – SPECIAL USE PERMITS, Section 22.22.
3. Radio, television and windmill tower subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.6.
4. Kennels subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.16.

Section 11. 3 Compliance with County and State Regulations:

Any use permitted in the Light Industrial District must comply with applicable county and state health and all pollution laws and federal regulations.

Section 11. 4 Site Plan Review and Approval:

For all permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with ARTICLE 23.

Section 11. 5 Height Regulations:

In the Light Industrial District no building shall be hereafter erected or structurally altered to exceed seventy-five (75) feet in height, and provided further that no building or part thereof located within fifty (50) feet of a Residence District lot or a Business District lot shall exceed fifty (50) feet in height, and provided further that no building used in part for dwelling purposes shall hereafter be erected or structurally altered to exceed three (3) stories in height.

Section 11. 6 Area Regulations:

In the Light Industrial District neither rear yards nor side yards shall be required, except as follows:

1. Every rear yard and every side yard that is provided where not required by these regulations shall be not less than three (3) feet in width.

Section 12. 0 Description of District:

The purpose of the General Industrial District is to provide areas where heavier types of industry may best utilize essential public and private facilities and utilities while minimizing the negative impacts typically associated with this type of industry.

Section 12. 1 Principal Permitted Uses:

1. All permitted uses in the Light Industrial District “G”.
2. Establishments which assemble and manufacture automobiles, automobile bodies, parts and accessories, electrical fixtures, batteries and other electrical apparatus and hardware.
3. Establishments which process, refine or store food and foodstuffs.
4. Breweries, wineries, bump shops, distilleries, machine shops, metal buffing shops, plastering and polishing shops, metal and plastic molding shops, extrusion shops, lumber and planing mills, painting and sheet metal shops, undercoating and rust-proofing shops and welding shops.
5. Municipal sewage treatment plants.
6. Coal or building material storage yards.
7. Truck terminals.
8. Manufacture of food products.
9. Any uses similar to the above.
10. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
11. Off-street parking in accordance with ARTICLE 21 – GENERAL REGULATIONS, Section 21.2.
12. Outdoor trash containers or dumpsters subject to ARTICLE 21 – GENERAL REGULATIONS, Section 21.3.

Section 12. 2 Uses Subject to a Special Use Permit

1. Crematory.
2. Dry cleaning plants and laundries subject to ARTICLE 22 – SPECIAL USE PERMITS, Section 22.15.

Section 12. 3 Performance Standards:

Before the issuances of any building or occupancy permit in this District, the applicant shall comply with an agreement that the use of the property will meet the following performance standards, or that any violation of these standards in subsequent operations will be corrected, the costs of inspection by experts for compliance to be borne by the applicant.

1. **Fire and Explosion Hazards:** All activities shall be carried on only in buildings conforming to the building code, and the operation shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazards as determined by the Michigan Department of Labor to a use on an adjacent property. Flammable liquids as published by the Michigan State Fire Marshal, other than fuels used for heating shall be stored in an entirely closed building which shall be used for no other purpose, or in underground tanks provided:
 - a. Said storage building is not closer than one hundred (100) feet to any building occupied by one (1) or more humans.
 - b. Every factory or manufacturing building or other buildings permitted only in the industrial area shall be equipped with automatic sprinklers or other automatic fire extinguishers approved by the Building Inspector and the Chief of the Fire Department as being sufficient in view of the nature and extent of the fire risk.
2. **Smoke, Fumes, Gases, Dust & Odors:** There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to create a public nuisance.
3. **Liquid or Solid Waste:** The discharge of untreated industrial waste is prohibited. All methods of salvage and industrial waste treatment and disposal shall be approved by the Village and the Michigan State Health Department. No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substance in solution or suspension which would create odors or discolor, poison or otherwise pollute the water or soil in any way.
5. **Vibration:** There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

5. **Noise:** There shall be no noise emanating from the operation which will be more audible beyond the boundaries of the immediate site than eighty (80) decibels.
6. **Glare:** There shall be no direct or sky-reflected glare exceeding one and one-half (1-1/2) foot candles or which would be damaging to the human eye measured at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrances or exits of service drives leading to a parking lot.

Section 12. 4 Site Plan Review and Approval:

For all permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with ARTICLE 23.

Section 12. 5 Height Regulations:

In the General Industrial District no building shall be hereafter erected or structurally altered to exceed seventy-five (75) feet in height, and provided further that no building or part thereof located within fifty (50) feet of a Residence District lot or a Business District lot shall exceed fifty (50) feet in height.

Section 21. 6 Area Regulations:

In the General Industrial District neither rear yards nor side yards shall be required, except as follows:

1. Every rear yard and every side yard that is provided where not required by these regulations shall be not less than three (3) feet in width.
2. Where a lot abuts a residentially zoned lot, minimum setbacks shall be twenty (20) feet.
3. Where a lot abuts a residentially zoned lot, screening as specified in Section 25.1 shall be provided.

ARTICLE 20 – NONCONFORMING USES

Section 20. 0 Continuance of Non-Conforming Uses and Structures:

Only lawful non-conforming uses or structures in existence at the time of passage of this Ordinance or amendments thereof, may be continued, but shall not be extended, added to or altered unless each such extension, alteration or addition is in conformity with the provisions of this Ordinance. Land now occupied by an illegal non-conforming use or structure shall not be eligible for any variance or zoning permit until the illegal non-conformity is removed.

Section 20. 1 Change of Use or Structure:

A non-conforming use may be changed to another non-conforming use if the Zoning Board of Appeals find that such a new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a non-conforming use to a prior non-conforming use, nor to waive the other provisions of this Ordinance.

Section 20. 2 Restoration and Repair:

Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made. The structural alterations made in a non-conforming building shall not during its life exceed sixty (60) percent of its assessed value, nor shall the building be enlarged, unless the use therein is changed to a conforming use; provided however, that a non-conforming building damaged by fire, explosion, tornado, earthquake, or similar uncontrollable cause to an extent of not more than fifty (50) percent of its value may be repaired or rebuilt within one (1) year of the date of such damage, but not thereafter. Non-conforming buildings or structures may be restored, provided it does not exceed the floor area size, height and placement of the original building or structure.

Section 20. 3 Discontinuance of Non-Conforming Uses:

If a non-conforming use is discontinued, any future use of the buildings and premises shall be in conformity with the provisions of this Ordinance. An interim, not exceeding ninety (90) days, however, between tenants or occupants, shall not be construed to mean discontinuance.

Section 20. 4 Non-Conforming Due to Reclassification:

The foregoing provisions of this Ordinance shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance. Uses, buildings and structures which were non-conforming according to prior ordinances shall not be construed to conforming unless a specific determination is made by Council. For purposes of this Section prior ordinances are not considered repealed as pertains to non-conforming uses by adoption of this Ordinance.

ARTICLE 21 – GENERAL REGULATIONS

Section 21. 0 Minimum Regulations:

The regulations set by this Ordinance throughout the Village of Mendon and within each District shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.

Section 21. 1 Temporary Permits:

Temporary permits may be authorized by the Zoning Board of Appeals after a hearing, for a period not to exceed one (1) year, for non-conforming uses incidental to construction projects on the same premises and including such uses as storage of building supplies and machinery, signs and the assembly of building materials. In addition, the Board, after a hearing, may authorize a certificate for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

1. The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

Section 21. 2 Off-Street Parking and Loading:

All buildings located in the Village shall provide off-street parking adequate for the use intended. The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 Parallel Parking	12 feet	8 feet	23 feet	20 feet	28 feet
30 to 53 Diagonal	13 feet	9 feet	20 feet	33 feet	53 feet
54 to 74 Diagonal	18 feet	9 feet	21 feet	39 feet	60 feet
75 to 90 Diagonal	25 feet	9 feet	18 feet	43 feet	61 feet

1. **Residential Off-Street Parking:** Parking in residential zones is only permitted as an accessory use or as a transitional use and in no case is it intended that parking or access drives to parking be permitted as a principal use of any residentially zoned lot.

Required yard space shall not be used for the storage (including sales) of automobiles except for incidental overnight parking.

2. **Non-Residential Off-Street Parking:** Except in parking exempt areas, provisions shall be made for off-street parking for all non-residential buildings or additions to such buildings in all districts. The conversion of an existing residence to any other use shall be deemed to be a new use which must meet all provisions of this Ordinance.

3. **Mixed Occupancies and Uses Not Specified:** In the case of mixed uses, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately. In cases where there is shared usage by owners of adjacent businesses, off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal store operation hours may be jointly used where adequate arrangements are made to assure that the space is available for each function. The Zoning Board of Appeals shall determine “adequacy”.

4. **Location of Off-Street Parking Facilities:** Off-street parking facilities shall be located as hereafter specified; where a distance is specified it shall be the distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve, as follows:

- a. For all residential buildings and for all non-residential buildings in residential zones, required parking shall be provided on the same lot with the building.
- b. For commercial and all non-residential uses in commercial zones, required parking shall be provided within three hundred (300) feet.
- c. For industrial uses, required parking shall be provided within three hundred (300) feet.

5. **Parking Areas in Commercial and Industrial Districts:** Every parcel of land hereafter established as a public or private parking area in any commercial or industrial district or hereafter enlarged or altered shall be developed and maintained in accordance with the following requirements:

- a. Off-street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residential zone district or institutional premises, by a screening or evergreen hedge or other material approved by the Village Council. Screening provisions in ARTICLE 25 shall control.

b. Every such off-street parking area shall be surfaced in accordance with Section 21.2. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residential buildings, zones and streets. Lighting provisions of Section 21.2 shall control.

c. The off-street parking area shall be subject to the approval of the Village Council to ensure its adequacy in relation to traffic safety, lighting and protection of the adjacent property.

6. **Parking Lots in Residential Zones:** Any person desiring to establish a parking area as an accessory use in a residential zone shall submit plans to the Village Council showing the location, size, shape, design, landscape, curb cuts and other features of the parking lot. The establishment and operation of a parking area accessory to a commercial or industrial use in such parts of any residential district that abut either directly or across the street or alley from a commercial or industrial district is not permitted. All such parking areas and parking areas required for new multiple-family dwellings and non-residential buildings in all residential zones may then be authorized, subject to the following conditions:

a. All parking areas shall be landscaped, screened, surfaced and drained as provided in this Ordinance.

b. No part of such parking areas shall extend into the required front yard more than one-half (1/2) of the yard required for a residential building, and where the lot or a portion of the lot lies between two (2) privately owned residential properties, the full front yard setback shall be observed. In either case, the front yard area not occupied by the access drive shall be landscaped.

c. All such parking areas shall be at least forty (40) feet in width.

d. Such parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or sales or service of any kind shall be conducted on such parking lot. No sign, other than entrance, exit, and condition of use signs, shall be maintained, and the aggregate area of all such signs shall not exceed twelve (12) square feet.

e. Each entrance to and exit from such parking lot shall be at least twenty (20) feet distance from any adjacent property located in any residential zone, and the location and design of entrances, exit, surfacing, landscaping, marking and lighting shall be subject to the approval of the Village Council to ensure adequate relation to traffic safety, lighting and protection of the adjacent residential area.

f. The Village Inspector shall thereafter issue a permit, which may be revoked at any time that the aforementioned requirements are not complied with. Any person operating the premises to which said permit relates in violation of any of the conditions specified by this Ordinance or fixed to such permit, shall be deemed in violation of this Ordinance and shall be subject to the penalties prescribed in this Ordinance.

7. **Table of Parking Requirements:** The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section. Land uses within Business District “D” shall be exempt from the Table of Parking Requirements.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
1. <u>Residential</u>	
a. Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
b. Residential, Multiple-Family	Two (2) for each dwelling unit for development of 1-24 units. One point seven five (1.75) space for each dwelling unit for developments of 24+ units.
c. Trailer Park and Mobile Home Courts	Two (2) for each trailer or mobile home site and one (1) for each employee of the trailer or mobile home court.
d. Boarding and Room House and Bed & Breakfast Facility	One (1) for each sleeping room.
e. Senior Citizen Apartments	One (1) space for each unit when public transit is not provided within six hundred (600) feet of the property line.
2. <u>Institutional</u>	
a. Churches, Temples or Synagogues	One (1) for each three (3) seats, maximum seating capacity in the main unit of worship; or one (1) space for each thirty-five (35) sq. ft. of gross floor area whichever is greater.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
b. Hospitals	One (1) per six hundred (600) sq.ft. of gross floor area.
c. Sanitariums, Convents, Homes for the Aged, Convalescent Homes & Children's Homes	One (1) per six hundred (600) feet of gross floor area.
d. Adult Foster Care Facilities	One (1) space per every two (2) beds based on maximum capacity.
e. Public or Private Elementary and Junior High Schools	One (1) for each classroom plus one (1) space for each five (5) fixed seats of any area used for auditorium purposes or for each thirty-five (35) sq. ft. of seating area where there are no fixed seats.
f. Senior High Schools	One (1) space for each classroom & each other room used by students plus one (1) for each ten (10) full-time students in addition to the requirements for auditorium (see k).
g. Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local county, or State fire, building, or health codes.
h. Private Golf Clubs, Swimming Pool Clubs or Racquetball Clubs	One (1) for each two (2) member families or individuals.
i. Golf Course open to the general public, except miniature or 'par 3' courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee on premises at one time.
j. Stadium, Sport Arena, or similar place of outdoor assembly	One (1) for each three (3) seats or ten (10) feet of bench.
k. Theaters and Auditoriums (indoor)	One (1) for each four (4) seats plus one (1) for each two (2) employees.
l. Libraries, Museums & Noncommercial Art Galleries	One (1) for each two hundred fifty (250) sq. ft. of gross floor area.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
m. Day Care, Preschool and Nursery Schools	One (1) space for each staff member plus one (1) space for every five (5) children or one (1) space for every ten (10) children if adequate drop-off facilities are provided.
n. Jails	One (1) space for each staff member plus one (1) space for every five (5) cells, in addition to off-street loading spaces for delivery and transport vehicles.
3. <u>Business and Commercial</u>	
a. Automobile Service Stations, Gasoline Stations, Convenience Stores in conjunction with service or gas stations	Two (2) for each lubrication stall, rack, pit or pump, plus one (1) for every two hundred (200) sq. ft. of gross floor area devoted to retail sales; plus one (1) for each employee on premises.
b. Auto Wash, Auto Reconditioning and Auto Cleaning (interior/exterior)	One (1) for each one (1) employee, plus one (1) for each two hundred fifty (250) sq. ft. of gross floor area devoted to reconditioning or cleaning.
c. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair.
d. Bowling Alleys	Five (5) for each one (1) bowling lane.
e. Dance Halls, Pool or Billiard Parlors, Roller or Ice Rinks, Exhibition Halls And Assembly Halls without fixed seats	One (1) for each three (3) seats or one (1) for each one hundred (100) sq. ft. of gross floor area whichever is greater.
f. Drive-In Establishments	One (1) for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces.
g. Establishments for Sale and Consumption on the premises of Beverages, Food or Refreshments	One (1) for every six (6) seats or eighty (80) sq. ft. whichever requires the greater amount of parking.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
h. Furniture and Appliance, Household Equipment, Repair Shop, Showroom of a Plumber, Decorator, Electrician or similar trade, Shoe Repair and Other similar uses.	One (1) for each eight hundred (800) sq. ft. of floor area, occupied in processing or manufacturing.
i. Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
j. Miniature Golf Courses	Three (3) for each one (1) hole plus one (1) for each (1) employee.
k. Mortuary Establishments	One (1) for each one hundred (100) sq. ft. of gross floor area.
l. Motel, Hotel or other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms or meeting rooms based upon maximum occupancy load.
m. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	One (1) for each four hundred (400) sq. ft. of gross floor area of sales room.
n. Open Air Business	One (1) for each six hundred (600) sq. ft. of lot area.
o. Restaurant, Carryout	One (1) for each one hundred (100) sq. ft. of gross floor area.
p. Retail Stores, Except as Otherwise Specified herein	One (1) for each three hundred (300) sq. ft. of gross floor area.
q. Shopping Center of Clustered Commercial	One (1) for each three hundred (300) sq. ft. of gross floor area.
r. Auto Body Shop	One (1) space for each five hundred (500) sq. ft. of gross floor area plus one (1) space for each employee.
s. Auto/Truck Sales	One (1) space for each five hundred (500) sq. ft. of gross floor area for automobile sales.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
t. Cocktail Lounges and Taverns	One (1) space for each seventy-five (75) feet of gross floor area.
u. Health Spas, Gymnasiums and Health Clubs	Ten (10) plus one (1) space for each two hundred (200) sq. ft. of gross floor area in excess of one thousand (1,000) gross sq.ft.
4. <u>Offices</u>	
a. Banks, Savings and Loan Offices	One (1) for each two hundred (200) sq. ft. of gross floor area.
b. Business Offices or Professional Offices, Except as indicated in the following Item (c) but including Courthouses and Governmental Offices	One (1) for each four hundred (400) sq. ft. of gross floor area.
c. Medical or Dental Clinics, Professional Offices of Doctors, Dentists or Similar Professions	One (1) for each one hundred seventy-five (175) sq. ft. of gross floor area.
5. <u>Industrial</u>	
a. General Manufacturing Establishments	One (1) space for every six hundred fifty (650) sq. ft. of gross floor area, plus one (1) space per each three hundred fifty (350) sq. ft. of office space.
b. Light and Limited Industrial Manufacturing	One (1) space for each five hundred (500) sq. ft. of gross floor area devoted to manufacturing plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space.
c. Research & Development	One (1) space for every three hundred fifty (350) sq. ft. of gross floor area plus one (1) space per each three hundred fifty (350) sq. ft. of office sales or similar space.
d. Warehousing	One (1) space for every two thousand (2,000) sq. ft. of gross floor area.

8. **Required Off-Street Loading Berths:** In all districts every building, or part thereof, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, group of stores, or other use similarly requiring the receipt of distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building, off-street loading spaces in relation to floor area as follows:

5,000 to 20,000 square feet ----- 1 space
20,000 to 50,000 square feet ----- 2 spaces
50,000 to 100,000 square feet ----- 3 spaces

1 additional space for each additional 100,000 square feet or part thereof; provided that:

- a. Each loading space shall be at least twelve (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.
- b. Such space may occupy all or any part of any required yard or court space, except the front yard.

9. **Increased Parking, Surfacing:** When the floor area, dwelling units or other unit of measure employed to determine off-street parking requirements shall be increased, it shall be the duty and obligation of the owner and occupant of such residence, business or other use to provide additional off-street parking space of sufficient area. Such parking space may be on the same lot or lots, with the main building or within a maximum distance of three hundred fifty (350) feet from any such lot, whichever may have been originally required under this Ordinance. All such parking spaces herein required shall be surfaced as provided in the following Item 10.

10. **Surfacing:** All open parking spaces required in Business Districts “C”, “D”, “E” and “F”; Light Industrial District “G”; General Industrial District “H” and Industrial District “I”; Parking District “P” shall be paved with concrete or bituminous material in accordance with plans approved by the Village Inspector. Such concrete pavement shall be of a minimum thickness of six (6) inches and any bituminous paving shall be of a minimum thickness of two (2) inches, or shall be a triple sealcoat and shall be placed upon a base of cinders or gravel of a minimum thickness of four (4) inches. Paving of parking area may be phased with the approval of the Village Council. All parking paving shall be complete within a period of 12 months after site plan approval. Off-street parking for one (1) and two (2) family dwellings need not be surfaced with concrete or bituminous material.

Section 21.3 Outdoor Trash Containers or Dumpsters:

Outdoor trash containers or dumpsters may be required in Business Districts “E” and “F”, and Industrial Districts “G” and “H” when in the judgment of the Village Council, the provision of such will address a health, safety or aesthetic concern. When required, the outdoor trash containers or dumpsters shall meet the following standards:

1. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings. The placement of the container shall be subject to site plan review.
2. A solid ornamental screening wall or fence shall be provided around all sides of such containers. An access gate shall also be provided and be of such height as to completely screen said containers. The maximum height of walls, fence or gate shall be six (6) feet.
3. The container or containers, the screening walls, fence and gate shall be maintained in a neat and orderly manner, free from loose rubbish, waste paper and other debris.

Section 21. 4 Height and Area Exceptions:

Height and area requirements shall be subject to the following exceptions and regulations:

1. Chimneys, towers, tanks, penthouses or necessary mechanical appurtenances may be erected to their required height.
2. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except that open porches, fire escapes, open stairways and chimneys may be permitted by the Village Inspector where same are so placed as not to obstruct light and ventilation.
3. In computing the depth of a rear yard of any building where such yard opens into an alley or street, one-half of such alley or street may be assumed to be a portion of the yard.

Section 21. 5 Requirements for Single-Family Homes:

1. **Intent and Purpose:** The purpose of this provision of the Zoning Ordinance is to provide reasonable standards which ensure that all single-family homes regardless of construction type (e.g. site-built or factory built) are compatible and compare aesthetically within the same residential zone.
2. **Conditions:** Sufficient evidence must be submitted to the building inspector to assure that the following standards are met by single-family homes prior to location on a site in the village:
 - a. All homes permitted under this section shall meet all requirements imposed under ARTICLE 28 – SCHEDULE OF REGULATIONS.

- b. All mobile homes shall be in compliance with all state and federal laws including 24 U.S. Code of Federal Regulations, and U.S. Department of Housing and Urban Development regulations entitled “Mobile Home Construction and Safety Standards” effective June 15, 1976, as amended, and regulations pertaining to mobile homes as well as local and state plumbing and fire codes.
- c. All homes permitted under this Section shall be firmly attached to their foundations in compliance with the provisions of the village building code and state law.
- d. No skirting shall be permitted for homes permitted under this Section.
- e. All homes permitted under this Section shall be connected to public sewer and water facilities when available.
- f. Any accessory uses involving the construction of accessory buildings and/or additions to the home shall meet the requirements of this Ordinance and the Building Code.
- g. All homes permitted under this Section shall be aesthetically compatible in design and appearance with homes within the area including a roof with compatible pitch and overhang, appropriate siding or exterior finishes, front and rear or front and or exterior doors, permanently attached steps or porch areas constructed in a manner consistent with the design of other homes within the area.
- h. All homes shall have a minimum width of twenty (20) feet as measured across any front, side and rear elevation.
- i. The standards contained in this Section do not apply to mobile homes located in a Mobile Home Park or Plat District or Residence District “C”.
- j. The standards do not allow or permit the placement or construction of a home in those areas where deed restrictions or other covenants prevent it.

Section 21. 6 Land Division Regulations:

- 1. **Required Petition:** Only upon the filing of a petition by the owner or owners of all interests therein, may parcels be divided, upon resolution of the Village Council.
- 2. **Required Information:**
 - a. Said petition shall contain at least the following information:
 - 1) The name of the owner or owners of all interests in the subject property.

- 2) The legal description of the parcel to be divided together with the number of total acres involved.
- 3) A copy of the most recent tax bill pertaining to the parcel. Satisfactory evidence that all taxes are paid and current shall be provided at the time of application.
- 4) A drawing showing the boundaries of the parcel prior to the proposed division and a drawing showing the proposed division including the square footage of each resulting parcel.
- 5) The proposed use for each of the divided parcels.
- 6) A copy of all deed restrictions and covenants, either existing or proposed, which shall run with the land, whether recorded or not.
- 7) The date of any previous applications for divisions involving any portion of the subject property together with copies of the decisions rendered with respect to said applications, if any.
- 8) The person to whom all correspondence concerning said petition is to be directed with specific appointment of said person as agent for all owners.

b. Said petition shall be filed with the Village Clerk and upon payment of the fees required under Section 7, the petition shall be scheduled on a future Planning Commission/Zoning Board agenda in accordance with Planning Commission/Zoning Board procedures. Incomplete petitions may be rejected or otherwise processed in accordance with Planning Commission/Zoning Board procedures.

3. **Standards:**

- a. No division shall be granted which creates a parcel smaller than the minimum size required under the terms of this Ordinance except as provided in Sec. 3, b. as follows:
- b. The Village Council may grant the division which creates a parcel smaller than the minimum size required under the terms of this Ordinance where such a division results in an increase in the size of adjacent parcels even though the increased resulting area of such parcels does not conform to the requirements of this Ordinance. The Village Council shall not finally approve such a division until the petition has been presented to the Zoning Board of Appeals and a variance granted allowing the proposed use of the subject parcel.
- c. Except for the divisions permitted under Sec. 3, b., parcels resulting from an approved land division shall not exceed depth to width ratio of more than four to one.

d. For purposes of this subsection:

“Lot” – In addition to the meaning found in ARTICLE 2, “lot” shall also mean a parcel of land shown in a request for an acreage division.

e. All parcels created under the provisions of this amendment shall have direct frontage on a public street or road which is dedicated to the public or on a private road provided, however, that no access through easements across other land parcels will be permitted.

f. Where an amendment to the Zoning Ordinance is required, or a variance of the terms of the Ordinance is necessary for a proposed use of any of the subject parcels, the necessary petition shall be submitted in addition to petition for an acreage division.

g. The minimum road frontage in all acreage divisions shall be one hundred (100) feet. Created parcels shall have continuous road frontage.

h. A private road shall be required for access to parcels which abut a major thoroughfare as designated in the Village Master Plan unless those parcels exist as lots of record as of the effective date of this Ordinance. Parcels or lots created subsequent to the effective date of this Ordinance shall comply with this requirement.

i. The Planning Commission/Zoning Board shall make a recommendation regarding land division to the Village Council for their consideration. Odd shaped parcels (other than parallelograms) as determined by the Planning Commission/Zoning board or Village Council shall require a three-fourths affirmative vote of the membership present of the Planning Commission/Zoning board or approval of the Zoning Board of Appeals prior to presentation of the petition to the Village Council for approval by resolution.

4. **Deed Restrictions:** In each instance where a divided parcel is to be joined with a neighboring parcel to create the larger building site as authorized in Section 3. b., the owner of both the parcel to be divided and the adjoining parcel shall join in a restrictive covenant agreeing to said joining and restricting said property as a single parcel and providing such other restrictions or limitations as the Village Council may require.

6. **Survey:** Prior to the entry of an approved division in the Village records, the applicant shall provide the Village with a survey of the subject property together with legal descriptions of all parcels as prepared by a registered land surveyor or civil engineer. The survey shall include all existing buildings and structures on the property and all easements, whether recorded or not. The applicant may submit a scale drawing containing the above information.

6. **Entry of Approved Divisions:** Upon the approval of a proposed division by the Council, the Village Council shall order all action necessary to effectuate the approved division.
7. **Fees:** Fees as established by resolution of the Village Council, and kept on file with the Village Clerk, shall be paid by each petitioner.

Section 21.7 Performance Guarantee:

In the interest of insuring compliance with this Zoning Ordinance and protecting the natural resources and the health, safety and welfare of the residents of the Village and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission/Zoning Board as a condition of approval of the proposed use may require the applicant to deposit a performance guarantee as set forth herein to insure completion of improvements connected with the proposed use required by this Ordinance including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping and widening strips.

1. Performance guarantee as used herein shall mean a cash deposit, certified check or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and confirmed and verified by a representative of the Village.
2. Where a Planning Commission/Zoning Board, as a condition of approval of a proposed use of land requires a performance guarantee, said performance guarantee shall be deposited with the Clerk of the Village prior to the issuance of a building permit by the Village for the development and use of the land. Upon the deposit of the performance guarantee the Village shall issue the appropriate building permit and the Village Clerk shall thereafter retain said deposit, however, if said deposit is in the form of cash or certified check, then it shall be transferred to the Village Treasurer for deposit in an interest bearing account.
3. Where a performance guarantee is required by the Planning Commission/Zoning Board as a condition of approval for a proposed use, the Planning Commission/Zoning Board shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed, said period to run from the date of the issuance of the building permit.
4. In the event the performance guarantee deposited is a cash deposit or certified check, the Village shall rebate to the applicant amounts of money in reasonable proportions to the ratio of the work completed on the improvements by the applicant as confirmed by the Village Engineer.

5. Upon the satisfactory completion, as determined by the Village, of the improvement for which the performance guarantee was required, the Clerk shall notify the Treasurer of the Village to return to the applicant the performance guarantee deposited and any interest earned thereon.
7. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Village, the Village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
7. In the event the applicant defaults in making the improvements and the performance guarantee is not sufficient to allow the Village to complete the improvements for which it was posted, the applicant shall be required to pay to the Village the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.

Section 21. 8 Change in Use Regulations:

A permitted use within a zoning district may not be changed to another permitted use without the prior issuance of a certificate of occupancy. Conditions may be placed upon such a certificate to assure compatibility of such a use with the purpose of district and uses within the vicinity of the proposed use. Failure to meet and/or maintain the conditions of the occupancy permit shall be construed to be a violation of this Ordinance.

ARTICLE 22 – SPECIAL USE PERMITS

Section 22. 0 Requirements for Special Use Permits:

Section 22. 1 Procedures:

The following steps shall be taken when considering a proposed special use:

1. A special use permit application shall be filed by the applicant with the Village Clerk along with the required site plan, fee, statement with supporting evidence to which the proposed activity meets the criteria and any other pertinent information upon which the applicant intends to rely for approval.
2. The Village Clerk shall forward the application to the Village Council for their review and consideration.
3. The Village Council shall give public notice as permitted by law and if applicable in a newspaper of general circulation in the village or official receipt of the special use permit application which:
 - a. Describes the nature of the special use permit.
 - b. Indicates the property in question.
 - c. State the time and place where the special use permit will be considered, provided notice is not less than five (5) days and not more than fifteen (15) days before application will be considered.
 - d. Indicates when and where written comments will be received concerning the request, and
 - e. Indicates that a public hearing of the proposed special use permit application may be requested by any property owner or occupant located within three hundred (300) feet of the boundary of the property being considered before a decision is made on the application, if the permit requires a decision by the Village Council on discretionary grounds. In such case, notices shall be mailed to all persons owning or occupying real property within three hundred (300) feet of the boundary of the property in question. An affidavit of such mailing shall be maintained by the Village in the special use permit application file.
4. After review of the application and public hearing or written comments, if any, the Village Council shall recommend approval, approval with conditions, or denial of the permit based upon the standards of the special use as set forth in the appropriate use district. The recommendation on a special use permit application shall specify the basis for the decision and any conditions imposed.

5. The recommendation shall be forwarded to the Village Council which shall approve, approve with conditions, or deny the permit at its next regularly scheduled meeting.

Section 22. 2 General Standards:

Special use permits are required for proposed activities which are essentially compatible with other uses, signs or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance.

A site plan in accordance with ARTICLE 23 is required for submission and approval of all special use permit applications. Only those uses, signs or activities specifically identified in the use districts of this Ordinance require special use permits.

Section 22. 3 Specific Standards:

The following specific standards shall apply:

Section 22. 4 Home Occupations:

Home occupations shall be controlled as follows:

1. Only family members who reside in the home shall be engaged in connection with such home occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building, no variation from the residential character of the dwelling, and no visible evidence of the conduct of such home occupation except for a sign as permitted in Section 30. 1.
4. No home occupation shall be conducted in any accessory building.
5. There shall be no sale of products or services except those customarily incidental to the home occupation.
6. The home occupation will not create traffic congestion, parking shortages, or otherwise adversely affect the pedestrian or vehicular circulation of the area.

7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, odors or electrical interference detectable to the normal senses off the premises if the occupation is conducted in a single-family dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in the line voltage off the premises.
8. In particular, a home occupation may include, but not be limited to: beauty shop, art studio, dressmaking, teacher with musical or dancing instruction limited to four to six pupils at a time; author, artist, musician, accountant (one), or similar use; but shall not include animal hospital, automotive repair service, barbershop, restaurant, tearoom, tavern, or similar use.
9. A certificate of occupancy which shall specify the home occupation as to use and size is required.

Section 22. 5 Antennas Including Satellite (Dish) Receiving Stations:

Antennas, accessory structures for reception of commercial radio and television signals including satellite receiving stations but not including microwave, utility television or radio broadcasting towers except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Accessory antennas shall be permitted in all districts as accessory uses.
2. Where the accessory antenna is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
3. An accessory antenna may be erected in any required yard except a front yard, shall not project forward of the rear building line, and shall not be closer than five (5) feet to any side or rear lot line. Movable antennas shall not revolve closer than three (3) feet to any side or rear lot line.
4. An accessory antenna shall not exceed one (1) story or fifteen (15) feet in height. The total yard area devoted to an accessory antenna use shall not exceed one hundred (100) square feet of yard area.
5. A corner lot, the side yard of which is substantially a continuation of the front lot line of the lot to its rear, shall be regarded as having two (2) front yards. When an antenna is located on this type of lot, it shall not project beyond the continued front lot line of the rear lot.
6. In the case of double frontage lots, accessory antennas shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.

7. In all cases, an accessory antenna shall be anchored or fastened securely to the building or surface to which it is attached or upon which it rests.

Section 22. 6 Radio, Television and Windmill Tower Used for Commercial Purposes:

1. In non-residential districts, the minimum lot size shall be three (3) acres.
2. The lot shall be so located that at least one property line abuts a major thoroughfare of not less than one hundred twenty (120) feet of right-of-way and the ingress and egress shall be directly upon said thoroughfare.
3. The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one-half (1/2) times the height of each tower above the ground.
4. In residential districts, such towers shall not exceed forty (40) feet in height.
5. Unless specifically waived by the Village Council, an open air fence between six (6) and eight (8) feet in height shall be constructed on the boundary property lines.

Section 22. 7 Churches:

1. Minimum lot width shall be one hundred fifty (150) feet.
2. Minimum lot area shall be two (2) acres.
3. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of front, side or rear yard setback shall be required.
4. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.
5. Off-street parking shall be prohibited within the required front yard setback area.

Section 22. 8 Hospitals:

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.

3. The main and accessory building shall be set back at least seventy-five (75) feet from all property lines.
4. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

Section 22. 9 Medical or Dental Clinics:

1. Minimum lot size shall be twenty thousand (20,000) square feet.
2. Maximum building coverage shall be thirty-five percent (35%).

Section 22.10 Gasoline Service Stations and Filling Stations:

1. Minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station and twelve thousand (12,000) square feet for a filling station.
2. Minimum lot width shall be one hundred (100) feet for a public garage or automobile service station and eighty (80) feet for a filling station.
3. An automobile service station and filling station shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.
4. Ingress and egress drives shall not be more than thirty (30) feet.
5. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction (50%) thereof) along any street.
6. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
7. A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
8. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

9. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall have a minimum setback of fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
10. When adjoining residentially used or zoned property, a five (5) foot masonry wall shall be erected and maintained along the connect interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty-five (25) feet of any right-of-way line, subject to approval by the Village Council.
11. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two (2) vehicles awaiting repairs for each indoor repair stall located within said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five (5) days.
12. The sale or rental of new or used cars, trucks, trailers and any other vehicles on the premises shall be permitted only by approval of the Village Council under such terms and conditions as may be imposed by said Council to ensure adequate ingress and egress from said property and to ensure adequate traffic safety.
13. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

Section 22.11 Fraternal Organizations, Service Clubs and Lodge Halls:

1. The lot shall be located so as to abut a collector street, secondary thoroughfare, or major thoroughfare with at least one (1) property line.
2. Retail sales of food and beverages may be permitted to members and guests only and there shall be no externally visible sign of commercial activity.

Section 22.12 Office Developments (Two or More Structures):

Site plan approval is required by the Village Council. In order to facilitate innovative and attractive design of office use, office developments shall be subject to the following:

1. Exterior walls of opposite or adjacent buildings shall be located no closer than one point five (1.5) times the height of the higher building wall, but in no case closer than fifty (50) feet.

2. Buildings shall be so located and arranged that all structures have access to emergency vehicles.
3. Maximum lot coverage upon lot shall not exceed sixty percent (60%), including accessory uses and structures.
4. The ratio of total floor area to lot area shall not exceed one point zero (1.0).

Section 22.13 Nursery Schools, Day Nurseries and Child Care Centers:

1. No dormitory facilities permitted on premises.
2. For each child cared for, there shall be provided, equipped and maintained, on the premises, a minimum one hundred fifty (150) square feet of outdoor play area.
3. The outdoor play area shall be fenced in or screened by a heavily planted greenbelt from any abutting residential uses, in accordance with ARTICLE 25, Section 25.2.

Section 22.14 Car Wash Establishments:

1. Minimum lot size shall be twenty thousand (20,000) square feet.
2. All washing activities must be carried on within a building.
3. Vacuuming activities may be carried out only in the rear or side yard and at least fifty (50) feet distant from any adjoining residential use.
4. The entrance and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
5. All floor drains from wash areas shall be equipped with sand traps before disposal into the on-site sewer.

Section 22.15 Dry Cleaning Plants and Laundries (not including outlet distribution facilities):

1. Minimum lot area shall be one (1) acre.
2. Underground storage tank installation or removal shall be pursuant to Michigan Department of Natural Resources (MDNR) regulations.
3. The storage and transport of flammable and combustible liquids shall be in accordance with the Michigan State Fire Safety Board.

Section 22.16 Kennels:

1. All kennels shall be operated in conformance with all applicable St. Joseph County and State of Michigan regulations.
2. For dog kennels, the minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one (1) acre for each three (3) additional animals.

Section 22.17 Planned Industrial Parks:

In order to facilitate the growth of employment, to ensure a viable tax base for the Village and to prevent the conflicts of incompatible industrial uses, planned industrial parks are permitted with site plan approval by the Village Council in Industrial District “G”.

A planned industrial park is hereby defined as, a tract of land laid out in accordance with an overall plan which is designed and equipped to accommodate a cluster of wholesale, commercial and industrial activities; providing those activities with all necessary facilities and services in an attractive, park-like surrounding.

Planned Industrial Parks shall be subject to the following:

1. In addition to a required site plan, all proposed planned industrial parks (public and private) shall first have an overall plan detailing the development concept, the spatial arrangement of site and structures and phased implementation and development, thereof.
2. Exterior walls of adjacent buildings shall be located no closer than one point five (1.5) times the height of the higher building wall, but in no case closer than fifty (50) feet.
3. Maximum lot coverage shall not exceed fifty percent (50%), including accessory buildings and structures.
4. The ratio of total floor area to lot area shall not exceed one point zero (1.0).

Section 22.18 Drive-in Restaurants:

1. The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line.
2. Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting right-of-way lines to the edge of said driveway.

3. Screening as required in ARTICLE 25, Section 25.2 shall control where lot lines abut any residential district.
4. Parking may be located in the front, but not within the required front yard.

Section 22.19 Bowling Alleys, Indoor Skating and Similar Uses:

1. Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting street right-of-way lines to the edge of said driveway.
2. The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.

Section 22.20 Hotels, Motels and Motor Courts:

1. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets. No more than two (2) driveway openings onto a major thoroughfare shall be permitted.
2. Where the front yard is used to provide access, a five (5) foot wide greenbelt shall be provided within the front yard, except for driveway openings.
3. Each unit of commercial occupancy shall contain a minimum of two hundred fifty (250) square feet of gross floor area.
4. Where adjacent to a residential district, refer to Section 14.14, which shall apply.

Section 22.21 Veterinary Hospitals and Clinics:

1. Minimum main and accessory building setback shall be one hundred (100) feet from all lot lines.
2. All principal use activities shall be conducted within a totally enclosed main building.

Section 22.22 Public Garages, Automobile Bump Shops, Rust-proofing or Paint Shops:

1. Outside storage or parking of disabled, wrecked, or dismantled vehicles for any overnight period shall not exceed more than two (2) vehicles awaiting service for each indoor repair stall located on said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five (5) days.

2. When adjoining residentially used or zoned property, a five (5) foot high fence or planting strip shall be erected and maintained along the connecting interior lot line.
3. No sale of used cars or any other vehicles on the premises may be permitted unless the operation meets the approval of the Village Council.

ARTICLE 23 - SITE PLAN REVIEW

A site plan review procedure is hereby established for the Village of Mendon. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the Village, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance.

The following provisions shall apply to all use requiring site plan review by this Ordinance, including multiple-family developments, mobile home parks, commercial developments, industrial developments, and all uses requiring a special use permit (single-family and duplex units are not subject to site plan review). Approved plans shall regulate the development on the premises, unless modified in the same manner as the plans were originally approved.

1. All site plans are required by this Ordinance shall be submitted to the Village in fifteen (15) copies. These copies will be distributed to the Village Council, Community Fire Chief and Village Engineer.
 - a. All site plan review shall use the following procedures:
 - 1) Professional review by an approved architect, planner or engineer may be obtained by the Village. The cost of review will be passed along to the applicant. No zoning permit will be issued until this fee is paid.
 - 2) The Village Council shall review the site plan at its next regularly scheduled meeting. The Village Council may elect to postpone a decision on the site plan until its next regularly scheduled meeting if the site plan is determined to be incomplete or has been submitted within seven (7) calendar days of the meeting.
 - 3) The Village Council shall recommend, with specified changes and/or conditions, or disapprove the applicant's request, using the standards described in this ARTICLE, item 4. a-i of this Ordinance.
 - 4) Conditions or changes stipulated by the Village Council shall be recorded in the minutes of the meeting and made available to the applicant in writing. All fifteen (15) copies of an approved site plan, with or without changes, shall contain the signatures of the President of the Village Council, the Village Inspector and the Applicant.
 - 5) Of the fifteen (15) copies submitted, one shall be kept on file by the Village Council, one retained by the Village Inspector and one returned to the Applicant.

2. The following information shall accompany all plans submitted for review:
 - a. A legal description of the property under consideration.
 - b. A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
 - c. The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the site plan.
 - d. Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.
3. The following information shall be included on the site plan:
 - a. A scale of not less than 1" = 40', if the subject property is less than three (3) acres, and 1" = 100', if it is three (3) acres or more.
 - b. Date, north point and scale.
 - c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
 - d. The siting of all structures on the subject property and abutting properties.
 - e. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.
 - f. The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.
 - g. All pedestrian walks, malls and open areas.
 - h. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained. (Plant materials shall be chosen and installed in accordance with standards recommended by the County Cooperative Extension Service or American Nursery Association).
 - i. The location and right-of-way widths of all abutting streets.
 - j. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.

- k. A grading plan with topographic elevations of the area, showing method of storm drainage.
 - l. Size and location of proposed sewer and water lines and connections.
 - m. The number of proposed units (or multiple-family developments).
 - n. Significant environmental features such as wetlands, shoreline, streams, woodlots, existing trees and vegetation.
 - o. Information as may be required by the Village Council to assist in the consideration of the proposed development.
4. In order that building, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result, whether the site plan meets the following criteria, unless the Village Council determines that one or more of such criteria are inapplicable:
- e. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.
 - f. Pedestrian walkways shall be provided as deemed necessary by the Village Council for separating pedestrian and vehicular traffic
 - g. Recreation and open space areas shall be provided in all multiple-family residential developments.
 - h. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Village of Mendon Zoning Ordinance, unless otherwise provided.
 - i. The requirements for fencing, walks, and other protective barriers shall be compiled with as provided in the Zoning Ordinance of the Village of Mendon and as deemed appropriate by the Village Council.
 - j. The site plan shall provide for adequate storage space for the use therein.
 - k. Security measures shall be provided as deemed necessary by the Police Chief/County Sheriff for resident protection in all multiple-family residential developments.

1. Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.
- m. The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided.
5. The site plan shall be reviewed by the Village Council and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval and any conditions the Village Council or other appropriate bodies feel should be imposed.
6. The Village Council shall have the function and power to approve or disapprove the site plan subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other ordinances or resolutions of the Village.
7. The Village Council shall have the function and power to request additional professional review from the Village Attorney, engineering consultant and/or planning consultant, and the permittee shall be responsible for any and all charges incurred therefor.
8. The Zoning Permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the Village Council shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to review of such permit by the Village Council. After conclusion of such review the Village Council may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.
9. **Site Change:** Any structure, use, for field change added subsequent to the initial site plan approval must be approved by the Village Council. Incidental and minor variations of the approved site plan with the written approval of the Village inspector shall not invalidate prior site plan approval.
10. **Phased Construction:** Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:
 - a. Relationship and identification of future structures, roadways, drainage, water and sewer.
 - b. Pedestrian and vehicular circulation.
 - c. Time schedule for completion of the various phases of the proposed construction
 - d. Temporary facilities or construction of same as required to facilitate the stated development.

Section 24. 1 Private Road Standards and Procedures:

1. **Access Requirements:** All parcels of land which are not part of a recorded plat shall have access to a dedicated public street or access to a private road as described herein.
2. **Required Approval:** No person shall commence construction of a private road within the Village without prior approval by the Village Council. Applications for approval shall conform to the rules of procedure as promulgated by Michigan Department of Transportation (MDOT) and as adopted by the Village.
3. **Standards:**
 - a. All private roads shall meet the following specifications:
 - 1) All private roads shall be a minimum of sixty-six (66) feet in width and shall be created by an easement for purposes of ingress and egress for all abutting lots which must use the private road for those purposes.
 - 2) Plans shall show all existing and proposed grades, the location of all existing and proposed drainage facilities and structures and any other physical conditions existing adjacent to the subject private road.
 - 3) Maximum gradient shall be eight (8%) percent on said private road. Vertical curves shall be used at all changes in grade. Site distances on said curves shall be a minimum of one hundred fifty (150) feet.
 - 4) The angle of intersecting streets shall be between sixty-five (65°) degrees and ninety (90°) degrees. Minimum radius at intersections shall be thirty (30) feet measured along the parcel boundaries.
 - 5) There shall be a minimum of fifty (50) feet of flat gradient along the center line profile of the new private road from the center line of the public road before entering into a vertical curve.
 - 6) An aggregate surface twenty-four (24) feet wide shall be constructed upon prepared sub-grade in accordance with the provisions of this Ordinance. Topsoil shall be stripped and stockpiled outside the 66' right-of-way easement and spread in the ditches and on the slopes at the completion of the project.
 - 7) The surfacing materials shall be compacted in the excavated area for the full length and width to create a uniform and generally smooth surface. In addition, there shall be a center rise of crowned cross section rising not less than four inches measured from shoulder to shoulder and not more than eight (8) inches measured from shoulder to shoulder.

- 8) The top 4" course shall consist of 22A aggregate as defined by the Michigan Department of Transportation specifications. The sub-base shall consist of a minimum of 10" of pit-run gravel laid in two 5" courses, each course compacted with a grader. Maximum stone size of the pit-run gravel shall be 1 1/2". Any stones larger than 1 1/2" shall be removed before placing the top 4" course. All trees, stumps, brushes, and the roots thereof, shall be entirely removed and disposed of outside the sixty-six (66) foot easement area.
 - 9) Drainage ditches shall be constructed on each side of the proposed private road in cut sections and fill sections where required to a minimum depth of two feet and deeper where necessary at intersections to permit culverts to be installed. Either concrete or 12 gauge corrugated metal pipe shall be used at intersections and at driveway entrances. Minimum inside diameter of a crossroad culvert shall be fifteen inches and a minimum inside diameter for a driveway culvert of twelve (12) inches with a minimum length of twenty-two (22) feet. Sodding, planting, riprapping, top soil, seeding or other measures of erosion control shall be used where required. In areas of critical drainage, the Village Engineer will specify the culvert size and length.
 - 10) Private roads which are cul-de-sacs shall have a maximum length of six hundred (600) feet measured from centerlines of intersections along the centerline to the furthest point of the cul-de-sac. Exceptions may be made where unusual topographic conditions exist or where land configurations require a maximum length extension to otherwise meet the purposes of this Ordinance.
- b. No private road shall:
 - 1) Provide access to more than one dedicated public road.
 - 2) Provide access to another private road.
 - c. The applicant shall submit at least two proposed names for a private road to the Village Council.
 - d. The applicant shall submit a drawing of said private road, as well as a letter of intent stating general specifications for said private road, including total proposed length. In no event shall any private road be extended beyond the length as shown on said drawings and letter of intent.
 - e. For any parcel of land not fronting on an established public road, an easement for the construction and maintenance of various public utilities including natural gas, electric, telephone, sewer, water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.

4. Deed Restrictions:

- a. Prior to the approval of the proposed private road, the applicant shall submit to the Village a set of deed restrictions in a form acceptable to the Village which shall provide for the creation of the private road easement and the creation of a homeowners association whose members shall be the property owners abutting said road. The association shall be responsible for the up-keep and maintenance of said road. No more than one association shall be responsible for any one private road. The Village shall be given the authority to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and up-keep costs and fees expended by the Village relating to this assessment. Said restrictions shall be recorded prior to the completion of the road.
- b. The applicant shall also submit to the Village a document, in a form sufficient for recording with the County Register of Deeds stating that in no event shall the association, the individual homeowners, the applicant or their heirs or assigns hold the Village liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.
- c. Owners of private roads existing as of the date of the adoption of this Ordinance may petition the Village Council for permission to enter into a maintenance agreement, with authority given to the Village Council to assess the parcels of owners who become delinquent in the payment of their portion of the maintenance and up-keep costs, as provided in this Ordinance by submitting to the Village Council the following:
 - 1) A petition, executed by 100% of the owners of said private road, requesting that the Village be given the authority to make the assessments provided for herein.
 - 2) A set of proposed deed restrictions or in the alternative, a proposed maintenance agreement, in form acceptable to the Village Council, in a form sufficient for recording with the County Register of Deeds, executed by 100% of the owners of the private road which shall provide for the maintenance and up-keep of the private road and which shall also give the Village Council the authority to make the assessments provided in this Ordinance. In the event of ownership by joint tenants, tenants-in-common, or tenants by the entireties, signatures of all those with an ownership interest in the private road shall be required. The maintenance agreement or deed restrictions shall be considered covenants running with the land.
 - 3) One hundred (100%) percent of the owners of the private road shall also submit to the Village a document, in a form sufficient for recording with the County Register of Deeds, stating that in no event shall the association

if any, the individual owners, or their heirs or assigns hold the Village liable for the costs of road signs, traffic control signs, lighting or snow removal. The Village Council shall have the discretion to accept or reject any request to assume partial or total responsibility for the making of the assessments provided for herein. If the Village Council accepts the request, the proposed deed restrictions and/or maintenance agreement shall be executed forthwith and recorded in the office of the County Register of Deeds, prior to the making of any assessments by the Village. Term owners of private road shall be construed to mean those properties that either abut or front said private road.

- 4) Preparation of Plans and Legal Descriptions: All drawings, legal descriptions and private road specifications shall be prepared and sealed by a registered civil engineer and/or registered land surveyor.
- 5) Conditions for Issuing of Permits:
 - a) Except as provided in this Ordinance, no building permits shall be issued for parcels abutting private roads until the Village Engineer has reported to the Village Council that said private road meets the standards provided herein.
 - b) Building permits may be issued prior to the required reports by the Village Engineer when any or all of the following conditions are satisfied, and subject to the sub-base being installed within the private road and approved by the Village Engineer.
 - (1) The subject parcel also abuts a dedicated public county road and,
 - (a) Construction permits have been obtained by the applicant for the building permit from the County Road Commission for the construction of an entrance from the subject parcel onto the County right-of-way;
 - (b) The applicant's plans provide that no other parcel shall have access permitted through said entrance to the County right-of-way unless the driveway is improved to the standards container herein.
 - (2) The building permit applicant supplies a performance bond guaranteeing the completion of the private road according to the standards provided herein. The surety bond, to be executed by a surety company authorized to do business in the state of Michigan shall be in an amount determined by the Village Council to be reasonably necessary to insure compliance hereunder.

- (3) In fixing the amount of such surety bond, the Village Council shall take into account the size of the proposed private road, the current prevailing costs of completing the road upon default of the applicant, the estimated expense to compel the applicant to comply with the terms of this Ordinance by court order or such other conditions and facts as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. In the alternative, the Village Council may accept a cash bond to be held by the Village under the terms of a written agreement between the applicant and the Village.
- c) Notwithstanding the provisions of this Ordinance, certificates of occupancy will not be issued until the Village Engineer has reported the completion of the road as provided for in this Ordinance.

ARTICLE 25 – GENERAL LIGHTING, SCREENING REQUIREMENTS & FENCES

Section 25. 0 Lighting: All private lights used for the illumination of dwellings or business establishments or for the illumination of business buildings or areas surrounding them, or the illumination or display of merchandise or products of business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business property. Lighting which is designed to illuminate the premises shall be installed in a manner which will not cast direct illuminations on adjacent properties.

Section 25. 1 Non-residential Uses Abutting Residentially Zoned Lots: Except as otherwise provided in this Zoning Ordinance, all premises used for business, commercial or industrial purposes shall be screened from abutting residential districts. Screening shall be any of the following and shall apply to side yard and rear yards:

1. A natural buffer planted with evergreens or shrubbery which maintains their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.
2. A wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants of adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
3. An earth berm not less than four (4) feet in height and planted.
4. For side yard screening, no such wall plant material or fence shall impair safe site distances. Such evaluation shall be made by the Village Council.

Section 25. 2 Fences:

1. Retaining walls and fences not more than three (3) feet in height are permitted in the required yards of all zones, provided said fences are not more than twenty-five (25%) percent solid. Walls and solid fences of not more than six (6) feet in height are permitted only in side or rear yards in any zone. When installed, the decorative side of the fence or wall shall face the abutting property.
2. In all districts, the frontages for corner lots shall comply with the provisions for residential front yard fencing. In addition, no fence, structure or planting over thirty (30) inches in height above the curb line except deciduous trees shall be erected or maintained within twenty (20) feet of intersecting street right-of-way lines so as to interfere with traffic visibility across the corner.
3. Barbed wire fences are prohibited in all zoning districts. However, barbed wire strands may be used to enclose storage areas or other similar industrial and commercial uses. The strands shall be restricted to the upper most portion of the

fence and shall not extend lower than a height of eight (8) feet from the nearest ground level.

4. In the event of any controversy to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to interpret and determine the screening and lighting provisions and the purpose herein sought to be accomplished.

ARTICLE 26 - RIPARIAN LOT USE REGULATIONS

Section 26.0 Intent: It is the intent of this section to promote the integrity of the river within the Village while preserving the quality of recreational use of the inland waters; to protect the quality of the river by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the river; and to maintain the natural beauty of the river by minimizing man-made adjustments to the established shoreline. Nothing in this Ordinance shall be construed to limit access to the river or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government.

Section 26.1 Regulations: In any zoning district where a parcel of land is contiguous to the river or pond, either natural or man-made, such parcel of land may be used as access property or as common open space held in common by a subdivision, association or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed restrictions of record; or owned by two or more dwelling units located away from the waterfront only if the following conditions are met:

1. That said parcel of land shall contain at least 70 lineal feet of water frontage and a lot depth of at least 100 feet for each dwelling unit or each single-family unit to which such privileges are extended or dedicated. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
2. That in no event shall water frontage of such parcel of land consist of a swamp, marsh, or bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS Map, or have otherwise been determined to be wetland by the Michigan DNR; and that in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by the drainage of water for the purpose of increasing the water frontage required by this regulation.
3. That in no event shall such parcel of land abut a man-made canal or channel, and no canal or channel shall be excavated for the purpose of increasing the water frontage required by this regulation.
4. That access property, as provided for in and meeting the conditions of this Ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.

Section 26.2 Definition: “Access Property” shall mean a property, parcel, or lot abutting the river or pond either natural or man-made, and used or intended to be used, for providing access to the river or pond by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

ARTICLE 27 - SITE CONDOMINIUM REGULATIONS

Section 27.0 Purpose: This ARTICLE is intended to provide for site condominium projects within the Village, establish comparable regulations to guide development of such projects in a manner similar to comparable development allowed within the Zoning Ordinance, and to establish development standards and required information to assure adequate compliance within the purposes of this Ordinance including:

1. orderly growth and harmonious development of the Village as planned for in the Village Master Plan, and
2. to secure adequate traffic circulation and safety through coordinated street systems with relation to the county and state paved road system, future development, public services and facilities, and
3. to provide for development which can be timed in a manner consistent with planned or needed public improvements so as not to create an undue inconvenience, hazard or financial burden for present residents of the Village, and
4. to secure adequate provisions for water supply, storm drainage, sanitary sewage disposal and other public health and safety needs, including safe and coordinated interconnection with existing and planned paved roadways, and to provide for the achievement of these purposes, and
5. to provide for an environmental assessment and when necessary to evaluate the impact of proposed developments to assure minimum impact of the natural environment including but not limited to the wetlands, surface waters, groundwater, flora and fauna of the Village.

Section 27.1 Definitions: In addition to the terms defined in the Village Zoning Ordinance and Subdivision Ordinance the following terms shall have the meanings as shown in this Section. Terms defined in the Condominium Act, in addition to the terms defined herein, shall have the meanings as defined therein:

1. **Building Site:** The condominium unit including the building envelope and contiguous limited common area or element. The functional equivalent of a lot when lot is used as a reference in the Zoning Ordinance the regulation shall also refer to building site.
2. **Condominium Act:** Public Act 59 of the 1978 Acts of the Michigan Legislature, as amended (Section 559.101 et.seq. of the Michigan Compiled Laws)

3. **Condominium Plan:** The drawings and information prepared in compliance with the Zoning Ordinance which display the proposed site layout, survey and utility plans; floor plans; floodplain plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location and approximate size of common elements.
4. **Condominium Project:** A plan or project consisting of not less than two condominium units if established and approved in conformance with the Condominium Act.
5. **Condominium Subdivision Plan:** Shall mean the same as Condominium Plan.
6. **Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use as described in the master deed and shall be equivalent to the term 'lot' as used in Village ordinances.

Section 27.2 Required Information: Concurrently with notice required to be given the Village pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559-171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

1. The name, address and telephone number of:
 - a. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example: fee owner, optionee or land contract vendee).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium project.
2. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
3. The acreage content of the land on which the condominium project will be developed.
4. The purpose of the project (for example: residential, commercial, industrial, etc.).

5. Approximate number of condominium units to be developed on the subject parcel.

6. Whether or not a Village water system is contemplated.
7. Whether or not a Village septic system is contemplated.

Section 27. 3 Current Information: All information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

Section 27. 4 Site Plans – New Projects – Master Deed, Engineering and Inspections: Prior to recording of the Master Deed required by Section 72 of the Condominium Act, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval. In addition, the Village shall require appropriate engineering plans and inspection prior to the issuance of any Certificate of Occupancy. Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval.

Section 27. 5 Master Deed, Restrictive Covenants and “As-Built” Survey to be Furnished: The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One copy of the recorded Master Deed, one copy of all restrictive covenants and two copies of an “as-built survey”. The “as-built survey” shall be reviewed by the Village Engineer for engineering aspects and the Village Planner for compliance with Village ordinances. Fees for these reviews shall be established by resolution of the Village Council in addition to those otherwise required by Village ordinances.

Section 27. 6 Monuments Required – Site Condominium Projects: All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

1. Monuments shall be located in the ground and made according to the following requirement, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the side lines of the street.
2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at all intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in all side lines of streets and alleys; at all angles of an intermediate traverse line and at intersections with elements and all common elements.
4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
5. If a point required to be monumented is on a bedrock out-cropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
6. All required monuments shall be placed flush with the ground where practicable.
7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
8. The Village Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Village Clerk cash or a certified check, or irrevocable bank letter of credit running to the Village, whichever the proprietor selects, in an amount set by resolution of the Council. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

Section 27.7 Monuments Required – All Condominium Projects: All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 27.6, above.

Section 27.8 Compliance with Federal, State and Local Law: All condominium projects shall comply with Federal and State statutes and local ordinances.

Section 27.9 State and County Approval: The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard

to the fresh water system for the proposed project and with regard to the wastewater disposal system for the proposed project.

Section 27. 10 Temporary Occupancy: The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Village.

Section 27. 11 Street Standards, Site Plan Submittal, Inspections: All streets located within a Condominium Project shall be constructed and paved in accordance with the standards and specifications of the County Road Commission and Village Subdivision Ordinance for developments comparable in use, frontage, etc., to the condominium project. All condominium roads shall be designated and remain common elements as specified in the Master Deed. The Master Deed shall contain a clause approved by the Village Council which allows an assessment against condominium owners for road maintenance for the purposes of public safety and welfare. Where standards differ, the more restrictive standard shall apply. After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Village as copy of the site plan on a mylar sheet twenty-four by thirty-six (24 x 36) inches with an image not-to-exceed eight and one-half by fourteen (8-1/2 x 14) inches.

Prior to issuance of a Final Certificate of Occupancy by the Village, the Village Engineer shall inspect all site improvements, including roads, water, sanitary and storm sewer facilities, grading and road signs, and determine compliance with all applicable Village ordinances and requirements.

Section 30. 0 No advertising signs of any kind or nature shall be erected in a Residential District 'R-1', 'R-2', 'R-3', 'R-4', or Residence District 'A' and Residence District 'B' or 'A' Agricultural District or any variation of the same, except as follows:

1. In an 'R-1' and/or 'R-2' Residential District, or Residence Districts 'A' and 'B', a name plate not exceeding one (1) square foot in area, containing the name and the home occupation of the occupant of the premises and a temporary sign pertaining to the construction, lease, hire or sale of a building or premises, not exceeding eight (8) square feet in area may be installed or constructed.
2. In an 'A' Agricultural District, 'R-3', or 'R-4' Residential district classifications, or any variation of the same, a sign not exceeding eighteen (18) square feet in area, advertising permitted services rendered or offered upon or from the premises where the same is situated (except for home occupation and temporary signs which shall be governed by "1" above) may be constructed, provided it is located not less than one-half the required building setback distance from the street right-of-way line abutting the property; it, in no way, constitutes a traffic hazard; is of a subdued nature commensurate with the residential character of the neighborhood; is maintained in a neat and attractive manner; contains no neon or intermittent lighting or other bright or glaring lighting which would be a nuisance or annoyance to a neighborhood or which would create any electrical disturbance therein; and if projecting from a building or located over a sidewalk or passway, is not less than eleven (11) feet above such sidewalk or passway.
3. None of the foregoing signs shall be erected or installed until a permit is first obtained from the Building and Zoning Inspector of the Village.

Section 30. 1 Billboards: Billboards are not allowed within the Village Limits.

Section 30. 2 Advertising signs advertising goods, products, services or activities sold, produced, rendered or available from or upon the premises where the same are located may be installed or constructed within a 'C' Commercial District, 'D', 'E' and 'F' business District, provided they are located not less than ten (10) feet from the side line of the property nor less than one-half the required building setback distance from the abutting street right-of-way line and are no more than 20 feet above ground level; in no manner constitutes a traffic hazard; are not less than eleven (11) feet above any sidewalk or passway for pedestrians or vehicles beneath the same; are not a nuisance or annoyance by reason of lighting, electrical disturbance, or unreasonable size, and are not constructed or installed until a permit has first been obtained therefore from the Building and Zoning Inspector of the Village.

Section 30. 3 No advertising sign permit shall be issued until the Zoning Inspector is satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation.

ARTICLE 32

(RESERVED)

ARTICLE 33 - PLANNED DEVELOPMENT STANDARDS

Section 33.0 Site Design Standards: The following are specific regulations and design standards for uses listed in said Article, and shall be the minimum governing requirements for the protection of the public health, safety and general welfare of the Village.

Section 33.1 Planned Developments:

1. **Intent and Purpose:** Planned developments are provided, herein by special use permit in order to allow for some degree of flexibility and innovation in the design of developing areas, as well as to allow for an efficient and aesthetic use of land. Based upon the standards and criteria contained in this Section, the Planning Commission/Zoning Board may review and recommend with conditions, a modification in bulk requirements in order to allow certain forms of development containing both privately owned sites and common property and which are planned collectively as a single unit.

The planned development section of this Ordinance is also provided in order that the growing demand for housing by young married couples, senior citizens and existing residents may be met by a greater variety of innovative housing types, and by the planning and design of structures with the benefit of cost-effective land utilization in such development.

2. **Planned Unit Development:** A residential or industrial planned unit development (PUD) shall be developed through the special use permit procedure. The granting of a special use permit for a PUD is permitted in all zoning districts.
 - a. **Site Eligibility:** The minimum area necessary to qualify as a PUD shall not be less than two (2) continuous acres of land. However, an owner of land less than the minimum required area may apply if the subject land is adjacent to a lawfully approved or constructed PUD having uses similar to the one proposed.
 - b. As a planned single unit, PUD's may be constructed in any combination of uses and structures (except mobile homes and principal commercial uses), provide that:
 - 1) At least twenty-five percent (25%) of the total area is reserved for one space and natural drainage. This area may consist of land included as part of the required yard setbacks, roads, greenbelt areas, drainage easements, open space or any recreational amenity; but shall not include any areas used for structures, or off-street parking and loading.
 - 2) Full compliance with the provisions of this Ordinance shall be met, unless waived by the Village Council.

- c. **Density and Open Space Requirements for PUD's with Residential Uses:**

- 1) In addition to part b above, if a proposed PUD is residential, wholly or in part, that part of the PUD may not exceed a net residential density of one

point five (1.5) times the maximum number of units allowed per acre under conventional single-family lot sizes as shown in the regulations for that District. The number of dwelling units shall be rounded to the nearest whole number.

2) This density is granted, provided that at least twenty-five percent (25%) of the total area devoted to residential PUD development is reserved for open space and natural drainage. This area may consist of land included as part of the required yard setback, roads, greenbelt areas, drainage easements, open space or any outdoor recreational amenity; but shall not include any area used for structures, or off-street parking and loading.

d. Residential Density Bonuses: Bonuses in net residential density or that area devoted to residential PUD development are permitted by the Planning Commission/Zoning Board, provided that additional land is reserved and dedicated for open space as follows:

If:	<u>Then the density multiplier for determining the maximum number of units allowed per acre shall be –</u>
25% of total area devoted to residences is reserved for open space,	1.50 x Conventional family density
30% of total area devoted to residences is reserved for open space,	2.00
35% of total area devoted to residences is reserved for open space,	2.50
40% of total area devoted to residences is reserved for open space,	3.00
45% of total area devoted to residences is reserved for open space.	3.50

3. **Pre-application Conference with Planning Commission/Zoning Board for Concept Review:** Prior to formal application submission for a special use permit for a proposed planned development, the developer/applicant shall be required to make a

presentation to the Planning Commission/Zoning Board in order to discuss initial design concepts and the application of said concepts to the land in question.

4. **Standards and Considerations:** In addition to complying with the standards for special use permits, the following special standards for a PUD must be met:
 - a. **Ownership:** The tract of land may be owned, leased or controlled by a single person, partnership, corporation, cooperative association, or association of individual owners (condominium). An application may be filed by the owner, jointly by the owners of all property to be included, or by a person, persons, corporation, or corporation with an option to buy said property. A plan once approved, shall be binding.
 - b. **Utilities:** A PUD shall have on-site Village water and sewer provided by the developer, and must be approved by all legal state, county and local agencies (health, conservation, etc.) who are in authority and have jurisdiction. All utilities shall be placed underground.
 - c. **Permitted Residential Housing Types and Uses:** The following are considered eligible for inclusion in an application:

Principal PUD Uses and Structures

Residential PUD's:

- Single-family detached homes (excluding mobile homes)
- Two-family homes
- Single-family attached homes
- Multiple-family structure (apartments)
- Day care centers
- Limited commercial

Accessory Uses and Amenities

- Open space – passive and active
- Indoor and outdoor recreational facilities
- Carports
- Community building and meeting hall
- On-premise laundry facilities
- Small scale 'neighborhood retail' to serve residential PUD's only. Does not apply to mixed PUD's nor nonresidential PUD's.

- d. Site Design Standards: Unless modified by the Planning Commission/Zoning Board in writing at the time of application approval, compliance with the following design standards is required to be shown on the site plan:
- 1) Minimum yard requirements and building setbacks from all exterior property lines shall be thirty five (35) feet.
 - 2) Maximum building height three stories or thirty five (35) feet (excludes antennas, steeples, spires, etc.).
 - 3) Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.
 - 4) All sensitive natural features such as wetlands shall remain unencumbered by residential buildings and structures.
 - 5) Ingress and egress opening from the development onto a public and private road shall be limited to one per five-hundred (500) feet.
 - 6) Planted and maintained landscaped buffer areas of ten (10) feet in width are required along all exterior boundaries of the property to be developed.
 - 7) Off-street parking is required at the rate of two (2) parking spaces per dwelling unit.
- e. Facility Site Standards: The site standards for all individual uses and facilities as provided in this ordinance, must be observed unless waived by the Planning Commission/Zoning Board for any (or all) of the specific uses and facilities.
- f. Common Property which is Privately Owned: Common property is a parcel or parcels of land, a privately owned road, or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property shall be private. When privately owned, arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas. This shall not be waived.
- g. Public Easement on Common Property which is Privately Owned: When common property exists in private ownership, the owners shall grant easements, over, under and through such property to the Village as may be required for public purposes.

- h. After approval of a planned development, a site plan may be revised upon approval by the Village Council.
- 5. **Appeals:** Any and all administrative interpretations, decisions, any requirements of the planned development provisions of Section 33.1 may be appealed within thirty (30) days to the Zoning Board of Appeals.
- 6. **Public Hearing:** A public hearing by the Village Council is required for all planned developments.

Section 34.0 Creation and Membership: A Zoning Board of Appeals is hereby established. The word 'Board' when used in this section shall be construed to mean the Board of Appeals. The Board shall consist of five (5) members appointed by the Village Council for a term of three years. Two members shall be appointed to serve one year from date; two members for two years from the date; and one member three years from date, and each year after date at the time when other appointments are made by the Village Council such number shall be appointed as the number of members whose terms of office shall so expire. All members of the board shall serve without compensation. The Board shall elect its own chairman. Any member absent for four unexcused consecutive meetings shall be replaced by the Village Council. In the Village, the Village Council may also serve as the Zoning Board of Appeals.

The Zoning Board of Appeals shall perform all the duties and have all the powers permitted by law and this Ordinance and the amendments thereto and herein more particularly provided. It shall adopt such rules of procedure, as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

Section 34.1 Notice of Appeal: Appeal from the ruling of the Village Inspector concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such times as shall be prescribed by the Board by general rule. The appellant shall file with the Village Inspector and with the board of Appeals a notice of appeal specifying the grounds thereof. The Village Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the actions appealed from were taken.

Section 34.2 Meetings: Meetings of the Board shall be held within ten (10) days after the receipt of an appeal and at such other times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Board and the vote of each member upon each question considered. Three (3) shall constitute a quorum.

Section 34.3 Stay: An appeal stays all proceedings in furtherance of the action appealed from unless the Village Inspector, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed, with him, that by reason of facts stated in the certificate, a stay would be in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise then by a restraining order which may be granted by the Circuit Court, on application on notice to the Village Inspector from whom the appeal is taken and on due cause shown.

Section 34.4 Jurisdiction – Hearing Of and Decision Upon Appeal: The Board shall hear the appeal within ten (10) days and give due notice thereof to the parties and decide the same within thirty (30) days. At the hearing, any party may appear in person or by attorney. The Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision , or

determination as in their opinion ought to be made in the premises and to that end shall have powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Board shall have power in passing upon appeals to vary or modify any of the rules, regulations, or provisions, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done. The decision of such Board shall be final so far as it involves discretion or the finding of facts.

Section 34.5 Variances: The Zoning Board of Appeals shall have the power to authorize specific variance from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, of this Ordinance, provided that all the required findings listed below are met:

1. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That a genuine hardship exists because of unique circumstances or physical condition such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property uses in the same zoning district, and shall not be recurrent in nature.
3. That the hardship or special conditions or circumstances do not result from actions of the applicant.
4. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.
5. That granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.
6. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship.

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7. That the variance shall not permit the establishment, within a district, of any use which is not permitted by right within the zoning district, or any use for which a special use permit or temporary use permit is required.

In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards,

when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

Section 34.6 Variances Prohibited: No variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds from reasonable evidence that all the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning classification.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the vicinity, provided that the possibility of increased financial return shall not be deemed sufficient to warrant a variance.
3. That the authorization of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purposes of this Ordinance or the public health, safety and welfare.

Section 34.7 Land Use Variance: No land use variances are permitted since such changes should be the subject of a petition for re-zoning.

Section 34.8 Fees: Upon the filing of any appeal or application to the Zoning Board of Appeals by any person other than an officer, department, board or agency of the municipality, the appellant or applicant shall pay a fee to defray the cost of publishing notice of the appeal or application and the Board's decision thereon, of hearing and recording the matter, as may be set from time to time by the Village Council.

Section 34.9 Vote Necessary for Decision: Three (3) or more votes shall be necessary to reverse any order, requirement or decision of any administrative official or to decide in favor of that applicant on any matter they are required to pass.

Section 35.0 Administrative Officials: This Ordinance shall be enforced by the Village Inspector, who shall, in no case except under a written order of the Village Council for a special

use permit or Zoning Board of Appeals, for a variance pursuant to State Law, issue any permit for the erection of structural alteration of any building, nor grant any occupancy permit for any building or land where the proposed erection, structural alteration or use thereof would be in violation of any of the provisions of this Ordinance. The Village Inspector shall investigate any alleged violation of the Zoning Ordinance coming to his attention, whether by complaint or arising from his own personal knowledge, and if the violation is found to exist, he shall serve notice upon the owner, and notify the Village Council and prosecute a complaint to terminate said violation before the appropriate magistrate. The Village Inspector shall make any inspection of all new construction from time to time to ascertain that the dimensions and conditions stated on the application are complied with. He shall also make periodic inspections throughout the Village to ascertain that the requirements of this Ordinance are complied with.

Section 35. 1 Building Permit: No building or structure within the limits of the Village of Mendon shall hereafter be erected, moved, repaired, altered or razed, nor shall any work be started on such building to be erected, moved, repaired or razed, until a building permit shall have been obtained from the Village Inspector, nor shall any change be made in the use of a building without a permit having been obtained from the Village Inspector. No such permit shall be issued to erect a building or structure, or make any changes of use unless they are in conformity with the provisions of this Ordinance and amendments hereto hereafter duly enacted. Unless construction is started within ninety (90) days, the permit shall become void.

Section 35. 2 Plats: Each application for a building permit shall be accompanied by a plat showing accurate dimensions of the building to be erected, its location on the lot, and such other information as may be necessary for the enforcement of this Ordinance. A careful record of such applications shall be kept in the office of the Village Inspector. No yard, court, or other open space provided about any building for the purpose of complying with the provisions of these regulations shall again be used as a yard, court or other open space for another building.

Section 35. 3 Certificate of Occupancy: No land shall be occupied or used and no building hereafter erected or altered, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Village Inspector stating that the premises or building complies with all the provisions of the approved plans and all ordinances of the Village. Where any special use conditions are applicable said conditions shall be stated on the certificate of occupancy.

Upon written request there shall be issued a certificate of occupancy for any building or land for the use classification as existing on the effective date of this Ordinance, stating whether such use is a conforming use or a non-conforming use; provided application for such certificate of occupancy is made within one (1) year after the passage of this Ordinance.

Section 35. 4 Interpretation: In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.

Wherever any provision of this Ordinance imposes requirements for lower heights of buildings, or a less percentage of lot that may be occupied, or requires wider or larger courts or deeper yards than are imposed or required by existing provisions of law or Ordinance, the provisions of this Ordinance shall govern. Where, however, the provisions of the State Housing code or any ordinances or regulations of the Village of Mendon impose more strict regulations than are required by this Ordinance, the provisions of said State Housing Code or other ordinance or regulation shall govern.

It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land, the provisions of this Ordinance shall control.

Section 35. 5 Deed Restrictions: This Ordinance shall not impair or affect, nor be construed to impair or affect, any restriction in any deed relative to the use and occupancy of real property in the Village. Such restrictions as are more restrictive than the provisions of this Ordinance, except such of them as would contravene the provisions of State law or the constitutions of the State of Michigan or the United States if they were imposed by ordinance, shall continue in force and effect upon the properties to which they apply after the expiration dates thereof stated in said deeds, until altered or appealed in the manner provided by State law for the amendment of this Ordinance.

Section 35. 6 Minutes and Records: The secretary shall keep minutes of the Council's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the Council's examinations and official actions, all of which shall be immediately filed in the Village Hall and shall be a public record.

ARTICLE 36 - BOUNDARIES OF DISTRICTS

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Ordinance, the following rules shall apply:

1. The district boundaries, unless otherwise shown, are lot lines of record running approximately parallel with the nearest street.
2. Where the designation on the map accompanying and made a part of this Ordinance indicates the various districts approximately bounded by a street or alley line, said street or alley shall be construed to be the boundary of such district.
3. In un-subdivided property, or where the district boundaries are not shown as being with lot lines, streets or alleys or the extension thereof, the district boundary lines shall be construed as being located 100 feet from the nearest street, except that in the event of the boundary passing between two streets running approximately parallel and less than 200 feet apart, the boundary is located midway between the two streets.

ARTICLE 37 - CHANGES AND AMENDMENTS

Section 37.0 The Village Council may from time to time amend, modify supplement or repeal the regulations and provisions of this Ordinance in the manner prescribed by Act #207 of the Public Acts of Michigan for 1921, as amended, for the Village of Mendon.

Section 37. 1 Protests: Whenever a written protest against such proposed amendment, supplement, or change is presented, duly signed by the owners of twenty percent (20%) or more of the frontage proposed to be altered, or by the owners of twenty percent (20%) or more of the frontage immediately in the rear thereof, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by the favorable vote of four-fifths (4/5) of the entire Village Council.

Section 37. 2 Fees: Fees shall be in accordance with the Village's current fee schedule, as set from time to time by resolution of the Village Council.

Section 38. 0 Violations: Buildings erected, altered, razed or converted, or uses carried on in violation of any provisions of this Ordinance are hereby declared to be a nuisance. The Court shall order such nuisance abated and the owner and/or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance.

Section 38.1 Fines: Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each offense, together with the costs of prosecution, and in default of payment of such fine and costs of prosecution, shall be imprisoned until said fine and forfeiture are paid, but not-to-exceed thirty (30) days. Each day that a violation continues to exist shall constitute a separate offense.

ARTICLE 39 - SEVERABILITY

Section 39.0 Severability of Provisions: In case any section or provision of this ordinance shall be held invalid in any court, the same shall not affect any other article, section or provision of this Ordinance, except so far as the article, section or portion so declared invalid shall be inseverable from the remainder or any portion thereof.

ARTICLE 40 - VESTED RIGHT

Section 40. 0 It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested interest, right, license, privilege or permit.

ARTICLE 41 - CONFLICTING ORDINANCES REPEALED

Section 41. 0 Any and all ordinances or parts thereof in conflict with or inconsistent with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent; provided, however, that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of

any existing ordinance. Provisions of prior ordinances which are not in conflict with or inconsistent with any of the terms of this Ordinance shall be unaffected by the adoption of this Ordinance.

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ARTICLE 42 - EFFECTIVE DATE

This Ordinance is hereby declared to have been adopted by the Village Council of the Village of Mendon, St. Joseph County, Michigan at a meeting thereof, duly called and held on the _____ day of _____, 199__

Village Clerk

Village President
